

HB

130

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: HB 27

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act directing the Department of Public Safety to establish and maintain a deoxyrib....." BRU: STATEWIDE
 Sponsor: Pamell Component: Alaska Criminal Records and Identification
 Requestor: Judiciary COMPONENT SERIAL NO. 1190

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	3.0	3.0	3.0	3.0	3.0	3.0
TRAVEL						
CONTRACTUAL	5.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	8.0	3.0	3.0	3.0	3.0	3.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	8.0	3.0	3.0	3.0	3.0	3.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	8.0	3.0	3.0	3.0	3.0	3.0

Estimate of current year (FY 95) impact: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED ANALYSIS

Prepared By: Ken Bischoff Phone: 465-4336
 Division: Administrative Services Date: January 24, 1995
 Approved by Commissioner: *[Signature]* Date: January 24, 1995
 Agency: for Ronald L. Otte, Dept. of Public Safety

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ANALYSIS
HB 27

The assumptions upon which this fiscal note is based fall into two categories as discussed more fully below:

Costs for R&I personnel to verify and update APSIN DNA criminal history flag;

It is estimated that there are approximately 300 convicted sexual offenders annually.

Cost Summary:

Personal services costs the first year are for data entry, revising procedures and training data entry personnel. Continuing costs are for verification and data entry.

Contractual costs are requested to modify the fingerprint card tracking system to capture, maintain status and provide statistical reports.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
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House District 31

House Of Representatives

Committee Substitute for HB 130 Sponsor Statement

The creation of regulations heretofore have been carried out within the bureaus of state government beyond the light of public scrutiny. Though public input has always been a part of the regulation process, the system is inherently flawed. Regulations have the force of law, but in our form of government law must emanate from the people through their elected officials, and therein lies the flaw. In the current system the unelected regulation writers have the last word in the process, not the people. HB 130 attempts to remedy this by bringing elected officials back into the loop and making them politically accountable to the people for the regulations that impact their lives.

HB 130 enables the Legislature's "Administrative Regulation Review Committee" to provide comments directly to the lieutenant governor. The lieutenant governor may return regulations to agencies for incorporation of comments by the Administrative Regulation Review Committee. The lieutenant governor will bear the spotlight of public opinion for regulations.

The lieutenant governor is the one individual in the executive branch of government who cannot be fired by the governor, who is not beholden to any agency of the bureaucracy, and yet is responsible for his/her job to the entire population of the state.

Individuals impacted by regulations often feel their comments and input to agencies is ignored. At present, agencies are only required to hold public hearings. It is important for the public to be able to see how an agency accommodates or responds to their comments. Did the agency understand and address the concerns expressed by the public in the public comment period?

HB 130 adds guidance and direction for agency review and response to public comments. Statutory guidance allows agencies to demonstrate their accommodation and response to public comment. It reveals an agency's thought process.

Intent:

The goal of HB 130 is to focus agencies efforts and talents to the execution and administration of the laws, leaving the measuring or weighing of public will or public interest to the peoples representatives in the legislature.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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House District 31

House Of Representatives

March 20, 1995

House Judiciary
The Honorable
Brian Porter, Chairman

Fiscal Note Summary:

<u>Department</u>	<u>Dollars</u>
Administration	0
Governor - Lieutenant Governor	73.7
Governor - Office of Management & Budget	38.4
Governor - Human Rights Commission	40.0
Governor - Elections	0
Department of Commerce & Econ. Dev.	0
DCED / Occupational Licensing	152.3
DCED / Insurance	50.0
DCED Alaska Public Utilities Commission	30.4
Department of Education	37.8
Department of Health and Social Services	74.2
Department of Fish and Game, limited entry.	15.0
Department of Law	0
Department of Public Safety	10
Department of Natural Resources	0
Total	521.8

Alaska State Legislature

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House District 31

House Of Representatives

HB 130 Sponsor Statement

The creation of regulations heretofore have been carried out within the bureaus of state government beyond the light of public scrutiny. Though public input has always been a part of the regulation process, the system is inherently flawed. Regulations have the force of law, but in our form of government law must emanate from the people through their elected officials, and therein lies the flaw. In the current system the unelected regulation writers have the last word in the process, not the people. HB 130 attempts to remedy this by brining elected officials back into the loop and making them politically accountable to the people for the regulations that impact their lives.

HB 130 slows the regulation process and enables the lieutenant governor to return regulations to agencies, by law. The lieutenant governor will no longer have a "ministerial and mandatory" role in regulations. With the authority to return regulations, the lieutenant governor will also bear the spotlight of public opinion for regulations.

AS 44.62.040 (f) "After receiving comments [from the legislature's review committee] the lieutenant governor **may return the proposed regulation** . . . without . . . filing."

The lieutenant governor is also required to provide the Legislature's "Administrative Regulation Review Committee" with copies of draft regulations. The Committee will be able to identify controversial regulations and bring recommendations back to the lieutenant governor prior to a regulation being filed. Reviewing proposed regulations brings elected officials further into the regulation process.

AS 44.62.040 (d) requires the lieutenant governor to submit **proposed** regulations, the agencies written determinations following public comment, and the Department of Law's findings, to the Legislature's Administrative **Regulation Review Committee**.

AS 44.62.040 (e) The Committee has 90 days to **review the proposed regulations**, discuss them with experts and provide comments to the lieutenant governor.

The response from the regulation review committee, as well as the findings of the lieutenant governor can lead him/her to file the regulations or return them to the agency without filing. The importance of placing this responsibility in the hands of the single individual in the lieutenant governor's office cannot be underestimated. This is the one individual in the executive branch of government who cannot be fired by the governor, who is not beholden to any agency of the bureaucracy, who can add a "common sense review" to the regulation, and yet is responsible for his/her job to the entire population of the state.

Individuals impacted by regulations often feel their comments and input to agencies is ignored. At present, agencies are only required to hold public hearings. Once a hearing is held the proposed regulation is re absorbed into the bowels of the bureaucracy only to reappear in its "final" form at the lieutenant governor's office. The Department of Law's review, as well as the agencies internal review is not, of course, open to the public, nor should it be. The addition of the lieutenant governor and the Legislature's Regulation Review Committee to the review loop allows elected officials to review the regulation in its final form, but before it is filed.

Equally important is the need for the public to be able to see how an agency accommodates or responds to their comments. Did the agency understand and address the concerns expressed by the public in the public comment period?

HB 130 adds guidance and direction for agency review and response to public comments. Statutory guidance allows agencies to demonstrate their accommodation and response to public comment. It reveals an agencies thought process, and it allows the public to see into the inner workings of the administrative rule makers.

AS 44.62.215 requires an agency to utilize or reply to **factual, substantive and relevant** public comment. It also prohibits an agency from "**weighing**" public sentiment or other non-factual comment, making the regulatory process less "legislative" in nature.

The impact of regulations also needs to be explained by the agency. HB 130 requires an agency to submit a written determination of the proposed regulations impact to the State, and to the affected individuals. A clear means of attaining, or complying with the regulation is also necessary. If an agency is able to promulgate regulations or standards that are not achievable then the agency may be "taking" or virtually outlawing the endeavor it is supposed to be regulating.

AS 44.62.215(b): Before adopting a regulation an agency must estimate the **cost of compliance, the public benefits, the economic effect** of the regulation, and determine that there is an **economically achievable means of complying** with the regulation.

