

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8261 SENATE HEALTH EDUCATION & SOCIAL SERVICES

SB

71

SENATOR LOREN LEMAN

Northwest Anchorage

311 "C" Street Anchorage, AK 99503 561-7614 During Session: State Capitol Juneau, AK 99801 465-2095

March 5, 1993

TO: SENATOR STEVE RIEGER, Chairman
Senate Health Education and Social Services Committee

FROM: SENATOR LOREN LEMAN
Sponsor

RE: SS SB71: An Act relating to emergency medical services;
and repealing obsolete references to the Statewide Health
Coordinating Council and health systems agencies.

SPONSOR STATEMENT

This legislation allows the Department of Health and Social Services to set standards for Mobile Intensive Care Paramedic training programs in Alaska. Currently, paramedics must be trained outside of the state.

Because traumatic injury continues to be the number one killer of Alaskans, it is important to support a statewide trauma care system. SS SB71 allows the department to regulate VOLUNTARY compliance for trauma centers.

The patient care information system is an efficient method of evaluating standards of care, quality of care and modifies training programs to meet geographic needs. Injury prevention programs can be planned in conjunction with these data.

The EMS program in Alaska crosses all geographic boundaries. There is broad support for this legislation.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SS SB 71

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to emergency services; and repealing obsolete references BRU: State Health Services
 Component: EMS Training & Licensing
 Sponsor: Leman
 Requestor: Senate HESS COMPONENT SERIAL NO. 297

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	92.4	95.2	98.0	101.0	104.0	107.1
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	91.3	91.3	91.3	91.3	91.3	91.3
SUPPLIES	5.0	5.0	5.0	5.0	5.0	5.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	198.7	201.5	204.3	207.3	210.3	213.4

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	99.4	99.4	99.4	99.4	99.4	99.4
1005 GF/Program Receipts	99.3	102.1	104.9	107.9	110.9	114.0
1006 GF/MHTIA						
Other						
TOTAL	198.7	201.5	204.3	207.3	210.3	213.4

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary)

Personal Services

To implement the provisions of SS SB 71 the Section of Emergency Medical Services will require funding for two full time positions in Juneau. These are existing federal funded positions which will not receive anticipated federal funding in FY94. The cost estimates for FY95 to FY99 include an 3% annual inflation adjustment.

PCN 06-1654 Research Analyst III, Juneau, Rq. 18, A/B, \$59.2

PCN 06-1657 Clerk Typist III, Juneau, Rq. 8, A/B, \$33.2

Prepared by: Peter M. Nakamura, MD, MPH, Director *P.M.* Phone: 465-3090
 Division: Public Health Date: _____

Approved by Commissioner: Theodore A. Mala, MD, MPH *T. Mala* Date: 3/4/93
 Agency: Department of Health and Social Services

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ANALYSIS (cont.):

Travel

The travel cost for conducting the hospital information system (Section 10) implementation will include:

Travel and per diem for the Research Analyst III to train and audit the medical records abstractors who will collect the data for the information system. \$7.0

Travel and per diem costs for information system oversight committee to meet semi-annually to supervise the collection and use of trauma data. These meetings will be held in Anchorage and will be conducted in conjunction with other meetings to contain costs \$3.0

Contractual

Contract medical record abstracting for the patient information systems trauma data. \$15.0

Contract services for health professionals (physicians) to conduct certification review of 7 to 8 hospitals on an annual basis. Estimated cost per facility for an American College of Surgeons team from the Pacific Northwest will be approximately \$5.9. \$41.3

Communication and duplication costs for the patient information system. \$5.0

Supplies

Computer and office supplies for the patient information system. \$5.0.

The \$41.3 cost estimate for certification are based upon the assumption that approximately 7 to 8 hospital facilities will be reviewed on an annual basis. This review process is voluntary and in order to encourage participation, the department is requesting that 50% of this service be supported with general funds.

Revenue estimates for the patient information system are based the projected annual department cost of \$157.4 for 25 facilities. The hospital fees will be established through regulations and is anticipated to be based upon pro-rated charges for the trauma patient encounters for each facility. Due to the nature of this program and the public health benefits obtained from full cooperation, the department is requesting 50% general fund support in order to keep the facility cost reasonable.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SSSB 71

Revision Date: _____ Dept. Affected: Commerce & Economic Development
 Title: An Act relating to emergency medical BRU: Occupational Licensing
services;.... Component: Operations
 Sponsor: Senator Leman
 Requestor: Senator Leman COMPONENT SERIAL NO. 1844

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	.0	.0	.0	.0	.0	.0
CAPITAL						
REVENUE FUND SOURCE:	.0	.0	.0	.0	.0	.0

FUNDING:

(Thousands of Dollars)

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	.0	.0	.0	.0	.0	.0

POSITIONS:

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)
 Sections 1-6 of the bill relate to Occupational Licensing. The bill seeks to remove the wording "physician-trained" when referring to a mobile intensive care paramedic. New funding is not required to implement provisions of this bill.

Prepared by: Jennifer Strickler, Administrative Officer
 Division: Occupational Licensing
 Approved by Commissioner: Paul Fuhs
 Agency: Commerce & Economic Development

Phone: 465-2144
 Date: 3/2/93
 Date: 3/4/93


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SSSB 71: "An Act relating to emergency medical services; and repealing obsolete references to the Statewide Health Coordinating Council and health systems agencies."

SSSB 71 seeks to remove the wording "physician-trained" when referring to a mobile intensive care paramedic. This bill also addresses other changes, however, only Sections 1-6 deal with Occupational Licensing; therefore, this position paper only addresses those sections.

Mobile intensive care paramedics will continue to be "physician-trained," however, the training of paramedics is not limited to only physicians; therefore, this bill seeks to remove unnecessary language.

The department supports the change in terminology referenced in SSSB 71 (Sections 1-6) and recommends its passage.



Paul Fuhs, Commissioner

3-4-93

Date

Position Paper

Sponsor Substitute for Senate Bill No. 71

"An Act relating to emergency medical services; and repealing obsolete references to the Statewide Health Coordinating Council and health systems agencies."

The major provisions of Sponsor Substitute for Senate Bill No. 71 amend AS 18.08. Emergency Medical Services.

- 1) Expand authority of the EMS Section, Department of Health and Social Services to set standards for Mobile Intensive Care Paramedic training programs;
- 2) Expand the authority of the Department of Health and Social Services to address statewide trauma care system development and to establish standards for the certification of trauma centers;
- 3) Require the Department of Health and Social Services to establish an EMS patient care information system and require EMS organizations and hospitals to provide data;
- 4) Change the name of the State Advisory Council on Emergency Medical Services to the Alaska Council on Emergency Medical Services, provide that the Council advise the Governor and the Commissioner of Health and Social Services on EMS issues, and specify the types of EMS system providers to be appointed by the Governor;
- 5) Expand the authority of the department to adopt regulations to charge fees for certification and licensing of organizations;
- 6) Provide for certification of emergency medical dispatchers;
- 7) Provide for the disclosure of medical records information to pre-hospital EMS providers for quality of care review and education; and
- 8) Include state certified EMT instructors in the immunity from liability protections listed in AS 18.08.086. Other provisions of this bill would delete references to the Statewide Health Coordinating Council and health systems agencies, which no longer exist, and delete the words "physician trained" in statutory references to mobile intensive care paramedics (MICP's), to more accurately reflect that MICP's are trained by a combination of physicians, nurses, and other paramedics.

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

Currently, under AS 18.08, the EMS Section in the Department of Health and Social Services has the responsibility for the development, implementation, and maintenance of a statewide comprehensive emergency medical services system and has adopted regulations for the certification of basic and advanced level emergency medical technicians (EMT's), EMT instructors, EMT training courses, basic and advanced life support ambulance services, medevac services, critical care air ambulance services, specialty aeromedical transport teams, defibrillator technicians, and Emergency Trauma Technician instructors and courses. A comprehensive planning guide has been developed and periodically updated listing goals and recommendations for a comprehensive, statewide EMS system.

The EMS Section also administers grants to EMS Regions for EMS system development. Most of the money from these grants is used to support regional EMS offices and to provide resources for EMS training, continuing medical education, and certification testing.

The amendments to state EMS legislation provided in Senate Bill No. 71 address recommendations made by a national team of EMS experts who visited Alaska in September, 1992, to conduct a comprehensive review and evaluation of Alaska's EMS system. The review team identified several strengths and a few weaknesses in Alaska's EMS system and noted that, "The current statutes are not comprehensive in that they lack the ability to fully develop, implement, enforce, and monitor the complete development of EMS activities. Such essential elements as facility assessment, categorization of facilities, trauma center designation, emergency medical dispatch training and certification, dedicated system funding for administration and service provision (sic), and comprehensive immunity for all system participants is missing." (A copy of this report is available from the EMS Section, DHSS).

Discussion

- 1) Expand authority of the EMS Section, Department of Health and Social Services to set standards for Mobile Intensive Care Paramedic training programs.

Mobile Intensive Care Paramedics are the highest trained members of the pre-hospital EMS system. Currently, the EMS Section certifies the ambulance services that MICP's work with, and EMS Section staff review all initial MICP applications prior to licensing by the Alaska State Medical Board, according to a Memorandum of Agreement. All MICP regulations and amendments adopted by the Medical Board were written with input and extensive

involvement from EMS Section staff and the Advisory Council on EMS.

The national team of EMS experts which evaluated Alaska's EMS system in September, 1992, recommended that, "Alaska should re-establish EMT-Paramedic (MICP) training within the State." Although the Alaska State Medical Board currently has authority to license mobile intensive care paramedics, according to an Attorney General's opinion, it does not have the authority under existing statutes to license instructors or paramedic courses in Alaska. By expanding the authority of the EMS Section, DHSS, a process could be established to certify paramedic instructors and courses.

- 2) Expand the authority of the Department of Health and Social Services to address statewide trauma care system development and to establish standards for the certification of trauma centers.

Traumatic injury, both intentional and unintentional combined, is still the number one cause of death and disability in Alaska. To address this serious public health problem requires a comprehensive statewide trauma care system focusing on three major components: injury prevention, trauma treatment, and rehabilitation. According to a national consensus standard developed by the National Highway Traffic Safety Administration: "To provide a quality, effective system of trauma care, each state must have in place a fully functional EMS system. Enabling legislation should exist for the development of the trauma system component of the EMS system. This should include Trauma Center designation (using American College of Surgeons Committee on Trauma, American College of Emergency Physicians Committee on Trauma, and other national standards as guidelines), triage and transfer guidelines for trauma patients, data collection and trauma registry definitions and mechanisms, mandatory autopsies, systems management, and quality assurance for the system's effect on trauma patients. Rehabilitation is an essential component of any statewide trauma system."

Currently, almost one-half of the states have the authority to designate trauma centers. According to an Attorney General's opinion, the Alaska Department of Health and Social Services currently does not have this authority. Under this bill, the department would have the authority to establish standards for various levels of trauma care centers, and hospitals and clinics could

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

voluntarily decide to apply for certification. Applications for certification at a particular level of trauma center would demonstrate a commitment of medical care facilities to a certain standard of care, and it would help pre-hospital care providers, EMS medical directors, and others to determine the levels of capabilities of various facilities throughout the state. A statewide task force recently has been formed to help set trauma care standards for prehospital emergency medical services and medical facilities throughout Alaska.

- 3) Require the Department of Health and Social Services to establish an EMS patient care information system and require EMS organizations and hospitals to provide data.

Most of a comprehensive EMS patient care information system has already been developed, but at this time participation is voluntary. A statewide trauma registry has been developed and all 25 acute care hospitals in Alaska have agreed to participate. This system collects data on all traumatic injury patients whose injuries are serious enough to result in hospitalization or death. Data is used for quality of care review and to study the epidemiology of serious injuries so injury prevention programs can be developed and evaluated. An annual survey of pre-hospital emergency medical services also is conducted, with approximately 75% to 80% of Alaska's EMS organizations providing data on numbers and types of responses, available resources, etc.

Under this proposed legislation, participation in these patient care information systems would be mandatory rather than voluntary.

- 4) Change the name of the Advisory Council on Emergency Medical Services to the Alaska Council on Emergency Medical Services, provide that the Council advise the Governor and the Commissioner of Health and Social Services, and mandate a particular mix of providers and consumers.

The Advisory Council on Emergency Medical Services was established in 1977 under AS 18.08.020. Eleven members are appointed by the Governor, of which four must be consumers. Current legislation does not specify the types of providers who should be appointed. Recognizing that the EMS system includes physicians, nurses, paramedics, EMT's, etc., it seems appropriate that the State EMS Council should include representatives from all

of these provider groups. The Council also addresses some issues which go beyond the authority of the Department of Health and Social Services, such as EMS radio communication systems, 911 central access numbers, medical aspects of disaster response, etc.

- 5) Expand the authority of the Department of Health and Social Services to charge fees for certification and licensing of organizations.

Currently the EMS Section charges fees for certification testing. To keep costs to the state on this legislation as low as possible, it would be necessary for the department to charge fees to implement the new requirements of this bill. For example, if it is determined that a site review team is necessary in order to verify that a hospital meets a certain level of trauma center criteria, the department may require the applicant to pay for all or part of the cost of the site visit. Hospitals and other medical providers also would be charged fees to support the statewide data collection system, such as the Statewide Trauma Registry.

- 6) Certification of Emergency Medical Dispatchers.

In recent years, new courses have been developed to provide specialty training for dispatchers of emergency medical services. This training includes pre-arrival instructions to callers, so certain types of first aid procedures can be initiated by bystanders or family members prior to the arrival of the ambulance. Expanding the authority of the EMS Section to certify these people would provide them with similar immunity from liability protections that EMT's and mobile intensive care paramedics already have, and it may provide an incentive for more dispatchers to receive this training.

- 7) Provide for disclosure of medical records information to pre-hospital EMS providers for quality of care review and education.

Currently, Alaska law does not address the issue of providing hospital medical records information to pre-hospital providers. This would help clarify the legalities of this issue for EMS medical directors who need to use medical records information to give feedback to pre-hospital EMS providers in order to review the care that was provided to a patient. It also would clarify the issues pertaining to the confidentiality of this data.

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES


- 8) Include state certified EMT instructors in the immunity from liability protections listed in AS 18.08.086.

Recently, the University of Alaska Fairbanks Risk Management Office established a requirement that contract EMT Instructors must carry malpractice insurance to cover the possibility of injury to students during EMT training classes. This insurance is expensive, difficult to obtain, and may result in a reduction in the number of EMT Instructors willing to teach courses on a part time, contractual basis.

Position

The Department of Health and Social Services strongly supports passage of Sponsor Substitute for Senate Bill No. 71, because it would give the department the authority to fully implement, enforce, and monitor the continued development of a comprehensive Emergency Medical Services system in Alaska, and it should provide the direction to further improvements in Alaska's EMS system for the benefit of all EMS patients.


Recommended By:



Peter M. Nakamura, MD, MPH
Director
Division of Public Health

3/2/93
Date

Approved By:



Theodore A. Mala, MD, MPH
Commissioner
Department of Health & Social Services

3/4/93
Date

Southern Region
EMERGENCY
Medical Services Council, Inc.

March 3, 1993

Senator Loren Leman
State Capitol, Room 113
Juneau, AK 99801-1182

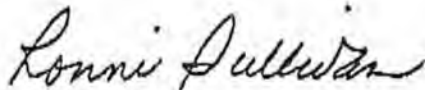
Dear Senator Leman:

I am writing in support of Senate Bill No. 71. This bill will bring the Alaska Emergency Medical Services statutes more into alignment with national standards, and allow for future system development.

