



STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 480  
 Title: Re: adoption & expiration  
of a regulation  
 Sponsor: Bettisworth  
 Requestor: House Finance Committee  
 Date of Request: 4/25/84

FISCAL DETAIL

Agency Affected: all  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
<b>TOTAL OPERATING</b>		0				
<b>CAPITAL</b>		0				
<b>REVENUE</b>		0				

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
<b>TOTAL</b>		0				

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Al Adams, Chair *APA* Phone: 465-3706  
 Division: House Finance Committee Date: 4/25/84

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Introduced: 1/9/84  
Referred: State Affairs

1 IN THE HOUSE

BY BETTISWORTH AND LISKA

2

HOUSE BILL NO. 480

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to adoption and expiration of a  
7 regulation; and providing for an effective date."

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

9 \* Section 1. AS 44.62.200(a) is amended to read:

10 (a) The notice of proposed adoption, amendment, or repeal of a  
11 regulation shall include

12 (1) a statement of the time, place, and nature of proceed-  
13 ings for adoption, amendment, or repeal of the regulation;

14 (2) reference to the authority under which the regulation  
15 is proposed and a reference to the particular code section or other  
16 provisions of law which are being implemented, interpreted, or made  
17 specific;

18 (3) an informative summary of the proposed subject of  
19 agency action;

20 (4) other matters prescribed by a statute applicable to the  
21 specific agency or to the specific regulation or class of regulations;

22 (5) a summary of the fiscal information required to be  
23 prepared under AS 44.62.195;

24 (6) the reasons for the proposed regulation;

25 (7) a general statement of anticipated impacts regarding  
26 costs of compliance by the persons, industries, and businesses  
27 directly affected by the proposed regulation.

28 \* Sec. 2. AS 44.62 is amended by adding a new section to read:

29 Sec. 44.62.025. EXPIRATION OF A REGULATION. (a) A regulation

1        adopted by a state agency that is not continued as provided in (b) of  
2        this section expires at the end of a period of three years from its  
3        effective date unless the regulation specifies an earlier expiration  
4        date. An expired regulation is not effective for any purpose, but all  
5        rights, penalties, forfeitures or liability that had accrued under the  
6        regulation before that date continue and the regulation shall be  
7        treated as remaining in force for the purpose of sustaining any proper  
8        action or prosecution for the enforcement of a right, penalty, forfei-  
9        ture or liability that had accrued. A new regulation may contain all  
10       or part of the provisions of an expired regulation.

11       (b) An agency adopting a regulation after the effective date of  
12       this Act shall review the regulation within three years after its  
13       adoption and at three-year intervals after the initial review. An  
14       agency regulation adopted before the effective date of this Act shall  
15       be reviewed by the agency within three years after the effective date  
16       of this Act and at three-year intervals after the initial review. At  
17       the conclusion of its review, the agency shall either continue, amend,  
18       or repeal the regulation. If the agency amends or repeals the regula-  
19       tion, it shall comply with the requirements of this chapter. If the  
20       agency continues the regulation, it shall file with the lieutenant  
21       governor a notice that the agency will continue the regulation and a  
22       statement of an adequate supporting reason for the continuation of the  
23       regulation, which shall be available for public inspection. The  
24       supporting reason must include:

- 25                (1) a reasoned justification of the regulation;
- 26                (2) a summary of comments received after adoption of the  
27       regulation from parties interested in it, showing the name of the  
28       person commenting on the regulation;
- 29                (3) a statement of the regulation's factual bases;

1                   (4) the reasons the agency disagrees with comments that  
2                   oppose the regulation; and

3                   (5) a statement of the statutory provisions under which the  
4                   regulation was adopted and a concise statement of the reasons the  
5                   provisions authorize the regulation.

6           \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
7           10.070(c).

SUMMARY OF FISCAL NOTES

<u>Agency/Division</u>	<u>Amount</u>
DEC	\$ 145.0
DOA	0.0
DOE	25.7
DF&G	420.0
DHSS	47.2
Law	239.7
DNR	44.7
DPS	0.0
Revenue	31.8
Labor -- Standards & Safety	194.7
-- Commissioner	52.0
-- Workers' Comp	95.0
DCED -- Accounting/Colls.	15.0
-- Corporations	56.1
-- Insurance	25.0
-- Investments	5.0
-- Occupational Licens.	81.6
-- Real Estate Comm.	46.1
<b>TOTAL</b>	<b>\$1524.6</b>

Complete set of  
fiscal notes for  
HB 480

Revision Date: February 9, 1984

**REQUEST**

**Bill/Resolution No.:** HB 480  
**Title:** "An Act Relating to Adoption & Expiration of a Regulation"  
**Sponsor:** Bettisworth & Liska  
**Requestor:**  
**Date of Request:**

**FISCAL DETAIL**

**Agency Affected:** AK, Dept. of Env. Cons.  
**Program Category Affected:**  
 All 14 programs  
**BRU, Program or Subprogram(s) Affected:**  
 All 5 divisions

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		100.0	100.0	110.0	110.0	120.0
200 TRAVEL		5.0	5.0	5.0	5.0	5.0
300 CONTRACTUAL		25.0	25.0	35.0	35.0	35.0
400 SUPPLIES		5.0	5.0	5.0	5.0	5.0
500 EQUIPMENT		10.0	10.0	10.0	15.0	15.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		145.0	145.0	165.0	165.0	175.0
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		145.0	145.0	165.0	165.0	175.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		145.0	145.0	165.0	165.0	175.0

**POSITIONS:**

FULL-TIME		3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

**ANALYSIS:** Attach a separate page for analysis

**Prepared By:** Joe Clagouhos  
**Division:** Environmental Quality Management  
**Approved by Commissioner:** Richard A. Neve  
**Agency:** Alaska Dept. Environmental Conservation

**Phone:** 465-2640  
**Date:** February 9, 1984  
**Date:** February 10, 1984

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency (Yes)

12/1/83

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

POSITION PAPER ON HB 480

FEBRUARY 9, 1984

The Department of Environmental Conservation supports the amendments proposed in Section 1.

DEC opposes the requirements that would be imposed by Section 2 regarding expiration and review of regulations. At present the department administers regulations in Title 18 of the Alaska Administrative Code, a total of 320 pages. Most of these regulations have been developed or amended as necessary since 1976. HB 480 would require either "sunset" or a burdensome review of all these regulations, if enacted. The Litter Reduction and Recycling statute specifically included a sunset provision; this statute expires July 30, 1984. It is felt that this type of statutory comment is more appropriate than the proposed costly review exercise covering all existing or future regulations.

At present it takes from one to two years to develop regulations, have public hearings, redraft and promulgate the regulations. The requirements of Section 2 would virtually shut down all other efforts of our Central Office program managers for several months a year. In addition it is anticipated that we would need two professional staff and a clerk typist to assist these people in doing a meaningful review pursuant to the detail in Section 2. It is felt that this proposal would be very time intensive and not cost effective for the general public, regulated community, or the department.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_, 1984  
Page 1 of 1

REQUEST

Bill/Resolution No.: HB 480  
Title: An Act relating to adoption and expiration of a regulation, and providing for an effective date  
Sponsor: Bettisworth and Liska  
Requestor: House State Affairs  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: All  
Program Category Affected: All  
BRU, Program of Subprogram(s) Affected: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING	0	0	0	0	0	0
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Kenneth R. Ryals  
Division: Administrative Services

Phone: 465-2277  
Date: February 14, 1984

Approved by Commissioner: Lisa Rudd  
Agency: DEPARTMENT OF ADMINISTRATION

Date: 2/15/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Position Paper

HB 480

Section 1 of this bill would add two additional criteria that must be placed in the notice of proposed adoption, amendment, etc. The first proposed addition, (6), appears to be reasonable and should be included. The second proposed addition to AS 44.62.200(a), which is (7), is material which will normally become known and be generated by public hearing and is not necessarily known prior to said hearing. The Department would support the adoption of Section 1 if it were amended to drop the proposed inclusion of (7).

Section 2 would cause all regulations promulgated under the Administrative Procedures Act to become null and void by default if positive steps are not taken to continue, in some form, those regulations. We believe the intent of Section 2 is to cause departments to periodically review their regulations to keep them current as well as cull those regulations which are no longer appropriate. We would applaud that purpose. We do not believe the abolishment of regulations by inactivity is the appropriate means to that end. We believe one result which would be accomplished by passage of Section 2 is to perpetuate a body of regulations in the Administrative Code which all parties believe is in effect but in reality may no longer have legal standing. The only way, under the proposed legislation, to determine if a regulation is still in effect is to check with the Lt. Governor's office to determine if the appropriate papers have been filed to assure its continuation. Additionally, this section would provide means to abolish regulations much needed for protection of the public, etc., without public hearing by merely remaining silent on the issue. This department cannot support Section 2 as proposed.

The Department of Administration opposes this bill in its current form.

*Kenneth R. Ryals*

\_\_\_\_\_  
Kenneth R. Ryals  
Director  
Division of Administrative Services

*2-14-84*

\_\_\_\_\_  
Date

*Lisa Rudd*

\_\_\_\_\_  
Commissioner Lisa Rudd  
Department of Administration

*2/15/84*

\_\_\_\_\_  
Date

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 480  
Title: .....adoption and  
of a regulation....  
Sponsor: Rep. Robert H. Bettisworth  
Requestor: State Affairs  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Education  
Program Category Affected: Elementary and  
Secondary Education  
BRU, Program or Subprogram(s) Affected:  
Executive Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		25.7	27.0	28.4	29.8	31.3
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		25.7	27.0	28.4	29.8	31.3
CAPITAL		0				
REVENUE		0				

FUNDING: (Thousands of Dollars)

GENERAL FUND		25.7	27.0	28.4	29.8	31.3
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Bill will require addition of one Clerk Typist III.

ANALYSIS: Attach a separate page for analysis

Prepared By: Steve Hole Phone: 465-2800  
Division: Commissioner's Office Date: \_\_\_\_\_  
Approved by Commissioner: Harold Reynolds, Jr. Date: 2/10/83  
Agency: Education

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB480  
 Title: ...adoption and expiration of regulation...  
 Sponsor: Bettisworth and Liska  
 Requestor: Governor's Office  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Fish and Game  
 Program Category Affected: SRMEC  
 BRU, Program or Subprogram(s) Affected: Boards of Fisheries and Game

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		54.0	56.7	59.5	62.5	65.6
200 TRAVEL		341.4	358.5	376.4	395.2	415.0
300 CONTRACTUAL		20.0	21.0	22.1	23.2	24.3
400 SUPPLIES		5.0	5.3	5.5	5.8	6.1
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		420.0	441.5	463.5	486.7	511.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		420.0	441.5	463.5	486.7	511.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME		1	1	1	1	1
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor of bill.

ANALYSIS: Attach a separate page for analysis

Prepared By: Kristin Wright Phone: 463-4110  
 Division: Boards of Fisheries and Game Date: 1/29/84

Approved by Commissioner: [Signature] Date: 2-20-84  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Fiscal Impact Statement for Implementing  
House Bill No. 480: Expiration of Regulations

Board of Fisheries Meeting

Assume:

- 7 Board members with travel and per diem
- 1 meeting per year, 30 days
- travel at \$400 per ticket, average
- per diem at the rate of \$150 per day

Calculation:

- travel: 7 x \$400 = \$ 2,800
- per diem: 7 x 30 x \$150 = 31,500

\$ 34,300

Board of Game Meeting

Assume:

- 7 Board members with travel and per diem
- 1 meeting per year, 30 days
- travel at \$400 per ticket, average
- per diem at the rate of \$150 per day

Calculation:

- travel: 7 x \$400 = \$ 2,800
- per diem: 7 x 30 x \$150 = 31,500

34,300

Advisory Committees

Assume:

- 72 Advisory Committee chairmen
- 2 meetings (Board of Fisheries, Board of Game)
- 15 day duration including travel days
- travel at \$500 per ticket, average
- per diem at \$80 per day

Calculation:

- travel: 72 x 2 x \$500 = \$ 72,000
- per diem: 72 x 2 x 15 x \$80 = 172,800

244,800

Board Staff

## Assume:

- 5 staff with travel and per diem
- 2 meetings (Board of Fisheries, Board of Game),  
30 days each
- travel at \$400 per ticket, average
- per diem at the rate of \$80 per day
- an additional Regulations Specialist II, Range 16 A
- an additional part-time Clerk Typist III, Range 8 A

## Calculation:

- |   |                 |  |
|---|-----------------|--|
| - travel: 5 x 2 x \$400                               | = \$ 4,000      |  |
| - per diem: 5 x 60 x \$80                             | = 24,000        |  |
| - Salary and Benefits of<br>Regulations Specialist II | = 34,000        |  |
| - Salary and Benefits of<br>Clerk Typist III          | = <u>20,000</u> |  |

82,000Commodity Expenditures

## Assume and Calculation:

- |  |                   |               |
|--|-------------------|---------------|
| - \$25,000 for printing,<br>advertising and supply costs | = <u>\$25,000</u> | <u>25,000</u> |
|--|-------------------|---------------|

TOTAL

\$420,400

RECEIVED  
3-2-84

POSITION PAPER  
HOUSE BILL NO. 480  
PAGE 1

" An Act relating to adoption and expiration of regulations; and providing for an effective date."

