

SB

101

cc:Mail for: Laura Chase

Subject: Fiscal Note Request: SB 101
From: Laura Chase 4/5/97 2:14 PM
To: Shari_Kochman@gov.state.ak.us at CC2MHS1
cc: Sam_Shepard@gov.state.ak.us at CC2MHS1

The Senate Judiciary Committee will be hearing SB 101 "Regulations: Adoption & Judicial Review" on Wednesday, April 9, 1997.

BASIS indicates that AS 22.05.101(b), 22.15.030(a), 24.20, 44.62, 44.62.200(a), 44.62.200(b), 44.62.230, 44.62.250, 44.62.250, 44.62.260 and 44.62.300 will be modified by this bill. Please forward fiscal note(s) from any department(s) you believe will be modified by passage of this legislation, including the following:

Department of Law/Civil
Department of Administration
Office of the Lieutenant Governor

If the Department(s)/Division(s) indicate that there will be no impact, fiscally or in any other way, please sign and return this statement below. Otherwise, please forward zero or fiscal note(s) as soon as possible.

As always, I appreciate your effort and thank you for your assistance.

This is to advise you that no fiscal note is necessary from _____
_____ because the statutes cited in the bill do not relate
to any departmental functions.

Shari Kochman, Deputy Legislative Director

Date

cc:Mail for: Laura Chase

Subject: Fiscal Note Request: SB 101

▶ Forwarded: Laura Chase 4/5/97 2:24 PM

To: Pam Varni at LAA_JNU

The Senate Judiciary Committee will be hearing SB 101 "Regulations: Adoption & Judicial Review" on Wednesday, April 9, 1997.

BASIS indicates 24.20 will be modified by this bill. Please forward fiscal note(s) from any LAA department(s) you believe will be modified by passage of this legislation, including the following:

The Legislative Council

If the Department(s)/Division(s) indicate that there will be no impact, fiscally or in any other way, please sign and return this statement below. Otherwise, please forward zero or fiscal note(s) as soon as possible.

As always, I appreciate your effort and thank you for your assistance.

This is to advise you that no fiscal note is necessary from _____
_____ because the statutes cited in the bill do not relate
to any departmental functions.

Pamela Varni, Executive Director

Date

ALASKA STATE LEGISLATURE

FAXED
4/5/97 2:40 PM



Sen. Robin Taylor, Chair
Sen. Drue Pearce, Vice Chair
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee

MEMORANDUM

TO: Chris Christensen, Staff Counsel, Alaska Court System
FROM: Laura Chase, Senate Judiciary Committee Aide *Laura Chase*
DATE: April 5, 1997
RE: Request for Fiscal Notes: SB 101

The Senate Judiciary Committee will be hearing SB 101 "Regulations: Adoption & Judicial Review" on Wednesday, April 9, 1997.

BASIS indicates that AS 22.05.010(b) will be modified by passage of this legislation. Please forward a fiscal note or zero fiscal note for SB 101. If there will be no impact, fiscal or other, to the Court System, please sign and return this statement below.

As always, I appreciate your effort and thank you for your assistance.

This is to advise you that no fiscal note is necessary from the Alaska Court System because the bill does not impact any departmental functions.

Chris Christensen, Staff Counsel

Date

FISCAL NOTE

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: An Act relating to the adoption, BRU: _____
amendment, repeal, legislative review... Component: _____
 Sponsor: SENATOR DONLEY
 Requestor: Senate Judiciary Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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	0.0	0.0	0.0	0.0	0.0	0.0
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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	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current (FY97) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

This department's operational activities are not generally those of a "regulatory" agency. The occasional regulations promulgated by the department generally involve clarification of the day-to-day process of implementing statutorily created or amended programs. Consequently, the implementation of these regulations would involve minimal cost-benefit analysis, if any, and are not likely to lead to court actions. The department believes this legislation would not have significant fiscal impact on the department.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4709

Division: Division of Administrative Services Date: 4/10/97

Approved by Commissioner: *Remond Henderson for* Date: 4/10/97

Agency: Community & Regional Affairs

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FISCAL NOTE

N- 1
B... Version: SB 101
(S) Publish Date: _____

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: An Act relating to the adoption, BRU: _____
amendment, repeal, legislative review... Component: _____
 Sponsor: SENATOR DONLEY
 Requestor: Senate Judiciary Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
PERSONAL SERVICES						
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FISCAL NOTE

N- 1
B... Version: SB 101
(S) Publish Date: 4-23-97

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: An Act relating to the adoption, BRU: _____
amendment, repeal, legislative review... Component: _____
 Sponsor: SENATOR DONLEY
 Requestor: Senate Judiciary Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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	0.0	0.0	0.0	0.0	0.0	0.0
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 Approved by Commissioner: *Remond Henderson for* Date: 4/10/97
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ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair
Sen. Drue Pearce, Vice Chair
Sen. Mike Miller
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Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
(907) 465-3717
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Senate Judiciary Committee

INFORMATION RELATED TO: SB 101

Distributed to Senate Judiciary Committee Members
at the Request of:

John Lindback, Chief of Staff
Office of the Lieutenant Governor

465-4081

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 9, 1997

The Honorable Jeannette James, Chair
The Honorable Jerry Mackie, Vice-Chair
Administrative Regulation Review Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Representative James and Senator Mackie:

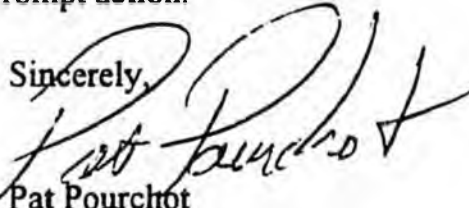
On June 5, 1995, the Governor issued Administrative Order (AO) No.157 directing a number of actions be taken in the formulation, promulgation and implementation of regulations, (copy enclosed). This AO called for straightforward, "plain English" descriptions of proposed actions, comprehensive and flexible public notification designed to maximize public input, cost considerations to the public and affected parties, training of regulation writers and other reforms.

We recently received reports back from the various departments summarizing their actions over the past year and an half pursuant to the AO which I have enclosed for your interest and consideration. Several departments have reviewed and revised many of their current regulations in accordance with the AO; others, with a substantial body of regulation, have scheduled a rotation of their regulations so that all will be reviewed and revised over a short number of years. A number of innovations were part of this review and new rulemaking, including public notification methods (such as internet "home pages"), new staff training programs, centralized regulation information, streamlining application required processes, more readable language and many more.

I hope you will find these reports helpful to your efforts. Rest assured this Administration will continue to look for ways of making our regulatory process more efficient and more

The Honorable Jeannette James, Chair
The Honorable Jerry Mackie, Vice-Chair
April 9, 1997
Page 2

responsive to the needs of Alaskans. In this regard the Governor has recently introduced HB221/SB155 which would also improve several aspects of state rule-making and on which we hope the legislature will take prompt action.

Sincerely,

Pat Pourchot
Legislative Director

Enclosures

cc: The Honorable Gail Phillips, Speaker of the House
The Honorable Mike Miller, Senate President
The Honorable Jim Duncan, Senate Minority Leader
The Honorable Gene Kubina, House Minority Leader

MEMORANDUM

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

To: Jim Ayers
Chief of Staff
Office of the Governor

Date: February 26, 1997

File No:

Phone: (907) 465-2277

From: Sharon Barton *Tom Chevron*
FW Director
Division of Administrative Services
Department of Administration

Attached is our report requested in your December 23, 1996, memo concerning Administrative Order No. 157. Our apologies for being late.

SB/nc

cc: Mark Boyer
Commissioner
Department of Administration

**Department of Administration
Regulation Review Schedule
1997 Update**

The Department of Administration's regulations are found primarily in the Administrative Code Title 2. In developing a review schedule the following factors were taken into account: 1). the date of initial adoption or last major rewrite, and 2). anticipated legislation that would necessitate regulation rewrite. It is proposed that all regulations be placed upon a review cycle that would require review at least once every 5 years. Date for initial review is indicated with assumption that continued review would occur at least once every five years following initial review date.