The National Highway Traffic Safety Administration's Technical Assistance Team (TAT) review last September reported on a strong and unique EMS system in Alaska. They made several recommendations relating to legislation. Some of those are addressed in this bill. Your bill will enable us to guide the development of a comprehensive trauma system, train and certify dispatchers, provide immunity from liability for EMT instructors, set standards for paramedic training programs, and more. I have no doubt the writers of the TAT report would applaud your efforts on behalf of emergency medical services.

We at Southern Region EMS Council extend our full support of SB 71, and will gladly work with you to facilitate its passage. Please contact my office if we can be of any help. Thank you for your support of Emergency Medical Services, in Anchorage and around the state.

Sincerely,



Ronni Sullivan
President/Executive Director

WORKING TOGETHER TO SAVE LIVES



Southwest Region Emergency Medical Services Council
207 Moller Drive, Room 113 Sitka, Alaska 99835 907-747-8005

3 March 1993

The Honorable Senator Loren Leman
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, AK 99811

Dear Senator Leman,

I am writing on behalf of Southeast Region Emergency Medical Services Council in support of Senate Bill 71, "An act relating to emergency medical services...". I would like to thank you for the interest and commitment you have shown to EMS in Alaska through your sponsorship of this important piece of legislation.

In addition to removing references to obsolete organizations within the state, this legislation addresses several weaknesses in the state emergency medical services system as identified by the National Highway Traffic Safety Administration Technical Assistance Team during their state EMS system review last September.

The legislation appropriately authorizes the State EMS Section, DHSS, to set standards for paramedic and emergency medical dispatch training programs, a logical extension of current authority to set standards for other prehospital EMS training programs. The legislation also extends immunity from liability provisions to include EMT Instructors, critical to assuring that EMT training remains accessible in the state. Provisions to allow appropriate access to patient care and outcome data support the physician/care-provider quality review process that drives improvement of EMS care.

Proposed changes to the Advisory Council on EMS strengthen that organization by more clearly defining the council's composition and by extending the line of communication authority to the Governor. It is critical that the council retain its nature of representing a broad spectrum of the EMS community: rural, urban, prehospital, facility-based, native, non-native, etc. The legislation goes a long way toward that end, but leaves undefined at least two areas: defining appropriate geographic representation and assuring representation from rural Alaska. It is my request that the legislation be amended to include verbiage addressing these omissions.

ALASKA STATE

HOSPITAL & NURSING HOME

ASSOCIATION

March 2, 1993

Senator Steve Reiger, Chair
Health, Education & Social
Services Committee
Alaska State Senate
State Capitol
Juneau, AK 99801 1182

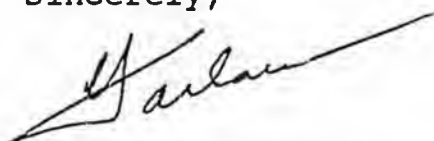
Dear Senator Reiger:

The community hospital and nursing home members of ASHNHA would like to offer their support for the passage of SB 71.

SB 71 broadens the scope of responsibility of the Department of Health & Social Services Section on Emergency Medical Services. It strengthens the EMT educational programs, revises the Council on Emergency Medical Services, and cleans up some outdated statutory language.

We think SB 71 supports that important work.

Sincerely,



Harlan R. Knudson
President/CEO

cc: Senator Leman
✓ Annette Kreitzer

**ALASKA
ADVISORY COUNCIL ON EMERGENCY
MEDICAL SERVICES**

**ACEMs
P.O. Box 110616
Juneau, Alaska 99811-0616
Phone: (907) 465-3027**



**An Alaskan tradition:
Neighbor helping neighbor**

March 5, 1993

**Senator Loran Leman
Alaska State Senate
State Capitol
Room 113
Juneau, AK 99801-1182**

Dear Senator Leman:

I am writing to support sponsor substitute for Senate Bill 71 that you have introduced in the legislature this session. I consider this a very important piece of legislation in that this bill would provide much needed updated legislation that will facilitate the work of the Emergency Medical Services Section and the Governor's Advisory Council on Emergency Medical Services. Technology and standards of care have changed significantly over the last ten years and it is important to keep the legislation that governs the administration of a statewide emergency medical services system updated to reflect those changes.

Changes in trauma care, emergency medical dispatching, training programs at various levels, and the ability to develop and implement programs are just some of the issues that were identified in a comprehensive review of Alaska's emergency medical services system in September of 1992. These are changes that your proposed legislation would provide for.

I would like to personally thank you and your staff for the time and effort you have put forth to assist us in our effort to update this legislation. These changes will enable us to more effectively plan for the emergency medical services system that the residents of the State of Alaska depend on. If I can be of any assistance or answer any question please call myself at 262-4792 or Mark Johnson at 465-3027.

Sincerely,

**Steven O'Connor, Chair
Governors Advisory Council on
Emergency Medical Services**

cc: **Representative Gary Davis
Representative Mike Navarre
Representative Gail Phillips
Senator Suzanne Little
Senator Judith Salo**

ALASKA STATE

HOSPITAL & NURSING HOME

ASSOCIATION

March 2, 1993

Senator Steve Reiger, Chair
Health, Education & Social
Services Committee
Alaska State Senate
State Capitol
Juneau, AK 99801-1182

Dear Senator Reiger:

The community hospital and nursing home members of ASHNHA would like to offer their support for the passage of SB 71.

SB 71 broadens the scope of responsibility of the Department of Health & Social Services Section on Emergency Medical Services. It strengthens the EMT educational programs, revises the Council on Emergency Medical Services, and cleans up some outdated statutory language.

We think SB 71 supports that important work.

Sincerely,



Harlan R. Knudson
President/CEO

cc: Senator Leman
Annette Kreitzer

SB

79

SECTIONAL ANALYSIS OF SUNSET WORKDRAFT
8-LSO274\E
Lauterbach 1/19/93

- Section 1.** Amends the termination date of the occupational licensing boards addressed in the table on page 10 of the Boards and Commissions report.
- Section 2.** Amends the statutory cycle for sunset review from four to ten years for occupational licensing boards as discussed and recommended on page 11 of the report.
- Section 3.** Amends the powers and duties of the legislative audit division to remove obsolete sunset language relating to programs and activities as set out in AS 44.66.020 and .030. (Note: These sections are repealed in section 8 of this bill.)
- Section 4.** Amends the termination date of other commissions subject to sunset provisions not covered under occupational licensing statutes in Title 08. These dates are recommended on page 10 of the report.
- Section 5.** Amends the statutory sunset cycle contained in Title 44.66 from four to ten years as recommended on page 11 of the report.
- Section 6.** Similar to section 3, this section repeals obsolete references to agency programs as identified in AS 44.66.020 and .030. (These sections of statute are repealed in section 8 of this bill.)
- Section 7.** Amends the termination date of the Business Assistance Division of the Alaska Industrial Development and Export Authority as recommended in the table on page 10 of the report.
- Section 8.** Revisor of statute cleanup of statutes relating to Electrical Administrators and the Alaska Fire Commission which expired under normal sunset provisions.
- Section 9.** Providing exemption for this bill from statutory language that limits bills to a single board subject.
- Section 10.** Providing effective date of June 30 as opposed to July 1 to protect from unintended sunset of boards set for sunset this June 30.

8-LS0274AE
Lauterbach
1/19/93

HOUSE BILL NO. 110 / SB79

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act setting termination dates for various boards, commissions, councils,
2 agencies, committees, and divisions of state government; repealing obsolete statutes
3 relating to the State Fire Commission and the Board of Electrical Examiners;
4 repealing obsolete statutes relating to termination of agency programs and
5 activities; increasing to 10 years the normal maximum interval for review of
6 boards, commissions, and other entities that are subject to sunset reviews; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.03.010(c) is amended to read:

10 (c) The following boards have the termination date provided by this
11 subsection:

12 (1) Board of Public Accountancy (AS 08.04.010) - June 30, 2000
13 [1993];

- 1 (2) Board of Governors of the Alaska Bar Association (AS 08.08.040) -
2 June 30, 1995 [1993];
- 3 (3) State Board of Registration for Architects, Engineers, and Land
4 Surveyors (AS 08.48.011) - June 30, 2000 [1993];
- 5 (4) Board of Barbers and Hairdressers (AS 08.13.010) - June 30, 1997
6 [1993];
- 7 (5) Big Game Commercial Services Board (AS 08.54.300) - June 30,
8 1995 [1993];
- 9 (6) Board of Certified Direct-Entry Midwives (AS 08.65.010) - June 30,
10 1996 [1994];
- 11 (7) Board of Certified Real Estate Appraisers (AS 08.87.010) - June 30,
12 1997 [1994];
- 13 (8) Board of Chiropractic Examiners (AS 08.20.010) - June 30, 2003
14 [1992];
- 15 (9) Board of Clinical Social Work Examiners (AS 08.95.010) - June 30,
16 2000 [1995];
- 17 (10) Board of Dental Examiners (AS 08.36.010) - June 30, 1996
18 [1993];
- 19 (11) Board of Dispensing Opticians (AS 08.71.010) - June 30, 2003
20 [1992];
- 21 (12) [BOARD OF ELECTRICAL EXAMINERS (AS 08.40.011) -
22 JUNE 30, 1991;
- 23 (13) Board of Marine Pilots (AS 08.62.010) - June 30, 1998 [1994];
- 24 (13) [(14)] Board of Marital and Family Therapy (AS 08.63.010) -
25 June 30, 1996 [1995];
- 26 (14) [(15)] Board of Mechanical Examiners (AS 08.40.220) - June 30,
27 1995 [1992];
- 28 (15) [(16)] State Medical Board (AS 08.64.010) - June 30, 2002 [1995];
- 29 (15) [(17)] Board of Nursing (AS 08.68.010) - June 30, 2002 [1995];
- 30 (17) [(18)] Board of Nursing Home Administrators (AS 08.70.010) -
31 June 30, 2001 [1994];

- 1 (18) [(19)] Board of Examiners in Optometry (AS 08.72.010) - June 30,
2 2003 [1992];
- 3 (19) [(20)] Board of Pharmacy (AS 08.80.010) - June 30, 1998 [1993];
- 4 (20) [(21)] State Physical Therapy and Occupational Therapy Board
5 (AS 08.84.010) - June 30, 2002 [1993];
- 6 (21) [(22)] Board of Psychologist and Psychological Associate
7 Examiners (AS 08.86.010) - June 30, 2001 [1995];
- 8 (22) [(23)] Real Estate Commission (AS 08.88.011) - June 30, 1999
9 [1995];
- 10 (23) [(24)] Board of Veterinary Examiners (AS 08.98.010) - June 30,
11 2001 [1993].

12 * Sec. 2. AS 08.03.020(c) is amended to read:

13 (c) A board scheduled for termination under this chapter may be continued or
14 reestablished by the legislature for a period not to exceed 10 [FOUR] years unless the
15 board is continued or reestablished for a longer period under AS 08.03.010.

16 * Sec. 3. AS 24.20.271 is amended to read:

17 Sec. 24.20.271. POWERS AND DUTIES. The legislative audit division shall

18 (1) conduct a performance post-audit of boards and commissions
19 designated in AS 44.66.010 [AND OF THOSE PROGRAMS AND ACTIVITIES OF
20 AGENCIES SUBJECT TO TERMINATION AS DETERMINED IN THE MANNER
21 SET OUT IN AS 44.66.020 AND 44.66.030,] and submit the audit, together with a
22 written report, not later than the first day of the regular session of the legislature
23 convening in each year set out with reference to boards and [,] commissions [, OR
24 AGENCY PROGRAMS] whose activities are subject to termination as prescribed in
25 AS 44.66;

26 (2) audit at least once every three years the books and accounts of all
27 custodians of public funds and all disbursing officers of the state;

28 (3) at the direction of the Legislative Budget and Audit Committee,
29 conduct performance post-audits on any agency of state government;

30 (4) cooperate with state agencies by offering advice and assistance as
31 requested in establishing or improving the accounting systems used by state agencies;

1 (5) require the assistance and cooperation of all state officials and other
2 state employees in the inspection, examination, and audit of state agency books and
3 accounts;

4 (6) have access at all times to the books, accounts, reports, or other
5 records, whether confidential or not, of every state agency;

6 (7) ascertain, as necessary for audit verification, the amount of agency
7 funds on deposit in any bank as shown on the books of the bank; no bank may be held
8 liable for making information required under this paragraph available to the legislative
9 audit division;

10 (8) complete studies and prepare reports, memoranda, or other materials
11 as directed by the Legislative Budget and Audit Committee;

12 (9) have direct access to any information related to the management of
13 the University of Alaska and have the same right of access as exists with respect to
14 every other state agency.

15 * Sec. 4. AS 44.66.010 is amended to read:

16 (a) Boards and commissions listed in this subsection expire on the date set
17 out after each:

18 (1) Alcoholic Beverage Control Board (AS 04.06.010) - June 30, 2001
19 [1994];

20 (2) [REPEALED

21 (3)] Board of Parole (AS 33.16.020) - June 30, 1998 [1993];

22 (3) [(4)] Alaska Public Utilities Commission (AS 42.05.010) - June 30,
23 2003 [1993];

24 [(5) REPEALED

25 (6) REPEALED

26 (7) REPEALED]

27 (4) [(8)] Alaska Code Revision Commission (AS 24.20.075) - June 30,
28 1994 [1993];

29 [(9) REPEALED]

30 (5) [(10)] Older Alaskans Commission (AS 44.21.200) - June 30, 1999
31 [1993];

1 (6) [(11)] Council on Domestic Violence and Sexual Assault:
2 (AS 18.66.010) - June 30, 1997 [1993];

3 (7) [(12)] Alaska Women's Commission - June 30, 1997 [1993];
4 (13) ALASKA STATE FIRE COMMISSION - JUNE 30, 1990];
5 (8) [(14)] Special Education Service Agency (AS 14.30.600) - June 30,
6 1999 [1995];

7 (9) [(15)] Alaska Tourism Marketing Council (AS 44.33.700) - June 30,
8 1993;

9 (10) [(16)] Tourism Coordinating Committee (AS 44.33.122) - June 30,
10 1993;

11 (11) [(17)] citizens' review panel for permanency planning under
12 AS 47.10.400 - June 30, 1994;

13 (12) [(18)] Board of Storage Tank Assistance (AS 46.03.360) - June 30,
14 1994 [1996];

15 (13) [(19)] Hazardous Substance Spill Technology Review Council
16 (AS 46.13.110) - June 30, 1995 [1994].

17 * Sec. 5. AS 44.66.010(c) is amended to read:

18 (c) A commission scheduled for termination under this chapter may be
19 continued or reestablished by the legislature for a period not to exceed 10 [FOUR]
20 years.

21 * Sec. 6. AS 44.66.050 is amended to read:

22 Sec. 44.66.050. LEGISLATIVE OVERSIGHT. (a) Before the termination,
23 dissolution, continuation, or reestablishment of a board or commission under
24 AS 08.03.010 or AS 44.66.010, [OR OF AN AGENCY PROGRAM UNDER
25 AS 44.66.020 AND 44.66.030,] a committee of reference of each house, which shall
26 be the standing committee of legislative jurisdiction as provided in the Uniform Rules
27 of the Legislature, shall hold one or more hearings to receive testimony from the
28 public, the commissioner of the department having administrative responsibility for
29 each named board or [,] commission, [OR AGENCY PROGRAM,] and the members
30 of the board or commission involved. The hearings may be joint hearings. The
31 committee shall also consider the proposed budget of the board or [,] commission [,

1 OR AGENCY PROGRAM], prepared in accordance with AS 37.07.050(f), and the
2 performance audit of the activities of the board or [,] commission [, OR AGENCY
3 PROGRAM], prepared by the legislative audit division as prescribed in
4 AS 24.20.271(1). The committee may consider any other report of the activities of the
5 board or [,] commission [OR PROGRAM], including [BUT NOT LIMITED TO]
6 annual reports, summaries prepared by the Legislative Affairs Agency, and any
7 evaluation or general report of the manner of conduct of activities of the board or [,]
8 commission [, OR AGENCY PROGRAM] prepared by the office of the ombudsman.

