

COMMITTEE REPORT

SENATE

FURTHER:

4/25/86

Date _____

Mr. President

The Committee on FINANCE considered SB 429

relating to regulations that affect small businesses, small organizations, and small governmental jurisdictions; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/14/86

Date 4/21/86

Mr. President

The Committee on JUDICIARY considered SB 429

~~relating to~~ regulations that affect small businesses, small organizations, and small governmental jurisdictions; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 429 Jul
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

2 Ziegler (DO PASS)

LT A. Chapman (DO)

1 +

2 Rick Halford

2 Tim Kelly

1 G. Jones

Patrick Kelly

Chairman

1 Mrs. Lee

Chairman recommendation

COMMITTEE REPORT
SENATE

2/14/86

FURTHER: JUDICIARY

Finn

Date 11 April, 1986

Mr. President

The Committee on LABOR & COMMERCE considered SB 429

relating to regulations that affect small businesses, small organizations, and small governmental jurisdictions; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 429 (LEC)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Bill Ray NR
McGowan 411

Fred F. Zhaught
 Chairman
No Rec
 Chairman recommendation

Offered: 4/25/86
Referred: Finance

Original sponsor: Fairbank

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 429 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulations that affect small
7 businesses and small municipalities; and providing
8 for an effective date."

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

10 * Section 1. AS 24.20.460 is amended to read:

11 Sec. 24.20.460. POWERS. The Administrative Regulation Review
12 Committee has the following powers:

13 (1) to organize and adopt rules for the conduct of its
14 business;

15 (2) to hold public hearings;

16 (3) to require all state officials and agencies of state
17 government to give full cooperation to the committee or its staff in
18 assembling and furnishing requested information;

19 (4) to examine all administrative regulations to determine
20 if they properly implement legislative intent;

21 (5) to make recommendations for legislative annulment of
22 administrative regulations under AS 44.62.320;

23 (6) to prepare and distribute reports, memoranda, or other
24 materials;

25 (7) to promote needed revision or repeal of regulations
26 that have been adopted by state departments and agencies and, when the
27 committee determines a regulation should be repealed or amended, to
28 introduce a bill that would enact a statute that would supersede or
29 nullify the regulation;

1 (8) to investigate findings that are transmitted to the
2 committee by a standing committee in accordance with AS 24.05.182 and,
3 as appropriate, to either introduce a bill annulling the regulation or
4 exercise the committee's power to suspend the effectiveness of the
5 regulation in accordance with AS 24.20.445;

6 (9) to monitor agency compliance with the requirements of
7 AS 44.62.197, make recommendations to an agency regarding the adequacy
8 of its analyses and of its responses to public testimony, and report
9 annually to the legislature on agency compliance with AS 44.62.197;

10 (10) to petition the court for permission to appear as
11 amicus curiae in an action brought under AS 44.62.300 to address the
12 effect of the regulation on small entities.

13 * Sec. 2. AS 44.52 is amended by adding a new section to article 3 to
14 read:

15 Sec. 44.62.177. REGULATORY AGENDA. (a) During the months of
16 January and July of each year, each agency shall publish in the Alaska
17 Administrative Journal a regulatory flexibility agenda that

18 (1) describes briefly the subject area of any regulation
19 that the agency expects to propose or adopt that is likely to have a
20 significant economic impact on a substantial number of small entities;

21 (2) summarizes the nature of any proposed regulation under
22 each subject area listed under (1) of this subsection, the objectives
23 and legal basis for the proposed regulation, and an approximate sched-
24 ule for completing action on each regulation for which the agency has
25 issued a notice of proposed regulation-making; and

26 (3) contains the name and telephone number of an agency
27 official knowledgeable concerning the items listed in (1) of this
28 subsection.

29 (b) An agency may consider or act on a matter not included in a

1 regulatory flexibility agenda. An agency may decline to consider or
2 act on a matter listed in the agenda. The agency shall state why it
3 is declining to act on the matter. An agency may not refuse to con-
4 sider or adopt a regulation solely because the proposed regulation was
5 not included in the agency's regulatory agenda.

6 (c) In this section, "small entity" has the meaning given in
7 AS 44.62.197.

8 * Sec. 3. AS 44.62 is amended by adding a new section to read:

9 Sec. 44.62.197. ECONOMIC ANALYSIS; SMALL ENTITIES. (a) Before
10 publishing notice under AS 44.62.190, an agency planning to adopt,
11 amend, or repeal a regulation shall analyze the probable economic
12 effect of the proposed action on small businesses and small municipali-
13 ties. The analysis must

14 (1) consider the types and numbers of small entities that
15 will probably be affected by the proposed action, including the types
16 that will bear the costs of the proposed action and those that will
17 benefit from it;

18 (2) consider the probable economic effect of the proposed
19 action, both as to kind and amount, upon the affected entities;

20 (3) review the reasons for the proposed action, in light of
21 the probable economic effect on small entities;

22 (4) identify whether there are less costly or less intru-
23 sive means of achieving the purpose of the proposed action;

24 (5) identify, to the extent practicable, relevant regula-
25 tions that may duplicate, overlap, or conflict with the proposed
26 regulations.

27 (b) After the close of public proceedings under AS 44.62.210,
28 the agency shall prepare, as a final analysis for a regulation-adop-
29 tion project, a brief summary from the analysis required by (a) of

1 this section and the agency's comment on public testimony, whether
2 that testimony was written or oral. The agency's comment on the
3 testimony must identify changes made in response to the testimony and
4 must include a brief statement of the reason for rejecting a proposal,
5 if any, that was not adopted by the agency. The agency's statement
6 under this subsection may summarize the reasons and the testimony in
7 aggregate form so as to avoid duplication and unnecessary detail.

8 (c) If the head of the agency certifies in writing that a regula-
9 tion will not have a significant economic effect on a substantial
10 number of small entities, the agency shall make a succinct statement
11 explaining the reasons for the certification and why it is not re-
12 quired to comply with this section. The certification must be submit-
13 ted to the lieutenant governor for filing with the regulation.

14 (d) An agency may consider a series of closely related regula-
15 tions as one regulation for the purposes of this section.

16 (e) Analyses under this section are not subject to judicial
17 review. Action taken may not be invalidated on the ground that the
18 contents of an analysis are insufficient or inaccurate.

19 (f) In this section

20 (1) "small business" means a business corporation or a
21 nonprofit corporation, a partnership, or a sole proprietorship, that
22 is licensed in the state and transacts business in the state, and

23 (A) employs 50 or fewer employees in the state, ex-
24 cluding seasonal employees; or

25 (B) has annual gross sales, or value of services
26 provided, of \$1,000,000 or less;

27 (2) "small entity" means a small business or small munic-
28 ipality;

29 (3) "small municipality" means a municipality with a

1 population of 10,000 or fewer persons.

2 * Sec. 4. AS 44.62.260(a) is amended to read:

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

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

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

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

13 (4) other matters prescribed by a statute applicable to
14 the specific agency or to the specific regulation or class of regula-
15 tions;

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

18 (6) a summary of the analysis required by AS 44.62.197(a)
19 and the address from which a complete copy of the analysis may be
20 obtained.

21 * Sec. 5. REVIEW OF EXISTING REGULATIONS. (a) Before January 1, 1991,
22 each agency shall review the regulations adopted by that agency and in
23 effect as of July 1, 1986, that have or will have a significant economic
24 effect upon a substantial number of small entities. The purpose of the
25 review is to determine whether the regulations should be continued without
26 change, or should be amended or repealed to minimize a significant economic
27 effect on a substantial number of the small entities. If the head of the
28 agency determines that completion of the review of existing regulations is
29 not feasible by January 1, 1991, the agency head shall certify that fact in

1 writing and may extend the completion date by one year.

2 (b) In reviewing regulations under (a) of this section, the agency
3 shall consider the

4 (1) continued need for the regulation;

5 (2) nature of complaints or comments received concerning the
6 regulation from the public;

7 (3) complexity of the regulation;

8 (4) extent to which the regulation overlaps, duplicates, or
9 conflicts with other state regulations, and, to the extent feasible, with
10 federal and local governmental regulations; and

11 (5) length of time since the regulation has been evaluated or
12 the degree to which technology, economic conditions, or other factors have
13 changed in the area affected by the regulation.

14 (c) In this section

15 (1) "agency" has the meaning given "state agency" in AS 44.62.-
16 640(a);

17 (2) "small entity" has the meaning given in AS 44.62.197.

18 * Sec. 6. AS 44.62.197, enacted by sec. 3 of this Act, does not apply
19 to regulations for which a notice of proposed action is issued before
20 July 1, 1986.

21 * Sec. 7. This Act taken effect July 1, 1986.

Offered: 4/14/86
Referred: Judiciary and Finance

Original sponsor: Fahrenkamp

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 429 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulations that affect small
7 businesses and small municipalities; and providing
8 for an effective date."

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

10 * Section 1. AS 24.20.460 is amended to read:

11 Sec. 24.20.460. POWERS. The Administrative Regulation Review
12 Committee has the following powers:

13 (1) to organize and adopt rules for the conduct of its
14 business;

15 (2) to hold public hearings;

16 (3) to require all state officials and agencies of state
17 government to give full cooperation to the committee or its staff in
18 assembling and furnishing requested information;

19 (4) to examine all administrative regulations to determine
20 if they properly implement legislative intent;

21 (5) to make recommendations for legislative annulment of
22 administrative regulations under AS 44.62.320;

23 (6) to prepare and distribute reports, memoranda, or other
24 materials;

25 (7) to promote needed revision or repeal of regulations
26 that have been adopted by state departments and agencies and, when the
27 committee determines a regulation should be repealed or amended, to
28 introduce a bill that would enact a statute that would supersede or
29 nullify the regulation;
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1 (8) to investigate findings that are transmitted to the
2 committee by a standing committee in accordance with AS 24.05.182 and,
3 as appropriate, to either introduce a bill annulling the regulation or
4 exercise the committee's power to suspend the effectiveness of the
5 regulation in accordance with AS 24.20.445;

6 (9) to monitor agency compliance with the requirements of
7 AS 44.62.197, and make recommendations to an agency regarding the
8 adequacy of its analyses and of its responses to public testimony.