House Bill 480 amends the Administrative Procedures Act and particularly those portions relating to adoption, amendment and repeal of administrative regulations. Section one of the bill has the effect of expanding the kinds of information presently required in a public notice of proposed adoption, amendment or repeal of a regulation. The new notice would include a statement of reasons for the proposed regulation and a statement of "anticipated impact regarding costs of compliance by the persons, industries and businesses directly affected by the proposed regulation." Section two of the bill would create a new section to the Alaska statutes. This new section would require a review of all state agency regulations at least once every three years. At least once every three years each state agency would be required to amend, repeal or continue each regulation it has adopted. Procedures for amendment or repeal of regulations would not change. If agency continued a regulation, the agency would be required to file a notice with Lieutenant Governor which would include; (1) justification; (2) a summary of comments received after the adoption of the regulation; (3) a statement of the regulations factual basis; (4) a statement of reasons for the agency's disagreement with comments that oppose the regulation; (5) a statement explaining the statutory authorization for the regulation. Regulations not continued or awarded would lapse.

The Alaska statutes direct the Department of Health and Social Services to adopt regulations in over forty different places. The Department has adopted regulations dealing with approximately forty separate and distinct areas of concern. (See attached exhibit one.)

At present, the Department of Law is assisting the Department of Health and Social Services with approximately twenty projects related to the adoption or amendment of regulations (see attached exhibit two). The process of adopting regulations is somewhat time consuming. It is not unusual for a period of more than a year to elapse between the first proposal of regulations and the final adoption of regulations. The procedural regularity of the adoption of regulations has been the grounds for challenge of regulations in the public assistance area several times. Note for example ACM v. Smith case number 3-AN-83-8115 presently pending in the Superior Court in Anchorage. The proposed additions to a AS 44.62.200(a) are worded very generally. The Department would, until the Alaska Supreme Court had determined the extent of those new requirements, be concerned about disruptive and costly litigation which would cast into doubt properly adopted regulations. Similarly, under the new

POSITION PAPER

HOUSE BILL NO.480

PAGE 2

AS 44.62.025, the Department might be subject to challenges of continued regulations, based on the efficacy of its compliance with subsections (b)(1),(b)(2),(b)(3),(b)(4) and (b)(5), of that section. The new sections do not establish a procedure for soliciting comments about adopting regulations. Thus the Department would need to establish internal systems of control to make sure that all such comments, whenever received and from whatever source, were collected and collated. The new section also requires a demonstration of factual bases of the regulation being continued and the agencies reasons for disagreeing with adverse public comments. The nature and extent of evidence required is unclear. Until the courts have ruled upon challenges to continued regulations based on the lack of sufficient evidence as to the factual bases of regulations, or the lack of rational basis for disagreement with comments, the department will be unsure of the sufficiency of its compliance. The new statute would add considerable administrative delay and uncertainty, to the state's public assistance and public health programs.

A review of the subject matter of the Department of Health and Social Services regulations demonstrates that they are primarily concerned with public assistance programs, and public health programs. Very few of DHSS's regulations directly affect a wide spectrum of industries and businesses. Instead, the Department of Health and Social Services regulations mainly affect indigent, ill and disabled persons. The Department works closely on a day to day basis with those affected by its regulations. The three year review process would add little that is new in making the department aware of the burdens which its regulations may place on the public. Further, many of the department's programs, particularly public assistance programs, are joint programs of the state and of the federal government. The Department often has no choice but to accept federal requirements for those programs. The Department must, as a condition of federal funding meet all federal requirements. Again, the three year review process would be superfluous.

Last, though the Department does not anticipate that such a situation would be allowed to arise in Health and Social Services, if public assistance or public health regulations were allowed to lapse, and the

POSITION PAPER  
HOUSE BILL NO.480  
PAGE 3

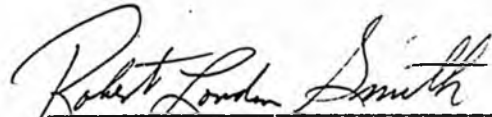
department lost its authority to run a program such as Medicaid, the affects on the indigent and on public health might be devastating. For all the above reasons, the Department of Health and Social Services opposes this bill.

RECOMMENDED:

Dan Burton, Special Assistant

DATE:

APPROVED BY:

  
ROBERT LONDON SMITH, Ph.D.  
COMMISSIONER

DATE:

3/11/84

<u>SUBJECT</u>	<u>STATUTE</u>	<u>REGULATIONS</u>
Vital Statistics (Birth/Death Certificates)	AS 18.50.020	7AAC Ch. 5
Certificate of Need	AS 18.07.101	7AAC Ch. 7
Design & Construction of Medical Facilities	AS 18.20.080	7AAC Ch. 9
Licensing, Maintenance & Operation of Medical Facilities	AS 18.20.060	7AAC Ch. 12
Occupational Health	AS 18.05.040(1)	7AAC Ch. 20
Infant Learning Programs	AS 47.20.010(b)	7AAC Ch. 23
Compressed Oxygen	AS 18.05.040(18)	7AAC Ch. 25
Emergency Medical Services	AS 18.08.080	7AAC Ch. 26
Control of Diseases of Public Significance	AS 18.05.040(1)	7AAC 27.005- 7AAC 27.080
Tuberculous Control	AS 18.05.120	no regs
Venereal Disease Control	AS 18.05.040	7AAC 27.111
Physical Examination of Children	AS 14.30.065	7AAC 27.213
Prenatal Blood Tests	AS 18.15.160	7AAC 27.360
Premarital Testing	AS 25.05.105	7AAC 27.360
Screening for Metabolic Diseases	AS 18.15.200	7AAC 27.510.560
Designation of Isolated Areas for Dentistry Licensing	AS 08.36.271	7AAC 27.370
Assistance to Hospital & Health Facilities	AS 18.25.100	
Advertising of Drugs	AS 17.20.170	
Adulterated & Mishandled Drugs	AS 17.20.180	
Radiation Protection	AS 18.60.475	18 AAC Ch.85
Community Alcoholism Grants	AS 47.30.477	7AAC Ch.28
(Alcohol) Breath Analysis & Blood Analysis	AS 28.35.033(d)	7AAC Ch.30
Methadone Programs	AS 18.05.040	7AAC Ch.33
Embalming	AS 18.05.040(7)	7AAC Ch.35
Confidentiality of Client Records (Children)	AS 47.10.250 AS 47.05.020 AS 47.17.040	7AAC Ch.36
Confidentiality of Client Records (Public Assistance)	AS 47.05.020 AS 47.05.010	7AAC 37.010-140
DHSS Personnel Systems	AS 47.05.010(3)	7AAC 37.170
Appointment of DHSS Agents	AS 47.05.010(13)	7AAC 37.180
Effects of Permanent Fund on Public Assistance	AS 43.23.075	7AAC Ch.38
Adult Public Assistance	AS 47.05.010(1) AS 47.25.430	7AAC Ch.40
Medicaid Assistance	AS 47.05.010(1) AS 47.07.010	7AAC Ch.43

\*Requires concurrence of  
Department of Public Assistance

<u>SUBJECT</u>	<u>STATUTE</u>	<u>REGULATIONS</u>
Energy Assistance	AS 47.05.010	7AAC Ch.44
Aid to Families with Dependent Children	AS 47.25.330	7AAC Ch.45
Food Stamps	AS 47.25.980	7AAC Ch.46
General Relief Assistance	AS 47.25.120	7AAC Ch.47
Catastrophic Illness Assistance	AS 47.08.130	7AAC Ch.48
Public Assistance Fair Hearings	AS 47.05.010(10)	7AAC Ch.49
Residential Child Care Facilities (Day Care, & Foster Care, Standards & Licensing)	AS 47.35.030	7AAC 50.001-620 7AAC 50.119
Foster Home Care Payments	AS 47.10.150(8) *AS 47.10.250 AS 47.40.010	7AAC 50.710-850
Design, Construction, Repair, Maintenance, & Operation Juvenile Correctional Facilities & Juvenile Detention Facilities	AS 47.10.150(3)	7AAC Ch.52
Adult Residential Care Facilities	AS 47.80.130 AS 47.35.030	7AAC Ch.55
Community Mental Health Services	AS 47.30.540(a)	7AAC Ch.71

\*Section 2, Chapter 138 SLA 1982  
Suspended the effects of this section until 6/30/84

## STATE OF ALASKA - DEPARTMENT OF LAW

## CASE MANAGEMENT / TIME REPORTING SYSTEM

REPORT: CASES FOR H&amp;SS/OTHER BY WORK TYPE BY WORK MANAGEMENT NUMBER FROM TO

## HAPPY NEW YEAR

ATTORNEY	WORK TYPE	WMNO	R	CASE TITLE
MUNSON, NYRA	AID TO AGENCY	566-183-83		CONFIDENTIALITY OF H&SS RECORDS SEX ABUSE CASES
SNOW, REBECCA	AID TO AGENCY	566-056-84		SEC 109 AGREEMENT/CROW BAND
SNOW, REBECCA	AID TO AGENCY	566-057-84		TRANSP EXP FOR WITNESSES
SNOW, REBECCA	AID TO AGENCY	566-071-84		DAY CARE LICENSING--MILITARY BASES
SNOW, REBECCA	AID TO AGENCY	566-072-84		BARRON-ICHA & TEXAS HOMESTUDY
MUNSON, NYRA	AID TO AGENCY	566-125-84		PL 96-272 HEARING REQUIREMENTS & FORMS REVISION
CERRO, LINDA	AID TO AGENCY	366-399-83		AUTHORITY FOR JOB PROGRAMS UNDER AFDC
SCOCCIA, LINDA	AID TO AGENCY	366-022-84		KETCHIKAN YOUTH FACILITY LEASE REVIEW
SHAW, ELIZABETH	AID TO AGENCY	366-023-84		RVH OF COMMUNITY MENTAL HEALTH CLINIC GRANT PROCESS--SEARCH
FROELICH, PETE	AID TO AGENCY	366-082-84		FEDERAL OFFER TO FUND NEW MEDICAID FRAUD UNIT IN AGO
CERRO, LINDA	AID TO AGENCY	366-197-84		MEDICAID UPPER LIMITS AND RESTRICTED GRANTS
SHAW, ELIZABETH	AID TO AGENCY	366-216-84		ALCOHOL COMMITMENT PROCEDURES (JUNEAU)
CERRO, LINDA	AID TO AGENCY	366-235-84		RVH PUBLIC ASSISTANCE APPLICATION FORM
SHAW, ELIZABETH	AID TO AGENCY	366-302-84		SLIDING SCALE FEE SYSTEM HOME HEALTH NURSING
ROBERTSON, RICK	AID TO AGENCY	366-304-84		CTI LIBRARY SYSTEMS INC--SECURITY INTEREST
SHAW, ELIZABETH	AID TO AGENCY	366-324-84		AAFS--ENBALMING REGS

TALLY WORK TYPE: 24

ROBERTSON, RICK	LEGISLATIVE DRAFTING	377-077-84		CONTRACTING W/SOC SERV ADMIN TO ADMINISTER ADULT PUB ASSIST
HORETSKI GAYLE	LEGISLATIVE DRAFTING	377-083-84		FOOD STAMP FRAUD

TALLY WORK TYPE: 2

SCOCCIA, LINDA	REGULATION REVIEW	J99-041-81		PLACEMENT AGENCY
ROBERTSON, RICK	REGULATION REVIEW	J99-099-82		(7 AAC 43, 47 & 48)G.R., G.R./MED, MEDICAID, CATAS
CERRO, LINDA	REGULATION REVIEW	J99-106-82		(7 AAC 45) AFDC REGS
SHAW, ELIZABETH	REGULATION REVIEW	399-001-83		DAY CARE (7 AAC 50.120--275)
SHAW, ELIZABETH	REGULATION REVIEW	399-077-83		MEDICAID "S17" (7 AAC 43.005, 020, 035, 090, 770, 780)
CERRO, LINDA	REGULATION REVIEW	399-105-83		AFDC/INCOME ELIGIBILITY STANDARDS & MAXIMUM PNTS (7 AAC 45.140)
SHAW, ELIZABETH	REGULATION REVIEW	399-123-83		MEDICAID (7AAC 43.115--7 AAC 43.730)
SHAW, ELIZABETH	REGULATION REVIEW	399-137-83		RESIDENT CHILD CARE FACILITY (7 AAC 50.001--114)
ROBERTSON, RICK	REGULATION REVIEW	399-139-83		DISEASE REPORTING REGS (7 AAC 20.340--410 & 27.005--020)
CERRO, LINDA	REGULATION REVIEW	399-145-83		MED ASSIST: PROSPECTIVE PAYMENTS (7 AAC 43.710, 715 & 720)
SCOCCIA, LINDA	REGULATION REV. EU	399-303-84		CERT OF NEED AMS (7 AAC 26.07)
SHAW, ELIZABETH	REGULATION REVIEW	399-064-84		ADULT PA CFEC PERMITS (7 AAC 40.200)
SHAW, ELIZABETH	REGULATION REVIEW	399-018-84		AMS TO ENT REGS (7 AAC 26.010--130)
SCOCCIA, LINDA	REGULATION REVIEW	399-623-84		AMS DESIGN/CONSTR HOSP FACIL (7 AAC 9)
SCOCCIA, LINDA	REGULATION REVIEW	399-028-84		TIME OF USE GRANT INCOME (7 AAC 78.210)
SHAW, ELIZABETH	REGULATION REVIEW	399-032-84		CURRENT H&SS ORGANIZATION IN AAC
ROBERTSON, RICK	REGULATION REVIEW	399-034-84		ENERGY ASST PROG--7 AAC 44.040 ETC.
SHAW, ELIZABETH	REGULATION REVIEW	399-057-84		ASSISTANCE FOR COMMUNITY HEALTH FACILITY
ROBERTSON, RICK	REGULATION REVIEW	399-062-84		AMOUNT OF ENERGY ASSISTANCE (7 AAC 44.080)
SHAW, ELIZABETH	REGULATION REVIEW	399-073-84		ENT CERTIFICATION--7 AAC 26.100