9 (b) During a public hearing, the board or [,] commission [OR AGENCY] shall
10 have the burden of demonstrating a public need for its continued existence [OR THE
11 CONTINUATION OF THE PROGRAM,] and the extent to which any change in the
12 manner of exercise of its functions or activities may increase efficiency of
13 administration or operation consistent with the public interest.

14 (c) A determination as to whether a board or commission [OR AGENCY
15 PROGRAM] has demonstrated a public need for its continued existence must take into
16 consideration the following factors:

17 (1) the extent to which the board or [,] commission [OR PROGRAM]
18 has operated in the public interest;

19 (2) the extent to which the operation of the board or [,] commission
20 [, OR AGENCY PROGRAM] has been impeded or enhanced by existing statutes,
21 procedures, and practices that it has adopted, and any other matter, including
22 budgetary, resource, and personnel matters;

23 (3) the extent to which the board or [,] commission [OR AGENCY]
24 has recommended statutory changes that are generally of benefit to the public interest;

25 (4) the extent to which the board or [,] commission [OR AGENCY]
26 has encouraged interested persons to report to it concerning the effect of its regulations
27 and decisions on the effectiveness of service, economy of service, and availability of
28 service that it has provided;

29 (5) the extent to which the board or [,] commission [OR AGENCY]
30 has encouraged public participation in the making of its regulations and decisions;

31 (6) the efficiency with which public inquiries or complaints regarding

1 the activities of the board or [,] commission [OR AGENCY] filed with it, with the
2 department to which a board or commission is administratively assigned, or with the
3 office of the ombudsman have been processed and resolved;

4 (7) the extent to which a board or commission that [WHICH] regulates
5 entry into an occupation or profession has presented qualified applicants to serve the
6 public;

7 (8) the extent to which state personnel practices, including affirmative
8 action requirements, have been complied with by the board or [,] commission [OR
9 AGENCY TO ITS OWN ACTIVITIES AND THE AREA OF ACTIVITY OR
10 INTEREST]; and

11 (9) the extent to which statutory, regulatory, budgeting, or other
12 changes are necessary to enable the [AGENCY,] board or commission to better serve
13 the interests of the public and to comply with the factors enumerated in this
14 subsection.

15 (d) As to each board or [,] commission [, OR AGENCY PROGRAM] assigned
16 to it for purposes of review, the committee of reference shall, not later than the 60th
17 day of the legislative session, submit a report to the presiding officer of the house.
18 The report shall contain a summary of the findings of the committee as to the
19 compliance of the board or [,] commission [OR PROGRAM] with the factors
20 enumerated in (c) of this section, together with a summary or recommendations of the
21 committee as to each of the following:

22 (1) an identification of the problems or the needs that the programs and
23 activities of the board or [,] commission [OR AGENCY] are intended to address;

24 (2) a statement, to the extent practicable, of the objectives of the
25 program of the board or [,] commission, [OR AGENCY PROGRAM,] and its
26 anticipated accomplishments;

27 (3) an identification of any other programs having similar, conflicting,
28 or duplicate objectives;

29 (4) an assessment of alternative methods of achieving the purposes of
30 the program;

31 (5) an assessment of the consequences of eliminating the board or [,]

1 commission [OR PROGRAM] and consolidating its activities with another program,
2 or of funding it at a lower level;

3 (6) a justification for the recommended continuation or extension of the
4 board or [,] commission [OR PROGRAM,] and an explanation of the manner in which
5 it avoids duplication of or conflict with other efforts; and

6 (7) any other information that, in the opinion of the committee, would
7 improve the performance of the board or [,] commission [OR AGENCY] with respect
8 to its representation of and responsiveness to the public interest.

9 (e) The committee of reference may introduce a bill providing for the
10 reorganization or continuation of the board or [,] commission [OR AGENCY
11 PROGRAM]. No more than one board or [,] commission [, OR AGENCY
12 PROGRAM] may be continued or reestablished in any legislative bill, and the board
13 or [,] commission [, OR AGENCY PROGRAM] must be mentioned in the title of the
14 bill.

15 * Sec. 7. Section 4, ch. 162, SLA 1988, as amended by sec. 4, ch. 25, SLA 1991, is
16 amended to read:

17 Sec. 4. AS 44.88.500 - 44.88.599 are repealed July 1, 1994 [1993].

18 * Sec. 8. AS 08.01.010(12); AS 08.18.026(a), 08.18.026(c); AS 08.40.005, 08.40.011,
19 08.40.045, 08.40.050, 08.40.060, 08.40.070, 08.40.090, 08.40.110, 08.40.120, 08.40.130,
20 08.40.135, 08.40.140, 08.40.150, 08.40.170, 08.40.178, 08.40.180, 08.40.190, 08.40.195,
21 08.40.200; AS 39.25.120(c)(20); AS 44.41.100, 44.41.110, 44.41.120, 44.41.130;
22 AS 44.66.020, and 44.66.030 are repealed.

23 * Sec. 9. EXEMPTION FROM AS 44.66.050(e). This Act is exempt from the
24 requirements of AS 44.66.050(e) that no more than one board or commission may be
25 continued or reestablished in any legislative bill and that the board or commission must be
26 mentioned in the title of the bill.

27 * Sec. 10. This Act takes effect June 30, 1993.

SECTIONAL ANALYSIS OF SUNSET WORKDRAFT
8-LS0413\A
Lauterbach 1/19/93

Sections 1-3. Related to the repeal of the Milk Control Advisory Board as recommended on page 8, item 10.

Sections 4-5, 8. Related to the repeal of the Telecommunication Information Council as recommended by the Governor's Task Force on Boards and Commissions and summarized on page 5 of the report.

Sections 6-7, 9. Related to the repeal of the Governor's Commission on the Administration of Justice as recommended on page 7, item 8.

Section 10. Amendment provides for the Alaska representative on the Pacific Marine Fisheries Commission to be appointed from the membership of the Board of Fisheries as recommended by the Governor's Task Force on Boards and Commissions.

Section 11. Relates to the consolidation of the Water Resources Board and the Soil and Water Conservation Board as recommended by the Governor's Task Force and as summarized on page 19, item 2.

Section 12-17. Relates to the elimination of the Board of Forestry as recommended by the Governor's Task Force and as discussed on page 6 of the report.

Section 18-23. Relates to the repeal of the Telecommunication Information Council as recommended by the Governor's Task Force.

Section 24-26. Relates to the consolidation of the Pioneers' Home Advisory Board with the Older Alaskans Commission as recommended by the Governor's Task Force. See page 20, item 6.

Section 27-30. Relates to the elimination of the Telecommunication Information Council.

Section 31-32. Relates to the elimination of the Medicaid Rate Advisory Commission as recommended by the Governor's Task Force. See discussion on page 5 of the report.

Section 33-35. Relates to the elimination of the Citizens' Review Panel on Permanency Planning. See page 7, item 4.

Section 36. Provides for the repeal of all other statutes relating to the boards and commissions recommended for elimination on pages 6 through 8.

Section 37-38. Self-explanatory.

8-LS0413A,
Lauterbach
1/19/93

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LEGISLATIVE AUDIT

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

**BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE**

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act eliminating, consolidating, changing the membership requirements of, and
2 transferring the duties of various boards, commissions, councils, panels, authorities,
3 corporations, foundations, and similar entities of state government; and providing
4 for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * Section 1. AS 03.17.010 is amended to read:

7 Sec. 03.17.010. DUTIES OF THE DIRECTOR. The director shall [(1)
8 administer and enforce this chapter [, (2) ENFORCE THIS CHAPTER] and the
9 provisions of marketing orders issued under this chapter [, AND (3) HAVE AN
10 ACCOUNTING MADE OF THE FUNDS HELD BY THE BOARD AT LEAST
11 ANNUALLY].

12 * Sec. 2. AS 03.17.040(a) is amended to read:

13 (a) Subject to AS 03.17.060 and the Administrative Procedure Act (AS 44.62),
14 [AND WITH THE ADVICE OF THE BOARD,] the director may issue, amend, or

1 repeal marketing orders to regulate the marketing of milk in specified regions of the
2 state. A milk marketing order may be issued to

- 3 (1) establish orderly marketing of milk;
- 4 (2) provide for uniform grading and classification of milk;
- 5 (3) provide for the proper preparation of milk for market;
- 6 (4) ensure [INSURE] an adequate supply of milk;
- 7 (5) eliminate unfair competitive practices;
- 8 (6) assist producers to adjust to changing conditions;
- 9 (7) maintain incentive for the production of high quality milk under the
10 most sanitary conditions;
- 11 (8) conduct research and provide information for the benefit of the
12 producer and the consumer.

13 * Sec. 3. AS 03.17.050(a) is amended to read:

- 14 (a) A marketing order may direct that
 - 15 (1) a determination be made whether a surplus of milk exists and, if
16 so, its extent;
 - 17 (2) a surplus be disposed of with a proration of the burden of any loss
18 among the handlers;
 - 19 (3) the quantity, class ~~grade~~ of milk sold for a certain period be
20 limited;
 - 21 (4) the quantity a producer may sell be limited, based upon the quantity
22 available, the quantities previously handled, or both;
 - 23 (5) the quantity or grade a handler may handle during specified periods,
24 based upon the quantity a handler has available, or quantities previously handled, or
25 both;
 - 26 (6) there be specified periods during which a particular grade of milk
27 may be distributed;
 - 28 (7) a surplus pool of milk or a class or grade of milk be formed and
29 the milk sold, and the proceeds of sale be equitably distributed;
 - 30 (8) milk be inspected, graded, and classified, or any of these;
 - 31 (9) an assessment, not to exceed three percent of value, be levied on

1 the sale of milk to provide a fund for advertising and [,] sales promotion [, AND THE
2 EXPENSES OF THE BOARD];

3 (10) prices at which a grade, class, or quantity will be sold be posted;

4 (11) milk be labeled;

5 (12) stations be established for the receiving and weighing of milk, and
6 the collection of assessments;

7 (13) cooperative investigations or undertakings be entered into with
8 other state or federal agencies.

9 * Sec. 4. AS 09.25.115(g) is amended to read:

10 (g) Each public agency shall establish the fees for the electronic services and
11 products provided under this section. The commissioner of administration
12 [TELECOMMUNICATIONS INFORMATION COUNCIL] may cancel the fees
13 established by a public agency in the executive branch, except the fees of the
14 University of Alaska and the Alaska Railroad Corporation, if the commissioner
15 [COUNCIL] determines that the fees are unreasonably high.

16 * Sec. 5. AS 09.25.123(a) is amended to read:

17 (a) The Department of Administration [TELECOMMUNICATIONS
18 INFORMATION COUNCIL] shall supervise and adopt regulations for the operation
19 and implementation of AS 09.25.110 - 09.25.140 by public agencies in the executive
20 branch, except the Alaska Railroad Corporation.

21 * Sec. 6. AS 12.62.010(a) is amended to read:

22 (a) The Department of Public Safety may [GOVERNOR'S COMMISSION
23 ON THE ADMINISTRATION OF JUSTICE ESTABLISHED UNDER AS 44.19.110
24 - 44.19.122 IS AUTHORIZED], after appropriate consultation with representatives of
25 state and local law enforcement agencies participating in information systems covered
26 by this chapter, [TO] adopt regulations and procedures considered necessary to
27 facilitate and regulate the exchange of criminal justice information and to ensure the
28 security and privacy of criminal justice information systems. The notice and hearing
29 requirements of the Administrative Procedure Act (AS 44.62), relating to the adoption
30 of regulations, apply to regulations adopted under this chapter.

31 * Sec. 7. AS 12.62.070(1) is repealed and reenacted to read:

1 (1) "department" means the Department of Public Safety.

2 * Sec. 8. AS 14.40.095(b) is amended to read:

3 (b) The center may

4 (1) provide support for education, training, and research in information
5 technologies to students, professionals, and the general public;

6 (2) support research on the applications, effects, and management of
7 information technologies and provide research results to the general public;

8 (3) maintain an inventory of telecommunication research in the state;

9 (4) develop and maintain a collection that includes state documents,
10 research reports, and other telecommunication applications materials including
11 videotapes, software, lesson plans, and scripts;

12 (5) support the development and expansion of the geographic
13 information system curriculum of the University of Alaska, including the possible
14 establishment of undergraduate and masters programs;

15 (6) develop and sponsor land record and geographic information system
16 training workshops and continuing education seminars in cooperation with the
17 appropriate departments of the university;

18 (7) support or undertake research projects that apply geographic
19 information technology to state issues and problems;

20 (8) provide information on the availability of federal, state, municipal,
21 and other sources of geographic information, including aerial photography and digital
22 data bases related to surveying and land records, natural resource inventories, and
23 related data;

24 (9) prepare and publish on a regular basis research findings and
25 periodicals relating to the center's activities;

26 (10) assist state agencies and municipalities in the development of
27 policies, procedures, and capabilities for public access to automated geographic
28 information;

29 (11) recommend, in consultation with [THE
30 TELECOMMUNICATIONS INFORMATION COUNCIL AND] affected state and
31 local agencies and advisory boards, model standards and strategies relating to the

1 implementation, indexing, documentation, mapping, data exchange, and other aspects
2 of land records management and geographic information system development.

3 * Sec. 9. AS 14.43.310(b) is amended to read:

4 (b) To assist the administering authority in selecting eligible applicants for
5 award of each of the memorial scholarship loans under AS 14.43.250 - 14.43.325 and
6 in reviewing the memorial scholarship loan program, the following advisory
7 committees are established:

8 (1) three Alaska state troopers, each one to be selected from and to
9 represent a state trooper region of the state by the regional commander to serve for
10 three years, for the Michael Murphy memorial scholarship;

11 (2) three employees of the Department of Public Safety [MEMBERS
12 OF THE GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF
13 JUSTICE] selected annually by the commissioner of public safety [COMMISSION
14 FROM AMONG ITS MEMBERSHIP], for the Carroll L. "Butch" Swartz memorial
15 scholarship;

16 (3) three members of the state Board of Registration for Architects,
17 Engineers and Land Surveyors selected annually by the board from among its engineer
18 members, for the Harvey Golub memorial scholarship; and

19 (4) three members of the state Board of Education, or of the staff of
20 the Department of Education, or any combination of these, selected annually by the
21 board, for the Robert L. Thomas memorial scholarship.

22 * Sec. 10. AS 16.45.030 is amended to read:

23 Sec. 16.45.030. ALASKA REPRESENTATIVES. In furtherance of the
24 compact provisions, there are three members of the commission from the State of
25 Alaska, appointed by the governor and confirmed by the legislature in joint session.
26 One commissioner must be the administrative or other officer of the Alaska
27 Department of Fish and Game charged with the conservation of the state's marine
28 fisheries resource; another commissioner must be a member of the legislature of this
29 state who is a member of the committee on resources; and another member must be
30 a member of the Board of Fisheries under AS 16.05.221 [CITIZEN OF THIS
31 STATE WHO HAS A WIDE KNOWLEDGE OF AND INTEREST IN THE MARINE

1 FISHERIES PROBLEM].

2 * Sec. 11. AS 41.10.100 is amended by adding a new subsection to read:

3 (c) The board shall also inform and advise the governor on all matters relating
4 to the use and appropriation of water in the state, including

5 (1) the effect and adequacy of state laws and regulations governing the
6 establishment of water rights;

7 (2) the multi-purpose uses of water;

8 (3) the prevention of pollution and the protection of fish and game;

9 (4) studies of the state's water supplies and plans for future
10 requirements;

11 (5) development of water resources;

12 (6) participation of local governmental units in the management of
13 water resources;

14 (7) land that is or may be needed for dams, reservoirs, flood dams,
15 flood ways, canals, or ditches for the impoundment, storage, flow, and control of
16 water.