2AAC 05.100-120: State Internal Auditor

Proposed action:

May wish to repeal regulations. OMB-Audit and Management should review.

Date: September, 1995

1997 UPDATE: *No comment.*

2AAC 06.005-020: Adjustments to Judicial Salaries

Proposed action:

Review for compliance with directive No. 10

Date: September 1995.

UPDATE: *No comment.*

2AAC 07.005-999: Personnel Rules

Proposed action:

The Personnel Rules regulations were most recently amended in September, 1994. Place on-going review cycle.

Date: Modify as necessary due to contract changes, etc. Schedule for complete review on five year review cycle to be complete by September 1999.

UPDATE: *A comprehensive revision package was completed in March 1996 and subsequent specific revision was filed to cover the personnel systems reengineering pilot project.*

2AAC 08.010-999: Leave Rules

Proposed action:

Two prospective legislative changes would necessitate amendment to regulation, i.e. worker's compensation payments and leave usage (08.050) and terminal leave payments (08.110).

Date: Review June 1996.

1997 UPDATE: *Revisions were filed resulting from 1996 legislative changes to leave statutes.*

2AAC 12.010-990: Procurement

2AAC 15.115: Purchasing

2AAC 20.010-020: Sale of Surplus Property

Proposed action:

Title 2, Chapter 12,15, and 20 will be reviewed as a part of the Department's initiative to streamline state procurement, commencing in September, 1995. This initiative is also anticipated to result in necessary statutory change.

Date: Review commencing in September, 1995. Recommendations for change developed by December 15, 1995. Complete necessary modification August 1996.

1997 UPDATE: *The Procurement Advisory Council has completed a comprehensive review of the state's procurement regulations and a final revision package is in the Department of Law for review.*

2AAC 21.100: Division of Information Services

Proposed action:

Regulations relate specifically to the bid and allocation process of the Kenai microwave television distribution system. Contracts just negotiated with broadcasters are for two years.

Date: Review in December 1996.

1997 UPDATE: Issue still under review.

2AAC 25.010-080: Claims

Proposed action:

Review regulations for necessary update and compliance with directive No. 10.

Date: September 1995.

1997 UPDATE: Changes are proposed in procurement streamlining package now in Department of Law for review.

2AAC 35.010-900: Public Employees Retirement System

Proposed action:

Pending legislation amending the PERS system to incorporate a Tier III and implementing a retirement incentive program would necessitate modification of regulations. Review following legislative session.

Date: Review June 1996.

1997 UPDATE: 1996 legislation did not require regulation changes. The PERS appeal regulations are currently under review by the PERS Board.

2AAC 36.010-890: Teachers Retirement System

Proposed action:

Pending legislation amending the TRS system to incorporate a Tier III and implementing a retirement incentive program would necessitate modification of regulations. Review following legislative session.

Date: Review June 1996.

1997 UPDATE: No changes were necessary.

2AAC 37.010-090: Judicial Retirement System
2AAC 37.100-120: Elected Public Officers Retirement System
2AAC 37.200-255: Deferred Compensation Plan
2AAC 37.260-270: National Guard/Naval Militia Retirement System

Proposed action:
Review for purposes of directive No. 10

Date: September 1995.

1997 UPDATE: No changes were necessary.

2AAC 37.125-190: Supplemental Benefits System

Proposed action:
Review for possible amendment to conform to plan changes.

Date: February 1996

1997 UPDATE: Currently under review.

2AAC 39.010-905: Group Health and Life Insurance

Proposed action:
Review for purposes of directive No. 10

Date: September 1995

1997 UPDATE: No changes to date.

2AAC 40.010-300: Longevity Bonus Program

Proposed action:
No review is proposed at this time pending outcome of class action lawsuit against the Alaska Longevity Bonus Program phase-out.

Date: Review following resolution of lawsuit. Estimated review 2/98.

1997 UPDATE: No change necessary.

2AAC 41.010-100: Pioneers' Homes

Proposed action:

Amend, as necessary, rate schedule contained in 41.015 in fall of 1995. Review of entire regulations will be undertaken in spring of 1996 after recommendations have been developed through the long-term care study currently being undertaken.

Date: June 1996

1997 UPDATE: Regulation changes were made to effect the 1996 rate change. Regulations for financial review will be completed within 60 days and submitted to the Department of Law for review. Adoption is anticipated prior to June 30, 1997.

2AAC 42.010: Assisted Living Homes

Proposed action:

Regulations were adopted effective 7/1/95.

Date: No review necessary at this time. Place on five year review cycle for review in 1999

2AAC 45-010: Grant Administration

Proposed action:

Regulations should be reviewed by OMB, Audit and Management Services

Date: N/A

2AAC 47.010-170: Municipal Capital Project Matching Grant Program

Proposed action:

Existing regulations were issued on an emergency basis. Final regulations are currently pending final review in the Dept. of Law.

Date: No review necessary at this time. Place on five year review cycle for review in January, 2000.

1997 UPDATE: Regulations still pending final review in the Department of Law.

2AAC 50.010-200: Conflict of Interest
2AAC 50.505-545: Regulation of Lobbying
2AAC 50.705-890: Legislative Financial Disclosure
2AAC 50.450-470: Complaints and Investigations
2AAC 50.905-920: General Provisions

Proposed action:

The Alaska Public Offices Commission has just completed a three year regulation review project resulting in the modification of the above regulations. Place on five year review cycle.

Date: January, 2000

2AAC 50.310-470: Campaign Disclosure

Proposed action:

An initiative drive is underway that, if successful, would necessitate a major rewrite of these regulations. In addition, legislation under consideration could also require regulation modification.

Date: Review December, 1996

1997 UPDATE: Regulations are now under review and changes will be drafted resulting from the 1996 Campaign Reform legislation.

2AAC 55.010-080: Public Broadcasting Commission

Proposed action:

Commission regulations have not undergone any major review since 1983. The Alaska Public Broadcasting Commission is being requested to undertake a complete regulation review project.

Date: Review to begin in fall, 1995. Anticipated completion, summer of 1996.

1997 UPDATE: Review delayed due to staffing reductions. No new timelines have been established.

2AAC 60.010-060: OPA-Compensation for court appointed attorneys and guardians ad litem

Proposed action:

No action or review is proposed at this time. Significant pressure would be placed upon the administration to increase the prices set through regulation were this to be opened up for review.

Date: Review on five year cycle, beginning in 2000.

2AAC 60.070-120: OPA fees for guardian and conservator services.

Proposed action:

Regulations were adopted in spring of 1995. Place on five year review schedule.

Date: Review on five year cycle, year 2000.

Other regulations impacting the Department of Administration-

7AAC 79.010-900: Older Alaskans Pilot Project Grants

Proposed action: Repeal major portion of regulation. Rewrite remaining regulations to comply with 1994 re-write of the Alaska Commission on Aging statute. The Alaska Commission on Aging is presently undergoing a sunset review by Legislative Audit.

Date: Review after completion of sunset audit. April, 1996.

1997 UPDATE: Regulations currently under review.

20AAC 25.005-570: Alaska Oil and Gas Conservation Commission

Proposed action:

The AOGCC is currently undertaking a regulation review project to primarily update regulations to address changing technology and new requirements for oil field operations.

Date: Ongoing, with completion scheduled for summer, 1996.

1997 UPDATE: Regulation changes have been through the public review process and

final changes have been approved by the Commission. The package is about to be submitted to the Department of Law for review.

MEMORANDUM

STATE OF ALASKA
DEPARTMENT OF REVENUE
OFFICE OF THE COMMISSIONER

TO: Pat Pourchot
Legislative Director
Governor's Office

DATE: February 14, 1997

FILE:

FROM: Deborah Vogt 
Deputy Commissioner

TELEPHONE: (907) 465-2302

SUBJECT: Department of Revenue
Compliance
Administrative Order #157

Chief of Staff Ayers asked that we report to you directly on this department's progress in compliance with Administrative Order #157.