TALLY WORK TYPE: 20

<u>SUBJECT</u>	<u>STATUTE</u>	<u>REGULATIONS</u>
Energy Assistance	AS 47.05.010	7AAC Ch.44
Aid to Families with Dependent Children	AS 47.25.330	7AAC Ch.45
Food Stamps	AS 47.25.980	7AAC Ch.46
General Relief Assistance	AS 47.25.120	7AAC Ch.47
Catastrophic Illness Assistance	AS 47.08.130	7AAC Ch.48
Public Assistance Fair Hearings	AS 47.05.010(10)	7AAC Ch.49
Residential Child Care Facilities (Day Care, & Foster Care, Standards & Licensing)	AS 47.35.030	7AAC 50.001-620 7AAC 50.119
Foster Home Care Payments	AS 47.10.150(8) *AS 47.10.250 AS 47.40.010	7AAC 50.710-850
Design, Construction, Repair, Maintenance, & Operation Juvenile Correctional Facilities & Juvenile Detention Facilities	AS 47.10.150(3)	7AAC Ch.52
Adult Residential Care Facilities	AS 47.80.130 AS 47.35.030	7AAC Ch.55
Community Mental Health Services	AS 47.30.540(a)	7AAC Ch.71

\*Section 2, Chapter 138 SLA 1982  
Suspended the effects of this section until 6/30/84

<u>SUBJECT</u>	<u>STATUTE</u>	<u>REGULATIONS</u>
Vital Statistics (Birth/Death Certificates)	AS 18.50.020	7AAC Ch. 5
Certificate of Need	AS 18.07.101	7AAC Ch. 7
Design & Construction of Medical Facilities	AS 18.20.080	7AAC Ch. 9
Licensing, Maintenance & Operation of Medical Facilities	AS 18.20.060	7AAC Ch. 12
Occupational Health	AS 18.05.040(1)	7AAC Ch. 20
Infant Learning Programs	AS 47.20.010(b)	7AAC Ch. 23
Compressed Oxygen	AS 18.05.040(18)	7AAC Ch. 25
Emergency Medical Services	AS 18.08.080	7AAC Ch. 26
Control of Diseases of Public Significance	AS 18.05.040(1)	7AAC 27.005- 7AAC 27.080
Tuberculous Control	AS 18.05.120	no regs
Venereal Disease Control	AS 18.05.040	7AAC 27.111
Physical Examination of Children	AS 14.30.065	7AAC 27.213
Prenatal Blood Tests	AS 18.15.160	7AAC 27.360
Premarital Testing	AS 25.05.105	7AAC 27.360
Screening for Metabolic Diseases	AS 18.15.200	7AAC 27.510.560
Designation of Isolated Areas for Dentistry Licensing	AS 08.36.271	7AAC 27.370
Assistance to Hospital & Health Facilities	AS 18.25.100	
Advertising of Drugs	AS 17.20.170	
Adulterated & Mishandled Drugs	AS 17.20.180	
Radiation Protection	AS 18.60.475	18 AAC Ch.85
Community Alcoholism Grants	AS 47.30.477	7AAC Ch.28
(Alcohol) Breath Analysis & Blood Analysis	AS 28.35.033(d)	7AAC Ch.30
Methadone Programs	AS 18.05.040	7AAC Ch.33
Embalming	AS 18.05.040(7)	7AAC Ch.35
Confidentiality of Client Records (Children)	AS 47.10.250 AS 47.05.020 AS 47.17.040	7AAC Ch.36
Confidentiality of Client Records (Public Assistance)	AS 47.05.020 AS 47.05.010	7AAC 37.010-140
DHSS Personnel Systems	AS 47.05.010(3)	7AAC 37.170
Appointment of DHSS Agents	AS 47.05.010(13)	7AAC 37.180
Effects of Permanent Fund on Public Assistance	AS 43.23.075	7AAC Ch.38
Adult Public Assistance	AS 47.05.010(1) AS 47.25.430	7AAC Ch.40
Medicaid Assistance	AS 47.05.010(1) AS 47.07.010	7AAC Ch.43

\*Requires concurrence of  
Department of Public Assistance

## STATE OF ALASKA - DEPARTMENT OF LAW

## CASE MANAGEMENT / TIME REPORTING SYSTEM

REPORT: CASES FOR H&SS/OTHER BY WORK TYPE BY WORK MANAGEMENT NUMBER FROM TO  
 HAPPY NEW YEAR

ATTORNEY	WORK TYPE	WMNO	R	CASE TITLE
MUNSON, MYRA	AID TO AGENCY	566-188-83		CONFIDENTIALITY OF H&SS RECORDS SEX ABUSE CASES
SNOW, REBECCA	AID TO AGENCY	566-056-84		SEC 109 AGREEMENT/CROWN BAND
SNOW, REBECCA	AID TO AGENCY	566-057-84		TRANSP EXP FOR WITNESSES
SNOW, REBECCA	AID TO AGENCY	566-071-84		DAY CARE LICENSING--MILITARY BASES
SNOW, REBECCA	AID TO AGENCY	566-072-84		BARROW-ICWA & TEXAS HOMESTUDY
MUNSON, MYRA	AID TO AGENCY	566-125-84		PL 96-272 HEARING REQUIREMENTS & FORMS REVISION
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SCOCCIA, LINDA	AID TO AGENCY	366-022-84		KETCHIKAN YOUTH FACILITY LEASE REVIEW
SHAW, ELIZABETH	AID TO AGENCY	366-023-84		RVH OF COMMUNITY MENTAL HEALTH CLINIC GRANT PROCESS--SEARCH
FRSEHLICH, PETE	AID TO AGENCY	366-082-84		FEDERAL OFFER TO FUND NEW MEDICAID FRAUD UNIT IN AGO
CERRO, LINDA	AID TO AGENCY	366-197-84		MEDICAID UPPER LIMITS AND RESTRICTED GRANTS
SHAW, ELIZABETH	AID TO AGENCY	366-216-84		ALCOHOL COMMITMENT PROCEDURES (JUNEAU)
CERRO, LINDA	AID TO AGENCY	366-235-84		RVH PUBLIC ASSISTANCE APPLICATION FORM
SHAW, ELIZABETH	AID TO AGENCY	366-302-84		SLIDING SCALE FEE SYSTEM HOME HEALTH NURSING
ROBERTSON, RICK	AID TO AGENCY	366-304-84		CTI LIBRARY SYSTEMS INC--SECURITY INTEREST
SHAW, ELIZABETH	AID TO AGENCY	366-324-84		AAFS--ENDALMING REGS

TALLY WORK TYPE: 24

ROBERTSON, RICK	LEGISLATIVE DRAFTING	377-077-84		CONTRACTING W/SOC SERV ADMIN TO ADMINISTER ADULT FUD ASSIST
ROBERTSON, GAYLE	LEGISLATIVE DRAFTING	377-083-84		FOOD STAMP FRAUD

TALLY WORK TYPE: 2

SCOCCIA, LINDA	REGULATION REVIEW	J99-041-81		PLACEMENT AGENCY
ROBERTSON, RICK	REGULATION REVIEW	J99-099-82		(7 AAC 43, 47 & 48) G.R., G.R./MED, MEDICAID, CATAS
CERRO, LINDA	REGULATION REVIEW	J99-106-82		(7 AAC 45) AFDC REGS
SHAW, ELIZABETH	REGULATION REVIEW	399-001-83		DAY CARE (7 AAC 50.120--275)
SHAW, ELIZABETH	REGULATION REVIEW	399-077-83		MEDICAID "S17" (7 AAC 43.005, 020, 035, 090, 770, 780)
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SHAW, ELIZABETH	REGULATION REVIEW	399-125-83		MEDICAID (7AAC 43.115--7 AAC 43.730)
SHAW, ELIZABETH	REGULATION REVIEW	399-137-83		RESIDENT CHILD CARE FACILITY (7 AAC 50.001--114)
ROBERTSON, RICK	REGULATION REVIEW	399-139-83		DISEASE REPORTING REGS (7 AAC 20.340--410 & 27.005--020)
CERRO, LINDA	REGULATION REVIEW	399-145-83		MED ASSIST: PROSPECTIVE PAYMENTS (7 AAC 43.710, 715 & 720)
SCOCCIA, LINDA	REGULATION REVIEW	399-103-84		CERT OF NEED AMS (7 AAC 07)
SHAW, ELIZABETH	REGULATION REVIEW	399-004-84		ADULT PA CFEC PERMITS (7 AAC 40.280)
SHAW, ELIZABETH	REGULATION REVIEW	399-018-84		AMS TO ENT REGS (7 AAC 26.010--130)
SCOCCIA, LINDA	REGULATION REVIEW	399-025-84		AMS DESIGN/CONSTR HOSP FACIL (7 AAC 9)
SCOCCIA, LINDA	REGULATION REVIEW	399-028-84		TIME OF USE GRANT INCOME (7 AAC 78, 210)
SHAW, ELIZABETH	REGULATION REVIEW	399-032-84		CURRENT H&SS ORG NIZATION IN AAC
ROBERTSON, RICK	REGULATION REVIEW	399-034-84		ENERGY ASST PROG--7 AAC 44.040 ETC.
SHAW, ELIZABETH	REGULATION REVIEW	399-057-84		ASSISTANCE FOR COMMUNITY HEALTH FACILITY
ROBERTSON, RICK	REGULATION REVIEW	399-062-84		AMOUNT OF ENERGY ASSISTANCE (7 AAC 44.030)
SHAW, ELIZABETH	REGULATION REVIEW	399-073-84		ENT CERTIFICATION--7 AAC 26.100

TALLY WORK TYPE: 20

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB480  
Title: "...adoption & expiration  
of a regulation."  
Sponsor: Rep. Bettisworth  
Requestor: Off. of the Gov.-UMB  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Department of Health & Social Serv.  
Program Category Affected: \_\_\_\_\_  
Administration & Support  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
NHSS- Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		33.6	35.6	37.8	40.0	42.4
200 TRAVEL						
300 CONTRACTUAL		4.5	4.7	5.1	5.4	5.7
400 SUPPLIES		2.6	1.4	1.5	1.6	1.7
500 EQUIPMENT		6.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		47.2	41.7	44.4	47.0	49.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		47.2	41.7	44.4	47.0	49.8
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME 6 mon.						
PART-TIME	0	2	2	2	2	2
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor.

ANALYSIS: Attach a separate page for analysis

Prepared By: Danny W. Burton  
Division: Office of the Commissioner  
Phone: 465-3030  
Date: \_\_\_\_\_

Approved by Commissioner: *Robert Landon Smith*  
Agency: Department of Health & Social Services  
Date: 3/1/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Fiscal Analysis - HB 480

The positions required for the Department of Health and Social Services to review one-third of the Health and Social Services regulations contained in the state's administrative code each year are one half of one Administrative Assistant III position and one-half of one Clerk Typist III. All of the positions will be located in Juneau. The first year of the fiscal analysis is FY 85. The costs beyond FY 85 include a 6% inflation factor.

1st Year (FY 850)

	<u>Admin. Assist. III</u>	<u>Clerk Typist III</u>	<u>Total</u>
Personal Services	20.3	13.4	33.7
Contractual Communications & Copying WP/Document Product	1.5	1.5 1.5	3.0 1.5
Commodities - Ongoing Office Expendables	.9	.9	1.8
Commodities - single time New Position Supplies	.8	.8	1.6
Equipment - single time Word Processor	.8	.8 5.0	1.6 5.0
	<hr/>	<hr/>	<hr/>
	29.3	23.9	48.2

The new Act would create additional administrative burdens, and the new requirements will require specialized knowledge and training. This increased burden and need for specialized knowledge could be met at the division level through training of staff, and expansion of staff at that level, or it could be met by supplementation of staff at the division level by assistance at the central offices. Existing staff could not carry out the new duties without giving up some present duties.

For the sake of simplicity, this fiscal note treats the burden as being met by positions in the central office, which would provide expertise, and would coordinate and systematize periodic reviews of regulations.

Because of the relatively technical nature of the work, the position would need to be at least an Administrative Assistant III.. This position would need fairly intensive secretarial support. The department presently is directed by statute to maintain regulations in about 45 different areas. Some of these requirements are presently met by a single section in the Administrative Code. Others such as Medicaid, or licensing of medical facilities require extensive blocks of regulations. On average, each would require between 1 1/2 and 2 weeks of work to meet requirements for continuation. This would mean that the position would have about 30 weeks of work a year, plus the continuing collection and collation of comments on regulations and continuing monitoring of division staff to ensure that regulations would not be allowed to lapse.

The above assumes that the Department of Law would have more professional staff to provide closer support and supervision than is currently available for regulations.