The goal of HB 130 is to focus agencies efforts and talents to the execution and administration of the laws, leaving the measuring or weighing of public will or public interest to the legislature.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 31, 1995

SUBJECT: Sectional summary of HB 130 (Work Order No. 9-LS0130\G)

TO: Representative Pete Kelly
Attn: Bruce

FROM: ^{TB} Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 gives the Administrative Regulation Review Committee (ARRC) the power to examine proposed regulations, amendments, and orders of repeal submitted to it by the lieutenant governor under sec. 44.62.040(c).

Section 2 adds new subsections to sec. 44.62.040.

Sec. 44.62.040(c) requires an agency submitting regulations, amendments, or orders of repeal to the lieutenant governor to include the agency's written determinations made under sec. 44.62.215(b) and the Department of Law statement prepared under sec. 44.62.060(b).

Sec. 44.62.040(d) requires the lieutenant governor, within 30 days of receipt, to submit proposed regulations, amendments, and orders of repeal, the agency's required determinations, and the Department of Law statement to the ARRC for its comments on whether the proposed regulatory actions conform to the intent of the authorizing statute and whether the agency complied with sec. 44.62.215.

Sec. 44.62.040(e) directs the ARRC to provide its comments to the lieutenant governor within 90 days after receipt. Requires the committee to notify the lieutenant governor within 30 days if the committee needs more time. Authorizes the committee to consult with experts when preparing its comments.

Sec. 44.62.040(f) allows the lieutenant governor to return the proposed regulations, amendments, or orders of repeal to the proposing agency after receiving the ARRC comments and without finalizing the proposed regulatory actions.

Representative Pete Kelly

January 31, 1995

Page 2

Section 3 clarifies that the regulation drafting manual prepared by the Department of Law is not meant to cover the style and forms of the proposed regulations submitted by the lieutenant governor to the ARRC under sec. 44.62.040(d).

Section 4 prohibits the lieutenant governor from finalizing regulations, amendments, or orders of repeal unless they are accompanied by the agency determinations under sec. 44.62.215(b) and the Department of Law statement of approval.

Section 5 requires the Department of Law to prepare its statement of approval or disapproval within 60 days unless it notifies the lieutenant governor and the agency that it needs more time.

Section 6 adds a new section.

Sec. 44.62.215(a) establishes how an agency is to handle different types of public comment on proposed regulations, amendments, and orders of repeal. Prohibits an agency from weighing, evaluating, or otherwise using comment that is nonfactual or an expression of preference about the need for, coverage, or policy of the proposed regulatory action. Requires an agency to weigh, evaluate, or otherwise use public comment that consists of facts or other substantive information that is relevant to the accuracy, coverage, or contents of the proposed regulatory action. Directs an agency to provide a written explanation of its use or rejection of the relevant factual or substantive public comment.

Sec. 44.62.215(b) requires an agency to make certain written determinations before adopting a regulation, an amendment, or an order of repeal. The subsection lists these determinations.

Sec. 44.62.215(c) clarifies that an agency's written explanations and determinations required by the section are public records. Requires the agency to provide a copy upon request.

Section 7 exempts emergency regulations from certain requirements of the bill.

Section 8 makes some technical changes to indicate the relationship between the duration of emergency regulations and certain requirements of the bill.

If I may be of further assistance, please advise.

TLB:glc
95-106.glc

B

--CORRECTED--

HOUSE COMMITTEE REPORT

3/22/95

(7)

JAN 27

Date Referred: March 20, 1995

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 130

HOUSE BILL NO. 130

REGULATION ADOPTION PROCEDURES & REVIEW

"An Act relating to agency review of public comment on the adoption, amendment, and repeal of regulations; relating to the examination of proposed regulations, amendments of regulations, and orders repealing regulations by the Administrative Regulation Review Committee and the Department of Law; relating to the submission to, and acceptance by, the lieutenant governor of proposed regulations, amendments of regulations, and orders repealing regulations; and requiring agencies to make certain determinations before adopting regulations, amendments of regulations, or orders repealing regulations."

recommends it be replaced

with the following committee substitute

CS HB 130 (sta)

the same title

a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS:

(Dept/Date)

_____ fiscal note(s)

(6) fiscal note(s) (3) Gov., HESS,

Law (indeterminate), P.S. 3/20/95

_____ zero fiscal note(s)

(3) zero fiscal note(s)

Admin., Gov.

DNR 3/20/95

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	James	<input checked="" type="checkbox"/>			
	Porter	<input checked="" type="checkbox"/>			
	ROBINSON				<input checked="" type="checkbox"/>
	Green			<input checked="" type="checkbox"/>	
	IVAN			<input checked="" type="checkbox"/>	
		(2)		(2)	(1)

CHAIR'S SIGNATURE

James

HOUSE COMMITTEE REPORT

3/20/95

(7)

Date Referred: January 27, 1995

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: March 18

The STATE AFFAIRS Committee considered:

HB 130

HOUSE BILL NO. 130

REGULATION ADOPTION PROCEDURES & REVIEW

"An Act relating to agency review of public comment on the adoption, amendment, and repeal of regulations; relating to the examination of proposed regulations, amendments of regulations, and orders repealing regulations by the Administrative Regulation Review Committee and the Department of Law; relating to the submission to, and acceptance by, the lieutenant governor of proposed regulations, amendments of regulations, and orders repealing regulations; and requiring agencies to make certain determinations before adopting regulations, amendments of regulations, or orders repealing regulations."

recommends it be replaced with the following committee substitute _____ [] the same title [] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

(2) 1 fiscal note(s) (3) Gov, HESS,
Law (indeterminate), P.S.

[] fiscal note(s) _____

(3) 1 zero fiscal note(s) Admin
Gov, DNR

[] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Janette James</i>	JAMES	✓			
<i>Joseph Green</i>	GREEN			✓	
<i>Ivan</i>	IVAN			✓	
<i>Caren Robinson</i>	ROBINSON				✓
		(1)		(2)	(1)

CHAIR'S SIGNATURE *Janette James*
James

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 130

Revision Date: _____
 Title: Regulation Adoption Procedures and Review
 Sponsor: Representative Kelly
 Requestor: _____

Department Affected: Commerce and Economic Development
 BRU: Banking, Securities and Corporations
 Component: Banking, Securities and Corporations
 COMPONENT SERIAL NO. 1233

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE (Thousands of Dollars)

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

Estimate of current year (FY 95) cost: \$ _____

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Willis F. Kirkpatrick, Director
 Division: Banking, Securities and Corporations
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2521
 Date: _____
 Date: 2/19/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 130

Revision Date: 2/7/95 Dept. Affected: Fish and Game
 Title: Agency review of public comment on the adoption, amendment, and repeal of regulations BRU: Commercial Fisheries (Limited) Entry Commission
 Component: Limited Entry Program Administration
 Sponsor: Rep. Kelly
 Requester: Rep. Kelly COMPONENT SERIAL NO. 0471

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	30.1	15.0	15.0	15.0	15.0	15.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	30.1	15.0	15.0	15.0	15.0	15.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	30.1	15.0	15.0	15.0	15.0	15.0
1006 GF/MHTIA						
Other						
TOTAL	30.1	15.0	15.0	15.0	15.0	15.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary.)

See attached page.

