

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSSB 287(STA)  
 (S) Publish Date: 2/20/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Legislature  
 Title "An Act relating to review of certain BRU Legislative Council  
regulations under the Administrative Procedures Act ..... Component: Legal and Research Svcs  
 Sponsor Senator Therriault  
 Requestor Senator Therriault Component No. 2028

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	233.4	233.4	233.4	233.4	233.4	233.4
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	12.0	12.0	12.0	12.0	12.0	12.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>245.4</b>	<b>245.4</b>	<b>245.4</b>	<b>245.4</b>	<b>245.4</b>	<b>245.4</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	245.4	245.4	245.4	245.4	245.4	245.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>245.4</b>	<b>245.4</b>	<b>245.4</b>	<b>245.4</b>	<b>245.4</b>	<b>245.4</b>

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time	1	1	1	1	1	1
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

CSSB 287(STA) would amend AS 24 and AS 44 to add a legal review by the Legislative Affairs Agency, Legal and Research Services Division of all proposed new, amended, or repealed State of Alaska administrative regulations, other than a proposal of a board, commission, council, or public corporation. This would include reviewing emergency regulations.

CSSB 287(STA), in contrast to the original version of SB287, excludes regulations proposed by boards, commissions, councils, or public corporations. Although still increasing the workload of the division, particularly during the session, this workdraft lessens the impact of this legislation by approximately 30%. All other regulations would still need to be reviewed by Legal Services to determine if the agency making the proposal has express or implied authority to adopt, amend, or repeal the regulation; whether the proposal implements, interprets, makes specific, or otherwise

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 Division: Administrative Services Date/Time 2/20/04 10:12 AM  
 Approved by: Pamela Varni, Executive Director Date 2/20/2004  
 Agency: Legislative Affairs Agency

## STATE OF ALASKA

## 2004 LEGISLATIVE SESSION

**ANALYSIS CONTINUATION**

carries out a statute; if the proposal is consistent with the statute, if it is reasonably necessary to carry out the purpose of the statute; and if the proposal is clear, grammatically and structurally sound, and understandable by those affected.

Some states, such as Colorado, perform a review of executive branch regulations, but only to determine if the rule making agency has the authority to make the rule. The review required by the proposed legislation would be more in depth. Some regulations would require minimal time to review. A reviewer in Colorado estimated that reviewing a regulation of average complexity could take up to 5 hours. A complex regulation would, of course take more time. Reviewing regulations is a year round process and would require year round staff.

In order to make the judgments required in the bill, the attorneys reviewing the regulations would need a breadth of knowledge about numerous agency responsibilities and diverse, often complex, subject matters, such as oil and gas regulations, which are frequently changed prior to the beginning of the calendar year. Fish and Game Board regulations would not need to be reviewed under this version of the legislation. The impact of reviewing these regulations as the session is gearing up in December, on top of the need to adequately research and draft prefiled bills for the upcoming session, or at the end of session when attorneys are working on rewrites or amendments, would make the option of using existing staff unworkable.

During the remaining portion of the year, the division is not fully staffed as some employees are seasonal and others are on annual leave. The division performs interim projects on other matters such as examining and preparing a report on all court decisions and opinions of the Attorney General construing Alaska Statutes, contract and litigation work, and interim projects such as title reviews and annual statute revision to incorporate new laws. During the interim the division receives and assigns between 50 to 100 new drafting requests per month. It is the opinion of the Legislative Affairs Agency that additional year round staff, both professional and secretarial would be needed to manage the added workload and provide continuity. The administrative attorneys would also provide consulting assistance to the Administrative Regulation Review Committee, in the inevitable situation where the Department of Law and the Legislative Affairs Agency do not agree upon a certain regulation and the committee is notified and wishes to take some action. In order to accomplish this new function, the current drafting attorneys would need to assist the new regulation attorneys with their review.

The Department of Law currently employs four legal professionals to perform their administrative regulation review responsibilities, ranging in pay scale from a 19 to a 25. Some of the responsibilities the Department of Law administers would not be required of the Legislative Affairs Agency, such as alerting agencies of the need for regulations or reviewing regulations of boards, commissions, councils, and public corporations. However, the substantive matters being reviewed are much the same. Some issues could easily be sent back and forth between the Department of Law and LAA during the review process multiple times for discussions and rewrites. The Legislative Affairs Agency believes, in order to perform the oversight and review responsibilities required by this legislation in the manner envisioned under this bill, the following increased costs would be required.

**Personal Services - full time positions**

Legal Admin Reg Review Supervisor - (Attny IV) Range 24 - 97.4

Senior Admin Review Attorney - (Attny III) Range 23 - 91.5

Part time (10 months) Legal Secretary - Range 14 - 44.4

**Total Personal Services 233.4**

**Contractual**

Contractual costs for phones, advertising for position vacancies, and other contractual items will be absorbed within existing budgets. There is no room to house the new staff in the TMLob.

500 square feet of office space would need to be rented to house the new staff. Estimated

costs for renting the space are 500 sq ft at 2.00 sq foot x 12 months. **Total Contractual 12.0**

**Travel, Supplies, and Equipment**

These costs will be absorbed within existing budgets.