9 * Sec. 2. AS 44.62 is amended by adding a new section to article 3 to
10 read:

11 Sec. 44.62.177. REGULATORY AGENDA. (a) During the months of
12 January and July of each year, each agency shall publish in the Alaska
13 Administrative Journal a regulatory flexibility agenda that

14 (1) describes briefly the subject area of any regulation
15 that the agency expects to propose or adopt that is likely to have a
16 significant economic impact on a substantial number of small entities;

17 (2) summarizes the nature of any proposed regulation under
18 each subject area listed under (1) of this subsection, the objectives
19 and legal basis for the proposed regulation, and an approximate sched-
20 ule for completing action on each regulation for which the agency has
21 issued a notice of proposed regulation-making; and

22 (3) contains the name and telephone number of an agency
23 official knowledgeable concerning the items listed in (1) of this
24 subsection.

25 (b) An agency may consider or act on a matter not included in a
26 regulatory flexibility agenda. An agency may decline to consider or
27 act on a matter listed in the agenda. The agency shall state why it
28 is declining to act on the matter. An agency may not refuse to
29 consider or adopt a regulation solely because the proposed regulation

1 was not included in the agency's regulatory agenda.

2 (c) In this section, "small entity" has the meaning given in
3 AS 44.62.197.

4 * Sec. 3. AS 44.62 is amended by adding a new section to read:

5 Sec. 44.62.197. ECONOMIC ANALYSIS; SMALL ENTITIES. (a) Before
6 publishing notice under AS 44.62.190, an agency planning to adopt,
7 amend, or repeal a regulation shall analyze the probable economic
8 effect of the proposed action on small businesses and small municipal-
9 ities. The analysis must

10 (1) consider the types and numbers of small entities that
11 will probably be affected by the proposed action, including the types
12 that will bear the costs of the proposed action and those that will
13 benefit from it;

14 (2) consider the probable economic effect of the proposed
15 action, both as to kind and amount, upon the affected entities;

16 (3) review the reasons for the proposed action, in light of
17 the probable economic effect on small entities;

18 (4) identify whether there are less costly or less intru-
19 sive means of achieving the purpose of the proposed action;

20 (5) identify, to the extent practicable, relevant regula-
21 tions that may duplicate, overlap, or conflict with the proposed
22 regulations.

23 (b) After the close of public proceedings under AS 44.62.210,
24 the agency shall prepare, as a final analysis for a regulation-adop-
25 tion project, a brief summary from the analysis required by (a) of
26 this section and the agency's comment on public testimony, whether
27 that testimony was written or oral. The agency's comment on the
28 testimony must identify changes made in response to the testimony and
29 must include a brief statement of the reason for rejecting a proposal,

1 if any, that was not adopted by the agency. The agency's statement
2 under this subsection may summarize the reasons and the testimony in
3 aggregate form so as to avoid duplication and unnecessary detail.

4 (c) If the head of the agency certifies in writing that a regula-
5 tion will not have a significant economic effect on a substantial
6 number of small entities, the agency shall make a succinct statement
7 explaining the reasons for the certification and why it is not
8 required to comply with this section. The certification must be
9 submitted to the lieutenant governor for filing with the regulation.

10 (d) An agency may consider a series of closely related regula-
11 tions as one regulation for the purposes of this section.

12 (e) Analyses under this section are not subject to judicial
13 review. Action taken may not be invalidated on the ground that the
14 contents of an analysis are insufficient or inaccurate.

15 (f) In this section

16 (1) "small business" means a business corporation or a
17 nonprofit corporation, a partnership, or a sole proprietorship, that
18 is licensed in the state and transacts business in the state, and

19 (A) employs 50 or fewer employees in the state, ex-
20 cluding seasonal employees; or

21 (B) has annual gross sales, or value of services
22 provided, of \$1,000,000 or less;

23 (2) "small entity" means a small business or small munic-
24 ipality;

25 (3) "small municipality" means a municipality with a popu-
26 lation of 10,000 or fewer persons.

27 * Sec. 4. AS 44.62.200(a) is amended to read:

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

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

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

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

9 (4) other matters prescribed by a statute applicable to
10 the specific agency or to the specific regulation or class of regula-
11 tions;

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

14 (6) a summary of the analysis required by AS 44.62.197(a)
15 and the address from which a complete copy of the analysis may be
16 obtained.

17 * Sec. 5. REVIEW OF EXISTING REGULATIONS. (a) Before January 1, 1991,
18 each agency shall review the regulations adopted by that agency and in
19 effect as of July 1, 1986, that have or will have a significant economic
20 effect upon a substantial number of small entities. The purpose of the
21 review is to determine whether the regulations should be continued without
22 change, or should be amended or repealed to minimize a significant economic
23 effect on a substantial number of the small entities. If the head of the
24 agency determines that completion of the review of existing regulations is
25 not feasible by January 1, 1991, the agency head shall certify that fact in
26 writing and may extend the completion date by one year.

27 (b) In reviewing regulations under (a) of this section, the agency
28 shall consider the

29 (1) continued need for the regulation;

1 (2) nature of complaints or comments received concerning the
2 regulation from the public;

3 (3) complexity of the regulation;

4 (4) extent to which the regulation overlaps, duplicates, or
5 conflicts with other state regulations, and, to the extent feasible, with
6 federal and local governmental regulations; and

7 (5) length of time since the regulation has been evaluated or
8 the degree to which technology, economic conditions, or other factors have
9 changed in the area affected by the regulation.

10 (c) In this section

11 (1) "agency" has the meaning given "state agency" in AS 44.62.-
12 640(a);

13 (2) "small entity" has the meaning given in AS 44.62.197.

14 * Sec. 6. AS 44.62.197, enacted by sec. 3 of this Act, does not apply
15 to regulations for which a notice of proposed action is issued before
16 July 1, 1986.

17 * Sec. 7. This Act takes effect July 1, 1986.
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Introduced: 2/14/86
Referred: Labor and Commerce
and Judiciary

1 IN THE SENATE

BY FAHRENKAMP

2 SENATE BILL NO. 429

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulations that affect small
7 businesses, small organizations, and small govern-
8 mental jurisdictions; and providing for an effective
9 date."

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

11 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

12 (1) when adopting regulations to protect the health, safety,
13 environment, and economic welfare of the state, agencies should seek to
14 achieve statutory goals as effectively and efficiently as possible without
15 imposing unnecessary burdens on the public;

16 (2) laws and regulations designed for application to large scale
17 entities have been applied uniformly to small businesses, small organiza-
18 tions, and small governmental jurisdictions even though the problems that
19 gave rise to government action may not have been caused by those smaller
20 entities;

21 (3) uniform regulatory and reporting requirements have in numer-
22 ous instances imposed unnecessary and disproportionately burdensome demands
23 including legal, accounting and consulting costs upon small businesses,
24 small organizations, and small governmental jurisdictions with limited
25 resources;

26 (4) the failure to recognize differences in the scale and re-
27 sources of regulated entities has in numerous instances adversely affected
28 competition in the marketplace, discouraged innovation and restricted
29 improvements in productivity;

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1 (5) unnecessary regulations create entry barriers in many indus-
2 tries and discourage potential entrepreneurs from introducing beneficial
3 products and processes;

4 (6) the practice of treating all regulated businesses, organiza-
5 tions, and govern mental jurisdictions as equivalent may lead to inefficient
6 use of agency resources, enforcement problems, and, in some cases, to
7 actions inconsistent with the legislative intent of health, safety, en-
8 vironmental, and economic welfare legislation;

9 (7) alternative regulatory approaches that do not conflict with
10 the stated objectives of applicable statutes may be available to minimize
11 the significant economic impact of regulations on small businesses, small
12 organizations, and small governmental jurisdictions;

13 (8) the process by which regulations are developed and adopted
14 should be reformed to require agencies to solicit the ideas and comments of
15 small businesses, small organizations, and small governmental jurisdictions
16 to examine the impact of proposed and existing regulations on the entities,
17 and to review the continued need for existing regulations.

18 * Sec. 2. AS 44 is amended by adding a new chapter to read:

19 CHAPTER 63. REGULATIONS AFFECTING SMALL ENTITIES.

20 Sec. 44.63.010. REGULATORY ACENDA. (a) During the months of
21 January and July of each year, each agency shall publish in the
22 journal a regulatory flexibility agenda

23 (1) describing briefly the subject area of any regulation
24 that the agency expects to propose or adopt that is likely to have a
25 significant economic impact on a substantial number of small entities;

26 (2) summarizing the nature of any proposed regulation under
27 each subject area listed under (1) of this subsection, the objectives
28 and legal basis for the proposed regulation, and an approximate
29 schedule for completing action on each regulation for which the agency

1 has issued a notice of proposed regulation-making; and

2 (3) containing the name and telephone number of an agency
3 official knowledgeable concerning the items listed in (1) of this
4 subsection.

5 (b) Each regulatory flexibility agenda shall be transmitted to
6 the office of enterprise, for comment.

7 (c) Each agency shall endeavor to give notice of the agenda to
8 small entities or their representatives by direct notification or
9 publication of the agenda in publications likely to be obtained by the
10 small entities and shall invite comments upon each subject area on the
11 agenda.

12 (d) An agency may consider or act on a matter not included in a
13 regulatory flexibility agenda and may decline to consider or act on a
14 matter listed in the agenda.

15 Sec. 44.63.020. INITIAL FLEXIBILITY ANALYSIS. (a) When an
16 agency is required by AS 44.62.190 or any other law to publish notice
17 of proposed action for a proposed regulation, the agency shall prepare
18 and make available for public comment an initial flexibility analysis.
19 The analysis shall describe the effect of the proposed regulation on
20 small entities. The initial flexibility analysis or a summary shall
21 be published in the journal when the notice of proposed action is
22 published. The agency shall send a copy of the initial flexibility
23 analysis to the office of enterprise.

24 (b) Each initial flexibility analysis shall

25 (1) describe the reasons why action by the agency is being
26 considered;

27 (2) contain a succinct statement of the objectives of, and
28 legal basis for, the proposed regulation;

29 (3) describe and, if feasible, estimate the number of small

1 entities to which the proposed regulation will apply;

2 (4) describe the reporting, record-keeping and other com-
3 pliance requirements of the proposed regulation, including an estimate
4 of the classes of small entities that will be subject to the require-
5 ment and the type of professional skills necessary for preparing the
6 report or record;

7 (5) identify, to the extent practicable, relevant regula-
8 tions that may duplicate, overlap, or conflict with the proposed regu-
9 lation.