17 * Sec. 12. AS 41.15.315(a) is amended to read:

18 (a) The Haines State Forest Resource Management Area shall be managed
19 under the principles of multiple use and sustained yield, under AS 41.17, and under
20 a management plan prepared by the department. The plan may not be adopted or
21 revised without a prior [REVIEW BY THE BOARD OF FORESTRY OR WITHOUT
22 A] public hearing held in Haines and Klukwan.

23 * Sec. 13. AS 41.15.320(a) is amended to read:

24 (a) A copy of a management plan and any revision to it prepared by the
25 department [, REVIEWED BY THE BOARD OF FORESTRY] and adopted by the
26 department after public hearings required under AS 41.15.315(a) shall be provided to
27 the legislature within 30 days of its adoption or revision or within the first 10 days of
28 the first session of the legislature to convene after its adoption or revision.

29 * Sec. 14. AS 41.17.020(b) is amended to read:

30 (b) The division shall be headed by a director who shall be the state forester,
31 appointed to the partially exempt service in accordance with law by the commissioner

1 [, FROM A LIST OF TWO OR MORE CANDIDATES SUBMITTED BY THE
2 BOARD. THE COMMISSIONER MAY REJECT ALL CANDIDATES, IN WHICH
3 CASE THE BOARD SHALL SUBMIT A NEW LIST]. The state forester shall be a
4 natural resources land manager with generally accepted educational credentials,
5 familiar and experienced with the renewable and nonrenewable resources and the
6 values of forest land and the products, benefits, and services obtained from them.

7 * Sec. 15. AS 41.17.055(g) is amended to read:

8 (g) The commissioner may take other actions necessary and proper for the
9 administration of this chapter, including the adoption of regulations under the
10 Administrative Procedure Act (AS 44.62) [AND AS 41.17.047].

11 * Sec. 16. AS 41.17.070(b) is amended to read:

12 (b) To maintain a record of division decision making for public and agency
13 review, the commissioner shall compile and index each decision made under this
14 chapter regarding directives, stop work orders, waivers from requirements, decisions
15 of hearing officers, and decisions on appeals. [THE COMMISSIONER SHALL
16 SUBMIT A SUMMARY OF THIS RECORD ANNUALLY TO THE BOARD.]

17 * Sec. 17. AS 41.17.230(c) is amended to read:

18 (c) A management plan may not be adopted or revised after the establishment
19 of the state forest without prior review by [THE BOARD OF FORESTRY AND BY]
20 other appropriate state agencies or without prior public hearings held in a community
21 proximately located to the state forest or to a unit of a state forest.

22 * Sec. 18. AS 44.21.150 is amended to read:

23 Sec. 44.21.150. DECLARATION OF PURPOSE. It is the purpose of
24 AS 44.21.150 - 44.21.170 to designate the Department of Administration as the
25 department responsible for the operation and management of automatic data processing
26 resources and activities of the executive and legislative branches of state government
27 and the judicial branch to the extent requested by that branch [, TO PROVIDE FOR
28 COOPERATION BETWEEN THE DEPARTMENT AND THE
29 TELECOMMUNICATIONS INFORMATION COUNCIL IN THE OFFICE OF THE
30 GOVERNOR,] and to provide for periodic review of state automatic data processing
31 procedures and mechanisms. It is further the purpose of these sections to encourage

1 cooperation between the state government and local governments in the use of
2 automatic data processing systems.

3 * Sec. 19. AS 44.21 is amended by adding a new section to read:

4 Sec. 44.21.155. INFORMATION SYSTEMS PLAN. (a) The department shall

5 (1) establish guidelines and prepare a state short-range and long-range
6 information systems plan to meet state needs;

7 (2) in accordance with the state information systems plan, establish
8 guidelines and direct state agencies to prepare agency information systems plans; and

9 (3) in accordance with statutes governing the availability and
10 confidentiality of information, establish guidelines for the accessing of information by
11 the public.

12 (b) In addition to the duties established under (a) of this section, the
13 department may establish information-related policies and engage in information
14 related activities it considers necessary or appropriate.

15 (c) This section does not grant the department responsibility for broadcast
16 programming content. Program design, production, and use are the responsibility of
17 the program-sponsoring agency or other entity.

18 (d) This section does not prohibit a state agency from developing information
19 systems that are inconsistent with the guidelines established in (a) of this section if the
20 department gives written authorization for the user agency to engage in the
21 independent design, development, management, or operation. The department may
22 authorize independent development only upon a showing of necessity. Written
23 authorization under this subsection is not required for intra-agency use of
24 microcomputers.

25 (e) A state agency, including an agency authorized to develop an independent
26 system under (d) of this section, shall coordinate the design, development,
27 management, and operation of its information systems with the department.

28 * Sec. 20. AS 44.21.160(a) is amended to read:

29 (a) The [EXCEPT AS OTHERWISE PROVIDED IN (g) OF THIS SECTION,
30 THE] department shall comply with the state information systems plan adopted under
31 AS 44.21.155 [BY THE TELECOMMUNICATIONS INFORMATION COUNCIL IN

1 THE OFFICE OF THE GOVERNOR] in providing automatic data processing services
2 responsive to the needs of state government.

3 * Sec. 21. AS 44.21.160(b) is amended to read:

4 (b) To carry out (a) of this section, the department may, consistent with the
5 state information systems plan [ADOPTED BY THE TELECOMMUNICATIONS
6 INFORMATION COUNCIL] and with the departmental information systems plan,

7 (1) maintain a central staff of systems analysts, computer programmers,
8 and other staff members sufficient to provide systems analysis and computer
9 programming support required by the executive and legislative branches of state
10 government;

11 (2) develop and maintain both short-range and long-range data
12 processing plans for state government and provide managerial leadership in the use of
13 automatic data processing;

14 (3) review all budget requests for automatic data processing services
15 and recommend to the [TELECOMMUNICATIONS INFORMATION COUNCIL AND
16 THE] governor approval, modification, or disapproval;

17 (4) recommend implementation priorities of requested data processing
18 systems;

19 (5) determine and satisfy the data processing equipment and supply
20 requirements of the executive and legislative branches, departments, and agencies of
21 state government;

22 (6) provide all facilities, equipment, and staff required to convert data
23 to a form suitable for processing on automatic data processing equipment;

24 (7) develop and publish systems analysis, computer programming, and
25 computer operations standards;

26 (8) review state automatic data processing systems to encourage
27 effectiveness, measure performance, and assure adherence to the standards developed
28 under AS 44.21.150 - 44.21.170;

29 (9) develop and conduct an automatic data processing training program
30 designed to serve the technical and managerial needs of state government;

31 (10) charge a state agency or other governmental agency for the cost

1 of the automatic data processing services provided or procured by the department for
2 the agency.

3 * Sec. 22. AS 44.21.160(d) is amended to read:

4 (d) In accordance with the state information systems plan [ADOPTED BY
5 THE TELECOMMUNICATIONS INFORMATION COUNCIL], the department and
6 the University of Alaska may develop and implement a plan for the integration of
7 automatic data processing facilities of the university with the state facilities.

8 * Sec. 23. AS 44.21.160(e) is amended to read:

9 (e) If the action is not contrary to the state information systems plan
10 [ADOPTED BY THE TELECOMMUNICATIONS INFORMATION COUNCIL], this
11 section does not prohibit

12 (1) the department from obtaining necessary contractual assistance for
13 automatic data processing activities;

14 (2) the legislature from recruiting and employing data processing
15 personnel or from obtaining necessary contractual assistance for automatic data
16 processing activities;

17 (3) the judicial branch from establishing independent data processing
18 policies and implementation procedures; however, the policies and procedures must
19 permit information exchange and implementation procedures compatible with other
20 branches of government whenever practical.

21 * Sec. 24. AS 44.21.200(a) is amended to read:

22 (a) The Older Alaskans Commission is established in the Department of
23 Administration. The members of the commission include

24 (1) the commissioner of administration or the commissioner's designee;

25 (2) the commissioner of community and regional affairs or the
26 commissioner's designee;

27 (3) the commissioner of health and social services or the
28 commissioner's designee; and

29 (4) eight [THE CHAIRMAN OF THE PIONEERS' HOMES
30 ADVISORY BOARD APPOINTED UNDER AS 44.21.120; AND

31 (5) SEVEN] persons selected on the basis of their knowledge and

1 demonstrated interest in the concerns of older Alaskans, appointed by the governor
2 under [IN ACCORDANCE WITH] (b) of this section.

3 * Sec. 25. AS 44.21.230(a) is amended by adding new paragraphs to read:

4 (11) conduct annual inspections of the property and procedures of the
5 Alaska Pioneers' Homes and recommend to the governor changes and improvements;

6 (12) meet at least semi-annually to review admissions and procedures
7 of the Alaska Pioneers' Homes and to consider complaints related to the homes.

8 * Sec. 26. AS 44.21.230(c) is amended to read:

9 (c) The commission may not investigate, review, or undertake any
10 responsibility for the longevity bonus program under AS 47.45 [OR, EXCEPT FOR
11 ACTIVITIES OF THE OFFICE OF THE LONG TERM CARE OMBUDSMAN, THE
12 ALASKA PIONEERS' HOMES UNDER AS 47.55].

13 * Sec. 27. AS 44.21.266 is amended to read:

14 Sec. 44.21.266. DUTIES OF THE COMMISSION. The commission shall

15 (1) apply for federal and private funds for public broadcasting purposes
16 and receive all federal, state, or private funds, property, or assistance that may be
17 appropriated, granted, or otherwise made available to the commission for public
18 broadcasting purposes, and use and disburse funds and property for purposes consistent
19 with the terms of AS 44.21.256 - 44.21.290, subject to reasonable limitations imposed
20 by the grantor; -

21 (2) provide consultative services in all aspects of public broadcasting
22 to all public or private agencies in the state that request them;

23 (3) serve as a library and clearinghouse for public broadcasting
24 information;

25 (4) through grants to qualified entities, develop an integrated public
26 broadcasting network for the state;

27 (5) through grants to qualified entities, develop and distribute public
28 broadcasting programming in the state;

29 (6) prepare and submit to the governor and the legislature, in
30 compliance with the state information systems plan adopted under AS 44.21.155 [BY
31 THE TELECOMMUNICATIONS INFORMATION COUNCIL IN THE OFFICE OF

1 THE GOVERNOR], a long-term plan for the development of public broadcasting
2 stations and systems in the state [,] and biennially update the plan; and

3 (7) perform all other functions necessary to ensure the orderly and
4 coordinated development of public broadcasting in the state.

5 * Sec. 28. AS 44.21.310(a) is amended to read:

6 (a) In accordance with the state information systems plan adopted under
7 AS 44.21.155 [BY THE TELECOMMUNICATIONS INFORMATION COUNCIL]
8 and with the departmental information systems plan, the department shall

9 (1) advise the [COUNCIL AND THE] governor on matters of policy
10 and comprehensive state planning for telecommunications services;

11 (2) make an annual report to the governor and to the legislature on the
12 activities of the department;

13 (3) coordinate, manage, and supervise state programs in
14 telecommunications, including the management of those telecommunication services
15 for the state obtained from common carriers and from the communications industry;

16 (4) when requested, provide technical and consulting assistance to the
17 executive, judicial, and legislative branches of state government, to the University of
18 Alaska, and to private noncommercial entities that [WHICH] request that assistance
19 in facility procurement and leasing and in identifying long-range goals and objectives
20 for the state and its political subdivisions in all aspects of telecommunications,
21 including public, educational, and instructional telecommunications;

22 (5) prepare and maintain a state comprehensive telecommunications
23 development plan to further state telecommunications development and to meet state
24 telecommunications needs and prepare and maintain a comprehensive inventory of all
25 state communications facilities;

26 (6) whenever feasible, procure services from private enterprise or
27 certified and franchised utilities and contract for the construction, management,
28 operation, and maintenance of telecommunications systems, and develop a procurement
29 policy consistent with AS 36.30 (State Procurement Code); the procurement policy
30 must seek to achieve the maximum benefit to the public, and methods of procurement,
31 including lease, purchase, rental, or combinations of lease, purchase, and rental, must

1 be selected on the basis of factors such as the ratio of long-range costs versus benefits,
2 life cycle costing, and the costs to the communications industry to the extent that these
3 costs may affect local and long distance basic telephone rates; procurement,
4 contracting, construction, and maintenance under this paragraph is governed by
5 AS 36.30;

6 (7) provide information and assistance to state agencies to promote
7 governmental coordination and unity in the preparation of agency plans and programs
8 involving the use of telecommunications;

9 (8) apply for and accept federal and private money, property, or
10 assistance [,] that may be appropriated, granted, or otherwise made available to the
11 department and use and disburse money and property for purposes consistent with
12 AS 44.21.305 - 44.21.330 and AS 44.21.256 - 44.21.290, subject to reasonable
13 limitations imposed by the grantor;

14 (9) participate with other governmental units in planning, and assist
15 local governments and governmental conferences and councils in the state in planning
16 and coordinating their activities relating to telecommunications;

17 (10) provide for the orderly transition to new telecommunications
18 services and systems by state agencies;

19 (11) serve as a clearinghouse for information, data, and other materials
20 that [WHICH] may be necessary or helpful to federal, state, or local governmental
21 agencies in the development of telecommunication systems;

22 (12) coordinate department services and activities with those of other
23 state departments and agencies to the fullest extent possible to avoid unnecessary
24 duplication; and

25 (13) provide that all activities of the department are responsive to state
26 statutes and regulations [,] and to the regulations and rulings of the Federal
27 Communications Commission.

28 * Sec. 29. AS 44.21.315(a) is amended to read:

29 (a) In accordance with the state information systems plan adopted under
30 AS 44.21.155 [BY THE TELECOMMUNICATIONS INFORMATION COUNCIL]
31 and with the departmental information systems plan, the department shall provide

1 (1) technical consultation to educational and public telecommunications
2 users;

3 (2) coordination and support to telecommunications services for
4 instruction, including technical assistance and assistance in preparation of applications
5 for grants related to program development as may be requested by

6 (A) public school districts and the Department of Education;

7 (B) the University of Alaska; and

8 (C) other state agencies as approved by the commissioner;

9 (3) coordination and support for health and safety-related functions,
10 including the administrative and client services provided by state, federal, and private
11 agencies;

12 (4) coordination and support to telecommunications services for public
13 participation in state-financed services, including the public hearing process, as may
14 be statutorily required or otherwise appropriate;

15 (5) assistance, through design, development, and promotion, to local
16 school districts or other local and regional education agencies for the regionalization
17 of instructional telecommunications services;

18 (6) establishment of operational policies for public telecommunications
19 services other than public broadcasting; and

20 (7) assistance to the Alaska Public Broadcasting Commission and any
21 commission-designated subcommittees, as necessary to perform assigned department
22 functions; the department shall cooperate with the commission and subcommittees in
23 order to develop policies which are responsive to the user groups which are
24 represented on the commission.

25 * Sec. 30. AS 44.21.320(e) is amended to read:

26 (e) Nothing in AS 44.21.305 - 44.21.330 prohibits a state agency from
27 developing telecommunications systems within its own agency if the agency is in
28 compliance with the state information systems plan adopted under AS 44.21.155 [BY
29 THE TELECOMMUNICATIONS INFORMATION COUNCIL] and with the agency's
30 own information systems plan and if the commissioner gives written authorization for
31 the agency to engage in its own design, development, management, or operation. The

1 commissioner may authorize independent development only upon a showing of
2 necessity. [A DESCRIPTION OF ALL AUTHORIZATION UNDER THIS
3 SUBSECTION MUST BE INCLUDED IN THE BIENNIAL REPORT REQUIRED
4 UNDER AS 44.21.310(a)(2)].