Probably the most useful thing that this department is doing -- in part in response to the order -- is to involve affected groups and members of the public in the **drafting** of new regulations, rather than to develop them in-house and put them out for comment. Of course, we still engage in the formal comment period, but we find that the direct contact with folks as a project develops leads to better regulations. In some cases, like gaming and oil and gas taxes, it is possible to deal directly with the entire population of affected parties. In other cases, like CSED and PFD, we can deal with a sampling of affected parties who may generally represent the perspective of the population at large. This technique not only helps the public understand why we do what we do, but helps our divisions understand the concerns of the public before they have committed to a particular approach in draft regulations.

Governor Knowles showed his recognition of the value of this approach when he appointed the Charitable Gaming Task Force. That group's charter included a review of the agency regulations. At that time, gaming regulations were enjoined, and the relationship between the agency and the industry was far from amicable.

We now have a set of gaming regulations on the books that are generally accepted by the people in the industry, be they operators or charities. The Task Force process created a dialogue that led all parties to respect and understand each others' position, and created consensus where history foretold that none could be had. Unfortunately, the Task Force did not have the power to change statutes, or improvements would have been made there, as well.

Department-wide, the department has established a central contact point for regulations projects, and is in the process of adopting a policy and procedure incorporating the heart of Administrative Order #157.

In addition, the divisions report their progress as follows:

Oil and Gas Audit

The division is in the process of its "Reg II" project with the oil industry. Here, the emphasis is on regulations that all parties can agree upon the meaning of. Since all taxpayers are at the table, the regulations will be clear to all -- even if the highly technical tax language might prove mysterious to the person on the street. Here, precision is more important than "plain language." But what is most important is communication with the affected population.

Income and Excise Audit

This division has begun a regulations project with oil and gas corporate income tax payers. The project is similar to the one described above, and, indeed, the same players are involved. This division also expects shortly to amend the fisheries business tax to use terms in the same way as DEC, so that Marketing Alaska objectives can be accomplished.

Charitable Gaming

See discussion above.

Permanent Fund Dividend Division

This division has adopted two small sets of regulations addressing issues that applicants had brought to our attention that were either because regulations could not be understood or because the regulations were inequitable. The division also empaneled a group comprised of agency members, legislative staff, ombudsman's office staff and interested public to begin the process of a thorough review of the PFD regulations for both readability and equity.

Child Support Enforcement Agency

The CSED will empanel a regulation review committee after the end of this legislative session. That agency has not adopted regulations recently. It believes that -- more than just "plain" English, its regulations should read at a 6th-8th grade level. It also has been working toward adopting many of its policies and procedures as regulations.

Alaska State Pension Investment Board

ASPIB amended its regulations to provide for procurement procedures. Although ASPIB is not subject to the Administrative Procedures Act, it, in coordination with the Attorney General's office, did comply with the spirit and letter of Administrative Order #157.

In sum, the department is pleased to comply with the Order, and extremely supportive of its content. Please let me know if there is any other information that we can provide.

MEMORANDUM

State of Alaska

Department of Transportation & Public Facilities
Office of the Commissioner

TO: Patrick Pourchot
Legislative Director
Governor's Legislative Office

DATE: February 15, 1997

TELEPHONE NO: 465-3901
TEXT TELEPHONE: 465-3652
FAX NUMBER: 586-8365


FROM: Joseph L. Perkins, P.E.
Commissioner

SUBJECT: Administrative Order
No. 157

Regulations adopted by the Department of Transportation and Public Facilities (DOT&PF) are contained in Title 17 - Transportation and Public Facilities of the Alaska Administrative Code. The regulations adopted by the DOT&PF under Title 17 represent a small portion, roughly two percent, of the total volume of the code. Due to the Department's construction procurement authorities under AS.36.30 - State Procurement Code, we also maintain an involvement in the adoption of regulations under 2 AAC 12 - Procurement. The following summarizes the regulatory reviews undertaken by the DOT&PF since Administrative Order No. 157 was issued.

Aviation Regulations - 17 AAC 40

Aviation regulations have remained largely unchanged since 1973, with only a few minor amendments. In June of 1994, the DOT&PF gave public notice that it proposed to adopt new regulations under Title 17 of the Alaska Administrative Code (17 AAC 40) dealing with rural airports. The new regulations would cover all aspects of airport operations including aircraft operations, fuel handling, aircraft tie-down rental, vehicle permits, environmental pollution, airport closure and airport property leasing. New regulations for the Anchorage and Fairbanks International Airports would follow later. Notices were published in newspapers, posted at all airport locations, and mailed to all air carriers and airport tenants of record, and to all legislators. Public hearing were held in nine locations across the state. Extensive changes were proposed in the regulations text in response to the testimony and comments received.

In July of 1995, the DOT&PF determined that after considering, AO 157, the public comments and extent of the proposed changes that it would be best to submit the revised regulations to another public review. In response to airport user requests, the DOT&PF allowed the public comment period to extend for three months, 54 letters were received. Revised regulations were again proposed which incorporated the public comments. However, this revision was held in abeyance during the 1996 legislative session pending the final disposition of HB 543. Governor Knowles signed HB 543 into law on June 25, 1996, the effective date being September 23, 1996.

On June 26, 1996, the DOT&PF began working with the Department of Law to draft the regulations needed to implement HB 543. The DOT&PF also determined that updating the very obsolete regulations would require such extensive revisions that it would be more effective to proceed with a total update of the airport regulations. The plan called for separate, but parallel regulations for the rural and international airport systems to be adopted simultaneously. On November 7, 1996, public notices were issued proposing separate comprehensive regulations for the Anchorage International Airport (ANC) and the Fairbanks International Airport (FIA) (17 AAC 40), and the rural airports (17 AAC 45).

Again, in response to airport user requests, the DOT&PF extended the public comment period, this time to January 24, 1997. During this time the department received a total of 36 letters and faxes offering comments on the proposed rural airport regulations and 240 comments regarding the proposed international airport regulations. Of the 240, approximately 200 were single page form letters that focused primarily on the Lake Hood/Lake Spenard float plane tie-down permit issues at ANC. In addition to written comments, the DOT&PF received verbal testimony on the regulation proposals at seven public hearings.

A technical committee within DOT&PF has reviewed the public comments and is preparing revision recommendations for consideration by a policy committee. In late February 1997, "semi-final drafts" of the regulation proposals will be made available for public review and comment. There may also be hearings by the House/Senate Administrative Regulation Review Committees. The final regulations will be delivered to the Department of Law for a final legal review by summer with a filing of the new regulations by the Lt. Governor anticipated for the fall of 1997.

Procurement Regulations - 2 AAC 12

Four representatives of the DOT&PF participated in a Procurement Advisory Council subcommittee tasked with rewriting elements of the regulations for procurement. This cooperative effort with the Department of Administration used the AO 157 as a guide in developing the regulation changes. Changes to the regulations were required to conform to the recent changes in AS.36.30 - State Procurement Code. The limit on small procurement was raised from \$25,000 to \$50,000 for supplies, services, or professional services and to \$100,000 for construction. The procedures for small procurements are simpler, quicker and more cost effective for both the State and private industry. These statute and regulatory changes extend the benefits of small procurements to a broader range of State contracts. At this time, the proposed regulation changes are through the public notice stage and at the Department of Law for review.

The DOT&PF has also developed an Internet site to post all Request For Proposals on Professional Services Agreements. The development of the Internet site is completed and the site will be implemented following the adoption of the regulation changes. The results of this innovative work could be extended to other contract advertisements in the future.

Klondike Industrial Use Highway - 17 AAC 35.200

The DOT&PF is in the final stages of updating the regulations regarding the Klondike Industrial Use Highway. The primary issue being the use fees charged for Industrial Use Highway Permits. The permit fees are calculated to offset the costs to the State to keep the roadway surface and other structures, including bridges, in a condition to accommodate long or heavy loads and to offset administrative costs in issuing permits. The proposed revision was sent to the Department of Law for review. On February 11, 1997 the Department of Law returned the final draft to the DOT&PF for additional public comment as requested.