Prepared By: Roger Kolden Phone: 789-8160
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 2/17/95

Approved by Commissioner: Frank Homan Date: 2/17/95
 Agency: Commercial Fisheries (Limited) Entry Commission

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HB 130 Fiscal Note Analysis:

CFEC regulates commercial fishing in Alaska in accordance with AS 16.43. All CFEC regulatory proposals are extensively reviewed by the public before a decision is made to adopt or not to adopt the proposals.

CFEC always considers the impact of a proposed regulation on the fishing industry, when adopting regulations that achieve the statute's purposes. Under the extensive requirements of HB 130, we would need to devote considerably more resources to estimating the benefits, costs, and economic impacts of each regulatory proposal.

Each year, CFEC must add or amend many regulations. Each proposed regulatory change requires a public review process. For example, CFEC must adopt regulations to limit additional fisheries, to place moratoria on new entrants into fisheries, to develop hardship ranking systems to allocate permits in newly limited fisheries, and to establish application periods for permits in newly limited fisheries. Additionally, CFEC often needs to change regulations related to fishery definitions, permanent and emergency permit transfer requirements, other reporting requirements, administrative procedures, permit fees and user fees for sundry services. Moreover, new legislation and court decisions sometimes require extensive regulatory changes.

Some of these regulatory changes can be classified as "housekeeping" and may have very little impact on anyone, while others are of a more significant nature and may have a substantial effect in terms of benefits, costs, and economic impacts. We recently estimated that in 1994 our Law Specialist needed to devote 30% of her time on different tasks related to the Commission's regulations and regulatory proposals. Many other staff persons can be involved in the development of proposed regulatory changes and/or the extensive public review process for such proposals.

Estimating the benefits, costs, and economic impacts of each regulatory change will impose an additional burden on our agency. We think that we will need a part-time regulatory economist/ accountant type position to help make the estimates and prepare the supporting documents for our agency. Some regulations will require more detailed economic analysis than others. In some cases these analyses may need to be very extensive and complex.

The first estimates under this proposed law may be more costly than subsequent estimates. We believe that the regulatory economist/accountant should be able to develop methodologies and estimating standards for various types of regulatory proposals that will hopefully make subsequent estimates easier.

First Year Additional Cost of HB 130:

Part-Time Economist II or equivalent position for 6.0 months.

Subsequent Years Additional Cost of HB 130:

Part-Time Economist II or equivalent position for 3.0 months.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 130

Revision Date: _____

Department Affected: Education

Title: Regulation Adoption Procedures and Review

BRU: Executive Administration

Sponsor: Representative Kelly

Component: Commissioner's Office

Requester: House State Affairs Committee

COMPONENT SERIAL NO. 185

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	22.8	22.8	22.8	22.8	22.8	22.8
TRAVEL						
CONTRACTUAL	15.0	15.0	25.0	25.0	15.0	15.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	37.8	37.8	37.8	37.8	37.8	37.8

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	37.8	37.8	37.8	37.8	37.8	37.8

POSITIONS:

FULL-TIME						
PART-TIME	1					
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

This fiscal note reflects the hiring of a part-time employee, as well as contracting for economic expertise with the *Institute of Social and Economic Research*. Please see the attached sheet for further analysis.

Prepared by: Harry Gamble, Education Administrator Phone: 465-2851

Division: Commissioner's Office Date: March 13, 1995

Approved by Commissioner:  Shirley Holloway

Agency: Education Date: March 13, 1995

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House Bill 130 would require a regulatory agency to develop a compliance cost estimate for each proposed regulation, as well as to determine the economic effect of the proposed action on the economy of the state.

As HB 130 is currently written, providing a meaningful cost analysis of the regulations proposed by the State Board of Education will be hard to prepare. For example, if the department amends a regulation requiring physical examinations for teachers, it would be difficult for an individual to estimate the cost of the compliance for each. Some would receive a portion of costs through medical care, others through public health services, others at full cost, etc. Costs would differ in each community, between physicians, and perhaps other variables. Staff would need to make best-guess assumptions, explore all alternatives, and attempt to arrive at a reasonable, verifiable cost that would be defensible in the legal arena. This process would be very laborious and time-consuming.

The State Board of Education currently proposes approximately twenty different regulations annually. The department estimates that an additional .5 FTE would be necessary to adequately address the new responsibilities outlined in HB 130. It would be extremely difficult for the department to address the requirements of HB 130 without this additional staff person.

The department estimates that approximately three regulation projects may need additional technical expertise to determine the *economic effect* of a regulation. As the department does not have an economist on staff, the most efficient way to meet the new requirements would be to contract with an economic consultant. The Institute of Social and Economic Research estimates a cost of \$5.0 per regulation projects.

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

02/22/95	Position Information Inquiry/Update	09:35:50
Position: 05-05#010	Project: 0_____	Salary Costs: 17,070.00
Component: 05-05-00-03-02-00	Region: _	Benefits Costs: 5,756.52
Scenario: 2 FY: 96	COLA %= 0.000	Total Costs: 22,826.52

 Actuals not available (Status: UNKNOWN) | Retirement Code: A

00/00/00	Step: B for _6.0 months & Step: C for _0.0 months (total: 6.00)	
0	Merit Date; use merit defaults? N	(0.0 @ & 0.0 @)
	Class/Sched Prefix: 0	Schedule: AA (actual:)
	Bargaining Unit: XE	Range: 15 (actual:)
	Location Code: AWA	Place: JUNEAU
	Job Class Code: P3158	Title: EDUCATION ASSOC II_____
	Seasonal Indic.: P	Type: -

 Optional Override Salary Rates:

Monthly Rate: 0.00_____ for _0.0 months & rate of 0.00_____ for _0.0 months
 Hourly Rate: 0.00_____ for _0.0 months Frozen at this rate? (Y/N): N
 Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0_

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 130

Revision Date: _____
 Title: "An Act relating to agency review of public comment on the adoption, amendment, and repeal of regulations . . ."
 Sponsor: Representative Kelly
 Requestor: _____

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

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	21.9	21.9	21.9	21.9	21.9	21.9
TRAVEL	.4	.4	.4	.4	.4	.4
CONTRACTUAL	7.4	7.4	7.4	7.4	7.4	7.4
SUPPLIES	.5	.5	.5	.5	.5	.5
EQUIPMENT	.2	.2	.2	.2	.2	.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	30.4	30.4	30.4	30.4	30.4	30.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	30.4	30.4	30.4	30.4	30.4	30.4
1006 GF/MHTIA						
Other						
TOTAL	30.4	30.4	30.4	30.4	30.4	30.4

Estimate of current year (FY 95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME	.33	.33	.33	.33	.33	.33
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

(SEE ATTACHED)

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

Phone: 276-6222
 Date: _____

Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Date: 3/1/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 130

ANALYSIS:

Section 6, subsection (b), at page 4, lines 13-22 of the bill, would require the Commission to make written estimates of:

1. the cost of regulatory compliance by affected persons
2. public benefits
3. effect on the state economy, and

finally, the Commission must find that an economically feasible method of regulatory compliance exists. This would require a 1/3-time Utility Finance Analyst III (Range 21) to prepare 8 cost impact estimates at 10 days each = 33% time.