5 * Sec. 31. AS 47.07.070(a) is amended to read:

6 (a) The department shall set the prospective rate of payment to a health
7 facility under this chapter and AS 47.25.120 - 47.25.300 based on a fair rate for
8 reasonable costs incurred by the facility. The department may not set a rate until after
9 a public hearing [BEFORE THE MEDICAID RATE ADVISORY COMMISSION]
10 except that this hearing requirement is not applicable if a new rate is immediately
11 necessary to afford exceptional relief to a facility as determined under regulations
12 adopted by the department. The department shall by regulation list the factors it
13 considers in making its rate determinations under this section. A rate set under this
14 section does not take effect until it is approved in writing by the commissioner of
15 health and social services or the agency assigned by the commissioner to perform this
16 function. The written determination of a rate set by the department after a hearing must
17 include a statement of the department's findings, a description of the basis of the
18 findings and conclusions, a citation to the regulations supporting the findings and
19 conclusions, and a statement of the decision.

20 * Sec. 32. AS 47.07.074 is amended to read:

21 Sec. 47.07.074. AUDITS AND INSPECTIONS. As a condition of obtaining
22 payment under AS 47.07.070, a health facility shall allow

23 (1) the department [AND THE COMMISSION] reasonable access to
24 the financial records of medical assistance beneficiaries; and

25 (2) inspection of financial records by state and federal agencies to the
26 extent required by federal law.

27 * Sec. 33. AS 47.10.080(m) is amended to read:

28 (m) Within 60 days after the date a child is removed from the child's home
29 by the department, the department shall notify the appropriate local citizen out-of-home
30 care review panel [ESTABLISHED UNDER AS 47.10.420].

31 * Sec. 34. AS 47.10.080(n) is amended to read:

1 (n) Within 60 days after a court orders a child committed to the department
2 under (c) of this section and at a review under (f) or (l) of this section, the department
3 shall inform the parties about the availability of a local citizen out-of-home care
4 review panel [ESTABLISHED UNDER AS 47.10.420].

5 * Sec. 35. AS 47.10.142(g) is amended to read:

6 (g) Within 60 days after a court orders a child committed to the department
7 under this section, the department shall inform the parties about the availability of a
8 local citizen out-of-home care review panel [ESTABLISHED UNDER AS 47.10.420].

9 * Sec. 36. AS 03.17.020, 03.17.030, 03.17.100(1); AS 05.40; AS 08.01.010(12);
10 AS 08.18.026(a), 08.18.026(c); AS 08.40.005, 08.40.011, 08.40.045, 08.40.050, 08.40.060,
11 08.40.070, 08.40.090, 08.40.110, 08.40.120, 08.40.130, 08.40.135, 08.40.140, 08.40.150,
12 08.40.170, 08.40.175, 08.40.178, 08.40.180, 08.40.190, 08.40.195, 08.40.200; AS 09.25.220(8);
13 AS 18.65.250(a); AS 37.12; AS 38.95.100, 38.95.110, 38.95.120, 38.95.130, 38.95.140;
14 AS 39.05.060(a)(4); AS 39.25.110(11)(A), 39.25.110(23), 39.25.120(c)(20);
15 AS 39.50.200(b)(17); AS 41.17.041, 41.17.043, 41.17.045, 41.17.047, 41.17.950(2);
16 AS 44.19.101, 44.19.102, 44.19.103, 44.19.104, 44.19.105, 44.19.110, 44.19.112, 44.19.114,
17 44.19.116, 44.19.118, 44.19.120, 44.19.122, 44.19.123, 44.19.124, 44.19.125, 44.19.126,
18 44.19.130, 44.19.181, 44.19.182, 44.19.183, 44.19.184, 44.19.185, 44.19.186, 44.19.187,
19 44.19.188, 44.19.502, 44.19.504, 44.19.506, 44.19.519; AS 44.21.045(c)(1), 44.21.045(f),
20 44.21.100, 44.21.110, 44.21.120, 44.21.130; AS 44.41.100, 44.41.110, 44.41.120, 44.41.130;
21 AS 44.46.030, 44.46.040, 44.46.050; AS 44.47.050(a)(15); AS 44.66.010(a)(17); AS 44.82;
22 AS 44.99.010; AS 46.15.190, 46.15.200, 46.15.210, 46.15.220, 46.15.230, 46.15.240;
23 AS 47.07.073(b)(6), 47.07.110, 47.07.120, 47.07.130, 47.07.140, 47.07.150, 47.07.160,
24 47.07.170, 47.07.180, 47.07.190, 47.07.900(6); AS 47.10.400, 47.10.410, 47.10.420, 47.10.430,
25 47.10.440, 47.10.450, 47.10.460, 47.10.470, 47.10.480, and 47.10.490 are repealed.

26 * Sec. 37. REVISOR'S INSTRUCTION. Wherever in AS 12.62 and the Alaska
27 Administrative Code the term "Governor's Commission on the Administration of Justice" is
28 used, it shall be read as referring to the Department of Public Safety when to do so would be
29 consistent with the changes made in secs. 8 and 9 of this Act. Under AS 01.05.031, the
30 revisor of statutes shall implement this section in the statutes and, under AS 44.62.125(b)(6),
31 the regulations attorney shall implement this section in the administrative code.

1

* Sec. 38. This Act takes effect July 1, 1993.

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE


Division of Legislative Audit



P. O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347

MEMORANDUM

TO: Members of the Legislature

FROM: 
Randy S. Welker
Legislative Auditor

DATE: February 9, 1993

RE: Senate Bill 79

Senate Bill 79 was introduced by request of the Legislative Budget and Audit Committee to implement, in part, the sunset section of *A Special Report on Selected Boards and Commissions Issues* dated October 30, 1992. The bill reestablishes the sunset review cycle for boards and commissions over a ten year period as opposed to the four year cycle currently in statute. The average review cycle in other states averages about eight years. The following sectional analysis references the appropriate pages of the audit report for discussion.

SECTIONAL ANALYSIS OF SB 79

An Act setting termination dates for various boards, commissions, councils, agencies, committees, and divisions of state government; repealing obsolete statutes relating to the State Fire Commission and the Board of Electrical Examiners; repealing obsolete statutes relating to termination of agency programs and activities; increasing to 10 years the normal maximum interval for review of boards, commissions, and other entities that are subject to sunset review; and providing for an effective date.

Section 1. Amends the termination date of the occupational licensing boards to reflect a ten year review cycle and eliminates an obsolete provision relating to the Board of Electrical Examiners. (*See table on page 10 of the Boards and Commissions audit report.*)

- Section 2.** Amends the statutory cycle for sunset review from four to ten years for occupational licensing boards. (*Discussed and recommended on page 11 of the Boards and Commissions audit report.*)
- Section 3.** Amends the powers and duties of the legislative audit division to remove obsolete sunset language relating to programs and activities as set out in AS 44.66.020 and .030. (Note: These sections are repealed in Section 8 of this bill.)
- Section 4.** Amends the termination date of other non-occupational licensing entities subject to the sunset provisions. This section also repeals obsolete reference to the Alaska State Fire Commission. The Alaska Tourism Marketing Council and the Tourism Coordinating Committee are not amended in this section. Sunset audits are in the release process addressing these entities. (*The amended termination dates in this section are recommended on page 10 of the Boards and Commissions audit report.*)
- Section 5.** Amends the statutory sunset cycle contained in Title 44.66 for commissions identified in AS 44.66.010 from four the ten years. (*Recommended on page 11 of the Boards and Commissions audit report.*)
- Section 6.** Similar to Section 3, this section repeals obsolete references to agency programs as identified in AS 44.66.020 and .030. (These sections of statute are repealed in Section 8 of this bill.)
- Section 7.** Amends the termination date of the Business Assistance Division of the Alaska Industrial Development and Export Authority. (*Recommended in the table on page 10 of the report.*)
- Section 8.** Revisor of statute cleanup of statutes relating to Electrical Administrators and the Alaska Fire Commission which expired under normal sunset provisions. Also repeals agency program sunset provisions which are obsolete. (*See attached table for the detail of the repealed sections.*)
- Section 9.** Providing exemption for this bill from statutory language that limits bills to a single board subject.
- Section 10.** Providing effective date of June 30 as opposed to July 1 to protect from unintended sunset of boards set for termination this June 30.

Detail of repealed statutes per Sec. 8 of SB 79	
<i>AS 08.01.010(12), AS 08.18.026(a) and (c), and AS 08.40.005 through AS 08.40.200 relate to the Board of Electrical Examiners that expired under the terms of sunset on June 30, 1992.</i>	
AS 08.01.010(12)	Deletes reference to board in into to Title 08.
AS 08.18.026(a)	Deletes sections in construction contractor statutes that refer to the Board of Electrical Examiners.
AS 08.18.026(c)	
AS 08.40.005	Purpose of electrical examiner statutes.
AS 08.40.011	Board of Electrical Examiners created.
AS 08.40.045	Categories of licenses.
AS 08.40.050	Regulations.
AS 08.40.060	Examinations.
AS 08.40.070	Inspection or investigation by department.
AS 08.40.090	License required.
AS 08.40.110	Application for license.
AS 08.40.120	Examination of applicant.
AS 08.40.130	Administrator limited to one licensed contractor.
AS 08.40.135	Renewal and reinstatement.
AS 08.40.140	Issuance and display of license.
AS 08.40.150	Fees.
AS 08.40.170	Denial, suspension and revocation of license.
AS 08.40.175	Cease and desist order.
AS 08.40.178	Injunctive relief.
AS 08.40.180	Violations of AS 08.40.010 - 08.40.200.
AS 08.40.190	Exclusions.
AS 08.40.195	Personal supervision.
AS 08.40.200	Definitions.

Detail of repealed statutes per Sec. 8 of SB 79	
<i>AS 39.25.120(c)(20), and AS 44.41.100 through AS 44.41.130 below relate to the Alaska State Fire Commission that expired under the terms of sunset on June 30, 1991.</i>	
AS 39.25.120(c)(20)	Removes reference to fire commission in list of employees in partially exempt service.
AS 44.41.100	Fire commission established.
AS 44.41.110	Membership.
AS 44.41.120	Procedures; staff.
AS 44.41.130	Powers and duties.
<i>AS 44.66.020 - .030 define the sunset process for agency programs. These date-specific sections were never implemented and are now considered obsolete.</i>	
AS 44.66.020	Agency programs.
AS 44.66.030	Program identification.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 79 (STA)

Revision Date: _____
Title: Boards/Commissions/Councils/Authorities Sunset Reviews
and Termination Dates _____
Sponsor: Senate Rules
Requestor: (S) HES

Department Affected: Administration
BRU: Older Alaskans Commission
Component: Older Alaskans Services
COMPONENT SERIAL NO. 36

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Connie J. Sipe, Executive Director
Division: Older Alaskans Commission

Phone: 465-3250
Date: _____

Approved by Commissioner: Nancy Bear Usara *NBCU*
Agency: Administration *H*

Date: 3/5/93

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FISCAL NOTE

No. 3

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: SB 79

Revision Date: February 10, 1993

Department Affected: Legislative Audit

(S) Publish Date: 2-19-93

Title: Senate Bill 79

BRU: _____

Sponsor: Rules Committee

Component: _____

Requestor: Legislative Budget & Audit Committee

COMPONENT SERIAL NO.

--	--	--	--

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

Changes in SB 79 (STA) have no fiscal impact. This fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary.)

2-17-93 date RLW Comte Aide (initial)

Prepared By: Randy S. Welker, Legislative Auditor Phone: 465-3830

Division: Legislative Audit Date: February 9, 1993

Approved by Commissioner: *Randy S. Welker*

Agency: Leg. Audit Date: 2/10/93

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

No. 2

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: SB 79

(S) Publish Date: 2-19-93

Revision Date: February 10, 1993
Title: An Act Setting Termination Dates for Various Boards, Commissions, . . .
Sponsor: Rules
Requestor: Legislative Budget & Audit

Department Affected: Commerce and Economic Development
BRU: Alaska Public Utilities Commission
Component: Operations
COMPONENT SERIAL NO. 364

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

This bill would continue the APUC for 10 years as currently configured. Therefore, the bill would not materially affect the commission's budget.

Prepared by: Robert A. Lohr, Executive Director
Division: Alaska Public Utilities Commission

Phone: 276-6222
Date: February 10, 1993

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

Date: February 10, 1993 2-10-93

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Changes in SB 79 (STA) E
have no fiscal impact. This
fiscal note is appropriate.
2-17-93 [Signature]
date Comptroller (initial)

FISCAL NOTE

No. 1

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: SB 79

(S) Publish Date: 2-19-93

Revision Date: _____

Department Affected: Commerce and Economic Development

Title: An Act setting termination dates for various Boards,

BRU: _____

Commissions, etc.

Component: _____

Sponsor: Rules Committee

Requestor: _____

COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) Impact: _____

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED POSITION PAPER

Changes in SB 79 (STA) have no fiscal impact. This fiscal note is appropriate.

2-17-93
date

[Signature]
Comte Aide (initial)

Prepared by: Connel L. Murray, Director

Phone: 465-2012

Division: Tourism

Date: _____

Approved by Commissioner: Paul Fuhs

Agency: Commerce and Economic Development

Date: 2-5-93

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ALASKA INDUSTRIAL DEVELOPMENT
AND EXPORT AUTHORITY

480 WEST TUDOR • ANCHORAGE, ALASKA 99503-6690 • (907) 561-8050 • FAX (907) 561-8998

March 8, 1993

The Honorable Senator Steve Rieger
Alaska State Legislature
State Capitol
Juneau, AK 99811

Dear Honorable Senator Rieger and Members of the Health, Education
& Social Services Committee:

The purpose of this letter is to provide you with an overview of the Alaska Industrial Development and Export Authority (AIDEA) Business Assistance Program (AS 44.88.500-599), its purpose and use, and how it relates to Senate (SB) 79 which will be heard by your committee on ~~Thursday, March 11.~~

Friday, March 12.

Through AIDEA's six programs the Authority has the ability to assist businesses in diversifying Alaska's economy thereby providing jobs for Alaskans. The enabling legislation creating the Authority speaks to specific reasons for its establishment. These reasons include encouraging growth in the economy in the manufacturing, industrial and export industries through small business assistance and through developing the natural resources of the State. AIDEA accomplishes its mission by providing financing assistance programs for businesses, developing or expanding Alaskan economic development projects through bank originated loan participation and guarantee programs and through the owner/operator Development Finance program. The Business Assistance Program is one of our financing assistance programs that allows AIDEA to assist Alaskan small businesses by guaranteeing up to 80% of a bank-originated loan. I've attached a one-page program summary which defines the program and provides information regarding the requirements of the program.

Since inception in 1988 the following loan guarantees have been made:

•Seagull Air Service Inc., Bethel. In 1988 AIDEA guaranteed 70% (\$147,700) of a \$211,000 loan;

•Alaska Raft Adventures, Inc., Kantishna. In 1989 AIDEA guaranteed 57% (\$421,800) of a \$740,000 loan. This loan went into default (following liquidation of secured assets, AIDEA paid out \$37, 151.32);

•Crawford Marketing Corporation, Anchorage. In 1991 AIDEA guaranteed 65% (\$21,450) of a \$33,000 loan;

•Lalita Osterman dba Marine Communication of Alaska, Unalaska. In 1992 AIDEA guaranteed 80% (\$30,000) of a \$37,500 loan; and

•Bart K. Garber Professional Corporation, Anchorage. In 1992 AIDEA guaranteed 80% (\$25,600) of a \$32,000 loan.