Highway Signs

A ten member task force established by DOT&PF recently completed a review of the department's policies on highway signs. The task force consisted of representatives of the tourism industry, various visitor associations, the Federal Highway Administration and the DOT&PF. They recommended that DOT&PF develop comprehensive sign regulations to cover existing and proposed tourist and business related sign programs. Those programs include: Tourist Oriented Directional Signing (TODS), Recreational and Cultural Interest Area Signs, Specific Service Signs (Logo), General Service Signs, and Informational Plazas (Kiosks). The task force also recommended that the department seek funding for a sign review, replacement and removal program for the National Highway System and those highways designated as State Scenic Highways.

Following the report and recommendations, the DOT&PF has established a small working group of professionals within DOT&PF and the Department of Law to create draft comprehensive highway sign regulations. The department's existing policies are being converted to regulation format and new regulations are being drafted for areas where there is no existing policy. The first rough draft of these new regulations should be completed by late February. Following an in-house review of the regulations, public notices will be issued and comments solicited in accordance with the Drafting Manual for Administrative Regulations and AO 157.

Oversized/Overweight Trucking Regulations - 17 AAC 25

The previous Administration and the Trucking Industry had spent about two and one half years and drafted some 17 proposed regulations to resolve important trucking issues without success.

In April 1995, a technical committee headed by DOT&PF and composed of the Trucking Industry, DOT&PF, DCED and DPS began a review of the regulations. In August 1995, (within five months) new regulations were adopted and in place regarding the operation of oversized/overweight vehicles on our State highway system.

Pub 2 - 1997

MEMORANDUM

STATE OF ALASKA

TO: Pat Pourchot, Director
Governor's Legislative Office

DATE: February 20, 1997

THRU: Ronald Otte
Commissioner
Department of Public Safety

TELEPHONE NO: 465-4322

SUBJECT: Administrative
Order No. 157

FROM: Sandy Perry-Provost
Special Assistant to
the Commissioner
Department of Public Safety

This is in response to your memorandum of December 23, 1996 requesting a brief summary of the Department of Public Safety's review of regulatory procedures pursuant to Administrative Order 157.

In September of 1995 a "Regulations Review Plan" was developed per Directive No. 10 of the Executive Order. Beginning September 1995 meetings were held with each of the divisions within the department to identify those regulations that applied to the specific division.

The following actions have been taken:

Administrative Services - Regulations were adopted for AS 12.62 which constitutes a wholesale replacement of regulations affecting Administrative Services. These were jointly authored by the Department of Public Safety and the Department of Law. They were subsequently reviewed by Deborah Behr for compliance with AO 157.

Fish & Wildlife Protection - This division does not independently promulgate regulations; rather it enforces regulations declared and implemented by the Department of Fish & Game and other divisions within the Department of Public Safety.

The division did, however, participate in the regulation-adoption process by assisting the Department of Commerce & Economic Development in the promulgation of regulations relating to the "Guide Bill".

Pursuant to Administrative Order, F&WP assisted in:

- Regulation language drafts in accordance with the AO 157;
- Maintained a designated expert available for comment to the Department of Commerce and constituent organizations affected by the regulations;

- Continue to regularly attend the Boards of Fish and Game meetings to offer information helpful to the development or amendment of current regulations;
- Additionally, the division has actively solicited input for its commercial fishing policies and programs through written questionnaires and attendance of regional industry meetings. Often during these meetings F&WP is able to clarify regulation language and avert unintentional noncompliance.

CRIME LAB - Review of the "Forensic Alcohol Testing Regulations (13 AAC 63.010 - 900) to put them into "plain English" per Administrative Order 157 has been done. These regulations are in the final review process with the Department of Law.

VIOLENT CRIMES COMPENSATION BOARD - The VCCB has not changed their regulations in many years and does not believe there is any need to do so in the immediate future. Their regulations are in plain English and easy for the public to understand.

ALASKA STATE TROOPERS - Initial review of regulations was to verify the validity of the statutes cited as authority for the regulations. 13 AAC 60, Licensing of Security Guards and Security Guard Agencies were incorrect due to the renumbering of statutes in the criminal code revision.

Subsequently, the division's review dealt with cost to the public, burden placed on the public, plain English and ADA requirements. This review was completed in November of 1996. All of the division's regulations comply with the standards of AO 157 with the exception of some traffic regulations that were exempted from the "plain English" provision by the Department of Law.

The Security Guards and Security Guard Agencies regulations will be addressed following the 1997 legislation session.

FIRE PREVENTION - The division is responsible for 13 AAC 50 - 55. 13 AAC 50 deals specifically with the Uniform Building Code, Uniform Mechanical Code and the Uniform Fire Code. These codes, in most situations, are performance standards. These codes, as written, allow the most cost effective methods to be used while preserving a minimum acceptable level of fire and life safety. They are written in plain English to the greatest extent possible. They are technical in nature.

13 AAC 51 Fireworks - This chapter has been proposed for repeal. The provisions currently contained therein will be incorporated into Article 78 of the Uniform Fire Code. The purpose is to make the codes more user friendly by consolidating all fireworks regulations into a single cohesive location.

DIVISION OF MOTOR VEHICLES - The division's initial review of 13 AAC was to verify the validity of the statutes cited as authority for the regulations. All of the Chapters of Title 13 need revision to be consistent with Administrative Order 157. Some sections are obsolete, are not consistent with current licensing practices or do not conform with ADA. Several need to be revised to be gender neutral.

The DMV recently submitted a regulations packet to the Department of Law for final review. Changes were made to make it easier to impose a 24 hour parking restriction in a city; address the issue of handlebar height on motorcycles; add new section to allow local municipalities, i.e., police chiefs, fire chiefs and emergency medical services provider chiefs to authorize emergency vehicles and private vehicles with flashing blue lights within their jurisdiction; alteration of speed limits by state and municipalities and amend when headlights and taillights are required. A new subsection to extend drivers license renewal for active duty military personnel has also been added.

Council on Domestic Violence & Sexual Assault - The Council last revised 13 AAC 090 and 13 AAC 095 in July of 1995. There are no references to obsolete statutes or regulations.

Throughout this review process it was evident that the regulatory process is cumbersome, involves a great deal of time and is costly. The department has a substantial file on Administrative Order 157 should you require more detailed information.

MEMORANDUM


State of Alaska Department of Law

TO: Pat Pourchot
Legislative Director
Office of the Governor

DATE: January 27, 1997

FILE NO.:

TELEPHONE NO.: 465-3600

FROM: 
Bruce M. Botefno
Attorney General

SUBJECT: Report on Department
of Law's Accomplishments
to Implement Administrative
Order No. 157 on Regulatory
Reform

The Department of Law has prepared this report on our progress to implement Administrative Order No. 157 as requested in the chief of staff's memorandum of December 23, 1996.

As you know, Administrative Order No. 157 directs departments to take a number of actions concerning the formulation, adoption, and implementation of regulations. We are pleased to report that the Department of Law has taken a number of steps under that Order.

First, I convened a working group of Administration officials to look at ways to streamline the regulations process to make the process more "user friendly" to the public. Representatives of the Office of the Lieutenant Governor and of the departments of Environmental Conservation, Fish and Game, Health and Social Services, Public Safety, Natural Resources, and Law participated. The group has produced a draft bill for the governor's consideration to make public notices for regulations easier to read and more accessible to the public. The bill recognizes new technological improvements in communications, such as the Internet, to provide notices and to receive requests for draft regulations. The bill also allows departments to more readily use certain information that is uniformly accepted (i.e. consumer price index updates) or has previously been adopted in a public process.

Second, implicit in the directives of Administrative Order 157, is the notion that agencies should work to improve the process of creating and amending regulations so that changes are made in a cost effective and timely manner. In the course of its participation in the regulation working group, the Department of Law took a hard look at its own internal procedures for approval of proposed regulations and is evaluating whether those procedures could be improved by making the intensity of legal review dependent on the nature and complexity of the regulatory change being proposed.