10 (c) An initial flexibility analysis shall also describe any
11 significant alternatives to the proposed regulation that accomplish
12 the stated objectives of applicable statutes and that minimize the
13 significant economic impact on small entities. The analysis shall
14 discuss significant alternatives including

15 (1) the establishment of differing compliance or reporting
16 requirements or timetables that take into account the resources avail-
17 able to small entities;

18 (2) the clarification, consolidation, or simplification of
19 compliance and reporting requirements under the regulation for the
20 small entities;

21 (3) the use of performance rather than design standards;
22 and

23 (4) an exemption from coverage of the regulation, or any
24 part, for the small entities.

25 (d) An agency head may waive or delay the completion of some or
26 all of the requirements of this section by publishing in the journal,
27 not later than the date of publication of the final regulation, a
28 written finding, with reasons, that the final regulation is being
29 adopted in response to an emergency that makes compliance or timely

1 compliance with this section unpracticable.

2 Sec. 44.63.039. FINAL FLEXIBILITY ANALYSIS. (a) When an agency
3 adopts a final regulation after being required by AS 44.62.190 or any
4 other law to publish a notice of proposed action, the agency shall
5 prepare a final flexibility analysis. Each final flexibility analysis
6 shall

7 (1) state succinctly the need for, and the objectives of,
8 the regulation;

9 (2) summarize the issues raised by the public comments in
10 response to the initial flexibility analysis and the agency's assess-
11 ment of the issues, and contain a statement of changes made in the
12 proposed regulation as a result of the comments; and

13 (3) describe each significant alternative to the regulation
14 that was consistent with the stated objectives of applicable statutes
15 and was designed to minimize significant economic impact of the regu-
16 lation on small entities that the agency considered, and state the
17 reasons that the agency rejected the alternative.

18 (b) The agency shall make copies of the final flexibility analy-
19 sis available to members of the public and shall publish in the
20 journal at the time of publication of the final regulation under
21 AS 44.62.180 a statement describing how the public may obtain copies.

22 (c) Except as provided in AS 44.63.040(b), an agency head may
23 not waive the requirements of this section. An agency head may delay
24 the completion of the requirements of this section for not more than
25 180 days after the date of publication in the journal of a final
26 regulation by publishing in the journal, not later than the date of
27 publication of the final regulation, a written finding, with reasons,
28 that the final regulation is being adopted in response to an emergency
29 that makes timely compliance with this section impracticable. If the

1 agency does not prepare a final regulatory analysis under this section
2 within 180 days from the date of publication of the final regulation,
3 the regulation lapses and has no effect. The agency may not adopt the
4 substance of the regulation in a second emergency regulation until it
5 has completed a final flexibility analysis.

6 Sec. 44.63.040. AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALY-
7 SES. (a) An agency may perform the analyses required by AS 44.63.-
8 010 - 44.63.030 in conjunction with or as a part of another agenda or
9 analysis required by law if the other analysis satisfies these sec-
10 tions.

11 (b) If the head of the agency certifies that a regulation will
12 not have a significant economic impact on a substantial number of
13 small entities, the agency is not required to comply with AS 44.63.020
14 and 44.63.030. The agency shall publish the certification and a
15 succinct statement explaining the reasons for the certification in the
16 journal when the notice of proposed action for the regulation is
17 published or when the final regulation is published. The agency shall
18 provide the certification and statement to the office of enterprise.

19 (c) An agency may consider a series of closely related regula-
20 tions as one regulation for the purposes of AS 44.63.010 - 44.63.030
21 and 44.63.070.

22 Sec. 44.63.050. PREPARATION OF ANALYSIS. In complying with
23 AS 44.63.020 and 44.63.030, an agency may provide either a quantifi-
24 able or numerical description of the effects of a proposed regulation
25 or alternatives to the proposed regulation, or more general descrip-
26 tive statements if quantification is not practicable or reliable.

27 Sec. 44.63.060. PROCEDURES FOR GATHERING COMMENTS. When a
28 regulation is adopted that will have a significant economic impact on
29 a substantial number of small entities, the head of the agency

1 adopting the regulations or the official of the agency responsible for
2 adoption of the regulation shall assure that small entities have been
3 given an opportunity to participate in the process through techniques
4 including

5 (1) inclusion in an advanced notice of proposed adoption of
6 regulation, if issued, of a statement that the proposed regulation may
7 have a significant economic effect on a substantial number of small
8 entities;

9 (2) publication of general notice of the proposed regula-
10 tion in publications likely to be obtained by small entities;

11 (3) direct notification of interested small entities;

12 (4) open conferences or public hearings concerning the
13 regulation for small entities; and

14 (5) adoption or modification of agency procedural regula-
15 tions to reduce the cost or complexity of participation in the process
16 by small entities.

17 Sec. 44.63.070. PERIODIC REVIEW OF REGULATIONS. (a) Before
18 January 1, 1987, each agency shall publish in the journal a plan for
19 the periodic review of the regulations issued by the agency that have
20 or will have a significant economic impact upon a substantial number
21 of small entities. The agency may amend the plan by publishing the
22 revision in the journal. The purpose of the review is to determine
23 whether the regulations should be continued without change, or should
24 be amended or rescinded to minimize significant economic impact on a
25 substantial number of the small entities. The plan must provide for
26 the review by July 1, 1991, of all the agency regulations existing on
27 July 1, 1986, and for the review of a regulation adopted after July 1,
28 1986, within five years of the effective date of the regulation. If
29 the head of the agency determines that completion of the review of

1 existing regulations is not feasible by the established date, the
2 agency head shall certify that fact in a statement published in the
3 journal and may extend the completion date by one year at a time for a
4 total of not more than five years.

5 (b) In reviewing regulations under (a) of this section, the
6 agency shall consider the

7 (1) continued need for the regulation;

8 (2) nature of complaints or comments received concerning
9 the regulation from the public;

10 (3) complexity of the regulation;

11 (4) extent to which the regulation overlaps, duplicates or
12 conflicts with other state regulations, and, to the extent feasible,
13 with federal and local governmental regulations; and

14 (5) length of time since the regulation has been evaluated
15 or the degree to which technology, economic conditions, or other
16 factors have changed in the area affected by the regulation.

17 (c) Each agency shall annually publish in the journal a list of
18 the regulations to be reviewed under this section during the suc-
19 ceeding 12 months. The list shall include a brief description of each
20 regulation and the need for and legal basis of the regulation and
21 shall invite public comment on the regulation.

22 Sec. 44.63.030. JUDICIAL REVIEW. (a) Except as provided in (b)
23 of this section,

24 (1) a determination by an agency concerning the applicability
25 of this chapter to an action of the agency is not subject to
26 judicial review;

27 (2) a flexibility analysis prepared under AS 44.63.020 or
28 44.63.030 and agency compliance or noncompliance with this chapter is
29 not subject to judicial review.

1 (b) When an action for judicial review of a regulation is in-
2 stituted, the flexibility analysis for the regulation shall constitute
3 part of the whole record of agency action in connection with the
4 review.

5 Sec. 44.63.090. REPORTS AND INTERVENTION RIGHTS. (a) The
6 office of enterprise shall monitor agency compliance with this chapter
7 and shall report at least annually to the governor and the legisla-
8 ture.

9 (b) The office may appear as amicus curiae in an action brought
10 in a court to review a regulation and may present views on the effect
11 of the regulation on small entities.

12 (c) A court shall grant the application of the office to appear
13 in an action under (b) of this section.

14 Sec. 44.63.200. AGENCY AMENDMENT OF DEFINITIONS. (a) An agency
15 may amend, by regulation, the definition of "small business" or "small
16 organization" if the amended definition is appropriate to the activi-
17 ties of the agency. An agency shall consult with the office of enter-
18 prise before amending "small business." An amendment to "small busi-
19 ness" may establish a maximum number of employees or dollar volume of
20 business for an enterprise in an industry.

21 (b) An agency may amend, by regulation, the definition of "small
22 governmental jurisdiction" if the amendment is appropriate to the
23 activity of the agency and is based on factors including location in
24 rural or sparsely populated areas or an area with limited revenue due
25 to the population of the jurisdiction.

26 (c) An agency that is not subject to AS 44.62.010 - 44.62.290 of
27 the Administrative Procedure Act and that intends to amend a defini-
28 tion under (a) or (b) of this section shall provide an opportunity for
29 public comment before adopting the amendment and shall publish the

1 amended definition in the journal.

2 Sec. 44.63.210. DEFINITIONS. In this chapter

3 (1) "agency" means an agency in the executive branch of
4 state government;

5 (2) "journal" means the Alaska Administrative Journal under
6 AS 44.62.175;

7 (3) "office of enterprise" means the office of enterprise
8 in the Department of Commerce and Economic Development;

9 (4) "regulation" means a regulation adopted under AS 44.62
10 or any other law, except a regulation of particular applicability
11 relating to rates, wages, corporate or financial structures or reorga-
12 nizations, prices, facilities, appliances, services or allowances or
13 to valuations, costs, or accounting, or practices relating to the
14 rates, wages, structures, prices, appliances, services, or allowances;

15 (5) "small business" means a small business that is
16 independently owned and operated and is not dominant in its field;

17 (6) "small entity" means a "small business," small orga-
18 nization, or small governmental jurisdiction;

19 (7) "small governmental jurisdiction" means a municipality,
20 school district, or special district, with a population of less than
21 50,000;

22 (8) "small organization" means a not-for-profit enterprise
23 that is independently owned and operated and is not dominant in its
24 field.

25 * Sec. 2. Notwithstanding AS 44.63.010(a), as enacted by sec. 1 of this
26 Act, the first publication of regulatory agendas must occur by January 31,
27 1987.

28 * Sec. 3. AS 44.63.020 and 44.63.030 as enacted by sec. 2 of this Act
29 do not apply to regulations for which a notice of proposed action is issued

1 before July 1, 1986.

2 * Sec. 4. This Act takes effect July 1, 1986.
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ALASKA STATE LEGISLATURE

14th Legislature 2nd Session

SENATE BILL NO. 429

By FAHRENKAMP

"An Act relating to regulations that affect small businesses, small organizations, and small governmental jurisdictions; and providing for an effective date."

Introduced in the Senate .. 2/14.., 19..86

HISTORY IN THE SENATE

19 86 Read first time and referred to Committee on

2 14 LABOR & COMMERCE
 2 14 JUDICIARY
 Reported back with recommendation that replace w/65, new title, 3 no rev to part
 4/25 Jud: 3 do pass, 2 no rea to Finance.
 F.I.C.