While AIDEA has promoted the program through financial institutions, collateral materials, trade-shows and speeches, the program has been under utilized. We feel that in part the program has not been used because the Small Business Administration (SBA) has a program which is similar to the Business Assistance Program that the banks prefer. The primary differences currently between the AIDEA and SBA program is in the timing of the guaranty payment and delinquent servicing responsibility. AIDEA's requirements are more stringent in this regard. Should a loan which AIDEA provided a guarantee on go into default, AIDEA provides the guarantee payment upon liquidation and the servicing and collection is done by the bank. If a loan which SBA provided a guarantee on goes into default the guarantee payment is paid upon demand if the loan is delinquent 90 days and SBA provides the servicing and collection of the loan upon demand by the bank after 90-days delinquency.

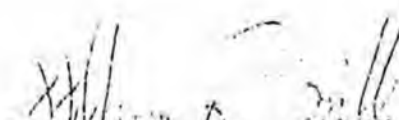
Prior to 1992 there were additional notable differences between the AIDEA and SBA guarantee programs and therefore, at the banks urging, AIDEA supported legislation to amend portions of the AIDEA Business Assistance Program. Senate Bill (SB) 226 modified interest rate restrictions on the program allowing banks to charge a maximum interest rate of Prime plus 2 3/4% fully floating. Prior to SB 226, the maximum rate banks could charge on loan guarantees on greater than 65% of the loan was Prime plus 1 1/2 percent (fixed); guarantees less than or equal to 65% of the loan could have a

maximum interest rate of 2 3/4 percent (fixed). In addition SB226 increased the loan limit under the streamlined application process from \$50,000 to \$75,000. Since SB226 became law we have seen an increase in interest in the program.

Despite its limited use to date AIDEA believes the Business Assistance Program is a helpful "tool" to assist in developing and expanding small businesses throughout Alaska. In addition the Business Assistance Program is key to facilitating the newly created Rural Development Initiative Fund (RDIF) which is operated jointly through the Department of Community and Regional Affairs and AIDEA. Established in 1992 by the legislature through SB 238, the RDIF was designed to assist rural Alaskan entrepreneurs who may not currently be served by commercial financial institutions. Alaskan businesses located in communities of 5,000 or less, or in unincorporated communities can apply for a RDIF loan of up to \$100,000 (\$200,000 if the business is a partnership).

AIDEA fully supports the language in SB 79 which extends the Business Assistance Program's sunset date of July 1, 1993 to July 1, 1994. The Business Assistance Program is an important financing assistance program to provide the catalyst for job creation throughout Alaska. From new business ventures that create jobs, to businesses that require capital that in turn retain jobs, the Business Assistance Program allows AIDEA to continue to work to promote sound economic development.

Sincerely,



William R. (Riley) Snell
Executive Director

attachment

cc: Kris Lethin
Commissioner Paul Fuhs
AIDEA Board of Directors



ALASKA INDUSTRIAL DEVELOPMENT
AND EXPORT AUTHORITY

480 WEST TUDOR • ANCHORAGE, ALASKA 99503-6690 • (907) 561-8050 • FAX (907) 561-8998
BUSINESS ASSISTANCE PROGRAM SUMMARY

A Guarantee Program for: 1) New loans;
 2) Refinance of existing loans.

Funds guaranteed: Outstanding principal balance and liquidation expenses.

Amount of Guarantee: Not to exceed \$1,000,000 cumulative.

•Percentages: 1) 50% of refinance or secured by tangible personal property;
 2) 80% of other loans.

Application Types:

A) Short Form Application -- New loans of \$75,000 or less*.

1) Loan summary including bank's loan approval form.
2) Bank certification that credit has been checked and is satisfactory.

B) Regular Form Application - All loans over \$75,000.

1) Loan summary including bank's loan approval form;
2) Signed loan application;
3) Financial statement (current within 90 days);
4) Project description/use of proceeds detail;
5) Credit history;
6) Three years tax returns;
7) Appraisal;
8) Environmental risk assessment;
9) Refinance -- existing loan facts.

Loan Requirements:

A) 1) First lien -- real estate, tangible personal property, inventory and/or accounts receivable;
 2) Unsecured Waiver -- a loan guarantee of \$75,000 or less, five year term or less,
 may be granted a collateral waiver at the Authority's discretion.

B) 75% loan to value (LTV) maximum.

C) Term:

1) One year if secured only by inventory and/or accounts receivable;
2) Five year maximum if working capital and/or unsecured by special waiver;
3) Twenty year maximum if secured by real estate.

D) Alaskan resident majority ownership required.

E) Maximum interest rate allowed is Prime plus 2 3/4% fully floating.

F) Fees:

1) \$100 application fee;
2) 2% Guarantee fee.

*This streamlined approval process may be unsecured. These loans are available to all Alaska businesses but targeted especially to assist entrepreneurs in rural areas.

5752 93/94
79

Audit Report



A SPECIAL REPORT ON SELECTED BOARDS AND COMMISSIONS ISSUES

October 30, 1992



Audit Control Number:

01-4410-93

Division of Legislative Audit

P.O. Box 113300, Juneau, Alaska 99811-3300

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from each legislative chamber. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$5 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in either Anchorage or Juneau.

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Division of Legislative Audit



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Juneau, AK 99811-3300
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October 30, 1992

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

A SPECIAL REPORT ON SELECTED BOARDS AND COMMISSIONS ISSUES

October 30, 1992

Audit Control Number

01-4410-92

This review addresses selected issues involving boards and commissions. These issues deal with inactivity of some statutorily required boards and commissions; self-sufficiency of those relating to occupational licensing; consistency in compensation of board and commission members, executive directors, and travel reimbursement; executive department commissioner representation; and sunset review provisions.

Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section of this report.



Randy S. Welker, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 of the Alaska Statutes and a special request by the Legislative Budget and Audit Committee, we reviewed selected issues concerning boards, commissions, councils, corporations, and authorities (collectively called boards for this report).

Objectives

Our objective was to analyze selected issues which concern boards. These issues involve board inactivity, sunset review cycles, commissioner representation on certain boards and commissions, consistency between boards in compensation for members and executive directors, and self-sufficiency of licensing boards.

Governor Hickel appointed a task force in October 1991 to also look at issues concerning boards and commissions. Their purpose was to make recommendations on reducing the cost and management demands of boards and commissions. Because the Governor's Task Force on Boards and Commissions recently prepared a draft report after holding public hearings on proposed consolidations and eliminations, we did not duplicate their efforts and reconsider these issues. The results of their review will be acknowledged and also presented in this report.

Scope and Methodology

The scope of our audit encompassed all boards established in state statute and federal law pertaining to Alaska with Alaskan representation on the board. We did not consider temporary task forces, boards, or commissions established with a termination date prior to September 1992. Recommendations for change or repeal in statutes will only include those which require legislative action.

Our methodology varied for the different issues which required analysis:

1. *Our Universe:* We first performed a statutory search of "board" references. We also reviewed the Alaska Administrative Code, Governor's Administrative Orders, legislative resolutions, and the Governor's Boards and Commissions Book.
2. *Board Conditions:* To obtain provisions of board membership, per diem, compensation, staffing, originating legislation, and special issues of each board, we reviewed state and federal law, meeting minutes, past audits, FY 93 conference committee budgets and fiscal notes, and conducted interviews with agency personnel. This information can be found at Appendix A.
3. *Executive Director Compensation:* To evaluate executive director pay, we determined ranges, steps, and pay as noted in the Alaska State Payroll System or through inquiry with agency personnel if the pay is not on the state payroll system. We obtained staff size from conference committee budget information.

4. *Commissioner Representation:* To analyze commissioner representation on boards, we scheduled the various boards which require commissioner representation. Our review required consultation with legislative legal services, analysis of board minutes and commissioner attendance, and discussion with commissioner staff as to participation on certain boards and commissions.
5. *Sunset Reviews.* To evaluate the effectiveness of sunset provision, we contacted national organizations to obtain nationwide trends concerning sunset. We also reviewed sunset audit results, recommendations by the Legislative Auditor, and action taken by the legislature.
6. *Occupational Licensing Self-Sufficiency:* To determine board self-sufficiency, we evaluated costs incurred by the Department of Commerce and Economic Development and tested the reasonableness of costs allocated to the various occupations. Costs allocated to the various occupations are used to determine license fees collected as the funding source for occupational licensee regulation.

Finally, we reviewed the Governor's Task Force on Boards and Commissions' draft report (see Appendix B), transcripts from meetings of the Governor's Task Force, and changes between the preliminary and final recommendations. This was to gain an understanding of actions taken that involve our scope and to avoid duplication of efforts. This included consultation with the Governor's Boards and Commissions staff.

BACKGROUND INFORMATION

For the purposes of our review, there are 145 boards and commissions required by federal and state law. Some boards have as few as 3 members, others have as many as 24 members. Total membership on all boards exceeds 1200.

Boards are administratively placed in executive branch agencies, the legislative branch, the court system, and the University of Alaska. Some boards require appointment by the Governor, others require legislative or agency appointments. Some members are departmental commissioners. Boards often are allowed to appoint an executive director who hires staff to perform necessary duties of the entity. Boards sometimes are subject to sunset requirements, others terminate without consideration of a sunset review.

The nature and funding sources of these boards vary. Some board responsibilities are advisory while others regulate, make legal findings, authorize the issuance of bonds, or oversee the investment of billions of dollars. Funding sources for boards include the general fund, the science and technology fund, the oil spill response fund, corporate receipts, federal receipts, and other restricted receipts.

Agency accounting for board expenditures also varies

Often a board and staff to the board or commission will have their own budget component within the State's budgeting system. Such is the case with the Alaska Industrial Development and Export Authority and the Alaska Energy Authority. Actual board costs with larger authorities may be insignificant when compared to overall operations.

Another example of insignificant board costs include the occupational licensing boards. The primary cost for regulating the occupations is that of the occupational licensing staff. Since occupational licensing boards do not receive compensation, their primary costs are per diem and meeting expenses.

A number of board-related concerns have been expressed

Concerns have been raised in both the executive and legislative branches of government concerning the proliferation of boards and commissions. The Division of Legislative Audit was asked to review selected issues pertaining to boards and commissions. The issues involved duplication of effort, inactivity, consistencies in travel, per diem, board compensation, and executive director pay. Additional issues concerned sunset cycles as well as self-sufficiency of selected boards and commissions.

Governor Hickel also had board-related concerns which lead to appointment of the Governor's Task Force on Boards and Commissions in October 1991. One of the Task Force purposes was to make recommendations for reducing the cost and management demands of boards and commissions.

The Task Force reviewed the purpose and intent, the constitutional and statutory accountability, and federal requirements of each board and commission. They had five meetings, one of which was primarily for public testimony. They made recommendations for improving the efficiency of boards and commissions, and determining the necessity for existence. Their report is shown at Appendix B.

To avoid duplication of effort, our analysis of boards and commissions for elimination or consolidation included only those that were not included in the Governor's Task Force Review. Those not included in the Governor's review were primarily those that were inactive, have not been funded, or have had no appointed board members. Differences between our universe and that of the Task Force is that the Governor's Task Force universe of boards and commissions includes those that are temporary, are not established in statutes, or those that have specific termination dates.

I - ELIMINATION OF STATUTORILY ESTABLISHED BOARDS AND COMMISSIONS

Both the Division of Legislative Audit (DLA) and the Governor's Task Force (GTF) reviews identified boards, commissions, corporations, and authorities (collectively called "boards" in this report) that can be eliminated. We have included in this analysis only those that will require legislative action to repeal associated statutory language.

The Governor's Task Force recommended elimination of 11 boards and commissions (see GTF draft report at Appendix B). Six of the 11 boards recommended for elimination were temporary task forces not established in statute. Two of the eleven recommended for elimination automatically terminated with sunset provisions.

The two boards which automatically terminated were the Board of Electrical Examiners, sunset 6/30/91 with wind down through 6/30/92; and the Board of Mechanical Examiners, sunset 6/30/92 with wind down through 6/30/93.

Three of GTF recommendations would require statutory repeal to effect elimination.

All of the boards in the first box above have varying degrees of activity. The Medicaid Rate Advisory Committee appears to be the most active with up to ten meetings a year. Testimony at the GTF indicated that the Medicaid Rate Advisory Commission provides advice on medicaid rate setting to the commissioner. The GTF felt the commissioner could still be advised without having a separate board. The GTF meeting transcripts appear to refer only to elimination of the commission members not the eight full time positions currently budgeted as staff to the commission.

The Telecommunications Information Council (TIC) was recommended for elimination by the GTF primarily due to inactivity. Yet, discussions with TIC members has indicated that the TIC is active with three subordinate committees.

GOVERNOR'S TASK FORCE RECOMMENDED BOARD ELIMINATIONS

1. Medicaid Rate Advisory Commission
2. Telecommunications Information Council
3. Board of Forestry

LEGISLATIVE AUDIT RECOMMENDED BOARD ELIMINATIONS

1. Alaska Manpower Services Council
2. Alaska Resources Corporation
3. Amateur Sports Authority
4. Citizens Review Panel on Permanency Planning
5. Environmental Advisory Board
6. Gas Pipeline Financing Authority
7. Governor's Commission on the Involvement of Young People in Government
8. Governor's Commission on the Administration of Justice
9. Local Citizen Out of Home Care Review Panel
10. Milk Control Advisory Board
11. Rural Affairs Commission
12. Steering Council for Alaska Lands
13. Yukon Taiya Commission

One committee, the Information System Project Review Committee, reviewed system capital projects. This review is required by language adopted in the 1992 capital budget which required certain capital projects funded to be consistent with the short-range and long-range information systems plan developed by the TIC. Since one of the TIC's functions is to prepare short-range and long-range state information system plans, recent legislation implies that the legislature still finds a need for the TIC to exist.

Other GTF public testimony was provided on the Board of Forestry. Although testimony indicated the one meeting held in the last 18 months was productive, other discussion presented by GTF members indicated the board was neither active in marketing nor sales as it should be.

DLA's review results in thirteen inactive boards recommended for elimination

The following chart provides a listing of boards which we recommend for elimination. In order to avoid duplication of effort, we only reviewed statutorily established boards which were not considered in the GTF review. Working with the Governor's Boards and Commissions office, we were able to determine when the latest board members were appointed. We did perform follow-up fieldwork with some agency staff and questioned the need of certain boards and commissions. These boards have neither a budget nor an active board at this time.

BOARD	DUTIES/FUNCTION	REASON FOR BOARD ELIMINATION
1. Alaska Manpower Services Council AS 44.99.010 Original Legislation: Ch. 174, SLA 1975	The purpose of this council is to review and monitor all manpower activities within the state and advise and make recommendations concerning manpower activities to the governor, prime sponsors under the Comprehensive Employment and Training Act (CETA) of 1973, state manpower agencies, and the public.	CETA was replaced by the Job Training Partnership Act in 1983. This council has been inactive since 1983 since it was replaced by the Job Training Council.
2. Alaska Resources Corporation AS 37.12.010 Original Legislation: Ch. 179, SLA 1978	The purpose of the corporation is to effect an orderly wind-up of the corporation's affairs. According to department officials, remaining activities are incidental.	The Board of the Alaska Resources Corporation has not meet recently. The remaining investment portfolio could easily be managed by the Division of Treasury.
3. Amateur Sports Authority AS 05.40.010 Original Legislation: Ch. 115, SLA 1989	The purpose of the Amateur Sports Authority is to promote and develop amateur sports, amateur sports training facilities, amateur sports events, and to provide an equal opportunity by expending an equal amount of money for both sexes in amateur sports in a manner that is commensurate with the interests of both sexes.	This authority is currently inactive and is not planned to be included in the FY 94 budget request.