1.	POSITION TITLE Regulation Specialist II				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	CCV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary				15,438					
6.	Benefits				2,532					
7.	Supplemental Benefits				947					
8.	Fixed Benefits				1,368					
9.	TOTAL PERSONAL SERVICES		01		20,285					
10.	Travel		02							
11.	Contractual		03		1,500					
12.	Commodities		04		900					
13.	Equipment		05		750					
14.	Other									
15.	TOTAL COST				23,435					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		23,435						
19.		I-A Receipts 1005								
20.		Program Receipts 1020								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

This position is needed to coordinate the efforts of divisions within the department in the three year review of the entire body of regulations contained in the Alaska Administrative Code. The position will monitor and track review activities in divisions responsible for administering state regulations to ensure that regulations that are lawfully required for the operation of state service programs do not unintentionally expire. In addition, this position will cooperate with division staff in preparing regulations continuation justifications, and will collect and collate comments on existing regulations. This level of work is ideally suited for a Regulation Specialist, given the large body of code, up to one-third of the state's existing regulations, which must be reviewed each year.

13 REQUEST FOR  
NEW POSITION

AGENCY Department of Health & Social Services

PROGRAM Administration & Support

BRU DLISS - Administration

Page \_\_\_\_\_ of \_\_\_\_\_

FY 85

1.	POSITION TITLE Clerk-Typist III				RANGE/STEP 8A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.						
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.								
3.	CONTINUATION LEVEL				JUSTIFICATION											
4.	TYPE OF EXPENDITURE				<p>This position is needed to provide typing, filing and telephone services for the administrative assistant III who will handle the three year review of regulations. The position will be responsible for producing a very large amount of documentation needed for continuing, repealing or amending the departments existing regulations, one-third of which must be reviewed each year.</p>											
	1	2	3													
	PERSONAL SERVICES															
5.	Salary	19,788		9,894												
6.	Benefits	3,420		1,620												
7.	Supplemental Benefits	1,188		594												
8.	Fixed Benefits	2,496		1,248												
9.	TOTAL PERSONAL SERVICES	01		13,356												
10.	Travel	02														
11.	Contractual	03		3,000												
12.	Commodities	04		1,650												
13.	Equipment	05		5,750												
14.	Other															
15.	TOTAL COST			23,756												
	RECEIPT CODE	FUNDING SOURCE														
16.		Federal Receipts 1002														
17.		G.F. Match 1003														
18.		General Funds 1004		23,756												
19.		I-A Receipts 1005														
20.		Program Receipts 1028														
21.		Other														
FOR BLM USE ONLY																
4A KEY NUMBER																

13 REQUEST FOR  
NEW POSITION

AGENCY Department of Health & Social Services  
PROGRAM Administration & Support  
BRU DHSS - Administration

Page \_\_\_\_\_ of \_\_\_\_\_

**FY 85**

FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 480  
 Title: "...adoption and expiration of a regulation."  
 Sponsor: Rep. Bettisworth  
 Requestor: Off. of the Gov. - OMB  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Department of Law  
 Program Category Affected: General Government  
 BRU, Program or Subprogram(s) Affected: Legal Services Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		182.9	193.9	205.5	217.8	230.9
200 TRAVEL		9.0	9.5	10.1	10.7	11.3
300 CONTRACTUAL		15.0	15.9	16.9	17.9	19.0
400 SUPPLIES		16.8	11.4	12.1	12.8	13.6
500 EQUIPMENT		16.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>239.7</b>	<b>230.7</b>	<b>244.6</b>	<b>259.2</b>	<b>274.8</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	239.7	230.7	244.6	259.2	274.8
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME	-0-	4	4	4	4	4
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor.

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard I. Reeves Director Phone: 465-3672  
 Division: Administrative Services Date: 1-26-84  
 Approved by Commissioner: Norman C. Gorsuch Date: 1-26-84  
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

January 26, 1984

Enactment of this bill will have a significant impact on the department's operations and it will, at the very least, double the considerable amount of time that the Department of Law's attorneys and other legal staff already devote to regulations review and regulations drafting. On an annual basis, the bill would require review of one-third of the state's entire administrative code. The department already spends a substantial amount of time reviewing regulations as they are adopted to see to it that they serve the statutory purpose for which they are intended. This task, which includes ensuring that regulations are legal, clear, understandable, and workable, would have to be expanded to insure that the supporting reasons that agencies provide for continuing regulations meet the new justification requirements, contained in the bill, in a substantive fashion.

In addition to the necessity to undertake the massive and perpetual review process, which would be mandated by the enactment of this bill, the state would also be exposed to interruptive and costly litigation whenever a department fails to timely continue regulations that are required for the operation of an ongoing state program. Such events are not susceptible to measurement in advance; however, they are bound to occur. No cost estimate is included for this latter eventuality. A consequence of an inadvertent failure to "continue" a set of regulations could be the complete shutdown of a program that everybody (agency, legislature, and public) agrees is a good one--a very high price to pay to assure periodic review of regulations.

Based upon the department's current regulations work, and based upon the substantial body of the state's administrative code, we estimate that the department will need one Attorney IV, one Associate Attorney II, and one Legal Secretary I to handle the increased regulation review workload that will be required by enactment of this bill. The department will also need one Paralegal Assistant II to monitor the three year review process and to coordinate and track the line-agency review activities of other departments to prevent the unintended expiration of regulations that are required for the lawful operation of state provided services.

Other departments that have responsibility for administering state regulations will have corresponding fiscal impact implementing the three-year review process, depending upon the number and complexity of the regulations they administer. If the review and the five-part "statement of an adequate supporting reason" are to be thoughtful and worthwhile, a considerable amount of work and additional personnel will be required by those agencies that administer regulations.

Fiscal Analysis - HB 480

The positions required for the Department of Law to review one-third of the regulations contained in the state's administrative code each year are one Attorney IV, one Associate Attorney II, one Paralegal Assistant II, and one Legal Secretary I. All of the positions will be located in Juneau. The first year of the fiscal analysis is FY 85. The costs beyond FY 85 include a 5% inflation factor.

1st Year (FY 85)

	<u>Atty IV</u>	<u>Assoc. Atty II</u>	<u>Paralegal Asst II</u>	<u>Leg. Sec. I</u>	<u>Total</u>
Personal Services	63.5	49.6	40.6	29.2	182.9
Travel	3.5	3.5	2.0		9.0
Contractual Communications & Copying WP/Document Product.	3.0	3.0	3.0	3.0 3.0	15.0
Commodities - Ongoing Office Expendables Library	1.8 1.2	1.8 1.2	1.8 1.2	1.8	10.8
Commodities - single time New Position Supplies	1.5	1.5	1.5	1.5	6.0
Equipment - single time New Position Equip. Word Processor	1.5	1.5	1.5	1.5 10.0	16.0
	<u>76.0</u>	<u>62.1</u>	<u>51.6</u>	<u>50.0</u>	<u>239.7</u>

1.	POSITION TITLE Attorney IV				RANGE/STEP 24A	BARC. UNIT PX	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE									
	1	2	3							
	PERSONAL SERVICES									
5.	Salary		53,568							
6.	Benefits		8,785							
7.	Supplemental Benefits		2,550							
8.	Fixed Benefits		2,640							
9.	TOTAL PERSONAL SERVICES		01	63,543						
10.	Travel		02	3,500						
11.	Contractual		03	3,000						
12.	Commodities		04	4,500						
13.	Equipment		05	1,500						
14.	Other									
15.	TOTAL COST			76,043						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		76,043						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY 4A KEY NUMBER _____										

This position is needed to handle the legal review of the existing body of regulations in the state's Administrative Code, one-third of which must be reviewed each year. The supporting reasons for continuing regulations beyond three years will also be reviewed to ensure that the justification provided by agencies has, in fact, a substantive basis. An Attorney IV level position will be necessary because many of the state's regulations, such as those dealing with mental health, finance and commerce, and transportation and public utilities, are very complex and often highly technical.

**13** REQUEST FOR  
NEW POSITION

AGENCY DEPARTMENT OF LAW  
PROGRAM GENERAL GOVERNMENT  
BRU LEGAL SERVICES  
COMPONENT LEGAL SERVICES OPERATIONS

Page \_\_\_\_\_ of \_\_\_\_\_  
Revised Date \_\_\_\_\_

**FY 85**

1.	POSITION TITLE Associate Attorney II				RANGE/STEP 19A	BARG. UNIT PX	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		38,316							
6.	Benefits		6,284							
7.	Supplemental Benefits		2,349							
8.	Fixed Benefits		2,640							
9.	TOTAL PERSONAL SERVICES		01		49,589					
10.	Travel		02		3,500					
11.	Contractual		03		3,000					
12.	Commodities		04		4,500					
13.	Equipment		05		1,500					
14.	Other									
15.	TOTAL COST				62,089					
JUSTIFICATION										
<p>This position is needed to assist the Attorney IV handling the three year review of regulations contained in the state's Administrative Code. The position will handle the review of routine, less complex regulations, independently, and assist the attorney reviewer with more complex, lengthy regulations. Use of this advance level paralegal is appropriate for this work and more cost effective and efficient than adding two licensed attorneys to handle the three year review of regulations.</p>										
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004				62,089				
19.		I-A Receipts 1005								
20.		Program Receipts 1020								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

**13** REQUEST FOR  
NEW POSITION

AGENCY DEPARTMENT OF LAW  
PROGRAM GENERAL GOVERNMENT  
BRU LEGAL SERVICES  
COMPONENT LEGAL SERVICES OPERATIONS

Page \_\_\_\_\_ of \_\_\_\_\_  
Revised Date \_\_\_\_\_

**FY 85**

1.	POSITION TITLE Paralegal Assistant II				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		30,876							
6.	Benefits		5,064							
7.	Supplemental Benefits		1,893							
8.	Fixed Benefits		2,736							
9.	TOTAL PERSONAL SERVICES		01		40,569					
10.	Travel		02		2,000					
11.	Contractual		03		3,000					
12.	Commodities		04		4,500					
13.	Equipment		05		1,500					
14.	Other									
15.	TOTAL COST				51,569					
JUSTIFICATION										
<p>This position is needed to coordinate the efforts of other departments in the three year review of the entire body of regulations contained in the Alaska Administrative Code. The position will monitor and track review activities in departments responsible for administering state regulations to ensure that regulations that are lawfully required for the operation of state service programs do not unintentionally expire. This level of work is ideally suited for a paralegal assistant, given the large body of code, up to one-third of the state's existing regulations, which must be reviewed each year.</p>										
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004			51,569					
19.		I-A Receipts 1005								
20.		Program Receipts 1020								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER - - - - -										

**13** REQUEST FOR  
NEW POSITION

AGENCY DEPARTMENT OF LAW  
PROGRAM GENERAL GOVERNMENT  
BRU LEGAL SERVICES  
COMPONENT LEGAL SERVICES OPERATIONS

Page      of       
Revised Date     

**FY 85**

1.	POSITION TITLE Legal Secretary I			RANGE/STEP 10B	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	21,636							
6.	Benefits	3,548							
7.	Supplemental Benefits	1,326							
8.	Fixed Benefits	2,736							
9.	TOTAL PERSONAL SERVICES	01	29,246						
10.	Travel	02	-0-						
11.	Contractual	03	6,000						
12.	Commodities	04	3,300						
13.	Equipment	05	11,500						
14.	Other								
15.	TOTAL COST		50,046						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts	1002						
17.		G.F. Match	1003						
18.		General Funds	1004	50,045					
19.		I-A Receipts	1005						
20.		Program Receipts	1020						
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER _____									

This position is needed to provide legal secretarial services for the attorney, associate attorney and the paralegal assistant who will handle the three year review of regulations. The position will be responsible for producing a very large amount of legal documentation needed for continuing, repealing or amending the state's existing regulations, one-third of which must be reviewed each year.

**13** REQUEST FOR  
NEW POSITION

AGENCY DEPARTMENT OF LAW  
PROGRAM GENERAL GOVERNMENT  
BRU LEGAL SERVICES  
COMPONENT LEGAL SERVICES OPERATIONS

Page \_\_\_\_\_ of \_\_\_\_\_  
Revised Date \_\_\_\_\_

**FY 85**

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution-No.: HE 460  
Title: Adoption and expiration  
of regulations  
Sponsor: Bettisworth & Liska  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: \_\_\_\_\_  
Management and administration  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		42.8	44.4	45.7	47.0	48.5
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES		.3	.3	.3	.3	.3
500 EQUIPMENT		1.6				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		44.7	44.7	46.0	47.3	48.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		44.7	44.7	46.0	47.3	48.8
FEDERAL FUNDS						
OTHER						
TOTAL		44.7	44.7	46.0	47.3	48.8

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: David Creekman Phone: 265-4135  
Division: Commissioner's Office Date: 2-24-84

MIX Approved by Commissioner: William D Arnold, Deputy Date: 2-27-84  
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 480  
Title: Relating to adoption & expiration of regulations  
Sponsor: Bettisworth & Liska  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: Management and Administration  
BRU, Program or Subprogram(s) Affected: Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		42.8	44.4	45.7	47.0	48.5
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES		.3	.3	.3	.3	.3
500 EQUIPMENT		1.6				
600 LAND & STRUCTURES						
700 CRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		44.7	44.7	46.0	47.3	48.8
CAPITAL						
REVENUE						

FUNDING: (Thousand of Dollars)

GENERAL FUND		44.7	44.7	46.0	47.3	48.8
FEDERAL FUNDS						
OTHER						
TOTAL		44.7	44.7	46.0	47.3	48.8

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: David Creekman Phone: 265-4135  
Division: Office of the Commissioner Date: February 8, 1984  
Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

DELIVER TO: <u>SHARON BARTON</u>	LOCATION: <u>JNU - CO</u>
FROM: <u>DAVID CREEKMAN</u>	LOCATION: <u>JNU - CO</u>
TELEPHONE/TELECOPIER # _____	TOTAL NUMBER OF PAGES <u>4</u>
TRANSMITTING ON/SPEED _____	DATE <u>2/28/84</u> TIME <u>3:30</u>
PHONE FOR PROBLEMS-NAME/NUMBER <u>DAVID CREEKMAN</u>	
COMMENTS _____	

12/1/83

This fiscal note assumes one full time employee at salary range 16. The new employee will be needed beginning in FY 85. The FY 85 costs include not only personal services for the new employee but also supply costs and the one time cost of a desk and chair for the new employee. Costs in subsequent fiscal years are for personal services and supplies only.