Read second time and

Read third time and

PASS Effective Date
 Yeas Yeas
 Nays Nays
 Absent Absent
 Excused Excused

Reconsideration

PASS Effective Date
 Yeas Yeas
 Nays Nays
 Absent Absent
 Excused Excused

Reported correctly engrossed
 Signed by President
 Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19 Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
 Yeas Yeas
 Nays Nays
 Absent Absent
 Excused Excused

Reconsideration

PASS Effective Date
 Yeas Yeas
 Nays Nays
 Absent Absent
 Excused Excused

Reported correctly engrossed
 Signed by Speaker
 Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19 Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 429 (Jud)
 Title : "An Act relating to regulations that affect small businesses and small municipalities...."
 Sponsor : Senator Fahrenkamp
 Requestor : Senate Finance
 Date of Request : 4/28/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : DPS Administration

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		31.5	33.1	34.7	36.5	38.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		31.5	33.1	34.7	36.5	38.3

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		31.5	33.1	34.7	36.5	38.3
FEDERAL FUNDS						
OTHER						
TOTAL		31.5	33.1	34.7	36.5	38.3

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

This Department's Divisions of Motor Vehicles, Fire Prevention and Alaska State Troopers as well as the Alaska Police Standards Council would be affected.

Prepared by: Frank N. Gorham Phone : 465-4322
 Division : Commissioner's Office Date : 4/28/86

Approved by Commissioner : [Signature] Date : 4/30/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 429 (Jud)

The Department's approach to the requirements of the Act would be to contract research/analytical expertise to do the indepth analysis and subsequent summary as required by this Act. The contractual expertise time necessary to meet the requirements found in this piece of legislation would be estimated at 45 days per year.

Since the costs would be spread out amongst the various entities of the Department, the contractual costs would be placed in the Commissioner's Office and dispersed as necessary.

A 5% inflation factor is added beginning FY88.

300 Contractual \$31.5

Research/analysis	
45 days @ \$100/day for 6 hours per day	\$27.0
Incidental computer use	2.5
Incidental travel related to above	2.0

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 429 (L&C)
 Title : "An Act relating to regulations that affect small businesses and small municipalities...."
 Sponsor : Senator Fahrenkamp
 Requestor : Senate Judiciary
 Date of Request : 4/15/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : DPS Administration
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL SUPPLIES		31.5	33.1	34.7	36.5	38.3
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		31.5	33.1	34.7	36.5	38.3

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		31.5	33.1	34.7	36.5	38.3
FEDERAL FUNDS						
OTHER						
TOTAL		31.5	33.1	34.7	36.5	38.3

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This Department's Divisions of Motor Vehicles, Fire Prevention and Alaska State Troopers as well as the Alaska Police Standards Council would be affected.

Prepared by : Frank N. Gorham Phone : 465-4322
 Division : Commissioner's Office Date : 4/15/86

Approved by Commissioner : [Signature] Date : 4/16/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 429 (L&C)

The Department's approach to the requirements of the Act would be to contract research/analytical expertise to do the indepth analysis and subsequent summary as required by this Act. The contractual expertise time necessary to meet the requirements found in this piece of legislation would be estimated at 45 days per year.

Since the costs would be spread out amongst the various entities of the Department, the contractual costs would be placed in the Commissioner's Office and dispersed as necessary.

A 5% inflation factor is added beginning FY88.

<u>300 Contractual</u>		\$31.5
Research/analysis		
45 days @ \$100/day for 6 hours per day	\$27.0	
Incidental computer use	2.5	
Incidental travel related to above	2.0	

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No: SB 429
Title: Regulations affecting small businesses, small organizations and small governmental organizations
Sponsor: Fahrenkamp
Requestor: Department of Law
Date of Request: April 9, 1986

FISCAL DETAIL

Agency Affected: Revenue
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	-	37.5	37.5	37.5	37.5	37.5
TRAVEL	-	1.5	1.5	1.5	1.5	1.5
CONTRACTUAL	-	5.0	5.0	5.0	5.0	5.0
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	43.0	43.0	43.0	43.0	43.0
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	43.0	43.0	43.0	43.0	43.0
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

See attached analysis

Prepared By: Royce Weller
Division: Commissioner's Office

Phone: 465-2300
Date: April 9, 1986

Approved by Commissioner: [Signature]
Agency: Department of Revenue

Date: April 9, 1986

Distribution (by Agency preparing fiscal note):

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

Continuation for SB 429 Analysis:

The passage of this legislation would require the reclassification of an Administrative Assistant III (16J) from PPT to PFT and the hiring of a PPT Clerk Typist III.

The Administrative Assistant would coordinate data from the divisions and affected entities, and would assist in preparing the required analyses, documents and notices. The Clerk Typist III would provide clerical support to the Administrative Assistant III and the regulations writing staff.

We anticipate the need for a contractor with economics expertise to assist in the preparation of the feasibility analyses of more complex regulatory issues.

4/15/86
5(2nd)

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 429
 Title : "An Act relating to regulations
 that affect small businesses..."

Sponsor : Sen. Farenkamp
 Requestor : Governor's Office/OMB
 Date of Request : April 3, 1986

FISCAL DETAIL

Agency Affected : Department of Law
 BRU : Legal Services

Components : Legal Services Operations

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

-Please see attached analysis. -

Prepared by : Richard I. Pegues, Director
 Division : Administrative Services Division

Phone : 465-3672
 Date : 4/4/86

Approved by Commissioner : Harold M. Brown
 Agency : Department of Law

Date : 4/4/86

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 429

This bill adds new sections to the Administrative Procedure Act that require that agencies adopting regulations, under the Act, consider the probable economic effect of the proposed action on small businesses and small municipalities. Although these changes may cause a fiscal impact for several departments, the Department of Law adopts few regulations of its own, and the bill will probably not have a direct fiscal impact on the department. The department does, however, review all regulations prior to their adoption, and it sometimes assists other departments in drafting their regulations. To the extent that we are requested to advise other agencies about the sufficiency of their efforts to conform to the economic analysis provisions in this bill, we can expect innumerable requests for advice. These requests will probably result in our regulations and legislative drafting staff becoming more swamped than they already are.

Because we cannot accurately predict the additional workload that will occur if this bill becomes law, we are not requesting fiscal note funds at this time. Such a request may become necessary in the future, and the potential for this additional cost should be noted while the bill is being considered.

2/21/86
2/2/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 429
 Title : Relating to Regulations Affecting
 Small Businesses, Organizations and
 Governments
 Sponsor : Alhrenkann
 Requestor : Attorney General
 Date of Request : _____

FISCAL DETAIL

Agency Affected : DOT&PF
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		10.0	10.0	10.0	10.0	10.0
TRAVEL		5.0	5.0	5.0	5.0	5.0
CONTRACTUAL		6.0	6.0	6.0	6.0	6.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		21.0	21.0	21.0	21.0	21.0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		21.0	21.0	21.0	21.0	21.0
FEDERAL FUNDS						
OTHER						
TOTAL		21.0	21.0	21.0	21.0	21.0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See attachment -

John J. Simpson, Director 3/27/86

Prepared by : Harry Keller Phone : 465-2951
 Division : Engineering & Operations Standards Date : 3/27/86
 Approved by Commissioner : *Bill Meyer* Date : 3/31/86
 Agency : DOT/PE

Distribution (by Agency preparing fiscal note) :

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 429

This proposed legislation is apparently an attempt to require those agencies with regulation adoption authority to be more responsive to small businesses, small organizations and small governmental jurisdictions.

The additional costs involving the regulation adoption process is based on the assumption that the Department would propose three regulation changes per year and review two existing regulations per year as required under Sec. 44.63.070 of the bill.

Expenditure Detail

1. Personal Services for review of existing regulations, attendance at additional hearings and analysis of hearing comments and testimony. (10.0)
2. Travel for holding additional hearings and meetings. (5.0)
3. Contractural: additional advertising, mailouts and telephone to notify affected entities of reviews, hearings and meetings. (6.0)

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 429
 Title: An act relating to regulations that affect small businesses, small organizations, and small governmental. . . ."

Sponsor: Fahrenkamp
 Requestor: _____
 Date of Request: February 14, 1986

FISCAL DETAIL

Agency Affected: Dept. of Administration
 BRU: Administrative Services

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	0	7.4	7.6	7.8	8.0	8.2
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	10.7	11.0	11.3	11.6	12.0
SUPPLIES	0	.6	.6	.6	.7	.7
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	18.7	19.2	19.7	20.3	20.9
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	18.7	19.2	19.7	20.3	20.9
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	18.7	19.2	19.7	20.3	20.9

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Attached

Prepared By: Gary M. Bader *Gary M. Bader* Phone: 465-2277
 Division: Administrative Services Date: 3/28/86

Approved by Commissioner: Eleanor Andrews *Eleanor Andrews* Date: 3/28/86
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

CONTINUATION OF FISCAL NOTE ANALYSIS
FOR SENATE BILL 429

ANALYSIS:

A. Assumptions

1. Enactment of Senate Bill No. 429 would add a new chapter to AS 44. This new chapter pertains to small entities and the possible impact upon them by regulation changes. This bill increases the number of tasks required for notification of possible changes as well as requires a periodic review of all regulations. The estimates which follow are based on the existence of fourteen chapters of regulations of the Department of Administration in the Alaska Administrative Code and the assumption of at least two proposed changes per year per chapter.

B. Listing Of Activities

	<u>Section</u>	<u>Task Description</u>	<u>Per Proposed Regulation Change</u>	
	44.63.010	Prepare and publish regulatory flexibility agenda (based upon required six tasks)	6 hours	
	44.63.020	Prepare initial flexibility analysis (based upon required six tasks)	6 hours	
	44.63.030	Prepare final flexibility analysis (based upon required three tasks)	5 hours	
		TOTAL	17 hours	
				<u>Required On Annual Basis</u>
	44.63070	Periodic review plan (based upon required five considerations)		10 hours
	44.63.070(c)	Prepare and publish current years' review schedule		4 hours
		TOTAL		14 hours
3.		Inflation is estimated at 3 percent per year.		