Third, the Department of Law has conducted training classes in Anchorage and Juneau regarding agency responsibilities under the Order. The department has also provided training to the regulations contacts in each department, the staff of the Office of the Lieutenant Governor, and to the assistant attorneys general regarding the Order. Additionally, the Department of Law revised the Drafting Manual for Administrative Regulations to reflect the directives of Administrative Order No. 157.

Fourth, the Department of Law has established a listing of state agency contacts regarding regulations, as required by the Order. Attached please find a copy of that listing. The persons listed have been appointed by their departments to be the central source to answer questions from the public and to refer callers to department personnel assigned to the particular regulations project. See Attachment 1.

Fifth, the Department of Law has prepared and submitted to the chief of staff its plans to review regulations adopted by the Department of Law. See Attachment 2. We have already completed the review of 9 AAC 05 (retail advertising) and 9 AAC 10 (civil liability for shoplifting) and concluded that no changes were required to comply with the Order. We have begun our review of 9 AAC 12 (charitable solicitation) and 9 AAC 14 (telephonic sellers). Both of these regulation chapters are new, being adopted in 1994. We believe that some refinement is appropriate in both chapters to address questions raised during the first years of implementation. In order to reduce costs, we intend to combine the regulations projects with any other regulatory change that may be necessary as a result of legislation enacted this session. We are hopeful that the legislature will pass our consumer protection bill and that will likely necessitate some changes in regulations in the telephonic sellers area. We believe that we are well on our way to implementing changes under our plan.

We welcome the opportunity to provide this report. If you need more information, please let me know.

DEB:lm

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cc: Jim Ayers
Chief of Staff

**Alaska Department of Law
1996 Agency Contacts
as of January 21, 1997**

Department/Agency	Contact on file with Lt. Governor's Office	Contact for Purposes of Administrative Order No. 157
Administration M/S 0200	Sharon Barton 2277	Sharon Barton, Director Administrative Services Fax: 2135
Commerce & Econ. Dev. M/S 0800	Jeff Bush 2500	Jeff Bush Deputy Commissioner Fax: 5442
Community & Reg. Affairs M/S 2100	Lamar Cotten CaroleAnn Webster 2700	Lamar Cotten Deputy Commissioner Fax: 2948
Corrections M/S 2000	Jerry Shriner 4640	Jerry Shriner Special Assistant Fax: 2390
Education M/S 0500	Richard Cross 8678	Richard Cross Deputy Commissioner Fax: 4156
Environmental Conservation M/S 1800	Billie Wilson 5061	Billie Wilson Legal Assistant Fax: 5070
Fish and Game M/S 1100	David Benton 6136	Robert Bosworth Deputy Commissioner Fax: 2332
Health & Social Services M/S 0600	Elmer Lindstrom 3030	Elmer Lindstrom Special Assistant Fax: 3068
Labor M/S 0700	Dwight Perkins 2700	Dwight Perkins Special Assistant Fax: 2784
Law M/S 0300	Deborah Behr 2122	Deborah Behr Assistant Attorney General Fax: 2520

**Alaska Department of Law
1996 Agency Contacts
as of January 21, 1997**

Military & Vet. Affairs M/S 0900	Anita Porter Carol Carroll 6010	Anita Porter Special Assistant Fax: 907-428-6019
Natural Resources M/S 1000	Patty Bielawski 762-2483	Patty Bielawski Special Assistant Fax: 907-562-4871
Public Safety M/S 1200	Del Smith 4322	Sandy Perry-Provost Special Assistant Fax: 4362
Revenue M/S 0400	Ila Hammond 2303	Ila Hammond Paralegal Assistant Fax: 2389
Transportation & Pub. Fac. M/S 2500	Boyd Brownfield 6973	Clyde Stoltzfus Special Assistant Fax: 586-8365
Post-secondary Education & Alaska Student Loan Corp. M/S 0505	Carleen Mitchell 6740	Carleen Mitchell Customer Service Specialist Fax: 5316
Governmental Coordination M/S 0101		Kerry Howard Fax: 3562
Elections M/S 0105	Virginia Breeze 3051	Virginia Breeze Special Projects Fax: 3203
Commercial Fisheries Entry Commission M/S 1100	Susan Haymes 789-6160	Susan Haymes Law Specialist Fax: 789-6170

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MEMORANDUM

State of Alaska
Department of Law

TO: Jim Ayers
Chief of Staff
Office of the Governor

DATE: August 25, 1995

FILE NO.:

TELEPHONE NO.: 465-3600

Deborah E. Behr
FROM: Deborah E. Behr
Assistant Attorney General
Legislation & Regulations Section

SUBJECT: Administrative Order
No. 157 - Department
of Law's Plan to
Review its
regulations

Attorney General Botelho requested that I respond directly to Acting Chief of Staff David Ramseur's memorandum of July 27, 1995 to the cabinet asking for the Department of Law's plan to review its own regulations in response to Administrative Order No. 157.

The Department of Law's regulations are contained in Title 9. The chapters contained in Title 9 by most recent effective date are:

CHAPTER	TOPIC	EFFECTIVE DATE
05	Retail Advertising	07/26/80
10	Civil Liability for Shoplifting	12/30/82
12	Charitable Solicitation	03/19/94
14	Telephonic Sellers	03/19/94
52	Executive Branch Code of Ethics	04/24/94

Since most of our regulations are less than two years old, we propose to review the older regulations first. Next, we proposed to review the Executive Branch Code of Ethics due to its significant impact on the state. Finally, we propose to review the consumer protection regulations concerning charitable solicitation and telephonic sellers.

We believe that the following plan will work well with our existing staffing levels in the Department of Law.

FY96 We will review Retail Advertising and Civil Liability for Shoplifting regulations. Staff intends to do a preliminary review and report to the Attorney General by mid to late October, 1995. If regulation changes are

ATTACHMENT 2

Jim Ayers
Chief of Staff
Office of the Governor

August 25, 1995
Page 2

needed, we intend to publicly notice any proposed changes by December 1995. After evaluating public comments, we anticipate adoption of any necessary regulation changes by March 1996.

FY97 We plan to review the Executive Branch Code of Ethics regulations. Due to the complexity of these regulations, we need to confer with many state officials and employee groups to make sure that concerns are addressed and solutions proposed are workable. We expect that it will take many months to complete the process.

FY98 We propose to review the Consumer Protection regulations of charitable solicitation and telephonic sellers. We plan to solicit comments from the public and organizations located in and outside of Alaska during our review process.

If you need more information on our plans to review these regulations or wish a different direction be taken, please contact us. We look forward to working with the other departments to improve and update Alaska's regulations.

DEB/bap

cc: Bruce M. Botelho
Attorney General

Barbara Ritchie
Deputy Attorney General
Civil Division

Laurie Otto
Deputy Attorney General
Criminal Division

Nancy Gordon
Assistant Attorney General

Becky Snow
Assistant Attorney General

Daveed Schwartz
Assistant Attorney General

Neil Slotnick
Assistant Attorney General

Vince Usera
Assistant Attorney General

MEMORANDUM


STATE OF ALASKA DEPARTMENT OF LABOR Office of the Commissioner

TO: Jim Ayers
Chief of Staff
Office of the Governor

DATE: February 20, 1997

FILE: AO157.rpt

PHONE: 465-2700


FROM: Tom Cashen
Commissioner

SUBJECT: Administrative
Order 157

Upon receipt of Administrative Order 157, the Department of Labor took immediate action to update our regulation promulgation procedures to conform to the directions in the AO, as well as those required by HB 130. Notices were rewritten to include information regarding special accommodations for persons with a disability, and requesting input regarding the costs to private persons. We incorporated the use of the Additional Notice Information form, and established procedures to maintain documentation of all public comments received.

All regulations packages have undergone extensive review by the Commissioner's Office to assure that our regulations packages are in compliance. Also, staff attended the training sessions given by the Department of Law regarding the promulgation process.