Other lines are computed using a factor = $\frac{\text{Salary of New Position}}{\text{Total Salaries}}$ (as a %) x total budget for line item.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 130

Revision Date: 2/22/95
 Title: An Act relating to...review of public comment on...regulations; examination of...regulations by ARRC, etc.
 Sponsor: Representative Kelly
 Requestor: Representative Kelly

Department: Commerce and Economic Dev.
 BRU: Occupational Licensing
 Component: Operations

COMPONENT SERIAL NO. 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	152.2	152.2	152.2	152.2	152.2	152.2
SUPPLIES	0.1	0.1	0.1	0.1	0.1	0.1
EQUIPMENT (one time cost)						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	152.3	152.3	152.3	152.3	152.3	152.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	152.3	152.3	152.3	152.3	152.3	152.3
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	152.3	152.3	152.3	152.3	152.3	152.3
1006 GF/MHTIA						
Other						
TOTAL	152.3	152.3	152.3	152.3	152.3	152.3

Estimate of any current year (FY 94) cost: \$ None

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary) HB 130 requires a state agency to make new written determinations for each regulations project submitted to the lieutenant governor for filing. The Division of Occupational Licensing submits approximately 30 projects each year to the lieutenant governor for filing. The division plans to contract with an economist to make some of the written determinations, and to conduct a survey of a sampling of licensees to estimate the cost of compliance. (Continued on next page)

Prepared by: Jennifer Strickler, Administrative Officer
 Division: Occupational Licensing
 Approved by Commissioner: William J. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 2/22/95
 Date: 2/24/95

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**CONTINUATION of FISCAL NOTE ANALYSIS
FOR BILL/RESOLUTION NO. HB 130**

HB 130 also requires the Department of Law to complete its review of regulations projects within 60 days. This is a dramatic reduction of the review period and may require additional staff in the Department of Law and increase the division's contractual expenses through a charge back in its RSA for legal services.

The estimated costs to the division of occupational licensing to comply with HB 130 are as follows:

CONTRACTUAL **\$152.2**

This expenditure covers the costs of contracting with an economist to make the determinations of economic impact required in the bill. These services are estimated at \$5,000 per project. The division begins approximately 30 regulation projects each year.

Also covered is the contractual costs of duplicating, preparing, and mailing surveys to a random sampling of licensees to determine compliance costs.

SUPPLIES **\$ 0.1**

This is the estimated cost of envelopes and labels for conducting surveys of licensees by mail.

TOTAL **\$ 152.3**

FUND SOURCE: The division anticipates funding to be provided by General Fund/Program Receipts. The costs will be passed on to licensees in the form of increased licensing fees.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 130

Revision Date: _____
Title: Regulation Adoption Procedures and Review

Department: Commerce and Economic Development
BRU: Insurance
Component: Operations

Sponsor: Representative Kelly
Requestor: Representative Kelly

COMPONENT SERIAL NO. _____ #354

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	50.0	50.0	50.0	50.0	50.0	50.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	50.0	50.0	50.0	50.0	50.0	50.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	50.0	50.0	50.0	50.0	50.0	50.0
1006 GF/MHTIA						
Other						
TOTAL	50.0	50.0	50.0	50.0	50.0	50.0

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
The division has no economists on staff to provide the economic determinations required in AS 44.62.215(b)(3) and (4). We will, therefore, have to contract for this service. The Institute of Social and Economic Research estimated a cost of \$5.0 per regulation project. The division has averaged 10 regulation projects per year for the last two years, so \$50.0 would be necessary.

Prepared by:	Joan Brown, Administrative Officer <i>[Signature]</i>	Phone: 485-2597
Division:	Insurance	Date: 2/16/95
Approved by Commissioner:	William L. Hensley <i>[Signature]</i>	Date: 2/24/95
Agency:	Commerce and Economic Development	

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FISCAL NOTE

No. 3

Bill Version: HB 130

(H) Publish Date: 3/20/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: ARRC review of public comment on the adoption BRU: Parks & Recreation Management
 of regulations of regulations Component: Parks Management
 Sponsor: Representative Kelly
 Requestor: _____ Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The preparation of regulations for public review, the conduct of the public process and submission of the regulations to the Department of Law will require some additional duties of existing staff. No additional funding needed.

Prepared by: Peter J. Panarose Phone: 762-2603
 Division: Parks & Outdoor Recreation Date: 4-Feb-95
 Approved by Commissioner: [Signature] Date: 2/7/95
 Agency: Natural Resources

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FISCAL NOTE

No. 9
 Bill Version: HB 130
 (H) Publish Date: 3/20/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to agency review of public BRU: Statewide
comment on the adoption, amendment and... Component: Commissioner's Office
 Sponsor: Rep. Kelly
 Requestor: H. State Affairs COMPONENT SERIAL NO. 523

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	10.0	10.0	10.0	10.0	10.0	10.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.0	10.0	10.0	10.0	10.0	10.0
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE	10.0	10.0	10.0	10.0	10.0	10.0
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
TOTAL	10.0	10.0	10.0	10.0	10.0	10.0

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

The amount requested is an estimate, approximately 1.5 staff months of effort to develop 4 written determinations specified in Section 44.62.215 of the bill for each regulation change proposed by the department.

Prepared By: Ken Bischoff *KB* Phone: 465-4336
 Division: Administrative Services Date: 1/31/95
 Approved by Commissioner: *Ronald L. Otte* Date: 3/13/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. 8
 Bill Version: HB 130
 (H) Publish Date: 3/20/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...relating to agency review of public comment BRU: Legal Services
on the adoption, amendment and repeal of regulations... Component: Operations
 Sponsor: Representative Kelly
 Requester: Representative Kelly COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*****	*****	*****	*****	*****	*****
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 24.20 and AS 44.62 to substantially expand the review process for the adoption, amendment and review of administrative regulations. The Department of Law has identified certain legal problems with the bill, and the department is working with the bill's sponsor to resolve these problems. Until this is done, we cannot determine if there will be a fiscal impact.

Prepared by: Richard I. Peques
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho
 Agency: Department of Law

Phone: 465-3672
 Date: 2/6/95
 Date: 2/6/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 2
Bill Version: HB 130
(H) Publish Date: 3/20/95

Revision Date: _____
Title: "A Act relating to agency review of public comment on the adoption, amendment, repeal of regulations; ..."
Sponsor: Representative Kelly
Requestor: _____

Department Affected: Office of the Governor
BRU: Elective Operations
Component: Elections

COMPONENT SERIAL NO. 0021

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES						
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CHANGE IN						
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FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: _____

ANALYSIS: (Attach a separate page if necessary.)
No fiscal impact

Prepared by: David Koivuniemi, Acting Director
Division: Division of Elections

Phone: 465-5405
Date: 2-2-95

Approved by Commissioner: Lieutenant Governor Fran Ulmer
Agency: Office of the Governor

Date: _____

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FISCAL NOTE

No. 4

Bill Version: HB 130

(H) Publish Date: 3/20/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____
Title: Regulation Changes/Public Comment

Dept. Affected: Office of the Governor
BRU: Human Rights Commission
Component: _____

Sponsor: Kelly
Requester: _____

COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	40.0	-0-	42.0	-0-	44.0	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	40.0	-0-	42.0	-0-	44.0	-0-
CAPITAL EXPENDITURES						
CHANGE IN REVENUES						

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF	40.0	-0-	42.0	-0-	44.0	-0-
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	40.0	-0-	42.0	-0-	44.0	-0-

Estimate of any current year (FY99) cost: \$ -0-

POSITIONS

NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Commission periodically enacts regulations. Section 44.62.215(b) will require the agency to reach a determination on issues for which it does not have the expertise. The Commission would need the contractual services of an accountant, survey taker, and economist for one month to assist it in providing the written determination required in this subsection.

