

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

No. 46
 Bill Version: CSSB 24(FIN)
 (S) Publish Date: 4-6-99

Revision Date _____	Dept. Affected <u>Alaska Court System</u>
Title <u>Regulatory Reform Act</u>	BRU <u>Alaska Court System</u>
Sponsor <u>Senator Donley</u>	Component <u>Trial Courts</u>
Requester <u>Senate Finance</u>	Component Serial No. <u>769</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY99) cost: None

POSITIONS

Position Type	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 See attached analysis

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Agency: <u>Alaska Court System</u>	Date/Time: <u>3/29/99 10:13 AM</u>
Approved by: <u>Stephanie J. Cole, Administrative Director</u>	Date: <u>3/29/99</u>
Agency: <u>Alaska Court System</u>	

#46

Alaska Court System
Fiscal Analysis
CSSB 24(FIN) Work Draft 1-LS0274/X, Bannister, 3/25/99
The Alaska Regulations Reform Act

Under current law, state agency regulations will withstand court challenges as long as they have been properly adopted and are consistent with their authorizing statutes. Because this standard is deferential to the agency, it is difficult to successfully challenge regulations in court. Section 15 of the current work draft to SB 24 changes this standard into a two-part test. (This new standard will only apply to regulations amended or adopted by the Department of Environmental Conservation, the Department of Natural Resources, and habitat and restoration programs within the Department of Fish and Game.) The first part requires that each affected regulation cause "the least necessary intrusion on the rights and property of the persons affected by the regulation." The second part requires that the regulation be "required by a substantial state interest." The substantial state interest standard is new and it is not clear how difficult the state's burden will be. What is clear, however, is that this two-part test is substantially less deferential to the state than the current standard. Because of this, it is anticipated that agency regulations will be easier to successfully challenge and that caseloads in this area will go up. However, the extent of that increase is currently too speculative to support a fiscal note. Should that increase prove significant, the court system may return to the legislature for additional funding.