B. Staff Requirement

1. Each proposed regulation change is estimated to require 17 hours per year. If two changes are proposed for each chapter of the Department of Administration's regulations which impact small entities, then $2 \times 14 \times 17 = 476$ hours per year of additional processing are required by Senate Bill 429. Additionally, on an annual basis, the periodic review plan and current year's review schedule must be prepared and published requiring $10 + 4 = 14$ hours per year.
2. $476 + 14 = 490$ employee hours \div 47 weeks = 10.43 employee hours/week

COMPUTATION APPENDAGE of FISCAL NOTE ANALYSIS
FOR SENATE BILL 429

1. Additional Staff Requirements Analysis

a. General Government Unit (GGU)

Hours per Year	=	1,950 hours per year
Annual Leave	=	(75)
Five Days Sick Leave	=	(37.5)
Holidays (ten days)	=	(75)
Employee Annual Hours Worked	=	<u>1,762.5 hours per year</u>

1,762.5 hours per year ÷ 37.5 hours per week = 47 weeks per year

b. Staff--one part-time Administrative Assistant I, Range 12

\$12.75 per hour x 10 hours per week x 52 weeks	=	\$6,630.00
Benefits for less than 15 hours per week: 11.16%	=	<u>\$ 739.91</u>

TOTAL: \$7,369.91

2. Other Costs Analysis

Contractual Total: \$10,696

Duplicating--\$196

Assume 28 Initial Flexibility Analyses and 28 Final Flexibility Analyses to be published at four pages each to meet criteria as established by AS 44.63, mailed to 25 interested/impacted small entities:

2 analyses x 28 regulations x 4 pages x 25 parties x \$.035 = \$196

Advertising--\$10,500

Sec. 44.63.010(3)(c) requires publication of the regulatory agenda in "publications likely to be obtained by small entities." Each of the assumed twenty-eight proposed regulatory changes flexibility agendas printed in the newspaper in Fairbanks, Anchorage, and Juneau would cost:

28 agendas x 3 papers x \$125 = \$10,500

Supplies: \$600

1 employee x \$50 month x 12 months = \$600

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : Senate Bill 429
 Title : "An Act relating to regulations that affect small businesses, small organizations, etc."
 Sponsor : Fahrenkamp
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Military & Vets Affairs
 BRU : Alaska National Guard
 Components : Office of the Adjutant General

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No fiscal impact.

Prepared by : *RJR* Richard L. Rountree, Director Phone : 465-4600
 Division : Administrative & Support Services Date : 3/28/86

Approved by Commissioner : *For Richard L. Rountree* Edward G. Pagano Date : 3/28/86
 Agency : Dept. of Military & Veterans Affairs

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 429
 Title : Regulations affecting small businesses, et al.
 Sponsor : Senator Fahrenkamp
 Requestor : Senators Fahrenkamp & Zharoff
 Date of Request : 3/24/86

FISCAL DETAIL

Agency Affected : ADEC
 BRU : Environmental Quality
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		72.7	73.0	73.3	73.6	73.9
TRAVEL		1.5	1.5	1.5	1.5	1.5
CONTRACTUAL		5.0	3.0	3.0	3.0	3.0
SUPPLIES		1.5	1.6	1.7	1.8	1.9
EQUIPMENT		3.6	.5	.5	.5	.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		84.3	79.6	80.0	80.4	80.8

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

FUNDING : (Thousands of Dollars)

GENERAL FUND		84.3	79.6	80.0	80.4	80.8
FEDERAL FUNDS						
OTHER						
TOTAL		84.3	79.6	80.0	80.4	80.8

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

See attached

Prepared by : Billie Trent Phone : 465-2600
 Division : Office of the Commissioner Date : 3/27/86

Approved by Commissioner : Bill Ross *Bill Ross* Date : 3/28/86
 Agency : Environmental Conservation

Distribution (by Agency preparing fiscal note) :

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 429

While the Department of Environmental Conservation certainly supports and encourages the concept of responsiveness of government to the public it serves, the ability to do so will (for this legislation, at least) require the hiring of a Research Analyst III and a half-time Clerk Typist III. We also envision the need for minimal contractual services when proposed regulatory changes involve complex matters affecting a diverse population.

We would point out that many of our regulations have federal mandates behind them, requiring federal approval before promulgation. If such regulations were excluded from the requirements of AS 44.63.020 and AS 44.63.030 (although AS 44.63.030(a)(1) and (2) represent theories of responsible rule-making which we support), we could reduce our fiscal note to a half-time Research Analyst III with minimal contractual services.

Position Title <u>Research Analyst III</u>			No. of Positions <u>1</u>	Range/Step <u>18A</u>	Barg. Unit <u>CGU</u>	Gov. <u>Leg.</u>	Approv.	Disapp.
Time Status <u>PFT</u>	Staff Months <u>12</u>	RP Number	Location <u>Juneau</u>	Election District				
Type of Expenditure			Justification					
		Amount	<p>Because of the complex nature of this agency's programs, and the wide variety of entities and individuals served and affected, this position's expertise would be required to provide the various analyses and reports and summaries required by the legislation.</p> <p>This position would coordinate data from staff who write regulations, from affected entities, and from other appropriate sources, analyzing impact and making recommendations to staff; preparing required analyses, documents, and notices, with staff input and evaluation as to correlation between data, federal requirements, and the like.</p> <p>For more complex matters, this position would work closely with an economics-type contractor to achieve the provisions of the law.</p> <p>Costs associated with this position include average per-employee costs for contractual and commodities. Equipment expense for a desk, chair, etc. are a one-time expenditure.</p>					
<u>1</u>	<u>2</u>	<u>3</u>						
Salary	<u>37,596</u>							
Benefits	<u>12,324</u>							
Premium Pay								
Other								
Total Personal Services		<u>49,920</u>						
Travel		<u>1,500</u>						
Contractual		<u>2,000</u>						
Commodities		<u>1,000</u>						
Equipment		<u>2,000</u>						
Other								
Total Cost		<u>56,420</u>						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004	<u>56,420</u>						
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
For B&M Use Only Key Number _____								

**Request For
New Position**

Agency Environmental Conservation
 BRU Environmental Quality
 Component _____

Page 3 of 4
 Revised Date _____

FY 87

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 429
 Title : An act relating to regulations that effect small businesses; small organizations, etc.
 Sponsor : Fahrenkamp
 Requestor : Senate Labor & Commerce
 Date of Request : 2/18/86

FISCAL DETAIL

Agency Affected : Labor
 BRU : Commissioner's Office
 Components : Commissioner's Office

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		72.4	72.4	72.4	72.4	72.4
TRAVEL						
CONTRACTUAL		34.0	34.2	34.3	34.5	34.7
SUPPLIES		1.5	1.6	1.6	1.7	1.8
EQUIPMENT		3.2	-	-	-	-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		111.1	108.2	108.3	108.6	108.9

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		111.1	108.2	108.3	108.6	108.9
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

(See Attached)

Prepared by : Eileen Plate

Phone : 465-2700

Division : Commissioner's Office

Date : 3/28/86

Approved by Commissioner : Jim Robison
 Agency : Labor

Date : 3/28/86

Distribution (by Agency preparing fiscal note) :

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 429

In order for the department to comply with the provisions of SB 429, the addition of two staff members would be necessary. A Regulations Specialist II and a Clerk Typist III, both located in Juneau, would be necessary for the additional research, analyses and documentation required by the bill. (See attached New Position Justification Forms for detail).

More specifically, the Regulation Specialist would be responsible for developing the Department's agenda of proposed regulations twice yearly, and for the review of departmental regulations before July 1, 1991. Also, this position would be responsible for coordinating with consulting firms to prepare the initial "flexibility analysis" on all proposed regulations. Expertise does not currently exist in the department to complete this type of analysis. We estimate \$30,000 in contracts would be required each year. The Regulations Specialist would be able to prepare the final analysis.

Also required is additional published information when notices of regulations are placed in newspapers. We estimate an addition of \$6,000 in advertising expenses each year to meet these requirements.

Assumptions:

1. The department would have 10 regulation proceedings a year that would fall under the requirements of this bill.
2. Effective date of July 1, 1986.
3. Annual inflation of 4% on non-personal service items.

Position Title Regulations Specialist II			No. of Positions 1	Range/Step 16A	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Juneau		Election District	Leg.		
Type of Expenditure			Justification					
Amount			<p>This position would be responsible for coordinating the department's activity in meeting the requirements of this bill. The person would review all proposed regulations to determine if they are justified and develop 1) the agenda of proposed regulations twice yearly and 2) a plan for periodic review of the Department's regulation as required under this bill. The position would contract with consulting firms for the completion of the initial "flexibility analysis". This position would complete the final "flexibility analysis".</p> <p>Costs associated with this position would include average per-employee costs for contractual and commodities. The equipment expense for a desk, chair, etc. would be a one-time cost.</p>					
1	2	3						
Salary	33,660							
Benefits	10,775							
Premium Pay								
Other								
Total Personal Services		44,436						
Travel		0						
Contractual		2,000						
Commodities		500						
Equipment		1,600						
Other								
Total Cost		48,535						
Receipt Code	Funding Source							
	Federal Receipts	1002						
	G. F. Match	1003						
	General Funds	1004	48,535					
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
For B&M Use Only								
Key Number								

**Request For
New Position**

Agency Labor
 BRU Commissioner's Office
 Component Commissioner's Office

Page 3 of 4
 Revised Date

FY 87

11/10/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB - 429
 Title : ...regulations that affect...
 small governmental jurisdictions...
 Sponsor : Fahrenkamp
 Requestor : Senate Labor and Commerce
 Date of Request : March 25, 1986

FISCAL DETAIL

Agency Affected : Department of Education
 BRU : Executive Administration
 Components : Commissioner's Office

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		33.6	33.6	33.6	33.6	33.6
TRAVEL		3.0	3.0	3.0	3.0	3.0
CONTRACTUAL		5.0	5.0	5.0	5.0	5.0
SUPPLIES		5.0	5.0	5.0	5.0	5.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		46.6	46.6	46.6	46.6	46.6

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		46.6	46.6	46.6	46.6	46.6
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Personnel costs are a result of administrative activities required by first section 2. These will require the addition of an administrative assistant. Nonpersonnel costs are a result of increased number of publications and public hearings.

Prepared by : Steve Hole Phone : 465-2800
 Division : Commissioner's Office Date : March 27, 1986

Approved by Commissioner : Marshall L. Lind Date : March 27, 1986
 Agency : Department of Education

Distribution (by Agency preparing fiscal note):

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




Dept. of Transportation & Public Facilities

Position Paper

BILL NO: SB 429

TITLE: Relating to Regulations Affecting Small
Businesses, Organizations and Governments

APPROVED: 
R. J. Knapp
Commissioner

DATE: 3/28/86

SB 429 apparently is an attempt to require those agencies with regulation adoption authority to be more responsive to small businesses, small organizations and small governmental jurisdictions during the adoption process.