Prepared by: Paula M. Haley, Executive Director Phone: 276-7474 x241
 Division: Human Rights Commission Date: 2-2-95
 Approved by Commissioner: [Signature] Date: 2/6/95
 Agency: _____

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FISCAL NOTE

No. 5

Bill Version: HB 130

(H) Publish Date: 3/20/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: Relating to the review of proposed regulations BRU: Office of Management and Budget
 Component: Governmental Coordination
 Sponsor: Representative Kelly
 Requester: _____ COMPONENT SERIAL NO. 18

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	38.4	38.6	38.6	38.6	38.6	38.7
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	38.4	38.6	38.6	38.6	38.6	38.7

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	38.4	38.6	38.6	38.6	38.6	38.7
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	38.4	38.6	38.6	38.6	38.6	38.7

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Section 6 of the proposed legislation (AS 44.62) would place new regulatory requirements on the Division of Governmental Coordination, including evaluation of the economic effects of the proposed regulatory change. The Division does not have an economist on staff and has determined the most efficient way to meet the new requirements would be to contract with an economic consultant. The consultant would prepare a written review of the proposed regulatory change and address the four items identified in AS 44.62.215. The fiscal impact to the Division is based on the average of three regulatory projects per year that would require one month of a consultant's time per project. The inflation rate is based on current revenue forecasts.

Prepared by: Kerry Howard, Acting *Kerry Howard*
 Division: Governmental Coordination

Phone: 465-3582
 Date: 2/21/95

Approved by Commissioner: *[Signature]*
 Agency: _____

Date: 2/16/95

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FISCAL NOTE

No. 1

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version: HB 130

(H) Publish Date: 3/20/95

Revision Date: _____
Title: "An Act relating to agency review of public comment..."

Department Affected: Administration

BRU: Various

Component: Various

Sponsor: Rep. Kelly

Requestor: Rep. Kelly

COMPONENT SERIAL NO. 45

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
There is no fiscal impact to the Department of Administration.

Prepared by: Sharon Baran
Division: Administrative Services

Phone: 465-2277
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 3/13/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 6
Bill Version: HB 130
(H) Publish Date: 3/20/95

Revision Date: 2/13/95
Title: "A Act relating to agency review of public comment on the adoption, amendment, repeal of regulations: ..."
Sponsor: Representative Kelly
Requestor: _____

Department Affected: Office of the Governor
BRU: Executive Operations
Component: Office of the Lieutenant Governor

COMPONENT SERIAL NO. 0011

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	68.0	70.4	72.4	74.8	77.0	79.6
TRAVEL						
CONTRACTUAL	.9	.9	.9	.9	.9	.9
SUPPLIES	.2	.2	.2	.2	.2	.2
EQUIPMENT	4.6	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	73.7	71.5	73.5	75.9	78.1	80.7

CAPITAL EXPENDITURES						
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CHANGE IN						
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FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	73.7	71.5	73.5	75.9	78.1	80.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	73.7	71.5	73.5	75.9	78.1	80.7

POSITIONS

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

Estimate of any current year (FY95) cost: 0

ANALYSIS: (Attach a separate page if necessary.)

See attached

Prepared by: John Lindback, Chief of Staff *John Lindback*
Division: Office of the Lieutenant Governor

Phone: 465-4081
Date: _____

Approved by Commissioner: Lieutenant Governor Frank Miller *Frank Miller*
Agency: Office of the Governor

Date: 2/13/95

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HB130 Analysis:

HB130 expands the existing "ministerial and mandatory" role of the Lieutenant Governor in the regulation process. HB130 requires the Lieutenant Governor to determine which regulations will be accepted for filing and which will be returned to the agencies. The expanded responsibilities will necessitate an additional staff position. The position, staff assistant rg. 21, will be responsible for the related research and analysis pertaining to each regulatory proposal.

Fiscal note assumes merit increases with each fiscal year.

Personal Services:		68.0
Contractual:		
Communication, postage, courier		.9
Supplies:		.2
Equipment:		4.6
Phone	.5	
Work station set-up	1.2	
IBM PC/Monitor, token ring	2.9	

(3) "hazardous substance" has the meaning given in AS 46.03.826. (§ 24 ch 190 SLA 1990; am § 28 ch 32 SLA 1994)

Effect of amendments. — The 1994 Alaska State Emergency Response Commission amendment, effective August 6, 1994, repealed paragraph (1), relating to the

Chapter 14. Air Quality Control.

Article

1. General Regulations and Classifications (§§ 46.14.010 — 46.14.030).
2. Emission Control Permit Program (§§ 46.14.110 — 46.14.290)
3. Small Business Assistance Program (§§ 46.14.300 — 46.14.320)
4. Local Programs (§§ 46.14.400, 46.14.410)
5. Miscellaneous Provisions (§§ 46.14.500 — 46.14.560)
6. General Provisions (§§ 46.14.900, 46.14.990)

Cross references. — For legislative policy and purpose in enacting this chapter, see § 1, ch. 74, SLA 1993 in the Temporary and Special Acts. Effective date of chapter. — Except as otherwise noted at specific provisions, § 31, ch. 74, SLA 1993 makes this chapter effective June 26, 1993, in accordance with AS 01.10.070(c).

Article 1. General Regulations and Classifications.

- | | |
|--|--|
| <p>Section</p> <ol style="list-style-type: none"> 10. Emission control regulations 15. Special procedure for more stringent regulations | <p>Section</p> <ol style="list-style-type: none"> 20. Classification of facilities or sources; reporting 30. State air quality plan |
|--|--|

Cross references. — For authority of department to proceed with the adoption of regulations before certain statutes take effect, see § 30(a), ch. 74, SLA 1993 in the Temporary and Special Acts.

Sec. 46.14.010. Emission control regulations. (a) After public hearing, the department may adopt regulations under this chapter establishing ambient air quality standards, emission standards, or exemptions to implement a state air quality control program required under 42 U.S.C. 7401 — 7671q (Clean Air Act), as amended, and regulations adopted under those sections. The standards established under this section may be for the state as a whole or may vary in recognition of local conditions.

(b) Unless the governor has determined that an emergency exists that requires emergency regulations under AS 44.62.250, the department may adopt the following types of regulations only after the procedures established in (a), (c), and (d) of this section and compliance with AS 46.14.015:

(1) a regulation that establishes an ambient air quality standard for an air contaminant for which there is no corresponding federal standard;

(2) a regulation that establishes an ambient air quality standard or emission standard that is more stringent than a corresponding federal standard;

(3) a regulation that establishes an equivalent emission limitation for a hazardous air contaminant for which the federal administrator has not adopted a corresponding maximum achievable control technology standard; or

(4) a regulation that regulates emissions from a source or facility or establishes an emission standard under the authority of AS 46.14.120(e), 46.14.130(a)(3)(B), or 46.14.130(b)(4)(B).

(c) In preparation for peer review under AS 46.14.015 and before adopting a regulation described under (b) of this section, the department shall

(1) find in writing that exposure profiles and either meteorological conditions or source characteristics in the state or in an area of the state reasonably require the ambient air quality standard, or emission standard to protect human health and welfare or the environment; this paragraph does not apply to a regulation under (b) of this section;

(2) find in writing that the proposed standard or emission limitation is technologically feasible; and

(3) prepare a written analysis of the economic feasibility of the proposal.