All funding would come from the general fund. The position is not one which will generate additional revenue to the state.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 480  
 Title: An Act relating to adoption and expiration of a regulation  
 Sponsor: Bertisworth  
 Requestor: House State Affairs  
 Date of Request: 2-21-84

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: \_\_\_\_\_  
Life and Property Protection  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Charles R. Hosack Phone: 269-5551  
 Division: Motor Vehicles Date: 2-17-84

Approved by Commissioner: [Signature] Date: 2/21/84  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 480

NEUTRAL

February 17, 1984



HB 480, An Act relating to adoption and expiration of a regulation, and providing for an effective date.

The Department is neutral on this piece of legislation. The Division of Motor Vehicles reviews regulations relating to vehicle and driver licenses on a regular basis. This bill will formalize this process with a report to the Lieutenant Governor being required every three years. The one point of concern is the validity of the comments received on regulations. Our regulations are generally used to define procedures not delineated in the statutes. The only people who would generally comment on the regulations are those who cannot comply with generally accepted practices, so the comments would be mainly negative. The majority that do comply would not have reason to comment.

---

Robert J. Sundberg  
Commissioner

RP HB

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date

REQUEST

Bill/Resolution No: HB 480  
 Title: . . . Adoption and expiration  
of a regulation.  
 Sponsor: Bettisworth  
 Requestor: House State Affairs  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program of Subprogram(s) Affected:  
Commissioner's Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<u>OPERATING</u>						
100 PERSONAL SERVICES	-	15.8	16.74	17.74	18.80	19.92
200 TRAVEL	-	2.0	2.12	2.24	2.37	2.51
300 CONTRACTUAL	-	13.0	13.78	14.60	15.47	16.39
400 SUPPLIES	-	.2	.21	.22	.23	.24
500 EQUIPMENT	-	.8	.84	.89	.94	.99
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<u>TOTAL OPERATING</u>	-	31.80	33.69	35.69	37.81	40.05
<u>CAPITAL</u>	-	-	-	-	-	-
<u>REVENUE</u>	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	31.80	33.69	35.69	37.81	40.05
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<u>TOTAL</u>	-	31.80	33.69	35.69	37.81	40.05

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis.

Prepared By: Bruce M. Botelho  
 Division: Commissioner's Office

Phone: 465-2300

Date: 02/27/84

Approved by Commissioner: *Pat O'Leary*  
 Agency: Revenue

Date: 2/29/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Analysis for HB 480

House Bill 480 imposes two new and significant requirements on Alaska's regulation process: Section 1 would require that notices of adoption include justification and impact statements. Section 2 would require an agency to review each regulation within three years of its effective date. The agency may either continue, amend or repeal the regulation.

The notice requirement has two impacts: (1) it will dramatically increase the actual costs of publication; and (2) it will increase the exposure to litigation. Presumably the failure to precisely set forth the justification or the estimated impact could form a basis for challenging any regulation under AS 44.62.300.

The process of continuing, amending or repealing a regulation is one that should be occurring in every agency. Nevertheless, this bill would likewise invite litigation since continuation would require "an adequate supporting reason"--thus suggesting that this determination is ultimately up to the courts. Deletion of the term "adequate" might avoid some of this problem.

It should be noted that the review process itself is not subject to public notice. This is implied in proposed AS 44.62.025(b). Proposed AS 44.62.025(b)(3) largely appears to be duplicative of AS 44.62.025(b)(1), (2), and (4) and could be deleted. Proposed AS 44.62.025(b)(5) is not necessary as AS 44.62.040 already requires that the statutory authority be set forth in the regulations and AS 44.62.060 requires that the Department of Law review all proposed regulations with regard to legality, constitutionality, and consistency with other regulations and existence of statutory authority to support the regulation.

FY 85

I. Personal Services

1 PPT Administrative Assistant I (R 10); 12 months, half time; salary and benefits of \$1,313/mo. 15.8

II. Travel

Two trips to Anchorage for 1 week per trip would be required for review of regulations in our two Anchorage divisions. 2.0

III. Contractual

Publication costs for regulations as well as telephone charges. 13.0

IV. Supplies and Equipment

A new desk, chair, file cabinet, calculator, etc. Office supplies will be needed for the new position. 1.0

31.80

Introduced: 1/9/84  
Referred: State Affairs

1 IN THE HOUSE

BY BETTISWORTH AND LISKA

2

HOUSE BILL NO. 480

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to adoption and expiration of a regulation; and providing for an effective date."

7

8

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

9

\* Section 1. AS 44.62.200(a) is amended to read:

10

(a) The notice of proposed adoption, amendment, or repeal of a regulation shall include

11

12

(1) a statement of the time, place, and nature of proceedings for adoption, amendment, or repeal of the regulation;

13

14

(2) reference to the authority under which the regulation is proposed and a reference to the particular code section or other provisions of law which are being implemented, interpreted, or made specific;

15

16

17

18

(3) an informative summary of the proposed subject of agency action;

19

20

(4) other matters prescribed by a statute applicable to the specific agency or to the specific regulation or class of regulations;

21

22

(5) a summary of the fiscal information required to be prepared under AS 44.62.195;

23

24

(6) the reasons for the proposed regulation;

25

(7) a general statement of anticipated impacts regarding costs of compliance by the persons, industries, and businesses directly affected by the proposed regulation.

26

27

28

\* Sec. 2. AS 44.62 is amended by adding a new section to read:

29

Sec. 44.62.025. EXPIRATION OF A REGULATION. (a) A regulation

1        adopted by a state agency that is not continued as provided in (b) of  
2        this section expires at the end of a period of three years from its  
3        effective date unless the regulation specifies an earlier expiration  
4        date. An expired regulation is not effective for any purpose, but all  
5        rights, penalties, forfeitures or liability that had accrued under the  
6        regulation before that date continue and the regulation shall be  
7        treated as remaining in force for the purpose of sustaining any proper  
8        action or prosecution for the enforcement of a right, penalty, forfei-  
9        ture or liability that had accrued. A new regulation may contain all  
10       part of the provisions of an expired regulation.

11       (b) An agency adopting a regulation after the effective date of  
12       this Act shall review the regulation within three years after its  
13       adoption and at three-year intervals after the initial review. An  
14       agency regulation adopted before the effective date of this Act shall  
15       be reviewed by the agency within three years after the effective date  
16       of this Act and at three-year intervals after the initial review. At  
17       the conclusion of its review, the agency shall either continue, amend,  
18       or repeal the regulation. If the agency amends or repeals the regula-  
19       tion, it shall comply with the requirements of this chapter. If the  
20       agency continues the regulation, it shall file with the lieutenant  
21       governor a notice that the agency will continue the regulation and a  
22       statement of an adequate supporting reason for the continuation of the  
23       regulation, which shall be available for public inspection. The  
24       supporting reason must include:

25                (1) a reasoned justification of the regulation;

26                (2) a summary of comments received after adoption of the  
27        regulation from parties interested in it, showing the name of the  
28        person commenting on the regulation;

29                (3) a statement of the regulation's factual bases;

1                   (4) the reasons the agency disagrees with comments that  
2                   oppose the regulation; and

3                   (5) a statement of the statutory provisions under which the  
4                   regulation was adopted and a concise statement of the reasons the  
5                   provisions authorize the regulation.

6           \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
7 10.070(c).

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No. HB 480  
 Title: "An act relating to adoption and expiration of a regulation..."  
 Sponsor: Bettisworth and Liska  
 Requestor: State Affairs  
 Date of Request: 2-21-84

**FISCAL DETAIL**

Agency Affected: Labor  
 Program Category Affected: Public Protection  
 BRU, Program or Subprogram(s) Affected: Occupational Safety and Health BRU  
Occupational Safety and Health Program

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES		131.6	139.5	147.9	156.8	166.2
200 TRAVEL		7.4	7.9	8.3	8.8	9.4
300 CONTRACTUAL		38.9	41.2	43.7	46.3	49.1
400 SUPPLIES		2.0	2.1	2.2	2.4	2.5
500 EQUIPMENT		14.8				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>194.7</b>	<b>190.7</b>	<b>202.1</b>	<b>214.3</b>	<b>227.2</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		194.7	190.7	202.1	214.3	227.2
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

N/A

**ANALYSIS:** Attach a separate page for analysis

Prepared By: Robert J. Bacolas Phone: 465-4970  
 Division: Labor Standards and Safety Date: \_\_\_\_\_  
 Approved by Commissioner: Jim Robison Date: 2/29/84  
 Agency: Labor Date: 465-2700

LEG:B:8

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

## FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: HB 180

TITLE: "An act relating to adoption and expiration of a regulation..."

AGENCY AFFECTED: Department of Labor

Page 2

Reviewing and revising regulations on a three-year cycle will be a large task for the Occupational Safety and Health BRU. There are thousands of regulations which currently impact Occupational Safety and Health. To accomplish this will require the following three new positions plus a micro-computer:

An Administrative Officer II will supervise and coordinate the Occupational Safety and Health regulations development and review program. The incumbent will develop a system to keep track of the thousands of standards and regulations currently enforced by the Occupational Safety and Health Section to assure that these regulations and standards are reviewed every three years. The tracking of these regulations will require a person who is familiar with data processing as it will take an automated tracking system to accomplish this task. The incumbent will also assure that comments received on various regulations are kept so that a summary of such comments as required under AS 44.62.025(b)(2) can be prepared and will prepare the cost estimates for proposed regulations.

An Occupational Safety Compliance Officer will provide the technical expertise necessary to determine if an Occupational Safety and Health regulation is still necessary or should be revised or revoked. The incumbent will also do technical research necessary to come up with meaningful cost estimates of compliance of proposed standards by persons, industries, and businesses directly affected by the proposed regulation.

A Clerk Typist III is necessary to provide clerical support for the administrative officer and compliance officer. The incumbent will provide clerical support for the tracking system that will be used to review regulations on a three-year cycle and to keep track of the comments received on various regulations. The incumbent will also provide the clerical support that will be required to prepare fiscal impact statements and supporting statements for retention of regulations.

A special cost will be the purchase of a personal computer to track the regulations. Purchase of the computer, software, and necessary accessories will require a one-time expense of approximately \$10,000. Another cost of \$5,000 per year will be for printing regulations.

The following assumptions were made in preparing this fiscal note:

1. An effective date of July 1, 1984.
2. Each provision contained in the 15 OSHA codes currently in effect is considered as a separate regulation. This assumption is being used as it is now necessary to go through the entire promulgation process to change each provision.
3. An inflation rate of 6% for FY's 1986-1989.

1	Position title Occupational Safety Compliance Officer			Range/Step 50B	Barg. Unit LTC	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
2	Type of Position PFT	Staff Months 12	RP Number	PCN Number	BRU Priority	Location Anch.	Election District	LEG.	
3	CONTINUATION LEVEL		ADDITION		<b>JUSTIFICATION</b> This position will provide the technical expertise necessary to determine if an occupational safety and health regulation is still necessary or should be revised or revoked. The incumbent will do technical research necessary to come up with meaningful cost estimates of compliance of proposed standards by persons, industries, and businesses directly affected by the proposed regulation. Also, this position will respond to technical questions about the regulations from the public.  Other costs associated with this position are as follows:  Travel consists of three trips to Anchorage and two to Fairbanks (three days each).  Contractual: Rent \$3,600, Indirect \$5,028 and basic operating costs of \$2,000.  Commodities: Basic operating supplies.  Equipment: Desk, chair and filing cabinet (one-time cost)				
4	Type of Expenditure		Amount						
	1	2	3						
	PERSONAL SERVICES								
5	Salary	3492	41,904						
6	Benefits		6,998						
7	Supplemental Benefits		2,550						
8	Fixed Benefits		2,724						
9	TOTAL PERSONAL SERVICES		01	54,176					
10	Travel		02	3,471					
11	Contractual		03	10,628					
12	Commodities		04	500					
13	Equipment		05	1,600					
14	Other								
15	TOTAL COST			70,375					
	RECEIPT CODE	FUNDING SOURCE							
16		Federal Receipts	1002						
17		G.F. Match	1003						
18	100	General Funds	1004	70,375					
19		I-A Receipts	1005						
20		Program Receipts	1028						
21		Other							
For M&B Use Only 4A Key Number _____									

13 REQUEST FOR NEW POSITION

AGENCY Labor  
PROGRAM Worker Protection  
BRU Occupational Safety and Health  
COMPONENT Occupational Safety and Health