Specifically, the following regulations packages have been promulgated since the issuance of the Administrative order:

Completed a comprehensive revision of occupational safety and health standards to the Federal standards. These regulations became effective in December, 1995.

Comprehensive review of workers' compensation regulations. Extensive changes were made to clarify the language of the regulations and assure that they were written in "plain English". Additional time was allotted for the public comment period due to the size and complexity of the regulations project. The package is currently under final review by the Department of Law.

Amended the occupational safety and health standards to provide 50 square feet of floor space (reduced from 60 square feet) for each occupant in temporary labor camps which are occupied for no more than 60 consecutive days per year. The change resulted from discussions with the seafood processing industry and was intended to address short-term "peak season" situations encountered wherein the alternative to providing less than 60 square feet would be to provide no housing at all. These regulations became effective October 19, 1996.

The unemployment insurance regulations are currently in the promulgation process. Some of the changes involve extending the time for filing of appeals from 15 days to 30 days; allowing for telephone filing of claims; clarifying procedures for waiving benefit overpayments and provide for additional waiver standards.

The drafting period of these regulations involved extensive rewriting and reorganizing to simplify and make the regulations easier for the public to understand and follow the claim filing requirements.

The regulations are undergoing final review in the Commissioner's Office before adoption.

One portion of these regulations was separated from the package and received "fast-track" handling. At the request of mill workers in Ketchikan, the Governor asked that the proposed section dealing with severance pay be broken out and reviewed as soon as possible. This was accomplished, and that portion became effective January 18, 1997.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

4250
TONY KNOWLES, GOVERNOR


P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030
FAX: (907) 465-3068

MEMORANDUM

DATE: February 20, 1997

TO: Jim Ayers
Chief of Staff
Office of the Governor

THRU: Pat Pourchot
Legislative Director
Office of the Governor

FROM: Elmer A. Lindstrom 
Special Assistant to the Commissioner

SUBJ: Status of review of regulatory procedures in accordance with AO 157

The Department of Health and Social Services has complied, to the greatest extent possible, with the objectives of Administrative Order 157. Specific steps to further these objectives have included:

- Designation of Elmer Lindstrom as the lead staff person in the Department to serve as the general regulation contact.
- Designation of regulation liaisons in each Division of the Department to coordinate regulation flow with the Commissioner's Office and Department of Law.
- Additional Department staff have received regulations training from the Department of Law to improve technical regulation writing proficiency including specific requirements included in Administrative Order 157
- The Commissioner of the Department of Health and Social Services and the Attorney General convened an inter-agency meeting of senior staff to improve communications and coordination between the two agencies.

- The Department of Health and Social Services actively participated in an inter-agency work group to review the regulations process and offered a number of suggestions which will be included in the Governor's regulation reform legislation.
- A detailed list of all regulations in process is updated quarterly and provided to the Department of Law, Office of the Lieutenant Governor and senior Department staff to better coordinate regulation project flow and to assist the Commissioner in setting regulation project priorities.

A copy of the most current list of regulations in process is attached. The Department of Health and Social Services is committed to working with the Department of Law, Office of the Lieutenant Governor, other agencies and the public to improve the regulations process.

Attachment

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1997 REGULATION PROJECTS

PROJECT DESCRIPTION AND AAC	LEAD DIVISION	LEAD STAFF	DEPT. OF LAW FILE NO. AND ATTORNEY	DIVISION PRIORITY	STATUS	COMMENTS	DATE OF PUBLIC NOTICE	ORAL HEARING DATE	CLOSE OF PUBLIC COMMENT PERIOD	ACTUAL DATE OF ADOPTION	DATE TO LAW FOR FINAL REVIEW	DATE TO LT. GOVERNOR	EFFECTIVE DATE	REGISTER
PROVIDER PAYMENT includes RBRVS, Physical Therapy and cash discount regulations	Medical Assist	Waller Keklak Wilson	993-96-0048 O'Fallon	High	Completed	New payment methodology for physicians, podiatrists, optometrists, and chiropractors. Will insure Medicaid pays no more than any other payor. Adds regulations for PT Services which have never been done.	11/13/1995 9/11/96	12/19/1995 10/21/96	12/27/1995 10/21/96	12/24/96	12/24/96	12/26/96	2/1/97	Register 141 April 1997
HOME HEALTH AGENCY LICENSING	Medical Assist	Waller Mertz/Larsen	993-95-0140 Bomengen	High	Adopted in Law for final review since November 1995	Update regs to meet current industry standards. Rate setting coordinated with home care association.	8/13/95	n/a	9/22/95	11/13/95				
GRM: IHS as a Prior Resources	Medical Assist	Sherwood	993-97-0011 Bomengen	High	Adopted. In Dept. of Law for final review since September 1996	The Office of Civil Rights has determined that potential treatment by IHS facilities may not consider a prior resource to the GRM program. Housekeeping changes clarify GRM does not pay for inpatient psych treatment.	7/18/96	None	8/30/96	9/11/96	9/11/96			
RURAL PRIMARY CARE HOSPITALS	Medical Assist	Waller	993-97-0001 Bomengen	High	Adopted. In Dept. of Law for final review since September 1996	Create two types of acute care hospitals. One type, a Rural Primary Care Hospital, will not be required to provide all the services that a General Acute Care Hospital must provide	6/28/96	7.24/96	8/15/96	9/4/96	9/5/96			
INPATIENT PSYCHIATRIC added to TEFRA	Medical Assist	Sherwood Lee/Masacic		High	ON HOLD. Looking at more comprehensive child mental health solutions	Adds inpatient psychiatric services to those services available to TEFRA recipients								
AUDITS, RECOUPMENT OF OVERPAYMENT and PROVIDER APPEALS	Medical Assist	Waller Cook		High	Waiting Commissioner signing of public notice since October 1996	Establishes procedures for recoupment of overpayment to a provider. Limited to specific types of overpayment. Establishes internal and external procedures for ALL provider appeals								
MEDICAL TRANSPORTATION	Medical Assist	Waller Masacic		Medium	DRAFTED	Updates and clarifies existing medical transportation policy.								
ESTATE RECOVERY	Medical Assist	Busch Wagner		Medium	NO DRAFT	Estate Recovery policy regarding liens and other estate recovery issues. Will be meeting with TPL staff in December								
COST SHARING Phase 2	Medical Assist	Waller Lee/Masacic	Bomengen 993-95-0019	Low	On Hold Pending federal definition of nominal	Implements cost sharing (SB 386) for all remaining services not included in other phases.								

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1997 REGULATION PROJECTS**

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RESTORATION OF OPTIONAL SERVICES	Medical Assist	Weller Lee/Maseric		Low	On hold for appropriation. Ready for notice	Restores for adults: Chiropractors; ANP (family, pediatric, & midwife only); Dental; Speech/Hearing; Vision Care; Occupational Therapy; Nonenrolled Emergency Care								
LOCK-IN	Medical Assist	Weller Campans		Low	On Hold Drafted	Increases the recipient lock-in period from 1 year to a renewable period.								
MEDICAL RECORDS	Medical Assist	Weller Larsen		Low	On Hold In Drafting	Amends medical records section of licensure regulations to meet current industry standards								
NURSING HOME SANCTION	Medical Assist	Weller Larsen		Low	On Hold No Draft	Implements OBRA-87 penalties for substandard provider performance.								
COST SHARING Phase 3	Medical Assist	Weller Lee/Maseric		Low	On Hold No Draft	Phase 3-Transportation, IHS services, other services difficult to implement								
PERSONAL CARE	Medical Assist	Sherwood Div. of Senior Services		Low	On Hold No Draft	Housekeeping changes in coordination with Division of Senior Services								
Direct-Entry Midwife BIRTHING CENTER Registration	Medical Assist	Williams Larsen		Low	On Hold No Draft	Required by HB 382, 17th Leg. Reviewing AG opinion. Need to coordinate with DEM board..								
FEDERALLY QUALIFIED HEALTH CENTERS	MRAC	Ruby Nielson		High	Preliminary Discussion Complete	Update IHS rates, investigate public input regarding Medicare participation, grant notice requirements, IHS owned or leased language and IHS certification								
HOSPITAL DISPROPORTIONATE SHARE	NRAC	Nielson Chrsty		High	Identifying issues and proposals	Various revisions regarding DSH calculations, billing, facility mix and definitions								