(d) Before adopting a regulation described in (b)(2) of this section, the department shall find in writing that exposure profiles and either meteorological conditions or source characteristics are significantly different in the state or in an area of the state from those upon which the corresponding federal regulation is based.

(e) When incorporated into more than one permit, emission standards and limitations, emissions monitoring and reporting requirements, and compliance verification requirements that are generally applicable statewide or are generally applicable to individual source or facility types shall be adopted in regulation unless they have been requested by the owner and operator to whom the permit is issued. The department shall, by regulation, adopt a standard, limitation, or requirement described in the subsection as soon as its general applicability is reasonably foreseeable.

(f) An emission standard adopted by the department may be applicable to individual sources within a facility or to all sources within a facility. For purposes of determining compliance with applicable regulations and with permit limitations, the department may allow numerical averaging of the emissions of each air contaminant from several sources within a facility if

(1) requested by the owner and operator; and

(2) allowed under 42 U.S.C. 7401 — 7671q (Clean Air Act), as amended, and regulations adopted under those sections. (§ 2 ch 74 SLA 1993)

Cross references. — For transitional provisions relating to regulations in effect on June 26, 1993, see § 3C(b), ch. 74, SLA 1993 in the Temporary and Special Acts.

Sec. 46.14.015. Special procedure for more stringent regulations. (a) Before the department adopts a regulation described under AS 46.14.010(b), written findings under AS 46.14.010(c) and (d) shall be made available by the department to the public at locations throughout the state that the department considers appropriate.

(b) Before the department adopts a regulation described in AS 46.14.010(b), the department shall submit the findings described under (a) of this section, the studies on which the findings are based, and other related data for peer review to a minimum of three separate parties who are not employees of the department and who are determined by the commissioner to be technically qualified in the subject matter under review. The commissioner shall ensure that the peer review includes an analysis of the factors considered by the commissioner to support the standards proposed to be adopted and recommendations, if any, for additional research or investigation considered appropriate. Peer review reports shall be submitted to the commissioner within 45 days after the department submits a matter for peer review unless the commissioner determines that additional time is required.

(c) The department shall make available to the public at least 30 days before the public hearing required under AS 46.14.010(a), at convenient locations, copies of the department's proposed regulation, the findings of the department describing the basis for adoption of the regulation, and the peer review reports, submitted under (b) of this section.

(d) The department shall contract with persons to perform peer review under (b) of this section. All persons selected shall be selected on the basis of competitive sealed proposals under AS 36.30.200 — 36.30.270 (State Procurement Code). The commissioner may not contract with a person to perform peer review under this section if the person has a significant financial interest or other significant interest that could bias evaluation of the proposed regulation. An interest is not considered significant under this subsection if it is an interest possessed generally by the public or a large class of persons or if the effect of the interest on the person's ability to be impartial is only conjectural. (§ 2 ch 74 SLA 1993)

Current

HB 130

Legislation

Regulation

Regulation

Concept

Statute

Statute

Draft Bill

Agency

Agency

Hearing 1

Draft
Regulation

Draft
Regulation

Hearing

Hearing

Revision

Revision

Hearing 2, 3

Legislative
Review
Committee
Comments

Revision

Governor
Review,
return to
Agency.

Final Bill

Final Regulation

Lt. Gov.

Concurrence
of Governor

Filed *

File

9-LS0440Z ✓
Bannister
3/30/95

CS FOR HOUSE BILL NO. 130()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, James

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the adoption, amendment, and repeal of regulations."

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

3 * Section 1. AS 24.20.460(4) is amended to read:

4 (4) to examine all administrative regulations, including proposed
5 regulations, amendments, and orders of repeal submitted to it under
6 AS 44.62.040(c), to determine if they properly implement legislative intent and to
7 provide comments on them to the governor and state agencies;

8 * Sec. 2. AS 44.62.040(a) is amended to read:

9 (a) Every state agency that [WHICH] by statute possesses regulation-making
10 authority shall submit to the governor for review under (c) of this section and to the
11 lieutenant governor for filing, subject to (c) of this section, a certified original and
12 one duplicate copy of every regulation or order of repeal adopted by it, except one that

13 (1) establishes or fixes rates, prices, or tariffs;

14 (2) relates to the use of public works, including streets and highways,
15 under the jurisdiction of a state agency if the effect of the order is indicated to the

1 public by means of signs or signals; or

2 (3) is directed to a specifically named person or to a group of persons
3 and does not apply generally throughout the state.

4 * Sec. 3. AS 44.62.040 is amended by adding a new subsection to read:

5 (c) The governor shall review the regulations and orders of repeal received
6 under (a) of this section. The governor may return the regulations and orders of repeal
7 to the adopting agency before they are filed by the lieutenant governor (1) if they are
8 inconsistent with the faithful execution of the laws or (2) to enable the adopting
9 agency to respond to specific issues raised by the Administrative Regulation Review
10 Committee. The governor may not delegate the governor's review responsibility under
11 this subsection to a person other than the lieutenant governor. This subsection does
12 not apply to a regulation or order of repeal that is adopted by a regulatory board or
13 commission.

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

15 Sec. 44.62.215. PUBLIC COMMENT. In the drafting, review, or other
16 preparation of a proposed regulation, amendment, or order of repeal, an agency shall
17 weigh, evaluate, or otherwise utilize public comment that consists of facts or other
18 substantive information that is relevant to the accuracy, coverage, contents, or cost of
19 the proposed regulatory action. The agency shall keep a record of its use or rejection
20 of factual or other substantive information that is submitted in writing as public
21 comment and that is relevant to the accuracy, coverage, or other aspect of the proposed
22 regulatory action. This section does not apply to a regulation, amendment, or order
23 of repeal that is proposed by a regulatory board or commission.

24 * Sec. 5. AS 44.62.230 is amended to read:

25 Sec. 44.62.230. PROCEDURE ON PETITION. Upon receipt of a petition
26 requesting the adoption, amendment, or repeal of a regulation under AS 44.62.180 -
27 44.62.290, a state agency shall, within 30 days, deny the petition in writing or schedule
28 the matter for public hearing under AS 44.62.190 - 44.62.215 [AS 44.62.190 -
29 44.62.210]. However, if the petition is for an emergency regulation, and the agency
30 finds that an emergency exists, the requirements of AS 44.62.190 - 44.62.215
31 [AS 44.62.190 - 44.62.210] do not apply, and the agency may submit the regulation

1 to the lieutenant governor immediately after making the finding of emergency and
2 putting the regulation into proper form.

3 * Sec. 6. AS 44.62.250 is amended to read:

4 Sec. 44.62.250. EMERGENCY REGULATIONS. A regulation or order of
5 repeal may be adopted as an emergency regulation or order of repeal if a state agency
6 makes a written finding, including a statement of the facts that constitute the
7 emergency, that the adoption of the regulation or order of repeal is necessary for the
8 immediate preservation of the public peace, health, safety, or general welfare. The
9 requirements of AS 44.62.040(c), 44.62.060, [AS 44.62.060] and 44.62.190 - 44.62.215
10 [44.62.190 - 44.62.210] do not apply to the initial adoption of emergency regulations;
11 however, upon adoption of an emergency regulation the adopting agency shall
12 immediately submit a copy of it to the lieutenant governor for filing and for
13 publication in the Alaska Administrative Register, and within five days after filing by
14 the lieutenant governor the agency shall give notice of the adoption in accordance with
15 AS 44.62.190(a). Failure to give the required notice by the end of the 10th day
16 automatically repeals the regulation.