BOARD	DUTIES/FUNCTION	REASON FOR BOARD ELIMINATION
<p>4. Citizens Review Panel on Permanency Planning</p> <p>AS 47.10.400</p> <p>Original Legislation: Ch. 117, SLA 1990</p>	<p>The purpose of this board is to adopt policies and procedures to carry out its duties, to govern the performance of the duties of the Local Citizen Out of Home Care Review Panel, to oversee training and activities of the local panels, and to make recommendations to the governor on appointments to the local panels. The board is to report to the Legislature by the 10th day of each regular session.</p>	<p>This board is inactive and has not been funded since FY 91. This is a panel to establish procedures for the local panel discussed above.</p>
<p>5. Environmental Advisory Board</p> <p>AS 44.46.030</p> <p>Original Legislation: Ch. 120, SLA 1971</p>	<p>The function of this board is to advise the commissioner of the Department of Environmental Conservation (DEC) in the review and appraisal of programs and activities of state departments. This board is also to recommend to the commissioner persons who, by virtue of outstanding achievement in the field of environmental conservation, merit a certificate of achievement from the commissioner of DEC.</p>	<p>This board was established when DEC statutes were passed in 1971 and has been inactive since 1980. Based on discussions with agency personnel, a nine member board to advise the commissioner in the review and appraisal of other state agencies programs and determine meritorious achievement is not necessary.</p>
<p>6. Gas Pipeline Financing Authority</p> <p>AS 44.82.010</p> <p>Original Legislation: Ch. 90, SLA 1978</p>	<p>The purpose of this authority is to assist in the financing of a gas pipeline through the issuance of revenue bonds. The authority is required to submit to the Legislature a Financial and Alaska Impact Plan which must be approved before any issuance of bonds takes place.</p>	<p>This authority has been inactive since 1980. In January 1980, the authority submitted the required plan which was disapproved by the Legislature.</p>
<p>7. Governor's Commission on the Involvement of Young People In Government</p> <p>AS 44.19.123</p> <p>Original Legislation: Ch. 121, SLA 1971</p>	<p>The purpose of this commission is to establish procedures to enable the commission to annually recommend to the governor promising young men and women from whom the governor may select both governor's interns and youth voting members of state boards and commissions. Twelve members are to be appointed by the governor.</p>	<p>Inactive. The Governor's Boards and Commission staff was unable to find any board appointments in their records.</p>
<p>8. Governor's Commission on the Administration of Justice</p> <p>AS 44.19.110</p> <p>Original Legislation: Ch. 88, SLA 1971</p>	<p>The purpose of the commission is to act as the state planning agency under the Federal Crime Control and Safe Streets Act of 1968 and the Juvenile Justice and Delinquency Prevention Act of 1974.</p>	<p>The commission has been inactive since 1983. There is a desire by the Department of Public Safety to revamp the oversight responsibilities envisioned by the enactment of related statutes at AS 12.62. Repeal of this commission should be considered in conjunction with current needs of the department.</p>

BOARD	DUTIES/FUNCTION	REASON FOR BOARD ELIMINATION
<p>9. Local Citizen Out of the Home Care Review Panel</p> <p>AS 47.10.420</p> <p>Original Legislation: Ch. 117, SLA 1990</p>	<p>The purpose of the panel is to review the case plan of each child in the custody of the Department of Health and Social Services (DHSS) who is in a placement other than the child's own home. The goal is to reunite the children with their families by ensuring the services are available and appropriate for reunification and if reunification is not in the best interests of the child, to expeditiously place the child in a secure, permanent home.</p>	<p>A board was appointed yet never met. The Division of Family and Youth Services said that the new legislation was never funded. The division continues to appoint their own local panels to satisfy federal requirements that are separate from local panels defined under this statute.</p>
<p>10. Milk Control Advisory Board</p> <p>AS 03.17.020</p> <p>Original Legislation: Ch. 136, SLA 1962</p>	<p>The purpose of the board is to advise the director of Agriculture in the formulation of policy for the operation of the market program, receive and report complaints and violations of a marketing order, and assist the director in collection of data. The director of Agriculture is to have an accounting made of the funds held by the board at least annually.</p>	<p>This advisory board has only been used a few times in the past 25 years. The last meeting was in the early 1980's.</p>
<p>11. Rural Affairs Commission</p> <p>AS 44.19.101</p> <p>Original Legislation: Ch. 125, SLA 1967</p>	<p>The purpose of the commission is to solicit and receive information, testimony, and documentation regarding rural progress, including land claims. The commission is also to report findings and recommend actions designed to assist the governor in reaching fair and equitable decisions regarding rural affairs. The governor is to appoint not less than 25 nor more than 60 persons to serve on this commission.</p>	<p>Inactive. The Governor's Boards and Commissions records show no appointments since 1976.</p>
<p>12. Steering Council for Alaska Lands</p> <p>AS 38.95.110</p> <p>Original Legislation: Ch. 47, SLA 1977</p>	<p>This steering council is to develop a unified lobbying and informational effort to insure that the land selection rights of the State are fully recognized, that Alaska Natives are provided an economic base in their land, and that Alaska's needs and future requirements are made known to Congress.</p>	<p>The State established this council in response to federal requirements. The federal requirements expired in 1990 and were never reinstated. The state council is inactive.</p>
<p>13. Yukon Taiya Commission</p> <p>AS 44.19.181</p> <p>Original Legislation: Ch. 85, SLA 1967</p>	<p>This commission was established in 1967 to oversee the initiation of a joint U.S. Canada study of the Yukon-Taiya hydroelectric project and related resource development.</p>	<p>Inactive. This commission was last recorded in the 1976 Governor's Boards and Commissions records.</p>

II - SUNSET

Background

In 1977 the Alaska Legislature created the state sunset law with the intent to establish systematic legislative oversight of specific programs and activities of the State. Alaska's law was patterned after the Colorado sunset legislation. Thirty-five other states also adopted sunset laws between 1976 and 1982.

Twelve states have either suspended or terminated their sunset review procedures. Reasons for the trend away from sunset focus on the following:

1. Inability to measure actual savings resulting from sunset review recommendations.
2. Objections of private interest group to the criticism and possible elimination of certain boards.
3. Lack of resources provided to undertake extensive work required by the law.
4. Repeat reviews of the same program are not felt to be cost effective.

While most other states' sunset laws only addressed boards and commissions, Alaska law includes boards, commissions, and various state programs. Boards and commissions subjected to sunset review are outlined in AS 44.66.010 and 08.03.010. Sunset provides for the automatic termination of a board unless specifically reauthorized by the legislature. The legislature completes performance reviews of selected sunset programs at least every four years.

Since the inception of Alaska's sunset process in 1977, the legislature has performed 106 sunset reviews. The Division of Legislative Audit has recommended termination 15 times. The Legislature has actually terminated boards six times, two of the six involve a recreated board. Terminations through sunset do not necessarily result in cost savings since professional licensees often pay for the cost of regulation through licensing fees.

The main benefit of sunset is government responsiveness and accountability

The Colorado chapter of Common Cause, who designed the first sunset laws, felt such laws represented an effort to hold government accountable. The Alaska process has resulted in improved efficiency in the operation of many boards, commissions, and programs. These entities are also more aware and responsive to public's best interest. Recommendations for improvement made by the auditors are normally partially or fully implemented. These improvements in programs reviewed under sunset legislation have proved to be more beneficial than any cost savings from terminating state programs or boards.

These benefits of sunset can continue to be recognized yet we believe the improvements can be made to the review process.

PROPOSED SUNSET SCHEDULE

June 30, 1994	June 30, 1995	June 30, 1996	June 30, 1997	June 30, 1998
	Board of Governors of the Alaska Bar Association (AS 08.03.010(2))		Council on Domestic Violence and Sexual Assault (AS 44.66.010(11))	
Code Revision Commission (AS 44.66.010(8))	Mechanical Examiners, Board of (AS 08.03.010(15))	Marital and Family Therapy, Board of (AS 08.03.010(14))	Certified Real Estate Appraisers, Board of (AS 08.03.010(7))	Marine Pilots, Board of (AS 08.03.010(13))
Citizen Review Panel on Permanency Planning (AS 44.66.010(17))	Hazardous Spill Technology Review Council (AS 44.66.010(19))	Certified Direct Entry Midwives, Board of (AS 08.03.010(6))	Alaska Women's Commission (AS 44.66.010(12))	Board of Parole (AS 44.66.010(3))
Storage Tank Assistance, Board of (AS 44.66.010(18))	Big Game Commercial Services Board (AS 08.03.010(5))	Dental Examiners, Board of (AS 08.03.010(10))	Barbers and Hairdressers, Board of (AS 08.03.010(4))	Pharmacy, Board of (AS 08.03.010(20))
Business Assistance Division, Alaska Industrial Development and Export Authority (Section 4, Ch. 162, SLA 1988)				
June 30, 1999	June 30, 2000	June 30, 2001	June 30, 2002	June 30, 2003
Older Alaskans Commission (AS 44.66.010(10))		Alcoholic Beverage Control Board (AS 44.66.010(1))		Alaska Public Utilities Commission (AS 44.66.010(4))
Special Education Services Agency (AS 44.66.010(14))	Public Accountancy, Board of (AS 08.03.010(1))	Psychologists and Psychological Associate Examiners, Board of (AS 08.03.010(22))	State Medical Board (AS 08.03.010(16))	Optometry, Board of Examiners in (AS 08.03.010(19))
Real Estate Commission (AS 08.03.010(23))	Clinical Social Work Examiners, Board of (AS 08.03.010(9))	Nursing Home Administrators, Board of (AS 08.03.010(18))	Nursing, Board of (AS 08.03.010(17))	Dispensing Opticians, Board of (AS 08.03.010(11))
	Architects, Engineers and Land Surveyors, Board of Registration for (AS 08.03.010(3))	Veterinary Examiners, Board of (AS 08.03.010(24))	Physical and Occupational Therapy, Board of (AS 08.03.010(21))	Chiropractic Examiners, Board of (AS 08.03.010(8))

Alaska has the most restrictive time period for its sunset review cycle

Alaska Statute 08.03.020 provides that a board may be continued or reestablished by the legislature for a period not to exceed four years unless the board is continued or reestablished for a longer period under AS 08.03.010. AS 44.66.010 says that a commission may be continued for a period not to exceed four years.

Most of the 24 sunset states have made major modifications to their sunset statutes. Agency reestablishment has normally ranged from 4 to 13 years.¹ The average review cycle considering all sunset states is eight years with many states going to review cycles of ten years or longer.

A look at the Alaska sunset cycle shows that of the 37 sunset entities, 17 (or 46%) have 1993 termination dates. Because the State of Alaska's sunset cycle is four years, the remaining 54% are divided over the remaining three years. The terms established by law are not sufficiently staggered to allow efficient completion of the necessary audits.

The cycle for reestablishment after the first sunset should be increased

We recommend that the review cycle for boards, after the first review, be extended from four to 10 years. Determination of public need which is the primary purpose of sunset has typically been established during the first review cycle. After the first review, boards are aware of the review process and are more likely to perform their duties in a more efficient manner.

Increasing the number of years between reviews places less demand on the limited audit resources of the State. Yet, enhanced legislative understanding of agency needs and activities, and effective and independent legislative oversight of executive agencies would continue to be achieved.

The chart on the previous page presents our suggested agency sunset review termination dates. Those boards shown in the latter part of the 10 year cycle are primarily those that have consistently been found to satisfy a public purpose and have demonstrated their ability to conduct their business in a satisfactory manner. Deficiencies noted for these boards have been relatively minor and recommended improvements for the most part are "housekeeping" in nature.

The boards shown in the early part of the sunset cycle are those that have not been subjected to an initial sunset audit, have had deficiencies not considered minor, or have been recommended for sunset by the GTF on Boards and Commissions. The GTF recommended that three boards shown in the sunset statutes not be extended past their sunset termination date. These boards are the Code Revision Commission which sunsets June 30, 1993;

¹*Sunset: A Survey and Analysis of the State Experience.* January/February 1990.

Hazardous Substance Spill Technology Review Council which sunsets June 30, 1994; and the Board of Storage Tank Assistance which sunsets June 30, 1996. We have scheduled them into the earliest portion of the sunset cycle.

Finally, the five largest programs for which sunset audits are required were staggered every other year over the ten year cycle. The boards with the most recent audit were put in the latter part of the cycle. Those without current audits were put in the early part of the cycle. The Alaska Tourism Marketing Council and the Tourism Coordinating Committee are currently under their first sunset review by the Division of Legislative Audit. The audit reports will separately recommend sunset extension dates, if deemed appropriate.

Authority exists under AS 24.20 to request performance reviews or special audits of any program under AS 08.03 or AS 44.66 if the legislature believes evaluation is necessary prior to the regular sunset review cycle. This provides an alternative means to evaluate certain boards and agency functions as necessary.

The legislature may want to consider removing some of these boards from sunset

Certain boards and commissions are required by the Alaska Constitution or by federal mandate. The constitution requires the State to have a parole system and the Parole Board has been determined by Alaska and other states to be the most efficient method of providing that system. Also, the Older Alaskans Act requires the State to have an Older Alaskans Commission or other senior advocacy agency. Finally, the federal Medicaid program requires a Board of Nursing Home Administrators. The legislature should consider removing these boards from the sunset process in recognition of these overriding influences.

Certain sunset review statutes are no longer applicable and should be repealed

We recommend the repeal of AS 44.66.020 - .030. These statutes are no longer applicable. This portion of the sunset statutes sets out provisions for the termination of programs selected by the legislature. However, there were no programs selected for sunset under these provisions. As a result, according to legislative counsel, the statutorily specified time such program could be selected has expired, and this portion of the statute is no longer valid.

III - COMMISSIONER REPRESENTATION ON BOARDS

The commissioners of the Departments of Revenue, Commerce and Economic Development, Health and Social Services, and Community and Regional Affairs are each required by statute or designated by the governor to be members of as many as twelve boards or commissions. This does not include temporary task forces, cabinets, or other bodies not dictated by statute for which they are asked or assigned to be members. The legislature should be aware that it may be impossible to attend all meetings of the bodies on which their membership is required.

Because of the demands of their positions, all commissioners designate others to serve in their place on certain boards. Statutes regarding a commissioner's authority to appoint designees to certain boards are inconsistent, vague in many instances, and non-existent in others. The strictest statutory language can be found in the Alaska State Pension Investment Board established by Chapter 31, SLA 92. Statutory language in AS 37.10.210 (h) states that a trustee may not designate another person to serve on the board in the absence of the trustee. This is the only board with a specific statutory prohibition on designation.

Conversely, AS 37.13.050 requires two commissioners to serve as trustees of the Alaska Permanent Fund Corporation. The statutes are silent regarding authority to designate representation on the board. We note that we are not aware of any instance in the corporation's history that a designation has been exercised.

The Alaska Energy Authority statutes read in part that the board for the Authority is to be comprised of *"three commissioners of principal executive departments appointed by the governor."* The statutes are silent on the authority of these commissioners to delegate their responsibilities. Yet, a review of Board of Director meeting minutes indicated that at a July 21, 1992 meeting, all three commissioners had delegated their responsibilities to either assistant or deputy commissioners, or to a regional director.

The table on the right lists boards for which statutes are silent regarding designated representatives. We have shown some of the more significant boards in bold type. Special attention should be made of boards with investment or bonding authority.

STATUTES SILENT REGARDING DELEGATION

Amateur Sport Authority
Alaska Energy Authority
Correctional Industries Commission
Environmental Advisory Board (inactive)
State Geographic Board
Governor's Commission on the
Administration of Justice (inactive)
Hazardous Substance Spill Technology
Review Council
Municipal Bond Bank Authority
North Pacific and Bering Sea
Fishing Fisheries Advisory Board
Alaska Permanent Fund Corporation
Alaska Railroad Corporation
Alaska Resources Corporation (inactive)
Royalty Oil and Gas Development Advisory Board
Alaska Student Loan Corporation
Tourism Marketing Council
Water and Wastewater Works Advisory Board
Water Resources Board

Other statutes explicitly allow for delegation. Membership statutes (AS 44.88.030(b)) for the Alaska Industrial Development and Export Authority (AIDEA) allow a commissioner who is unable to attend a meeting of the authority to designate a deputy or assistant to act in the member's place at the meeting. Yet, even with specific delegation requirements, our review of AIDEA meeting minutes shows delegation by the commissioner of the Department of Commerce and Economic Development to the interim director of the Alaska Energy Authority who would not be considered an assistant or deputy commissioner. Commissioners should be aware that an appropriate delegation may be crucial in the event a vote of the board is challenged. The chart above right lists those boards with specific delegation authority.