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1997 REGULATION PROJECTS

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ADMINISTRATIVE APPEALS of Health Facilities	MRAC Hearings & Appeals	Backwith	993-95-0025 Shultz	High	Out for second public comment period	Timeline for administrative appeal of a health facility's prospective payment rate and methodology.	8/25/1995 10/1/96	9/28/95	11/1/1995 3/21/97					
HOME HEALTH RATE SYSTEM	MRAC	Nielson	993-97-0071	High	Working on final draft with the Dept. of Law	Establish new rate setting system for home health agencies	12/10/96	12/31/96	1/10/97					
NEW RATE SETTING METHODOLOGY	MRAC	Nielson n/a		Medium	In Ddrating	Development of an alternative rate setting methodology for future consideration.								
CONFIDENTIALITY of FACILITY INFORMATION	MRAC	Nielson n/a		Low	Working on final draft with the Dept. of Law	Establish protections for facility information required to be confidential.								
MENTAL HEALTH MANAGEMENT INFORMATION SYSTEM	DMH	Hutton	O'Fallon 993 97-0096	High	Law for Review	Adding new sections to allow the division to operate the MIS and protect confidentiality of client information.	2/10/97	2/21/97	3/4/97					
ASSISTED LIVING	DMH	Mandzik Johnson		High		Housekeeping Amendments to Recently Adopted Assisted Living Regulation								
GENERAL RELIEF ADULT RESIDENTIAL CARE	DMH	Johnson Hammaker		High		Join Project with DOA/Senior Services. Make General Relief for ARC's consistent with Assisted Living Statute. Review rates for daily care.								
HOME AND COMMUNITY BASED WAIVERS	DMH	Ray Crane		High		Housekeeping Amendments to Waiver Regulations								
UPDATE OF CMHC STANDARDS COMBINED WITH AYI & CHILDREN WITH MENTAL ILLNESS OR DISABILITIES	DMH	Gamble	O'Fallon	High	Under Internal Review	Update CMHC standards to be consistent with Mental Health Trust Authority and Medicaid - Update regulations for policy, procedures and standards of care for children with mental illness and severe disabilities								
AIR MEDICAL SERVICES MUTUAL AID ISSUES AND FEES	DPH	Johnson	Bomengen 993-97-0086	High	Drafted	Add a new Level of Air Medical Services. Define Mutual Aid issues. A task group is working on a draft of recommendations. That report should be done on or about March 3.								

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1997 REGULATION PROJECTS**

PROJECT DESCRIPTION AND AAC	LEAD DIVISION	LEAD STAFF	DEPT. OF LAW FILE NO. AND ATTORNEY	DIVISION PRIORITY	STATUS	COMMENTS	DATE OF PUBLIC NOTICE	ORAL HEARING DATE	CLOSE OF PUBLIC COMMENT PERIOD	ACTUAL DATE OF ADOPTION	DATE TO LAW FOR FINAL REVIEW	DATE TO LT. GOVERNOR	EFFECTIVE DATE	REGISTER
MOBILE INTENSIVE CARE PARAMEDIC COURSE COORDINATORS & MOBILE INTENSIVE CARE COURSE APPROVAL	DPH	Johnson	O'Fallon 993 96-0081	Low	Out for Public Comment	Regulations based on additional responsibilities of department conferred by AS 18.08.080. Regulations will be added to Article 1 of EMS regulations.	2/11/98							
EMT and EMT Instructor Certificates	DPH	Johnson	Bomengen 993-97-0009	Medium	Drafted	To the Department of Law for final review prior to public comment								
DO NOT RESUSCITATE ORDERS AND PROTOCOLS	DPH	Johnson	993-95-0047 Bomengen / Gardiner	Medium	To Lt. Governor	Widespread public interest in seeing regulations promulgated.	11/30/95			8/15/96	8/15/96	9/6/96		
HANDICAPPED CHILDREN'S PROGRAM	DPH	Fox		Low	Drafted but on Hold	Updates language, clarifies eligible conditions and outlines family financial contribution amounts. Current funding for program is insufficient and program may be changed or eliminated--eliminating need for regulations. Have used Dept. of Law for advice.								
DISEASE REPORTING Phase II	DPH	Middaugh	Bomengen	High	On Hold	Redrafted to address issues improperly noticed in Phase I.								
STATE MEDICAL EXAMINER	DPH	Propst		High	Draft Completed by contractor; under review by staff	Regulations to govern operation of Medical Examiner program under new legislation. Changes to Vital Statistics and related regulations to conform to operations under new law.								
INFANT LEARNING PROGRAM DUE PROCESS STANDARDS	DPH	Jones Fox	O'Fallon	Medium	On hold	Incorporate federal regulations (34 CFR 303 & 300) into Infant Learning Program (coordinated with DOE). Failure of Omnibus streaming bill containing specific granting authority for grants makes it prudent to delay further action.								
GRANTEE/CONTR. FEE SCHEDULES	DPH	Muth Fox	O'Fallon	Medium	In Drafting	To implement a routine process whereby grantees/contractors may get approval for fees that vary from those set by the department.								

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1997 REGULATION PROJECTS**

PROJECT DESCRIPTION AND AAC	LEAD DIVISION	LEAD STAFF	DEPT. OF LAW FILE NO. AND ATTORNEY	DIVISION PRIORITY	STATUS	COMMENTS	DATE OF PUBLIC NOTICE	ORAL HEARING DATE	CLOSE OF PUBLIC COMMENT PERIOD	ACTUAL DATE OF ADOPTION	DATE TO LAW FOR FINAL REVIEW	DATE TO LT. GOVERNOR	EFFECTIVE DATE	REGISTER
DESIGN & CONSTRUCTION OF HEALTH FACILITIES	DAS	Lane	993-95-0048 O'Fallon	Low	On Hold	Revises building standards references, provides for fees to defray cost of program and may include financial penalties.								
CON Operating Expenditures	DAS	Streuber Pierce	O'Fallon	High	Contract Attorney Solicitation	Expand CON requirements to require review under most circumstances to include operating as well as capital costs.								
CON Long-Term Care Methodology	DAS	Pierce		Medium	Formulating Policy	Adopt Long-term care methodology								
COMMUNITY CARE LICENSING Phase I	DFYS	O'Brien	993-95-0045 O'Fallon	High	Completed	To implement ch. 33 & ch. 144, SLA 1994. Licensing rules for children's facilities must be completed by 10/94 to implement 1/96 as required in statute	7/21/95	8/21, 8/22, 8/23 & 8/26	8/31/95	11/13/95 Readopt	10/28/95	11/14/95	1/1/96	Register 136 January 1996
COMMUNITY CARE LICENSING Phase II	DFYS	O'Brien	993-95-0053 O'Fallon	High	Out for Public Comment	To implement remaining items under Ch. 33, SLA 1994 including Child Placement Agencies, Maternity Homes and Treatment Homes	11/5/96	12/7/96	12/24/96					
YOUTH FACILITIES	DFYS	Buhite		Medium	Not Yet Drafted	Complete rewrite of regulations relating to youth facilities								
CONFIDENTIALITY	DFYS	Kinray		High	Not Yet Drafted	Rewrite of confidentiality regulations including adding material related to recently passed legislation								
GENERAL RELIEF ASSISTANCE	DPA	Steele Ashenbrenner	993-95-0024 O'Fallon	HIGH	To Lt. Governor	Establish recoupment for APA overpayments; brings APA protective payee and other policies into alignment with SSA; Eliminates GRA payments for 19 year old students	8/31/95 Supplemental		Supplement 10/13/95	9/4/96	9/4/96	9/6/96		
AFDC/APA GARNISH PFD	DPA	Steele Ashenbrenner		Medium	In Draft	Incorporate garnishment of PFDs into AFDC and APA Recovery Regulations.								
WELFARE REFORM: ATAP Implementation Phase I	DPA	Ashenbrenner	993-97-0092	High	In Drafting	Repeal of AFDC and begin ATAP program funded by federal TANF block grant effective July 1, 1997								
Energy Assistance Program Benefit Calculations	DPA	Riggen-Ver		Medium	Pre-Proposal Development	Change methodology for calculating Energy Assistance benefits to conform to federal requirements. Planned implementation date 10/1/97.								