17 * Sec. 7. AS 44.62.260 is amended to read:

18 Sec. 44.62.260. LIMITATION ON EFFECTIVE PERIOD OF EMERGENCY
19 REGULATIONS. (a) A regulation adopted as an emergency regulation does not
20 remain in effect more than 120 days unless the adopting agency complies with
21 AS 44.62.040(c), 44.62.060, [AS 44.62.060] and 44.62.190 - 44.62.215 [44.62.190 -
22 44.62.210] either before submitting the regulation to the lieutenant governor or during
23 the 120-day period.

24 (b) Before the expiration of the 120-day period, the agency shall transmit to
25 the lieutenant governor for filing a certification that AS 44.62.040(c), 44.62.060,
26 [AS 44.62.060] and 44.62.190 - 44.62.215 [44.62.190 - 44.62.210] were complied with
27 before submitting the regulation to the lieutenant governor, or that the agency complied
28 with those sections within the 120-day period. Failure to so certify repeals the
29 emergency regulation; it may not be renewed or refiled as an emergency regulation.

30 * Sec. 8. AS 46.03.020 is amended by adding a new subsection to read:

31 (b) Notwithstanding another provision of law to the contrary, the department

1 may not adopt a regulation that regulates the activities of private persons unless there
2 is a lawful method of complying with the regulation and the cost of the method of
3 compliance is not so great as to prevent a reasonable person from starting or pursuing
4 the activity or endeavor that is being regulated by the department.

9-LS0440D ✓
Bannister
3/31/95

CS FOR HOUSE BILL NO. 130()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, James

A BILL

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5 regulations, amendments, and orders of repeal, to determine if they properly
6 implement legislative intent and to provide comments on them to the governor and
7 state agencies;

8 * Sec. 2. AS 44.62.040(a) is amended to read:

9 (a) Subject to (c) of this section, every [EVERY] state agency that [WHICH]
10 by statute possesses regulation-making authority shall submit to the lieutenant governor
11 for filing a certified original and one duplicate copy of every regulation or order of
12 repeal adopted by it, except one that

13 (1) establishes or fixes rates, prices, or tariffs;

14 (2) relates to the use of public works, including streets and highways,
15 under the jurisdiction of a state agency if the effect of the order is indicated to the

1 public by means of signs or signals; or

2 (3) is directed to a specifically named person or to a group of persons
3 and does not apply generally throughout the state.

4 * Sec. 3. AS 44.62.040 is amended by adding a new subsection to read:

5 (c) Before submitting the regulations and orders of repeal to the lieutenant
6 governor under (a) of this section, every state agency that by statute possesses
7 regulation making authority, except regulatory boards and commissions and the office
8 of the ombudsman, shall submit to the governor for review a copy of every regulation
9 or order of repeal adopted by the agency, except regulations and orders of repeal
10 identified in (a)(1) - (2). The governor shall review the regulations and orders of
11 repeal received under this subsection. The governor may return the regulations and
12 orders of repeal to the adopting agency before they are submitted to the lieutenant
13 governor for filing under (a) of this section, (1) if they are inconsistent with the
14 faithful execution of the laws or (2) to enable the adopting agency to respond to
15 specific issues raised by the Administrative Regulation Review Committee. The
16 governor may not delegate the governor's review responsibility under this subsection
17 to a person other than the lieutenant governor.

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19 Sec. 44.62.215. PUBLIC COMMENT. In the drafting, review, or other
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21 weigh, evaluate, or otherwise utilize public comment that consists of facts or other
22 substantive information that is relevant to the accuracy, coverage, contents, or cost of
23 the proposed regulatory action. The agency, other than a regulatory board or
24 commission and the office of the ombudsman, shall keep a record of its use or
25 rejection of factual or other substantive information that is submitted in writing as
26 public comment and that is relevant to the accuracy, coverage, or other aspect of the
27 proposed regulatory action.

28 * Sec. 5. AS 44.62.230 is amended to read:

29 Sec. 44.62.230. PROCEDURE ON PETITION. Upon receipt of a petition
30 requesting the adoption, amendment, or repeal of a regulation under AS 44.62.180 -
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4 44.62.215 [AS 44.62.190 - 44.62.210] do not apply, and the agency may submit the
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6 emergency and putting the regulation into proper form.

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11 emergency, that the adoption of the regulation or order of repeal is necessary for the
12 immediate preservation of the public peace, health, safety, or general welfare. The
13 requirements of AS 44.62.040(c), 44.62.060, [AS 44.62.060] and 44.62.190 - 44.62.215
14 [44.62.190 - 44.62.210] do not apply to the initial adoption of emergency regulations;
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17 publication in the Alaska Administrative Register, and within five days after filing by
18 the lieutenant governor the agency shall give notice of the adoption in accordance with
19 AS 44.62.190(a). Failure to give the required notice by the end of the 10th day
20 automatically repeals the regulation.

21 * Sec. 7. AS 44.62.260 is amended to read:

22 Sec. 44.62.260. LIMITATION ON EFFECTIVE PERIOD OF EMERGENCY
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26 44.62.210] either before submitting the regulation to the lieutenant governor or during
27 the 120-day period.

28 (b) Before the expiration of the 120-day period, the agency shall transmit to
29 the lieutenant governor for filing a certification that AS 44.62.040(c), 44.62.060,
30 [AS 44.62.060] and 44.62.190 - 44.62.215 [44.62.190 - 44.62.210] were complied with
31 before submitting the regulation to the lieutenant governor, or that the agency complied

1 with those sections within the 120-day period. Failure to so certify repeals the
2 emergency regulation; it may not be renewed or refiled as an emergency regulation.

3 * Sec. 8. AS 46.03.020 is amended by adding a new subsection to read:

4 (b) Notwithstanding another provision of law to the contrary, the department
5 may not adopt a regulation that regulates the activities of private persons unless there
6 is a lawful method of complying with the regulation and the cost of the method of
7 compliance is not so great as to prevent a reasonable person from starting or pursuing
8 the activity or endeavor that is being regulated by the department.

9-LS0440VH
Bannister
4/5/95

CS FOR HOUSE BILL NO. 130()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, James

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10 by statute possesses regulation-making authority shall submit to the lieutenant governor
11 for filing a certified original and one duplicate copy of every regulation or order of
12 repeal adopted by it, except one that

13 (1) establishes or fixes rates, prices, or tariffs;

14 (2) relates to the use of public works, including streets and highways,
15 under the jurisdiction of a state agency if the effect of the order is indicated to the

1 public by means of signs or signals; or

2 (3) is directed to a specifically named person or to a group of persons
3 and does not apply generally throughout the state.