The bill would make the regulation adoption process unnecessarily cumbersome and burdensome and is superfluous as the existing Administrative Procedures Act has sufficient language to require proper notification of all affected parties and require that affected parties be given adequate opportunity to present statements, arguments or contentions either orally or in writing on proposed regulations.

This Department feels that existing statutes are adequate to properly control the regulation adoption process and opposes SB 429.

POSITION PAPER
SB 429

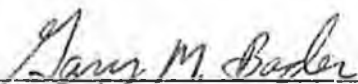
This bill would establish the requirement to publish semiannually a "Flexibility Agenda" in which the department is required to publish a list of regulations they may pursue within the next six months and send a separate notice to any and all small businesses, small government entities, or small organizations which may be impacted, as well as sending a copy to the Office of Enterprise. Prior to commencing public hearings or a period of public input, the department must publish an "initial flexibility analysis" which includes the impact on small entities, identifies which small entities will be impacted, how they will be impacted, what skills will be necessary to comply with the regulations, as well as any alternatives such as different compliance standards for small entities.

Once a regulation is adopted, a final flexibility analysis is required incorporating all factors stated above.

There are two primary regulatory areas that would be impacted by the bill. The area of competitive bidding for State contracts for the purchase of goods, services, and professional services which would impact small businesses; and the regulations governing municipal grants which would impact small government entities. This department has the responsibility of assuring that municipalities for which the monies were appropriated have spent the monies consistent with the stated purposes and in conformance with the grant agreement.

As stated earlier, the vast majority of regulations promulgated by this department does not warrant a distinction between large and small entities, and to be required to comply with the provisions of this bill would be burdensome beyond any benefits derived, as well as create a double standard which would not be in keeping with the best interests of the State.

The Department of Administration opposes passage of this bill.



Gary Bader
Director
Division of Administrative Services
Department of Administration

3/28/86

Date



Commissioner Eleanor Andrews
Department of Administration

3/28/86

Date

Offered: 4/25/86
Referred: Finance

Original sponsor: Fahrenkamp

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 429 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulations that affect small
7 businesses and small municipalities; and providing
8 for an effective date."

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

10 * Section 1. AS 24.20.460 is amended to read:

11 Sec. 24.20.460. POWERS. The Administrative Regulation Review
12 Committee has the following powers:

13 (1) to organize and adopt rules for the conduct of its
14 business;

15 (2) to hold public hearings;

16 (3) to require all state officials and agencies of state
17 government to give full cooperation to the committee or its staff in
18 assembling and furnishing requested information;

19 (4) to examine all administrative regulations to determine
20 if they properly implement legislative intent;

21 (5) to make recommendations for legislative annulment of
22 administrative regulations under AS 44.62.320;

23 (6) to prepare and distribute reports, memoranda, or other
24 materials;

25 (7) to promote needed revision or repeal of regulations
26 that have been adopted by state departments and agencies and, when the
27 committee determines a regulation should be repealed or amended, to
28 introduce a bill that would enact a statute that would supersede or
29 nullify the regulation;

1 (8) to investigate findings that are transmitted to the
2 committee by a standing committee in accordance with AS 24.05.182 and,
3 as appropriate, to either introduce a bill annulling the regulation or
4 exercise the committee's power to suspend the effectiveness of the
5 regulation in accordance with AS 24.20.445;

6 (9) to monitor agency compliance with the requirements of
7 AS 44.62.197, make recommendations to an agency regarding the adequacy
8 of its analyses and of its responses to public testimony, and report
9 annually to the legislature on agency compliance with AS 44.62.197;

10 (10) to petition the court for permission to appear as
11 amicus curiae in an action brought under AS 44.62.300 to address the
12 effect of the regulation on small entities.

13 * Sec. 2. AS 44.62 is amended by adding a new section to article 3 to
14 read:

15 Sec. 44.62.177. REGULATORY AGENDA. (a) During the months of
16 January and July of each year, each agency shall publish in the Alaska
17 Administrative Journal a regulatory flexibility agenda that

18 (1) describes briefly the subject area of any regulation
19 that the agency expects to propose or adopt that is likely to have a
20 significant economic impact on a substantial number of small entities;

21 (2) summarizes the nature of any proposed regulation under
22 each subject area listed under (1) of this subsection, the objectives
23 and legal basis for the proposed regulation, and an approximate sched-
24 ule for completing action on each regulation for which the agency has
25 issued a notice of proposed regulation-making; and

26 (3) contains the name and telephone number of an agency
27 official knowledgeable concerning the items listed in (1) of this
28 subsection.

29 (b) An agency may consider or act on a matter not included in a

1 regulatory flexibility agenda. An agency may decline to consider or
2 act on a matter listed in the agenda. The agency shall state why it
3 is declining to act on the matter. An agency may not refuse to con-
4 sider or adopt a regulation solely because the proposed regulation was
5 not included in the agency's regulatory agenda.

6 (c) In this section, "small entity" has the meaning given in
7 AS 44.62.197.

8 * Sec. 3. AS 44.62 is amended by adding a new section to read:

9 Sec. 44.62.197. ECONOMIC ANALYSIS; SMALL ENTITIES. (a) Before
10 publishing notice under AS 44.62.190, an agency planning to adopt,
11 amend, or repeal a regulation shall analyze the probable economic
12 effect of the proposed action on small businesses and small municipal-
13 ities. The analysis must

14 (1) consider the types and numbers of small entities that
15 will probably be affected by the proposed action, including the types
16 that will bear the costs of the proposed action and those that will
17 benefit from it;

18 (2) consider the probable economic effect of the proposed
19 action, both as to kind and amount, upon the affected entities;

20 (3) review the reasons for the proposed action, in light of
21 the probable economic effect on small entities;

22 (4) identify whether there are less costly or less intru-
23 sive means of achieving the purpose of the proposed action;

24 (5) identify, to the extent practicable, relevant regula-
25 tions that may duplicate, overlap, or conflict with the proposed
26 regulations.

27 (b) After the close of public proceedings under AS 44.62.210,
28 the agency shall prepare, as a final analysis for a regulation-adop-
29 tion project, a brief summary from the analysis required by (a) of

1 this section and the agency's comment on public testimony, whether
2 that testimony was written or oral. The agency's comment on the
3 testimony must identify changes made in response to the testimony and
4 must include a brief statement of the reason for rejecting a proposal,
5 if any, that was not adopted by the agency. The agency's statement
6 under this subsection may summarize the reasons and the testimony in
7 aggregate form so as to avoid duplication and unnecessary detail.

8 (c) If the head of the agency certifies in writing that a regula-
9 tion will not have a significant economic effect on a substantial
10 number of small entities, the agency shall make a succinct statement
11 explaining the reasons for the certification and why it is not re-
12 quired to comply with this section. The certification must be submit-
13 ted to the lieutenant governor for filing with the regulation.

14 (d) An agency may consider a series of closely related regula-
15 tions as one regulation for the purposes of this section.

16 (e) Analyses under this section are not subject to judicial
17 review. Action taken may not be invalidated on the ground that the
18 contents of an analysis are insufficient or inaccurate.

19 (f) In this section

20 (1) "small business" means a business corporation or a
21 nonprofit corporation, a partnership, or a sole proprietorship, that
22 is licensed in the state and transacts business in the state, and

23 (A) employs 50 or fewer employees in the state, ex-
24 cluding seasonal employees; or

25 (B) has annual gross sales, or value of services
26 provided, of \$1,000,000 or less;

27 (2) "small entity" means a small business or small munic-
28 ipality;

29 (3) "small municipality" means a municipality with a

1 population of 10,000 or fewer persons.

2 * Sec. 4. AS 44.62.200(a) is amended to read:

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

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

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

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

13 (4) other matters prescribed by a statute applicable to
14 the specific agency or to the specific regulation or class of regula-
15 tions;

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

18 (6) a summary of the analysis required by AS 44.62.197(a)
19 and the address from which a complete copy of the analysis may be
20 obtained.

21 * Sec. 5. REVIEW OF EXISTING REGULATIONS. (a) Before January 1, 1991,
22 each agency shall review the regulations adopted by that agency and in
23 effect as of July 1, 1986, that have or will have a significant economic
24 effect upon a substantial number of small entities. The purpose of the
25 review is to determine whether the regulations should be continued without
26 change, or should be amended or repealed to minimize a significant economic
27 effect on a substantial number of the small entities. If the head of the
28 agency determines that completion of the review of existing regulations is
29 not feasible by January 1, 1991, the agency head shall certify that fact in

1 writing and may extend the completion date by one year.

2 (b) In reviewing regulations under (a) of this section, the agency
3 shall consider the

4 (1) continued need for the regulation;

5 (2) nature of complaints or comments received concerning the
6 regulation from the public;

7 (3) complexity of the regulation;

8 (4) extent to which the regulation overlaps, duplicates, or
9 conflicts with other state regulations, and, to the extent feasible, with
10 federal and local governmental regulations; and

11 (5) length of time since the regulation has been evaluated or
12 the degree to which technology, economic conditions, or other factors have
13 changed in the area affected by the regulation.

14 (c) In this section

15 (1) "agency" has the meaning given "state agency" in AS 44.62.-
16 640(a);

17 (2) "small entity" has the meaning given in AS 44.62.197.

18 * Sec. 6. AS 44.62.197, enacted by sec. 3 of this Act, does not apply
19 to regulations for which a notice of proposed action is issued before
20 July 1, 1986.

21 * Sec. 7. This Act takes effect July 1, 1986.

Offered: 4/14/86
Referred: Judiciary and Finance
Original sponsor: Fahrenkamp

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2

CS FOR SENATE BILL NO. 429 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to regulations that affect small
7 businesses and small municipalities; and providing
8 for an effective date."

9

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

10

* Section 1. AS 24.20.460 is amended to read:

11

Sec. 24.20.460. POWERS. The Administrative Regulation Review

12

Committee has the following powers:

13

(1) to organize and adopt rules for the conduct of its

14

business;

15

(2) to hold public hearings;

16

(3) to require all state officials and agencies of state

17

government to give full cooperation to the committee or its staff in
18 assembling and furnishing requested information;

19

(4) to examine all administrative regulations to determine

20

if they properly implement legislative intent;

21

(5) to make recommendations for legislative annulment of

22

administrative regulations under AS 44.62.320;

23

(6) to prepare and distribute reports, memoranda, or other

24

materials;

25

(7) to promote needed revision or repeal of regulations

26

that have been adopted by state departments and agencies and, when the

27

committee determines a regulation should be repealed or amended, to

28

introduce a bill that would enact a statute that would supersede or

29

nullify the regulation;

1 (8) to investigate findings that are transmitted to the
2 committee by a standing committee in accordance with AS 24.05.182 and,
3 as appropriate, to either introduce a bill annulling the regulation or
4 exercise the committee's power to suspend the effectiveness of the
5 regulation in accordance with AS 24.20.445;

6 (9) to monitor agency compliance with the requirements of
7 AS 44.62.197, and make recommendations to an agency regarding the
8 adequacy of its analyses and of its responses to public testimony.