FY 85

Page 1 of 3  
Revised Date

LEG:F:26

1	Position Title Administrative Officer II			Range/Step 19B	Barg. Unit GGU	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
2	Type of Position PFT	Staff Months 12	RP Number	PCN Number	BRU Priority	Location Juneau	Election District	LEG.	
3	CONTINUATION LEVEL		ADDITION		<b>JUSTIFICATION</b> This position will supervise and coordinate the Occupational Safety and Health regulations development and review program. The incumbent will develop a system to keep track of the thousands of standards and regulations currently enforced by the Occupational Safety and Health Section to assure that these regulations and standards are reviewed every three years. The tracking of these regulations will require a person who is familiar with data processing as it will take an automated tracking system to accomplish this task. The incumbent will also assure that comments received on various regulations are kept so that a summary of such comments as required under AS 44.62.-025(b)(2) can be prepared. The Administrative Officer will assure that meaningful supportive reasons are given for the continuation or the revocation of existing standards.  Other costs associated with this position are as follows:  Travel consisting of five trips to Anchorage (3 days each).  Contractual: Rent at \$3,600, Indirect costs \$4,733, and basic operating costs of \$2,000.  Commodities: Basic operating supplies.  Equipment: Desk, chair and filing cabinet (one-time cost).				
4	Type of Expenditure		Amount						
	1	2	3						
	PERSONAL SERVICES								
5	Salary	3287	39,444						
6	Benefits		6,587						
7	Supplemental Benefits		2,418						
8	Fixed Benefits		2,724						
9	TOTAL PERSONAL SERVICES		01	51,173					
10	Travel		02	3,953					
11	Contractual		03	10,333					
12	Commodities		04	500					
13	Equipment		05	1,600					
14	Other								
15	TOTAL COST			67,559					
	RECEIPT CODE	FUNDING SOURCE							
16		Federal Receipts	1002						
17		G.F. Match	1003						
18		General Funds	1004	67,559					
19		I-A Receipts	1005						
20		Program Receipts	1028						
21		Other							
For M&B Use Only 4A Key Number _____									

13 REQUEST FOR NEW POSITION

AGENCY Labor  
PROGRAM Worker Protection  
BRU Occupational Safety & Health  
COMPONENT Occupational Safety & Health

FY 85

Page 2 of 3  
Revised Date \_\_\_\_\_

LEG:F:27

Position title				Range/Step	Barg. Unit	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
1 Clerk Typist III				8B	GGU				
Type of Position	Staff Months	RP Number	PCN Number	BRU Priority	Location	Election District	LEG.		
2 PFT	12				Juneau				
3 CONTINUATION LEVEL		ADDITION		<b>JUSTIFICATION</b> This position is necessary to provide clerical support for the administrative officer and consultant. The incumbent will provide clerical support for the tracking system that will be used to review regulations on a three-year cycle and to keep track of the comments received on various regulations. The incumbent will also provide the clerical support that will be required to prepare fiscal impact statements and supporting statements for retention of regulations.  Other costs associated with this position are as follows:  Contractual: Rent \$3,600, Indirect cost \$2,301, and basic operating costs \$7,000.  Commodities: Basic operating supplies.  Equipment: Desk, chair, and filing cabinet (one-time cost).					
4 Type of Expenditure		Amount							
1		3							
PERSONAL SERVICES									
5 Salary	1598	19,176							
6 Benefits		3,202							
7 Supplemental Benefits		1,175							
8 Fixed Benefits		2,724							
9 TOTAL PERSONAL SERVICES		01	26,277						
10 Travel		02	-0-						
11 Contractual		03	12,901						
12 Commodities		04	1,000						
13 Equipment		05	1,600						
14 Other									
15 TOTAL COST			41,778						
RECEIPT CODE		FUNDING SOURCE							
16		Federal Receipts	1002						
17		G.F. Match	1003						
18		General Funds	1004						
19		I-A Receipts	1005						
20		Program Receipts	1028						
21		Other							
For M&B Use Only									
4A Key Number _____									

13 REQUEST FOR NEW POSITION

AGENCY Labor  
PROGRAM Worker Protection  
BRU Occupational Safety & Health  
COMPONENT Occupational Safety & Health

FY 85

Page 3 of 3  
Revised Date

LEG:F:28

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 480  
Title: "An act relating to adoption and expiration of a regulation..."  
Sponsor: Bettisworth and Liska  
Requestor: State Affairs  
Date of Request: 2-21-84

FISCAL DETAIL

Agency Affected: Labor  
Program Category Affected: Social Services  
BRU, Program or Subprogram(s) Affected: Commissioner's Office  
Commissioner's Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		40.6	43.1	45.7	48.4	51.3
200 TRAVEL						
300 CONTRACTUAL		9.3	9.9	10.5	11.1	11.7
400 SUPPLIES		.5	.5	.6	.6	.6
500 EQUIPMENT		1.6	--	--	--	--
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		52.0	53.5	56.8	60.1	63.6
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		52.0	53.5	56.8	60.1	63.6
FEDERAL FUNDS						
OTHER						
TOTAL		52.0	53.5	56.8	60.1	63.6

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis

Prepared By: <sup>13</sup> Jim Robison Phone: 465-2700  
Division: Commissioner's Office Date: \_\_\_\_\_  
Approved by Commissioner: <sup>HB</sup> Jim Robison Date: 2-22-84  
Agency: Department of Labor

LEG:B:10  
Distribution (by Agency preparing fiscal note):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: HB 480

TITLE: "An Act relating to adoption and expiration of a regulation..."

AGENCY AFFECTED: Department of Labor

Page 2

One position would be required in the Commissioner's Office to coordinate the department's regulation review process. This position will act as the interface between the various divisions' reviewers and the Commissioner's staff. The position will also interface with other State offices in gathering information concerning regulations.

The position would be classified as a Regulation Specialist II and located in Juneau. No special costs would occur with this position other than normal expenses.

Inflation is assumed to be six percent for fiscal years 1985-1989.

1	Position Title Regulation Specialist II		
2	Type of Position PFT	Staff Months 12	RP Number PCN Number
3	CONTINUATION LEVEL		ADDITION
4	Type of Expenditure		Amount
	1	2	3
	PERSONAL SERVICES		
5	Salary	2573	30,876
6	Benefits		5,156
7	Supplemental Benefits		1,893
8	Fixed Benefits		2,724
9	TOTAL PERSONAL SERVICES	01	40,649
10	Travel	02	-0-
11	Contractual	03	9,305
12	Commodities	04	500
13	Equipment	05	1,600
14	Other		
15	TOTAL COST		52,054

	RECEIPT CODE	FUNDING SOURCE	
16		Federal Receipts	1002
17		G.F. Match	1003
18		General Funds	1004
19		I-A Receipts	1005
20		Program Receipts	1028
21		Other	

For M&B Use Only  
4A Key Number \_\_\_\_\_

Range/Step 16A	Barg. Unit GGU	Form 12 Page/Line	GOV.	APPROV.
BRU Priority	Location Juneau	Election District	LEG.	

**JUSTIFICATION** This position will coordinate the department's review process. The position will act as an interface between the various divisions reviewers and the commissioner's staff. The person will monitor all regulations to ensure they are updated in a timely manner.

Other operating costs associated with this position are as follows:

Contractual: Rent 3,600, indirect cost 3,705, basic operating cost 2,000.

Commodities: Regular operating supplies.

Equipment: Desk, chair, and filing cabinet (one-time items).

AGENCY Labor

PROGRAM Social Services

BRU Commissioner's Office

COMPONENT Commissioner's Office

FY 85

13 REQUEST FOR NEW POSITION

Page 1 of 1

Revised Date

LEG:F:29

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 480  
Title: "An act relating to adoption and expiration of a regulation"  
Sponsor: Bettisworth and Liska  
Requestor: State Affairs  
Date of Request: 2-21-84

FISCAL DETAIL

Agency Affected: Labor  
Program Category Affected: Public Protection  
BRU, Program or Subprogram(s) Affected: Workers' Compensation  
Second Injury

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		12.8	13.6	14.4	15.3	16.2
200 TRAVEL		6.4	6.8	7.2	7.6	8.1
300 CONTRACTUAL		73.2	77.6	82.3	87.2	92.4
400 SUPPLIES		1.0	1.1	1.1	1.2	1.3
500 EQUIPMENT		1.0	-0-			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	95.0	99.1	105.0	111.3	113.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	95.0	99.1	105.0	111.3	113.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: <sup>MB</sup> Jacquelyn McClintock *Jacquelyn McClintock* Phone: 465-2790  
Division: Workers' Compensation Date: 2-23-84

Approved by Commissioner: <sup>MB</sup> Jim Robison *Jim Robison* Date: 2-22-84

Agency: Department of Labor

LEG:B:9

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: HB 480

TITLE: "An Act relating to adoption and expiration of a regulation..."

AGENCY AFFECTED: Department of Labor

Page 2

The reviewing and revising of regulations on a three-year cycle would require contracting an attorney and one part-time clerk typist.

A professional attorney's services would be needed for approximately 640 hours a year to maintain an on-going annual review of regulations affecting the Workers' Compensation Board. The Workers' Compensation Board is a quasi-judicial body and, as such, its regulations on Workers' Compensation administration, self-insurance, Second Injury Fund and Vocational Rehabilitation involve highly complex and technical legal processes and procedures similar to those in the Administrative Procedures Act. Therefore, the services of an attorney are required to perform the legal research and writing that is necessary in the regulation review process proposed under HB 480. The estimated cost is \$48,000 for the attorney's fees.

One part-time clerk typist would be required to type the regulations, distribute draft regulations to various parties for their review, maintain a comprehensive file of the regulations, and handle correspondence concerning the review process.

Other special costs associated with this bill would be \$12,000 for printing and mailing costs. Revised Workers' Compensation regulations will need to be reviewed by labor and employer representation groups, insurers, medical and vocational rehabilitation providers, and various attorneys. This wide distribution warrants this extra printing and mailing expense.

Also, one additional board session would be required annually to review and approve the proposed changes of regulations. Estimated cost is \$6,400.

Assumptions: A 6% inflation rate is used from 1985 thru 1989.

One-time cost includes equipment of desk, chair, and file cabinet.

Position Title			
1	Clerk Typist III		
2	Type of Position	Staff Months	RP Number
2	ppr	6	PCN Number
3	CONTINUATION LEVEL		ADDITION
4	Type of Expenditure	Amount	
	1	2	3
PERSONAL SERVICES			
5	Salary	1553	9,313
6	Benefits		1,556
7	Supplemental Benefits		571
8	Fixed Benefits		1,362
9	TOTAL PERSONAL SERVICES	01	12,807
10	Travel	02	-0-
11	Contractual	03	13,213
12	Commodities	04	1,000
13	Equipment	05	1,500
14	Other		
15	TOTAL COST		28,625
	RECEIPT CODE	FUNDING SOURCE	
16		Federal Receipts	1002
17		G.F. Match	1003
18		General Funds	1004
19		I-A Receipts	1005
20		Program Receipts	1028
21		Other	
For M&B Use Only			
4A Key Number _____			

Range/Step 8A	Barg. Unit GGU	Form 1? Page/Line	GOV.	APPROV.
BRU Priority	Location Juneau	Election District	LEG.	

**JUSTIFICATION** This position located in Juneau would type the revised regulations, distribute draft regulations to various parties for their review, maintain a comprehensive file of the regulations, and handle correspondence concerning the review process.

Other costs associated with this position would include:

Contractual: Rent \$3,600, basic operating costs \$7,000, indirect \$1,118.

Commodities: Basic operating supplies.

Equipment: Desk, chair, filing cabinet (one-time items).

13 REQUEST FOR NEW POSITION

AGENCY Department of Labor

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PROGRAM Public Protection

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BRU Workers' Compensation

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COMPONENT Workers' Compensation

FY 85

Page 1 of 1

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Revised Date

LEG:F:30

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 480  
Title: Adoption and Expiration  
of Regulations  
Sponsor: Bettisworth, Lisa  
Requestor: Bettisworth, Lisa  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Commerce & Economic Development  
Program Category Affected: \_\_\_\_\_  
Economic Development  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
-Division of Accounting & Collections

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		15.0	20.0	20.0	25.0	25.0
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		15.0	20.0	20.0	25.0	25.0
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND		15.0	20.0	20.0	25.0	25.0
FEDERAL FUNDS						
OTHER						
TOTAL		15.0	20.0	20.0	25.0	25.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

General Fund

ANALYSIS: Attach a separate page for analysis

Prepared By: Margaret I. Hamley, Director Phone: 465-2555  
Division: Accounting and Collections Date: 3-1-84  
Approved by Commissioner: Richard A. Lyon Date: 3/5/84  
Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

FISCAL NOTE ADDENDUM  
HB 480

CONTRACTUAL SERVICES

Contractual expense incurred in analyzing "costs to public" for new and revised regulations. This will be handled through an RSA between the Division of Accounting & Collections and Division of Finance & Economics or through contracts with private sector organizations.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: February 29, 1984

REQUEST

Bill/Resolution No.: HB 480  
Title: An act relating to adoption and expiration of regulations.  
Sponsor: Bettisworth and Liska  
Requestor: \_\_\_\_\_  
Date of Request: 1/9/84

FISCAL DETAIL

Agency Affected: Commerce and Economic Dev.  
Program Category Affected: Consumer Protection  
BRU, Program or Subprogram(s) Affected: Banking, Securities and Corporations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	- 0 -	56.1	58.2	61.1	64.2	67.4
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
* TOTAL OPERATING	- 0 -	56.1	58.2	61.1	64.2	67.4
CAPITAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
REVENUE	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

FUNDING: (Thousands of Dollars)

GENERAL FUND	- 0 -	56.1	58.2	61.1	64.2	67.4
FEDERAL FUNDS						
OTHER						
* TOTAL	- 0 -	56.1	58.2	61.1	64.2	67.4

POSITIONS:

FULL-TIME	- 0 -	1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

\* - See attached Fiscal Note Analysis

ANALYSIS: Attach a separate page for analysis

Prepared By: Willis F. Kirkpatrick, Director  
Division: Banking, Securities and Corporations

Phone: 465-2521  
Date: 2/29/84

Approved by Commissioner: Richard A. Lyon  
Agency: Commerce and Economic Development

Date: 3/1/84

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

Fiscal Note Analysis  
HB 480

Most of our regulations are required by statute and deal with public protection and to provide rules to obtain safety and soundness in financial institutions. In this recent period of deregulation, our agency has spent a great deal of time reducing regulatory limits by promulgating more liberal regulations. To increase this activity by Sunset provisions, would require much more manpower than our agency has.