4 * Sec. 3. AS 44.62.040 is amended by adding a new subsection to read:

5 (c) Before submitting the regulations and orders of repeal to the lieutenant
6 governor under (a) of this section, every state agency that by statute possesses
7 regulation making authority, except ~~regulatory~~ ^{that are authorized by law to adopt regulations} boards and commissions, and the office
8 of the ombudsman, shall submit to the governor for review a copy of every regulation
9 or order of repeal adopted by the agency, except regulations and orders of repeal
10 identified in (a)(1) - (2). The governor may review the regulations and orders of
11 repeal received under this subsection. The governor may return the regulations and
12 orders of repeal to the adopting agency before they are submitted to the lieutenant
13 governor for filing under (a) of this section, (1) if they are inconsistent with the
14 faithful execution of the laws or (2) to enable the adopting agency to respond to
15 specific issues raised by the Administrative Regulation Review Committee. The
16 governor may not delegate the governor's review authority under this subsection to a
17 person other than the lieutenant governor.

18 * Sec. 4. AS 44.62.190(a) is amended to read: *→ New in this draft*

19 (a) At least 30 days before the adoption, amendment, or repeal of a regulation,
20 notice of the proposed action shall be

21 (1) published in the newspaper of general circulation or trade or
22 industry publication that the state agency prescribes and in the Alaska Administrative
23 Journal; in the discretion of the state agency giving the notice, the requirement of
24 publication in a newspaper or trade or industry publication may be satisfied by using
25 a combination of publication and broadcasting; when broadcasting the notice, an
26 agency may use an abbreviated form of the notice if the broadcast provides the name
27 and date of the newspaper or trade or industry journal where the full text of the notice
28 can be found;

29 (2) mailed to every person who has filed a request for notice of
30 proposed action with the state agency;

31 (3) if the agency is within a department, mailed or delivered to the

1 commissioner of the department;

2 (4) when appropriate in the judgment of the agency,

3 (A) mailed to a person or group of persons whom the agency
4 believes is interested in the proposed action; and

5 (B) published in the additional form and manner the state
6 agency prescribes;

7 (5) furnished the Department of Law together with a copy of the
8 proposed regulation, amendment, or order of repeal for the department's use in
9 preparing the opinion required after adoption and before filing by AS 44.62.060;

10 (6) furnished to all incumbent State of Alaska legislators and the
11 Legislative Affairs Agency;

12 (7) furnished to the standing committee of each house of the legislature
13 having legislative jurisdiction over the subject matter treated by the regulation under
14 the Uniform Rules of the Alaska State Legislature, together with a copy of the
15 proposed regulation, amendment, or order of repeal for the committee's use in
16 conducting the review authorized by AS 24.05.182;

17 (8) furnished to the staff of the Administrative Regulation Review
18 Committee, together with a copy of the proposed regulation, amendment, or order
19 of repeal and, if preparation of an appropriation increase estimate is required by
20 AS 44.62.195, a copy of the estimate.

21 * Sec. 5. AS 44.62.210(a) is amended to read: *new in this draft*

22 (a) On the date and at the time and place designated in the notice the agency
23 shall give each interested person or the person's authorized representative, or both, the
24 opportunity to present statements, arguments, or contentions in writing, with or without
25 opportunity to present them orally. The state agency may accept material presented
26 by any form of communication authorized by this chapter and shall consider all
27 (factual, substantive, and other) relevant matter presented to it before adopting,
28 amending, or repealing a regulation. When considering the factual, substantive, and
29 other relevant matter, the agency shall pay special attention to the cost to private
30 persons of the proposed regulatory action.

31 * Sec. 6. AS 44.62 is amended by adding a new section to read:

changed in draft
WORK DRAFT

*Better
text
shall
be used*

1 Sec. 44.62.215. RECORD OF PUBLIC COMMENT. In the drafting, review,
2 or other preparation of a proposed regulation, amendment, or order of repeal, an
3 agency, other than ^{that are authorized by law to} a regulatory board or commission, and the office of the ombudsman,
4 shall keep a record of its use or rejection of factual or other substantive information
5 that is submitted in writing as public comment and that is relevant to the accuracy,
6 coverage, or other aspect of the proposed regulatory action.

7 * Sec. 7. AS 44.62.230 is amended to read:

8 Sec. 44.62.230. PROCEDURE ON PETITION. Upon receipt of a petition
9 requesting the adoption, amendment, or repeal of a regulation under AS 44.62.180 -
10 44.62.290, a state agency shall, within 30 days, deny the petition in writing or schedule
11 the matter for public hearing under AS 44.62.190 - 44.62.215 [AS 44.62.190 -
12 44.62.210]. However, if the petition is for an emergency regulation, and the agency
13 finds that an emergency exists, the requirements of AS 44.62.040(c) and 44.62.190 -
14 44.62.215 [AS 44.62.190 - 44.62.210] do not apply, and the agency may submit the
15 regulation to the lieutenant governor immediately after making the finding of
16 emergency and putting the regulation into proper form.

17 * Sec. 8. AS 44.62.250 is amended to read:

18 Sec. 44.62.250. EMERGENCY REGULATIONS. A regulation or order of
19 repeal may be adopted as an emergency regulation or order of repeal if a state agency
20 makes a written finding, including a statement of the facts that constitute the
21 emergency, that the adoption of the regulation or order of repeal is necessary for the
22 immediate preservation of the public peace, health, safety, or general welfare. The
23 requirements of AS 44.62.040(c), 44.62.060, [AS 44.62.060] and 44.62.190 - 44.62.215
24 [44.62.190 - 44.62.210] do not apply to the initial adoption of emergency regulations;
25 however, upon adoption of an emergency regulation the adopting agency shall
26 immediately submit a copy of it to the lieutenant governor for filing and for
27 publication in the Alaska Administrative Register, and within five days after filing by
28 the lieutenant governor the agency shall give notice of the adoption in accordance with
29 AS 44.62.190(a). Failure to give the required notice by the end of the 10th day
30 automatically repeals the regulation.

31 * Sec. 9. AS 44.62.260 is amended to read:

Handwritten initials

1 Sec. 44.62.260. LIMITATION ON EFFECTIVE PERIOD OF EMERGENCY
 2 REGULATIONS. (a) A regulation adopted as an emergency regulation does not
 3 remain in effect more than 120 days unless the adopting agency complies with
 4 AS 44.62.040(c), 44.62.060, [AS 44.62.060] and 44.62.190 - 44.62.215 [44.62.190 -
 5 44.62.210] either before submitting the regulation to the lieutenant governor or during
 6 the 120-day period.

7 (b) Before the expiration of the 120-day period, the agency shall transmit to
 8 the lieutenant governor for filing a certification that AS 44.62.040(c), 44.62.060,
 9 [AS 44.62.060] and 44.62.190 - 44.62.215 [44.62.190 - 44.62.210] were complied with
 10 before submitting the regulation to the lieutenant governor, or that the agency complied
 11 with those sections within the 120-day period. Failure to so certify repeals the
 12 emergency regulation; it may not be renewed or refiled as an emergency regulation.

13 * Sec. 10. AS 46.03.020 is amended by adding new subsections to read:

14 ~~(b) Notwithstanding another provision of law to the contrary except (c) of this~~
 15 ~~section, the department may not adopt a regulation that regulates the activities of~~
 16 ~~private persons unless there is a lawful method of complying with the regulation and~~
 17 ~~the cost of the method of compliance is not so great as to prevent a reasonable person~~
 18 ~~from starting or pursuing the activity or endeavor that is being regulated by the~~
 19 ~~department.~~

20 (c) If necessary to comply with federal law, the department is not required to
 21 comply with (b) of this section, but the regulation may not be more restrictive than
 22 required by the federal law and the method of compliance with the regulation may not
 23 be more costly than required by the federal law.

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