9 * Sec. 2. AS 44.62 is amended by adding a new section to article 3 to
10 read:

11 Sec. 44.62.177. REGULATORY AGENDA. (a) During the months of
12 January and July of each year, each agency shall publish in the Alaska
13 Administrative Journal a regulatory flexibility agenda that

14 (1) describes briefly the subject area of any regulation
15 that the agency expects to propose or adopt that is likely to have a
16 significant economic impact on a substantial number of small entities;

17 (2) summarizes the nature of any proposed regulation under
18 each subject area listed under (1) of this subsection, the objectives
19 and legal basis for the proposed regulation, and an approximate sched-
20 ule for completing action on each regulation for which the agency has
21 issued a notice of proposed regulation-making; and

22 (3) contains the name and telephone number of an agency
23 official knowledgeable concerning the items listed in (1) of this
24 subsection.

25 (b) An agency may consider or act on a matter not included in a
26 regulatory flexibility agenda. An agency may decline to consider or
27 act on a matter listed in the agenda. The agency shall state why it
28 is declining to act on the matter. An agency may not refuse to
29 consider or adopt a regulation solely because the proposed regulation

1 was not included in the agency's regulatory agenda.

2 (c) In this section, "small entity" has the meaning given in
3 AS 44.62.197.

4 * Sec. 3. AS 44.62 is amended by adding a new section to read:

5 Sec. 44.62.197. ECONOMIC ANALYSIS; SMALL ENTITIES. (a) Before
6 publishing notice under AS 44.62.190, an agency planning to adopt,
7 amend, or repeal a regulation shall analyze the probable economic
8 effect of the proposed action on small businesses and small municipal-
9 ities. The analysis must

10 (1) consider the types and numbers of small entities that
11 will probably be affected by the proposed action, including the types
12 that will bear the costs of the proposed action and those that will
13 benefit from it;

14 (2) consider the probable economic effect of the proposed
15 action, both as to kind and amount, upon the affected entities;

16 (3) review the reasons for the proposed action, in light of
17 the probable economic effect on small entities;

18 (4) identify whether there are less costly or less intru-
19 sive means of achieving the purpose of the proposed action;

20 (5) identify, to the extent practicable, relevant regula-
21 tions that may duplicate, overlap, or conflict with the proposed
22 regulations.

23 (b) After the close of public proceedings under AS 44.62.210,
24 the agency shall prepare, as a final analysis for a regulation-adop-
25 tion project, a brief summary from the analysis required by (a) of
26 this section and the agency's comment on public testimony, whether
27 that testimony was written or oral. The agency's comment on the
28 testimony must identify changes made in response to the testimony and
29 must include a brief statement of the reason for rejecting a proposal,

1 if any, that was not adopted by the agency. The agency's statement
2 under this subsection may summarize the reasons and the testimony in
3 aggregate form so as to avoid duplication and unnecessary detail.

4 (c) If the head of the agency certifies in writing that a regu-
5 lation will not have a significant economic effect on a substantial
6 number of small entities, the agency shall make a succinct statement
7 explaining the reasons for the certification and why it is not
8 required to comply with this section. The certification must be
9 submitted to the lieutenant governor for filing with the regulation.

10 (d) An agency may consider a series of closely related regula-
11 tions as one regulation for the purposes of this section.

12 (e) Analyses under this section are not subject to judicial
13 review. Action taken may not be invalidated on the ground that the
14 contents of an analysis are insufficient or inaccurate.

15 (f) In this section

16 (1) "small business" means a business corporation or a
17 nonprofit corporation, a partnership, or a sole proprietorship, that
18 is licensed in the state and transacts business in the state, and

19 (A) employs 50 or fewer employees in the state, ex-
20 cluding seasonal employees; or

21 (B) has annual gross sales, or value of services
22 provided, of \$1,000,000 or less;

23 (2) "small entity" means a small business or small munic-
24 ipality;

25 (3) "small municipality" means a municipality with a popu-
26 lation of 10,000 or fewer persons.

27 * Sec. 4. AS 44.62.200(a) is amended to read:

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

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

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

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

9 (4) other matters prescribed by a statute applicable to
10 the specific agency or to the specific regulation or class of regula-
11 tions;

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

14 (6) a summary of the analysis required by AS 44.62.197(a)
15 and the address from which a complete copy of the analysis may be
16 obtained.

17 * Sec. 5. REVIEW OF EXISTING REGULATIONS. (a) Before January 1, 1991,
18 each agency shall review the regulations adopted by that agency and in
19 effect as of July 1, 1986, that have or will have a significant economic
20 effect upon a substantial number of small entities. The purpose of the
21 review is to determine whether the regulations should be continued without
22 change, or should be amended or repealed to minimize a significant economic
23 effect on a substantial number of the small entities. If the head of the
24 agency determines that completion of the review of existing regulations is
25 not feasible by January 1, 1991, the agency head shall certify that fact in
26 writing and may extend the completion date by one year.

27 (b) In reviewing regulations under (a) of this section, the agency
28 shall consider the

29 (1) continued need for the regulation;

1 (2) nature of complaints or comments received concerning the
2 regulation from the public;

3 (3) complexity of the regulation;

4 (4) extent to which the regulation overlaps, duplicates, or
5 conflicts with other state regulations, and, to the extent feasible, with
6 federal and local governmental regulations; and

7 (5) length of time since the regulation has been evaluated or
8 the degree to which technology, economic conditions, or other factors have
9 changed in the area affected by the regulation.

10 (c) In this section

11 (1) "agency" has the meaning given "state agency" in AS 44.62.-
12 640(a);

13 (2) "small entity" has the meaning given in AS 44.62.197.

14 * Sec. 6. AS 44.62.197, enacted by sec. 3 of this Act, does not apply
15 to regulations for which a notice of proposed action is issued before
16 July 1, 1986.

17 * Sec. 7. This Act takes effect July 1, 1986.

Introduced: 2/14/86
Referred: Labor and Commerce
and Judiciary

1 IN THE SENATE

BY FAHRENKAMP

2

SENATE BILL NO. 429

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to regulations that affect small
7 businesses, small organizations, and small govern-
8 mental jurisdictions; and providing for an effective
9 date."

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

11 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

12

(1) when adopting regulations to protect the health, safety,
13 environment, and economic welfare of the state, agencies should seek to
14 achieve statutory goals as effectively and efficiently as possible without
15 imposing unnecessary burdens on the public;

16

(2) laws and regulations designed for application to large scale
17 entities have been applied uniformly to small businesses, small organiza-
18 tions, and small governmental jurisdictions even though the problems that
19 gave rise to government action may not have been caused by those smaller
20 entities;

21

(3) uniform regulatory and reporting requirements have in numer-
22 ous instances imposed unnecessary and disproportionately burdensome demands
23 including legal, accounting and consulting costs upon small businesses,
24 small organizations, and small governmental jurisdictions with limited
25 resources;

26

(4) the failure to recognize differences in the scale and re-
27 sources of regulated entities has in numerous instances adversely affected
28 competition in the marketplace, discouraged innovation and restricted
29 improvements in productivity;

1 (5) unnecessary regulations create entry barriers in many indus-
2 tries and discourage potential entrepreneurs from introducing beneficial
3 products and processes;

4 (6) the practice of treating all regulated businesses, organiza-
5 tions, and governmental jurisdictions as equivalent may lead to inefficient
6 use of agency resources, enforcement problems, and, in some cases, to
7 actions inconsistent with the legislative intent of health, safety, en-
8 vironmental, and economic welfare legislation;

9 (7) alternative regulatory approaches that do not conflict with
10 the stated objectives of applicable statutes may be available to minimize
11 the significant economic impact of regulations on small businesses, small
12 organizations, and small governmental jurisdictions;

13 (8) the process by which regulations are developed and adopted
14 should be reformed to require agencies to solicit the ideas and comments of
15 small businesses, small organizations, and small governmental jurisdictions
16 to examine the impact of proposed and existing regulations on the entities,
17 and to review the continued need for existing regulations.

18 * Sec. 2. AS 44 is amended by adding a new chapter to read:

19 CHAPTER 63. REGULATIONS AFFECTING SMALL ENTITIES.

20 Sec. 44.63.010. REGULATORY AGENDA. (a) During the months of
21 January and July of each year, each agency shall publish in the
22 journal a regulatory flexibility agenda

23 (1) describing briefly the subject area of any regulation
24 that the agency expects to propose or adopt that is likely to have a
25 significant economic impact on a substantial number of small entities;

26 (2) summarizing the nature of any proposed regulation under
27 each subject area listed under (1) of this subsection, the objectives
28 and legal basis for the proposed regulation, and an approximate
29 schedule for completing action on each regulation for which the agency

1 has issued a notice of proposed regulation-making; and

2 (3) containing the name and telephor number of an agency
3 official knowledgeable concerning the items listed in (1) of this
4 subsection.

5 (b) Each regulatory flexibility agenda shall be transmitted to
6 the office of enterprise, for comment.

7 (c) Each agency shall endeavor to give notice of the agenda to
8 small entities or their representatives by direct notification or
9 publication of the agenda in publications likely to be obtained by the
10 small entities and shall invite comments upon each subject area on the
11 agenda.

12 (d) An agency may consider or act on a matter not included in a
13 regulatory flexibility agenda and may decline to consider or act on a
14 matter listed in the agenda.

15 Sec. 44.63.020. INITIAL FLEXIBILITY ANALYSIS. (a) When an
16 agency is required by AS 44.62.190 or any other law to publish notice
17 of proposed action for a proposed regulation, the agency shall prepare
18 and make available for public comment an initial flexibility analysis.
19 The analysis shall describe the effect of the proposed regulation on
20 small entities. The initial flexibility analysis or a summary shall
21 be published in the journal when the notice of proposed action is
22 published. The agency shall send a copy of the initial flexibility
23 analysis to the office of enterprise.