STATUTES ALLOWING A SPECIFIC DELEGATION

Alaska Coastal Policy Council
 Gas Pipeline Financing Authority (inactive)
 Alaska Housing Finance Corporation
 Alaska Industrial Development and Export Authority
 Alaska Medical Facility Authority (inactive)
 Alaska Sentencing Commission
 Alaska Soil and Water Conservation Board
 Telecommunication Information Council

The most common delegation language for appointment of board members is "*the commissioner or the commissioner's designee*". The table to the right lists those boards with this general language.

STATUTES ALLOWING DESIGNEE

The validity of the various types of delegatory authority is uncertain. According to Legislative Counsel, the appointment power of the governor is also a key issue as decided in a case about the Medicaid Rate Commission. In summary, the courts held that the phrase "appointed by the governor" supersedes any specific delegation language as well as any general delegation provisions of statute. That is, as a general rule, if the statutes establishing a board or commission say that the members are all appointed by the governor, then its members may not delegate their positions even if the statutes refer to designees.

Aerospace Development Corporation
 Bald Eagle Preserve Advisory Council
 Domestic Violence and Sexual Assault
 Emergency Response Commission
 Fisherman Fund Advisory and Appeals Council
 Board of Marine Pilots
 Mental Health Board
 Older Alaskans Commission
 Permanency Planning Commission
 Police Standards Council
 Storage Tank Assistance
 Tax Commission, Multistate

We recommend that the legislature take the action necessary to clarify and reaffirm the power of designation for those boards deemed appropriate. Where statutes are currently silent regarding delegation authority, we recommend that specific language be added either allowing or prohibiting designees.

IV - BOARDS WITH EXECUTIVE DIRECTORS

Executive director positions are responsible for serving as a chief administrative officer for the board. Most executive director positions are responsible for selecting and employing staff to meet the goals and objectives established by law for the specific entity. Our review indicated that although executive director/secretary positions are established in statutes, salaries are not. Selection of executive directors and establishment of their salaries are normally dictated by the Board of Directors.²

On the following page, we have presented an analysis of executive director salaries. This analysis is presented to provide background to legislators during deliberation on personal services budgets. This table indicates a number of inconsistencies exist. For example, there is no correlation between executive directors and staff size. There is also no consistency of the salary ranges at which executive directors are hired. There is sometimes no correlation between pay "step" and longevity.

Examples are shown of an executive director with one staff member paid at a higher range than an executive director with 85 staff members. Administrative management skills are required by the executive director of all entities, yet administrative management skills are only a part of what is required for executive directorship.

Pay does not reflect only administrative management skills

Significant differences in executive director pay results from expertise required for certain positions. As an example, the Alaska Permanent Fund Corporation Executive Director is responsible for investing \$13 billion. Other unique characteristics are reflective in some positions such as with the Aerospace Development Corporation. In order for Alaska to attract the expertise necessary to ensure success of the corporation, the salary must be competitive on the market.

"Step" of executive director may or may not reflect longevity

In most state jobs, the "step" of an individual's pay is indicative of the longevity of the individual's employment with the State (evidenced by the step of the executive director of the Alcoholic Beverage Control Board). Yet, sometimes the step is not reflective of the incumbents longevity in the position. The step was used to increase pay at the range specified for that position. As an example, the Alaska Seafood Marketing Institute executive director was hired in December 1991 and the Aerospace Development executive director started in August 1992. Neither "K" step is indicative of longevity.

² Examples of entities where the executive director is not hired by the board are: (1) the Alcoholic Beverage Control Board whose executive director is hired by the governor; and (2) the Medicaid Rate Advisory Commission.

EXECUTIVE DIRECTORS					
ENTITY	AGENCY	RANGE & STEP	ANNUAL SALARY & BENEFITS	STAFF SIZE	
				FT	PT
Alaska Railroad Corporation	DCED	Not Disclosable	Not Disclosable		
Alaska Housing Finance Corporation	DOR	OTS ¹	\$151,400	138 ²	1
Alaska Permanent Fund Corporation	DOR	OTS	\$149,600	23	0
Alaska Science and Technology Foundation	DOR	28M	\$133,400	4	0
Alaska Aerospace Development Corporation	DCED	29K	\$128,300	2	0
Alaska Industrial Development and Export Authority	DCED	28J	\$116,100	22	0
Alaska Energy Authority	DCED	28J	\$116,100	71	2
Alcoholic Beverage Control Board	DOR	26K	\$111,500	6	0
Alaska Seafood Marketing Institute	DCED	26K	\$111,500	14	0
Municipal Bond Bank Authority	DOR	28E	\$108,000	1	0
Older Alaskans Commission	DOA	26F	\$106,900	11	1
Medicaid Rate Advisory Commission	DHSS	25F	\$102,000	7	0
Alaska Commission on Postsecondary Education	DOE	27D	\$101,800	85	1
Parole, Board of	DOC	23L	\$100,200	4	0
Commission on Judicial Conduct	Court	26D	\$ 99,300	1	1
Human Rights Commission	OG	26D	\$ 97,700	14	1
Alaska Police Standards Council	DPS	23J	\$ 95,500	1	1
Alaska Bar Association	Court	OTS	\$ 93,900	15	0
Alaska State Council on the Arts	DOE	23J	\$ 91,900	2	2
Alaska Public Utilities Commission	DCED	26B	\$ 91,800	39	0
Alaska Public Offices Commission	DOA	24D	\$ 90,800	9	1
Alaska Tourism Marketing Council	DCED	24C	\$ 86,400	1	0
Council on Domestic Violence and Sexual Assault	DPS	24A	\$ 83,900	3	0

¹OTS indicates that the pay range is off the salary scale for state workers.

²The staff size shown for the Housing Finance Corporation is pre-merger with the Alaska State Housing Authority.

EXECUTIVE DIRECTORS					
ENTITY	AGENCY	RANGE & STEP	ANNUAL SALARY & BENEFITS	STAFF SIZE	
				FT	PT
Citizen's Advisory Commission on Federal Areas in Alaska	DNR	20E	\$ 83,000	1	0
Alaska Mental Health Board	DHSS	22D	\$ 79,400	2	1
Alaska Public Broadcasting Commission	DOA	22B	\$ 72,500	1	0
Nursing, Board of	DCED	18K	\$ 70,100	1	0
Storage Tank Assistance, Board of	DEC	21B	\$ 69,700	0	0
Citizens' Oversight Council on Oil and Other Hazardous Substances	Leg	21A	\$ 67,400	0	0
Alaska Soil and Water Conservation Board	DNR	21A	\$ 65,400	0	0
Medical Board	DCED	18E	\$ 63,400	0	0
Real Estate Commission	DCED	18E	\$ 63,400	0	0

Other boards statutorily allow an executive director or other similar staff, yet an executive director was not funded for FY 93. These boards are:

- Amateur Sports Authority
- Alaska Commission on Children and Youth in Alaska
- Gas Pipeline Financing Authority
- Governor's Commission on the Administration of Justice
- Historical Commission, Alaska
- Medical Facility Authority
- Mental Health Trust Authority
- Sentencing Commission, Alaska
- Women's Commission, Alaska

Benefit rates in the schedule above were calculated using the Governor's Division of Budget Review Position Authorization and Control System (PACS) listing submitted with the Governor's Budget request for FY 93. Dollar amounts were rounded to the nearest \$100.

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V - BOARD CONSOLIDATION

We reviewed draft recommendations prepared by the Governor's Task Force on Boards and Commissions on page 6 of Appendix B. The consolidations and related statutory citations are presented below. Members of the Governor's Task Force reviewed background information on each board in order to gain an understanding of the function and purpose of each board's existence. The Governor's Boards and Commissions staff initially recommended the consolidation of 77 boards combined into 20. The Task Force's draft report recommends consolidation of 19 boards into 8.

The Governor's Boards and Commissions office stated that they did not have a summary analysis which provides reasons for the recommended consolidation of boards and commissions. Through review of transcripts of task force meetings, we have summarized our understanding of the Task Force's reasoning for consolidation.

We have not performed additional audit work to confirm the appropriateness of these combinations or possible ramifications of the consolidations.

1. Primary Board: **Board of Education**

Combining Boards: Board of Education, AS 14.07.075
Block Grant Advisory Committee, PL 100-297

Reason for Combination: The Board of Education can assume responsibilities of the Block Grant Advisory Committee while maintaining federal funding. Cross members are on both the Board of Education and Block Grant Advisory Committee. The Governor's Task Force transcripts indicated that "*the Board of Education already serves as their members.*"

No legislative action is necessary to effect this consolidation as the Advisory Committee has no statutory standing.

2. Primary Board: **Soil and Water Conservation Board**

Combining Boards: Water Resources Board, AS 46.15.190
Soil and Water Conservation Board, AS 41.10.040

Reason for Consolidation: The Water Resources Board is an advisory board to the governor on all matters relating to the use and appropriation of water in the State. The Soil and Water Conservation Board advises the commissioner, the governor, and/or the soil and water conservation districts concerning soil and water resources of the State. Duties of the Water Resources Board are advisory and can be absorbed by the Soil and Water Conservation Board.

3. Primary Board: **Alaska Historical Commission**

Combining Board: Alaska Historical Commission, AS 41.35.300
Historical Sites Advisory Committee, AS 41.35.110
State Geographic Board, AS 44.19.054

Reason for Consolidation: The Alaska Historical Commission and Historical Sites Advisory Commission are both historically focused. The State Geographic Board is responsible for naming geographical areas and since names often come from a historical perspective, this was considered a feasible combination.

4. Primary Board: **Human Resources Investment Board**

Combining Boards: Governor's Council on Vocational and Career
Education, AS 14.35.010
Employment Security Advisory Council, AS 23.20.025
Job Training Council, PL 97-300

Reason for Consolidation: There has been a trend nationally to set up umbrella councils to oversee human resources issues such as job training and employment. All three boards have educational aspects. Due to similarities of these three councils, this would alleviate some duplication of effort.

5. Primary Board: **Human Relations Commission**

Combining Boards: Alaska's Women Commission, AS 44.19.165
Juvenile Justice and Family Services Advisory Committee,
CFDA 16.540
Alaska Commission on Children and Youth, AS 44.19.521

Reason for Consolidation: These three commissions deal with human relations issues. Initially it was proposed to have a Commission of Women, Men, and Children yet was later renamed the Human Relations Commission. All deal with human relations issues.

6. Primary Board: **Older Alaskans Commission**

Combining Boards: Older Alaskan Commission, AS 44.21.200
Alaska Pioneers' Home Advisory Board, AS 44.21.100

Reason for Consolidation: (We were unable to identify specific reasons offered by the Task Force.) The commissioner of Administration has expressed concern with this proposed consolidation citing dissimilar responsibilities of the boards.

7. Primary Board: **Board of Fisheries**

Combining Board: Board of Fisheries, AS 16.05.221
Pacific Marine Fisheries Commission, AS 16.45.020

Reason for Consolidation: This combination would allow Alaska's representative on the Pacific Marine Fisheries Commission to be appointed from the membership of the Board of Fisheries.

8. Primary Board: **Alaska Science and Technology Foundation**

Combining Boards: Science and Technology Foundation, AS 37.17.040
Science and Engineering Advisory Commission
Foundation, AS 44.19.255

Reason for Consolidation: With this combination, the Alaska Science and Technology Foundation would assume the advisory role of the Science and Engineering Advisory Foundation. The change would require the Foundation to annually provide an advisory report on science and engineering to the governor.

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VI - CONSISTENCY OF BOARD MEMBER COMPENSATION
AND TRAVEL REIMBURSEMENT

Travel and per diem for most boards and commissions is dictated by AS 39.20.180. Unless the board or commission is otherwise authorized in statute, the board member is entitled to receive expenses of transportation and per diem as prescribed by the commissioner of Administration. Our review showed that travel and per diem provided to board members was the standard as provided in AS 39.20.180. **In our opinion, no legislative action is necessary regarding travel and per diem provisions in statute.**

Board member compensation, other than travel and per diem, is set in statutes for specific boards. Only 21 of the 145 boards provide compensation to their members. Eighteen of the 21 receive compensation on a daily basis for meetings or official business. The remaining three entities provide salaries to their full-time "commissioners:"

Entity	Compensation
Oil and Gas Conservation Commission	Annual Salary. There are 3 commissioners. (one Range 27E and two Range 27D's). Salary and Benefits for a Range 27E is \$104,979
Commercial Fisheries Entry Commission	Members of the Commission receive monthly salary at a Range 26C. There are 3 commissioners. Salary and Benefits: \$95,795
Alaska Public Utilities Commission	Exempt service and entitled to monthly salary equal to a Range 26C for Juneau. There are five commissioners. Salary and Benefits: \$94,599

The draft report by the Governor's Task Force recommended that "*compensation to board members be standardized.*" We would encourage standardized compensation for boards with similar responsibilities and demands. As shown in the table on the following page, the amounts set are not consistent between boards, yet analysis of board responsibilities indicates that compensation should not necessarily be consistent between all boards.

When you consider the compensation for the Pension Investment Board members at \$150 per day and the Permanent Fund Corporation Board Trustees at \$400 per day, there appears to be an inconsistency in light of their similar responsibilities. Yet, we would not necessarily expect the compensation for these investment oversight boards and the Alaska Public Offices Commission to be commensurate.

Another discrepancy in board member compensation is that some board members are compensated for each meeting day and others, such as Alaska Industrial Development and Export Authority, receive \$100 for each day spent on official business.

Entity	COMPENSATION AMOUNT	
Alaska Permanent Fund Corporation	\$400	for each day public members meet or attend hearings
Alaska Railroad Corporation	\$400	for each day public members meet or attend hearings
Board of Fisheries	\$247	Rate equal to 20A per day for each day going to and each day in attendance at Board of Fish meetings; Rate equal to ½ of 20A per day for other meetings and conferences authorized by the board. The \$247 estimate is based upon a ten hour meeting.
Board of Game	\$247	Rate equal to a Range 20A per day for each day going to and each day in attendance at Board of Game meetings (equals \$24.65 per hour); Rate is equal to ½ of a Range 20A per day for other meetings and conferences authorized by board. The \$247 estimate is based upon a ten hour meeting.
Alaska Mental Health Trust Authority	\$200	for each day spent at meeting
Alaska Science and Technology Foundation	\$200	Honorarium for each day spent on official business of the board, not to exceed 30 days per annum (for members not employed by the University of Alaska)
Board of Parole	\$150	for each day member participates on board business (amount set by governor)
Reapportionment Board	\$150	Alaska Constitution, Article VI, Sec. 8: "Board members shall be compensated." Board directive allows \$150 per meeting day.
Alaska State Pension Investment Board	\$150	non-state employees get \$150 per day of meeting
Alaska Aerospace Development Corporation	\$100	\$100 for each day on official business
Alaska Housing Finance Corporation	\$100	Public members receive \$100 for each day spent on official business.
Alaska Industrial Development and Export Authority	\$100	Public members receive \$100 for each day spent on official business.
Occupational Safety and Health Review Board	\$50	per day for each day or portion of each day spent in actual meeting or on authorized official business incident to their duties
Alaska Public Offices Commission	\$50	per day while attending meetings
Workman's Compensation Board	\$50	per actual meeting day or day spent on authorized official business for management and labor members only