To reduce the cost of our financial institution budget, the Bank Examiner II position was dropped from the FY '85 budget. The responsibility of this position was, in part, to develop new financial institution regulations. To accomplish the provisions of this bill, it will be necessary to reestablish the Bank Examiner II position.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date:

**REQUEST**

Bill/Resolution No.: HB 480  
Title: Expiration of regulations

Sponsor: Bettisworth  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Commerce & Economic Development  
Program Category Affected: \_\_\_\_\_  
Public Protection  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Division of Insurance

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL	-0-	4.0	4.4	4.8	6.5	7.0
300 CONTRACTUAL	-0-	17.0	18.7	20.4	27.8	30.5
400 SUPPLIES	-0-	4.0	4.4	4.8	6.5	7.0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	25.0	27.5	30.0	40.8	44.5
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	24.0	27.5	30.0	40.8	44.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

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

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

Not stated by sponsor

**ANALYSIS:** Attach a separate page for analysis

Prepared By: Kenneth C. Moore, Director  
Division: Insurance

Phone: 465-2515  
Date: \_\_\_\_\_

Approved by Commissioner: Richard A. Lyon  
Agency: Commerce and Economic Development

Date: 3/5/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

ANALYSIS  
HB 480

The Division of Insurance has presently 12 sets of regulations on the books and is adding to that at a rate of one set per year. The frequency of review, if review of regulations in force as of the effective date of the bill, would be four in FY '85, four in FY '86, four in FY '87, five in FY '88, and five in FY '89.

Each review would involve about 80 to 100 man hours which is not sufficient to warrant additional staff. However, time spent on these reviews will displace time spent on other functions.

Since the cost analysis required in the bill is not currently conducted except through information developed through the hearing process, and since the expertise to conduct adequate cost analysis is not present, this data would be developed through contracts with experts in that field.

The following data is our best estimate of the average cost per review recognizing that some will cost more and other less.

200 TRAVEL	1.0	One hearing in Anchorage or Fairbanks includes air fare and per diem.
300 CONTRACTUAL	4.0	Includes publishing notice, printing and mailing costs for notice and final decision, and financial analysis.
400 SUPPLIES	<u>1.0</u>	Includes envelopes for two mailings (flats).
	6.0	

The 6.0 is the FY '85 base cost per review. This figure is increased 10% per year for inflation and increase in cost. New adoptions would have an increased cost of about 1.0 under 300 contractual for fiscal analysis.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 480  
 Title: Adoption and expiration of regulations  
 Sponsor: Rep. Bettisworth  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Commerce & Economic Development  
 Program Category Affected: Economic Development  
 BRU, Program or Subprogram(s) Affected: Investments

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	-0-	5.0	5.0	5.0	5.0	5.0
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	5.0	5.0	5.0	5.0	5.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	5.0	5.0	5.0	5.0	5.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY		1-mo.	1-mo.	1-mo.	1-mo.	1-mo.

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Due to the intermittent and short duration that would be required to implement HB 480, the division would probably contract for these services on an "as-needed" basis.

ANALYSIS: Attach a separate page for analysis

Prepared By: Paul B. Arnoldt, Director Phone: 465-2510  
 Division: Investments & Veterans' Affairs Date: \_\_\_\_\_

Approved by Commissioner: Richard A. Lyon Date: 2/29/84  
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/28/84

REQUEST

Bill/Resolution No.: HB 480  
Title: "An Act relating to regulations"  
Sponsor: Reps. Bettisworth & Liska  
Requestor: State Affairs Comm.  
Date of Request: 1/9/84

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.  
Program Category Affected: Public Protection  
BRU, Program or Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		40.5	43.3	46.4	49.7	53.2
200 TRAVEL		10.1	10.8	11.5	12.3	13.2
300 CONTRACTUAL		27.1	29.0	43.5	46.6	49.8
400 SUPPLIES		0.4	0.4	0.5	0.5	0.5
500 EQUIPMENT		3.5	0.0	0.0	0.0	0.0
600 LAND & STRUCTURES		0.0	0.0	0.0	0.0	0.0
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>81.6</b>	<b>83.5</b>	<b>101.9</b>	<b>109.1</b>	<b>116.7</b>
<b>CAPITAL</b>						
<b>REVENUE</b>	<b>0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUNDING: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
GENERAL FUND	0	81.6	83.5	101.9	109.1	116.7
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
FULL-TIME	0	1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified by the sponsors

ANALYSIS: Attach a separate page for analysis (see attached)

Prepared By: Darrell Miller Phone: 465-2535  
Division: Occupational Licensing Date: 2/28/84  
Approved by Commissioner: Richard A. Lyon Date: 2/29/84  
Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

FISCAL ANALYSIS:

Assumptions: This bill impacts the Division of Occupational Licensing regulatory process for 17 State licensing boards and four individual State licensing functions, as provided for under the Centralized Licensing Act, AS 08.01. The division also has been assigned the licensing function for the State Athletic Commission (AS 05) by the Governor's Office and the division has regulations in place governing prorating of licensing fees, as provided for under AS 08.01.

Section 1 of this bill provides for the immediate expansion of public notices issued for any regulation being proposed for amendment, repeal or adoption. Section 2 of the bill mandates full review of all regulations in effect as of the effective date of the bill within a three year period and subsequent action to amend, repeal or retention of those regulations, and for any regulation adopted after the effective date of the bill.

This places an additional burden on the division staff that would require additional personnel to implement the requirements of the bill. The scope of activity required by this bill would necessitate that the additional personnel be an experienced Regulations Specialist, not one at the entry level.

In order to meet the three year mandatory review of existing regulations, it would be necessary to undertake the review commencing in FY '85 to ensure compliance with the provisions of this bill. The scope of this activity would require the full time services of one REgulations Specialist as the various boards and licensing functions currently have in excess of 2,200 regulations, including subdivisions, in effect. An estimated 300 regulations are currently in the process of amendment or repeal, or adoption as new regulations.

HOUSE BILL NO. 480

FISCAL IMPACT:

100 PERSONAL SERVICES

1 Regulation Specialist II, Range 16A, General Government, 12 months, to be located in Juneau. \$40,538.95

200 TRAVEL (based on current per-diem allowances with a 7% inflation factor projected for transportation costs)

1 person, 18 meetings annually, to meet and consult with individual boards and commissions for review of all regulations with possible repeal, amendment or retention of those regulations to meet the three year mandatory review provision of section 2 of this bill.

18 meetings annually (2 days each @ \$80.00 per day per diem = \$160.00 X 18) \$ 2,880.00

Transportation costs, including miscellaneous items such as taxi fares, baggage handling, etc. 18 meetings annually: Estimated (\$400.00 X 18) \$ 7,200.00

Total \$10,080.00

300 CONTRACTUAL

Section I of this bill would require immediate expansion of public notices. It is estimated that the expanded public notices would increase advertising costs approximately 50% in FY '85, and it is estimated that the mandated three year review would escalate advertising costs an additional 50% with the potential for all existing regulations to be public noticed for amendment or repeal. The mandatory three year review would become a continuous operation.

Postage, telephone, printing, advertising and general operating costs: (Estimated) \$27,100.00

400 COMMODITIES

Stationery, typewriter ribbons, pens, pencils, and other miscellaneous desk top supplies. \$ 400.00

500 EQUIPMENT (One time cost FY '85 only - based  
on estimated 1985 costs)

1 Desk, double pedestal, 60" x 30"	\$ 568.22
1 Chair, Executive Swivel, with arms	313.50
1 Typewriter, Correcting Selectric, with dual pitch, 15.5 inch paper capacity	1,369.36
1 Typewriter table	135.65
1 Chair, side, without arms (Contour Style)	126.66
1 Calculator, desk, printing & display, 12 digit	364.66
1 Bookcase, with 3 adjustable shelves	164.69
1 File Cabinet, 5 drawer legal, with lock	406.91
	<u>\$ 3,449.65</u>

One position total: \$81,568.60

1.	POSITION TITLE <b>Regulations Specialist II</b>				RANGE/STEP <b>16 A</b>	BARG. UNIT <b>GGU</b>	FORM 12 PAGE/LINE	GOV.	APPROV.	DISA/P.		
2.	TYPE OF POSITION <b>PFI</b>	STAFF MONTHS <b>12</b>	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION <b>AWA</b>	ELECTION DISTRICT	LEG.				
3.	CONTINUATION LEVEL				JUSTIFICATION							
4.	TYPE OF EXPENDITURE				<p>This position would be required in FY '85 for the immediate implementation of the provisions of Sections 1 and 2 of HB No. 480, which mandates a complete review within three years, and subsequent action to amend, repeal or retention, of all regulations in effect as of the effective date of the bill and for any regulation adopted after the effective date of the bill.</p> <p>The scope of activity required would be of such nature as to require an experienced person in the regulatory process to effectively implement the provisions of HB No. 480.</p>							
	1		2								3	
	PERSONAL SERVICES											
5.	Salary		30,876.00									
6.	Benefits		5,042.05									
7.	Supplemental Benefits		1,892.70									
8.	Fixed Benefits		2,728.20									
9.	TOTAL PERSONAL SERVICES		01								40,538.95	
10.	Travel		02								10,080.00	
11.	Contractual		03								27,100.00	
12.	Commodities		04								400.00	
13.	Equipment		05								3,449.65	
14.	Other										0	
15.	TOTAL COST										81,568.60	
	RECEIPT CODE	FUNDING SOURCE										
16.		Federal Receipts 1002										
17.		G.F. Match 1003										
18.		General Funds 1004		81,568.60								
19.		I-A Receipts 1005										
20.		Program Receipts 1028										
21.		Other										
FOR B&M USE ONLY												
4A KEY NUMBER												

**13** REQUEST FOR  
NEW POSITION

AGENCY Commerce & Economic Development

PROGRAM Public Protection

BRU Occupational Licensing

COMPONENT Administration

**FY 84**

Page 1 of 1

Revised Date

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 480  
Title: An Act relating to adoption  
& expiration of a regulation  
Sponsor: Bettisworth & Liska  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Commerce & Economic Development  
Program Category Affected: \_\_\_\_\_  
Public Protection  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Real Estate Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		33.0	34.7	36.4	36.4	36.4
200 TRAVEL		3.0	3.0	3.0	3.0	3.0
300 CONTRACTUAL		3.0	3.0	3.0	3.0	3.0
400 SUPPLIES		2.0	2.1	2.2	2.3	2.4
500 EQUIPMENT		5.1	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
900 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		46.1	42.8	44.6	44.7	44.8
<b>CAPITAL</b>						
<b>REVENUE</b>		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND		46.1	42.8	44.6	44.7	44.8
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		46.1	42.8	44.6	44.7	44.8

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Taxes

ANALYSIS: Attach a separate page for analysis

Prepared By: James L. Magowan Exec. Director Phone: 563-2169  
Division: Real Estate Commission Date: \_\_\_\_\_

Approved by Commissioner: Richard A. Lyon Date: 3/22/84  
Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

1.	POSITION TITLE Regulation Specialist I			RANGE/STEP 13A	DARG. UNIT G	FORM 12 PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION Permanent	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEC.	
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT	<p>Compliance with the provisions of HB 480 would require a full-time regulation specialist. Current staffing would not permit compliance with HB 480.</p> <p>This position would draft notices, regulations, publication notices, summaries of regulations and all the other items necessary to adopt/readopt regulations on a triennial basis.</p> <p>The position would need supplies, terminal, desk, etc.</p>				
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	25.2							
6.	Benefits	7.8							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01	33.0						
10.	Travel	02	3.0						
11.	Contractual	03	3.0						
12.	Commodities	04	2.0						
13.	Equipment	05	5.1						
14.	Other								
15.	TOTAL COST		46.1						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		46.1					
19.		I-A Receipts 1005							
20.		Program Receipts 1020							
21.		Other							

FOR BSM USE ONLY  
4A KEY NUMBER \_\_\_\_\_

**13** REQUEST FOR  
NEW POSITION

AGENCY Commerce & Economic Development

PROGRAM Consumer Protection

BRU Real Estate Commission

COMPONENT \_\_\_\_\_

**FY 85**

Page 1 of 1

Revised Date \_\_\_\_\_

# Alaska State Legislature



POUCH V  
JUNEAU, ALASKA 99811

REPRESENTATIVE  
ROBERT H. "BOB" BETTISWORTH

211 CUSHMAN STREET  
FARBANKS, ALASKA 99701

## MEMORANDUM

To: Representative Mitch Abood, Chairman, House State Affairs Committee

RAB

From: Representative Bob Bettisworth

Subject: House Bill 480, "An Act relating to adoption and expiration of a regulation.....".