24 (b) Each initial flexibility analysis shall

25 (1) describe the reasons why action by the agency is being
26 considered;

27 (2) contain a succinct statement of the objectives of, and
28 legal basis for, the proposed regulation;

29 (3) describe and, if feasible, estimate the number of small

1 entities to which the proposed regulation will apply;

2 (4) describe the reporting, record-keeping and other com-
3 pliance requirements of the proposed regulation, including an estimate
4 of the classes of small entities that will be subject to the require-
5 ment and the type of professional skills necessary for preparing the
6 report or record;

7 (5) identify, to the extent practicable, relevant regula-
8 tions that may duplicate, overlap, or conflict with the proposed regu-
9 lation.

10 (c) An initial flexibility analysis shall also describe any
11 significant alternatives to the proposed regulation that accomplish
12 the stated objectives of applicable statutes and that minimize the
13 significant economic impact on small entities. The analysis shall
14 discuss significant alternatives including

15 (1) the establishment of differing compliance or reporting
16 requirements or timetables that take into account the resources avail-
17 able to small entities;

18 (2) the clarification, consolidation, or simplification of
19 compliance and reporting requirements under the regulation for the
20 small entities;

21 (3) the use of performance rather than design standards;
22 and

23 (4) an exemption from coverage of the regulation, or any
24 part, for the small entities.

25 (d) An agency head may waive or delay the completion of some or
26 all of the requirements of this section by publishing in the journal,
27 not later than the date of publication of the final regulation, a
28 written finding, with reasons, that the final regulation is being
29 adopted in response to an emergency that makes compliance or timely

1 compliance with this section unpracticable.

2 Sec. 44.63.030. FINAL FLEXIBILITY ANALYSIS. (a) When an agency
3 adopts a final regulation after being required by AS 44.62.190 or any
4 other law to publish a notice of proposed action, the agency shall
5 prepare a final flexibility analysis. Each final flexibility analysis
6 shall

7 (1) state succinctly the need for, and the objectives of,
8 the regulation;

9 (2) summarize the issues raised by the public comments in
10 response to the initial flexibility analysis and the agency's assess-
11 ment of the issues, and contain a statement of changes made in the
12 proposed regulation as a result of the comments; and

13 (3) describe each significant alternative to the regulation
14 that was consistent with the stated objectives of applicable statutes
15 and was designed to minimize significant economic impact of the regu-
16 lation on small entities that the agency considered, and state the
17 reasons that the agency rejected the alternative.

18 (b) The agency shall make copies of the final flexibility analy-
19 sis available to members of the public and shall publish in the
20 journal at the time of publication of the final regulation under
21 AS 44.62.180 a statement describing how the public may obtain copies.

22 (c) Except as provided in AS 44.63.040(b), an agency head may
23 not waive the requirements of this section. An agency head may delay
24 the completion of the requirements of this section for not more than
25 180 days after the date of publication in the journal of a final
26 regulation by publishing in the journal, not later than the date of
27 publication of the final regulation, a written finding, with reasons,
28 that the final regulation is being adopted in response to an emergency
29 that makes timely compliance with this section impracticable. If the

1 agency does not prepare a final regulatory analysis under this section
2 within 180 days from the date of publication of the final regulation,
3 the regulation lapses and has no effect. The agency may not adopt the
4 substance of the regulation in a second emergency regulation until it
5 has completed a final flexibility analysis.

6 Sec. 44.63.040. AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALY-
7 SES. (a) An agency may perform the analyses required by AS 44.63 -
8 010 - 44.63.030 in conjunction with or as a part of another agenda or
9 analysis required by law if the other analysis satisfies these sec-
10 tions.

11 (b) If the head of the agency certifies that a regulation will
12 not have a significant economic impact on a substantial number of
13 small entities, the agency is not required to comply with AS 44.63.020
14 and 44.63.030. The agency shall publish the certification and a
15 succinct statement explaining the reasons for the certification in the
16 journal when the notice of proposed action for the regulation is
17 published or when the final regulation is published. The agency shall
18 provide the certification and statement to the office of enterprise.

19 (c) An agency may consider a series of closely related regula-
20 tions as one regulation for the purposes of AS 44.63.010 - 44.63.030
21 and 44.63.070.

22 Sec. 44.63.050. PREPARATION OF ANALYSIS. In complying with
23 AS 44.63.020 and 44.63.030, an agency may provide either a quantifi-
24 able or numerical description of the effects of a proposed regulation
25 or alternatives to the proposed regulation, or more general descrip-
26 tive statements if quantification is not practicable or reliable.

27 Sec. 44.63.060. PROCEDURES FOR GATHERING COMMENTS. When a
28 regulation is adopted that will have a significant economic impact on
29 a substantial number of small entities, the head of the agency

1 adopting the regulations or the official of the agency responsible for
2 adoption of the regulation shall assure that small entities have been
3 given an opportunity to participate in the process through techniques
4 including

5 (1) inclusion in an advanced notice of proposed adoption of
6 regulation, if issued, of a statement that the proposed regulation may
7 have a significant economic effect on a substantial number of small
8 entities;

9 (2) publication of general notice of the proposed regula-
10 tion in publications likely to be obtained by small entities;

11 (3) direct notification of interested small entities;

12 (4) open conferences or public hearings concerning the
13 regulation for small entities; and

14 (5) adoption or modification of agency procedural regula-
15 tions to reduce the cost or complexity of participation in the process
16 by small entities.

17 Sec. 44.63.070. PERIODIC REVIEW OF REGULATIONS. (a) Before
18 January 1, 1987, each agency shall publish in the journal a plan for
19 the periodic review of the regulations issued by the agency that have
20 or will have a significant economic impact upon a substantial number
21 of small entities. The agency may amend the plan by publishing the
22 revision in the journal. The purpose of the review is to determine
23 whether the regulations should be continued without change, or should
24 be amended or rescinded to minimize significant economic impact on a
25 substantial number of the small entities. The plan must provide for
26 the review by July 1, 1991, of all the agency regulations existing on
27 July 1, 1986, and for the review of a regulation adopted after July 1,
28 1986, within five years of the effective date of the regulation. If
29 the head of the agency determines that completion of the review of

1 existing regulations is not feasible by the established date, the
2 agency head shall certify that fact in a statement published in the
3 journal and may extend the completion date by one year at a time for a
4 total of not more than five years.

5 (b) In reviewing regulations under (a) of this section, the
6 agency shall consider the

7 (1) continued need for the regulation;

8 (2) nature of complaints or comments received concerning
9 the regulation from the public;

10 (3) complexity of the regulation;

11 (4) extent to which the regulation overlaps, duplicates or
12 conflicts with other state regulations, and, to the extent feasible,
13 with federal and local governmental regulations; and

14 (5) length of time since the regulation has been evaluated
15 or the degree to which technology, economic conditions, or other
16 factors have changed in the area affected by the regulation.

17 (c) Each agency shall annually publish in the journal a list of
18 the regulations to be reviewed under this section during the suc-
19 ceeding 12 months. The list shall include a brief description of each
20 regulation and the need for and legal basis of the regulation and
21 shall invite public comment on the regulation.

22 Sec. 44.63.080. JUDICIAL REVIEW. (a) Except as provided in (b)
23 of this section,

24 (1) a determination by an agency concerning the applicabil-
25 ity of this chapter to an action of the agency is not subject to
26 judicial review;

27 (2) a flexibility analysis prepared under AS 44.63.020 or
28 44.63.030 and agency compliance or noncompliance with this chapter is
29 not subject to judicial review.

1 (b) When an action for judicial review of a regulation is in-
2 stituted, the flexibility analysis for the regulation shall constitute
3 part of the whole record of agency action in connection with the
4 review.

5 Sec. 44.63.090. REPORTS AND INTERVENTION RIGHTS. (a) The
6 office of enterprise shall monitor agency compliance with this chapter
7 and shall report at least annually to the governor and the legisla-
8 ture.

9 (b) The office may appear as amicus curiae in an action brought
10 in a court to review a regulation and may present views on the effect
11 of the regulation on small entities.

12 (c) A court shall grant the application of the office to appear
13 in an action under (b) of this section.

14 Sec. 44.63.200. AGENCY AMENDMENT OF DEFINITIONS. (a) An agency
15 may amend, by regulation, the definition of "small business" or "small
16 organization" if the amended definition is appropriate to the activi-
17 ties of the agency. An agency shall consult with the office of enter-
18 prise before amending "small business." An amendment to "small busi-
19 ness" may establish a maximum number of employees or dollar volume of
20 business for an enterprise in an industry.

21 (b) An agency may amend, by regulation, the definition of "small
22 governmental jurisdiction" if the amendment is appropriate to the
23 activity of the agency and is based on factors including location in
24 rural or sparsely populated areas or an area with limited revenue due
25 to the population of the jurisdiction.

26 (c) An agency that is not subject to AS 44.62.010 - 44.62.290 of
27 the Administrative Procedure Act and that intends to amend a defini-
28 tion under (a) or (b) of this section shall provide an opportunity for
29 public comment before adopting the amendment and shall publish the

1 amended definition in the journal.

2 Sec. 44.63.210. DEFINITIONS. In this chapter

3 (1) "agency" means an agency in the executive branch of
4 state government;

5 (2) "journal" means the Alaska Administrative Journal under
6 AS 44.62.175;

7 (3) "office of enterprise" means the office of enterprise
8 in the Department of Commerce and Economic Development;

9 (4) "regulation" means a regulation adopted under AS 44.62
10 or any other law, except a regulation of particular applicability
11 relating to rates, wages, corporate or financial structures or reorga-
12 nizations, prices, facilities, appliances, services or allowances or
13 to valuations, costs, or accounting, or practices relating to the
14 rates, wages, structures, prices, appliances, services, or allowances;

15 (5) "small business" means a small business that is
16 independently owned and operated and is not dominant in its field;

17 (6) "small entity" means a "small business," small orga-
18 nization, or small governmental jurisdiction;

19 (7) "small governmental jurisdiction" means a municipality,
20 school district, or special district, with a population of less than
21 50,000;

22 (8) "small organization" means a not-for-profit enterprise
23 that is independently owned and operated and is not dominant in its
24 field.

25 * Sec. 2. Notwithstanding AS 44.63.010(a), as enacted by sec. 1 of this
26 Act, the first publication of regulatory agendas must occur by January 31,
27 1987.

28 * Sec. 3. AS 44.63.020 and 44.63.030 as enacted by sec. 2 of this Act
29 do not apply to regulations for which a notice of proposed action is issued

1 before July 1, 1986.

2 * Sec. 4. This Act takes effect July 1, 1986.