There has been an ongoing conflict, in Alaska and the U.S. as a whole, between legislative entities and executive branches over legislative powers to annul regulations. While this bill does not specifically address legislative annulment, it does provide for expiration of a regulation should certain proposed requirements not be met. Alaska has a statutory provision AS 44.62.320 (a), contained below, that provides for annulment by concurrent resolution adopted by both bodies of the legislature. This statute has been held to be constitutionally invalid by the courts.\*

**Sec. 44.62.320. Legislative annulment of regulations and review.** (a) The legislature, by a concurrent resolution adopted by a vote of both houses, may annul a regulation of an agency or department.

(b) At the same time a regulation is filed by the lieutenant governor, the lieutenant governor shall submit the regulation to the chairman and all members of the Administrative Regulation Review Committee for review under AS 24.20.400 — 24.20.460 together with the fiscal information required to be prepared under AS 44.62.195. (§ 1 art VII (ch 1) ch 143 SLA 1959; am § 3 ch 149 SLA 1962; am § 2 ch 72 SLA 1963; am § 2 ch 27 SLA 1975; am § 5 ch 64 SLA 1978; am § 3 ch 16 SLA 1980)

**Effect of amendments.** — The 1978 amendment substituted "At the same time" for "Within 45 days after" at the beginning of subsection (b).

The 1980 amendment inserted "and all members" following "chairman" near the middle of subsection (b), and added "together with the fiscal information required to be prepared under AS 44.62.195" at the end of subsection (b).

**Constitutionality of legislative veto.** — The legislative veto contained in subsection (a), which provides that the "legislature, by a concurrent resolution adopted by a vote of both houses, may

annul a regulation of an agency or department," violates art. II of the state constitution. *State v. A.L.I.V.E. Voluntary*, Sup. Ct. Op. No. 2022 (File No. 3670), 606 P.2d 769 (1980). But see Alaska Const., art. II, § 22, which was proposed by the 11th legislature's Legislative Resolve No. 5 and will be voted on at the next general election in November, 1980.

No implied general power to veto agency regulations by informal legislative action exists. *State v. A.L.I.V.E. Voluntary*, Sup. Ct. Op. No. 2022 (File No. 3670), 606 P.2d 769 (1980).

Section 1 seeks to improve this situation by imposing two new informational requirements on administrative rules makers when proposing

adoption, amendment, or repeal of regulations. These two new requirements which would be added to those already contained in AS 44.62.200(a) (1) through (5) are the reasons for the proposed regulation and a general statement of anticipated impacts in cost terms on those to be affected. The statement of cost impacts would not impose a strict quantification standard as a fiscal note does and would be much easier to generate.

Section 2 provides for the expiration of regulations not proposed for amendment, continuance or administrative repeal every three years or earlier if so specified in the regulation. Section 2 also provides for the continuance of existing regulations with no changes if a supporting reason is filed for public inspection including;

- a. reasoned justification,
- b. summary of comments received from interested parties,
- c. statement of factual bases,
- d. reasons for disagreement with opposing comments,
- e. statement of statutory basis for adoption and reasons statutory provisions authorize the regulation.

The requirements for continuing a regulation are less stringent than those imposed for amending, adopting or repealing a regulation. It should be noted that the requirements of this legislation are certainly more substantive than those currently imposed.

In summary this bill would impose two new requirements for adoption of a new regulation and provide for administrative repeal of regulations that are not reviewed every three years according to statutory provisions contained in Section 2. Legislative legal counsel anticipates no constitutional problems with this draft legislation. Section 3 provides for an immediate effective date.

\* It has been opined by various attorneys working for the AG's office and the Legislature that the legislative branch can annul regulations through passage of a law rather than a resolution based on the decision in State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980).

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF LAW

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

OFFICE OF THE ATTORNEY GENERAL

April 2, 1984

Hon. Al Adams, Chairman  
House Finance Committee  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Re: HB 480 (adoption and termination of  
administrative regulations)

Dear Mr. Adams:


I understand that your committee has scheduled this bill for hearing later on this week, and that there is some possibility that the hearing will be postponed. For your convenience, I am attaching a copy of my March 1, 1984 letter to Representative Abood concerning this bill. You have no doubt seen the 15 fiscal notes that were submitted to the House State Affairs Committee. 1984 House Journal, pp. 2789, and House Journal Supplement No. 101 (March 2).

Essentially, the Department of Law opposes the bill. Although we believe that the regular review of administrative regulations to assure that they are current and appropriate is a good idea, we believe that this bill would impose Draconian consequences on the entire system of regulations adoption in order to address what might be a problem with only a relatively tiny percentage of the total number of regulations. The bill seeks to take a shortcut, by substituting the passage of time for actual analysis in the legislature's performance of its oversight function. It does not appear that this approach would be any more successful for administrative regulations than it would be for statutes. Consider the effect and expense of such a sunset program on the entire set of Alaska Statutes.

Thank you.

Yours truly,

Norman C. Gorsuch  
Attorney General

By:   
Arthur H. Peterson  
Assistant Attorney General

AHP/jb

cc: The Honorable Bob Bettisworth  
Alaska House of Representatives

March 1, 1984

The Honorable Mitch Abood, Chairman  
State Affairs Committee  
Alaska House of Representatives  
Pouch V  
Juneau, AK 99811

Re: HB 480 (adoption and  
expiration of  
regulations)

Dear Representative Abood:

The Department of Law would like to offer some comments on this bill, which you have scheduled for hearing before your committee today. Essentially, we oppose the bill.

In a bill such as this, one can detect a general dissatisfaction with government regulation. However, it is difficult to pinpoint the precise problem that this bill is tailored to address.

The basic idea of providing information on proposed regulations is good, as is the basic idea of continual agency review of regulations. Most agencies work with their regulations on a daily basis and do a good job in these respects. The consequences or negative aspects of this bill outweigh any benefits.

#### SECTION 1.

Section 1 requires two additional elements in the public notices for regulations: a statement of reasons and a statement of costs. In most instances, the reason for an agency to adopt regulations is a statutory or judicial requirement that the agency do so. The reason that a particular regulation is adopted is that the agency believes that it will best serve the purposes of the program that the agency is charged with administering.

For example, a particular commercial fish regulation setting a particular opening date is adopted because the agency

believes that that will best protect the resource and the economics of the fishery; a regulation requiring a fire escape on a day-care center is for the purpose of protecting the children and adults using the center. It seems unlikely that the public is unaware of these basic reasons for the regulations being adopted. It simply is not feasible for an agency to include in its public notice a detailed explanation of each provision of every regulation. Publication costs would be prohibitive.

Certainly, an agency should carefully consider the reasons for adoption of any regulation. But a requirement that the public notice include a statement of the reasons does not appear to accomplish anything.

As to the statement of anticipated costs, again, the agency certainly should be thinking about costs when it adopts a regulation. But it is unlikely that the agency will be able to predict with any accuracy what the costs on a particular person or industry would be. In fact, it is often the testimony at a public hearing held after notice is published that produces cost information. Also, it is obvious that the efficiency of any person or group covered by a regulation will vary. For example, cost overruns in the construction business are a common experience. It is not evident that this requirement in the bill would produce information of much value to the public generally.

#### SECTION 2.

Section 2, providing for the automatic expiration of regulations every three years, will require a tremendous amount of work on the part of all agencies, including the Department of Law. The benefit that it will produce for the public is not readily apparent. Additional staff will clearly be required for many agencies. This has been set out in fiscal notes by the Department of Law and several other departments, copies of which, I understand, have been furnished to your committee.

The consequence of an inadvertent failure to go through the steps of filing a continuation statement for a regulation and of stating the "adequate supporting reason" for its continuation could be substantial -- the shutdown of a worthwhile program. This affects not only the agency involved (which might thus have less work to do), but also the members of the public who have been relying on that regulation.

The surest way to avoid this sort of consequence would be for each agency to take a "boilerplate" approach to this requirement. However, if a thoughtful analysis of an agency's

entire set of regulations every three years, or one-third of its regulations every year, is undertaken, a great amount of staff time would be required. Obviously, the amount of time will vary with the complexity and quantity of an agency's regulations.

In addition, the requirement for stating an "adequate reason" appears certain to inspire litigation. This will further increase costs and give the courts an even greater role in the implementation of statutory programs.

One further point: the bill does not provide for public participation, as the current statutes on regulation adoption and repeal do. Thus, a provision could be "continued" without publication of notice or opportunity for public comment, and it could be allowed to "expire" without publication of notice or opportunity for public comment.

It must be remembered that regulations are not all "bad" or burdensome. Although many of them impose obligations on individuals, there are usually other individuals who benefit from those provisions. Many regulations govern the relationship between competing interests and between different segments of the public. And, of course, many regulations specify the procedures for getting some benefit from the state. The automatic and silent expiration of such regulations cannot be said to be for the public good.

Section 2 leaves other questions unanswered and results unclear. For example, if one part of a regulation is amended, is the three-year life of the whole regulation renewed? What are the consequences of filing a notice of continuation but having an inadequate statement of supporting reasons. To what sort of "comments" -- written or oral, developed or off-the-cuff -- does proposed AS 44.62.025(b)(2) refer? Why is a regulation "sunset" system necessary when it would duplicate much of the work undertaken in the sunset review of certain agencies (e.g., occupational licensing boards) under existing statutes?

#### CONCLUSION.

While we agree that it is a good idea to provide information on regulations and to review them regularly, we believe that the present statutes set out adequate procedures and requirements to achieve those purposes. For that reason, and because of the costs and potential litigation and other consequences that HB 480 would entail, we must oppose it.

The Honorable Mitch Abood  
HB 480

March 1, 1984  
Page 4

Thank you for this opportunity to comment.

Yours truly,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:

Arthur H. Peterson  
Assistant Attorney General

AHP/jb

cc: Hon. Bob Bettisworth  
Alaska House of Representatives

Bill No. House Bill 480

Date March 1, 1984

Title "An Act relating to adoption and expiration of a regulation; and providing for an effective date." Contact: Eileen Plate, 465-2700  
Robert Landau, 465-2700

House Bill No. 480 contains a number of provisions which are of considerable concern to the Department of Labor, as follows:

1. Section 1 requires that a notice of proposed adoption, amendment, or repeal of a regulation must include a statement concerning the costs of compliance by the persons, industries, and businesses affected by the regulation. The Department presently does not have the expertise to develop sound cost proposals in this regard. The public hearing process used when a regulation is promulgated is viewed by the department as an information/data gathering forum; and historically, we have looked to the public, industry and business to use this forum to relate to the department their concerns with respect to a specific proposal - whether the concern is from a financial, procedural or other aspect. In fact, the department feels that the persons actually affected by a regulation are the best sources of information in this regard.
2. Section 2 prescribes that a regulation automatically expires after three years if the adopting agency does not review the regulation and either amend, repeal or continue it.

In addition to increasing the Department's regulation workload by one-third each year, there are other factors which must be considered with respect to this requirement. First of all, while the bill does anticipate repeal of a regulation only in accordance with the Administrative Procedure Act, the provisions for automatic expiration of a regulation after three years conflict with this by providing opportunity for an agency to let a regulation simply expire instead of formally proposing it for repeal and otherwise adhering to the statutory promulgation procedure. Although it is true that the expiration of a given regulation may relieve affected parties of certain responsibilities, it cannot be overlooked that there are also regulations which serve to exempt certain parties, industries, etc. from certain responsibilities. The automatic expiration provisions of House Bill No. 480 wherein such a regulation could be permitted to "die" by an agency without public notice certainly would not be in the best interest of anyone.

Also to be considered are the consequences of a regulation expiring because an agency, through oversight or other inadvertence, failed to timely review and continue it. The Department of Labor operates under a number of statutes which are fairly broad and which specifically contemplate the promulgation of regulations for program implementation/operation. For example, under AS 18.60.030(6), the department is required to "establish and enforce occupational safety and health standards..." for the protection of Alaska's workers. Our implementation of the state occupational safety and health program has involved the adoption of 15 separate safety and health codes, ranging from general type standards to industry specific standards (logging, sawmills, explosives, etc.). An oversight by the department in properly reviewing and continuing a regulation could, therefore, cause a needed regulation to expire and leave a large segment of Alaska's workers unprotected. No doubt there are literally hundreds of examples of this type which could be cited by state agencies.

**POSITION PAPER/Department of Labor**

Further, there are presently a number of "safeguards" already in place with respect to the promulgation of administrative regulations, as follows:

- The notification and hearing process required under AS 44.62.190, as well as the publication of all notices of proposed changes in regulations in the Administrative Journal.
- The provisions of AS 44.62.220 and AS 44.62.300 which provide for interested persons to petition an agency for the adoption or repeal of a regulation, or to petition the Superior Court for a determination on the validity of a regulation.
- The provisions of AS 44.62.125(b)(3) which require the Department of Law to "continually review administrative regulations, make recommendations to the respective agencies concerning deficiencies, conflicts and obsolete provisions..."

Perhaps a campaign to educate the public on these existing safeguards would be more appropriate and more effective in protecting the public interest.

3. Section 2 also provides for the Department to include in the supporting reason for continuation of a regulation a summary of comments received on the regulation since it was adopted. This requirement raises a question with respect to what constitutes a "comment" or a specific regulation. Would this be only when someone writes in and specifically complains about or praises a regulation? When a comment is made about a procedure or requirement in the course of an appeal hearing? Or a comment made as an aside in the course of a telephone conversation? Maintenance of a system to track and report on such "comments" over a period of three years would be a tremendous job. This particular provision is not sufficiently clear to make a determination on its impact.

While the Department of Labor certainly takes the promulgation of regulations very seriously and feels the intent of House Bill No. 480 is commendable, the above-described problems, as well as the costs associated with implementation, are of concern to the department.

APPROVED:



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Jim Robison  
Commissioner