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MEMORANDUM
ALASKA DEPARTMENT OF FISH AND GAME

Date: February 14, 1997

To: Pat Pourchot, Legislative Director
Office of the Governor

File: AFSREPRT.DOC

From: Robert Bosworth 
Deputy Commissioner
Juneau

Subject: regulation review
addition

Last week I sent to you a response to Jim Ayers' request for information on our regulation review efforts. Attached is an addendum to that response, submitted by our Habitat Division. Please attach it to the memorandum I sent last week. Thank you.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF FISH AND GAME

Habitat and Restoration Division

P.O. Box 25526
Juneau, AK 99802-5526
PHONE: (907) 465-4105
FAX: (907) 465-4759

MEMORANDUM

TO: Robert G. Bosworth, Deputy Commissioner
Department of Fish and Game

FROM: Janet Kowalski, Director
Habitat and Restoration Division
Department of Fish and Game

DATE: February 13, 1997

SUBJECT: Regulation Review

Habitat and Restoration Division (H&R) has the responsibility to prepare, adopt, and revise Alaska Department of Fish and Game (ADF&G) regulations 5 AAC 95.010(a) specifying waters important for the spawning, rearing or migration of anadromous fishes and department permitting requirements pursuant to AS 16.05.870; and 5 AAC 95.400-990 governing review of activities in legislatively designated (state special areas game refuges, critical habitat areas, and game sanctuaries) pursuant to AS 16.20. H&R has substantially met the four objectives and 14 directives laid out in Administrative Order No. 157. Some of the innovations that H&R has implemented to achieve these objectives include:

1. The Department periodically reviews and revises its Anadromous Fish Act regulations [5 AAC 95.010(a)]. The department has established strict standards for nominating waters for protection under the Act. Our nomination procedures also allow for removing streams, rivers, or lakes which do not meet these standards to ensure that the public is not burdened with regulatory requirements unnecessarily. Staff have worked with the Alaska Department of Law to simplify the regulations and make the intent clear to the public.
2. During the process for developing regulations for legislatively designated special areas, all potentially affected members of the public are provided the opportunity to provide comments and recommendations from the beginning to the end of the planning process. For example, regulations governing the Department's regulatory program on the McNeil River State Game Sanctuary and Refuge were developed using a public participation program whereby the public identified the regulations they felt were necessary to protect

these legislatively designated areas. The public was actively involved in the scoping, drafting and adoption process through mail-outs, public meetings, hearings, and notices.

3. The Department has written at least 27 general Fish Habitat and Special Area Permits authorizing the general public to conduct particular activities at specific sites (e.g., stream fords at heavily used locations). These general permits save time and money by allowing the public to conduct a regulated activity without having to apply for an individual permit.
4. Recreational placer mining permits for small suction dredges and hand tools are issued over the counter for certain drainages at no cost to the public at ADF&G offices in Anchorage, Fairbanks, Ketchikan, Sitka, and Douglas. This procedure saves the public time and money because the permitting process is abbreviated. The procedure also allows the Department to track recreational mining activities and provides face-to-face contact to explain conditions necessary to protect fish.
5. The Department has upgraded its Fish Habitat and Special Area Permit tracking system to provide better real-time information on permit status, key response dates, location, and activity type. Permitting statistics include type of permit required; time required to process applications and issue permits; number of pre- and post-field inspections; and other important permit management information. This information can be readily evaluated to monitor our responsiveness to the public. New features presently being developed include automated electronic communication, permit fitting, and document exchange, storage and retrieval.
6. In partnership with the Kenai Peninsula Borough and with Legislative financial support, the Department co-founded the Kenai River Center (KRC). KRC provides one-stop permit service to the public for most activities on the Kenai River. At this single location, a permit applicant can arrange field visits and receive technical assistance in planning projects; help in filling out permit applications; advice about financial assistance in rehabilitating fish habitat; and advice about borough tax relief. KRC is a fully-automated facility, and includes a Geographic Information System (GIS) developed for the Kenai River. The GIS data includes information on all properties on the river (e.g., parcel size and location, river frontage, soils, vegetation, value, owners, existing structures, photographs), a permit tracking system, and provides communication networks to the Borough and ADF&G. The Center is a great success and is being looked at as a model for other one-stop permit systems elsewhere in the state.
7. The Department successfully moved a number of permits from the Alaska Coastal Management Program (ACMP) C-list to the B-list. Because the activities on the B-List, such as floating docks or bank restoration, have already undergone public review, the Department is able to review applications and issue permit decisions expeditiously.
8. As a result of continuing budget reductions, H&R is administering the Fish Habitat and Special Areas Permit program with substantially fewer people than the Division had in

1986, even though the number of Title 16 permit applications has increased 55 percent since 1988. The Department's permit system has been, by any standards, the fastest and most user friendly in state government. ADF&G's permitting system has continued to function well because of dedicated and experienced staff, increased automation, the use of a large number of general permits, reduced review of other agency permits, and other efficiencies. However, the workload and staff cuts have reached the point where the Department's ability to maintain a Title 16 permitting program which meets statutory requirements and public expectations is marginal. Additional staff cuts or increases in applications will necessitate major changes in the current scope and extent of the program. Options include eliminating permitting in selected regions of the state, eliminating field inspections, and eliminating the regulation of certain types of activities.

H&R is fully committed to meeting its statutory responsibilities to protect the public interest in fish and wildlife resources, and to administering its permitting responsibilities in the most efficient, user friendly manner possible. H&R instituted permitting efficiencies prior to the issuance of Administrative Order 157, and will continue to improve our program as we are able. Our permit process is designed to protect the public interest in fish and wildlife, their habitat, and public uses of fish and wildlife. We caution policy makers about eliminating important permit objectives solely to speed up the processing of paper.

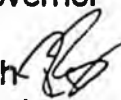
cc: Lance Trasky
Lana Shea Flanders
Al Ott
Don McKay
Wayne Dolezal
Ed Weiss

MEMORANDUM
ALASKA DEPARTMENT OF FISH AND GAME

Date: February 10, 1997

To: Pat Pourchot, Legislative Director
Office of the Governor

File: regs

From: Robert Bosworth 
Deputy Commissioner
Juneau

Subject: Regulations Review

This memorandum is in response to Jim Ayers' request for an update on the actions that the Department of Fish and Game has taken to comply with Administrative Order No. 157. The following is a summary of those actions:

Sport Fishing Regulations:

1. This is the third and final year required to reformat the codified sport fishing regulations in order to put them in essentially the same format as the division's five regional sport fishing regulation summaries which are produced for the public and distributed statewide. This new format is specifically designed to be "user friendly."
2. Two of our five regional sport fishing regulation summaries have been changed to eliminate the matrix containing the alpha/numeric codes for the seasons and bag limits. These have been replaced with a text-only version, thus eliminating the need to cross-reference the letter and numbers in the alpha/numeric matrix. This change has been well received by the public.
3. The division plans to change the remaining three regional sport fishing regulation summaries to text-only versions for the 1998 fishing season. Thus, all five of our sport fishing regulation summaries will be text-only in 1998.
4. We have put a lot of effort in producing more and better quality maps in our sport fishing regulation summaries, as these are very useful to the average angler.
5. We plan to put the sport fishing regulation summaries on the department's web site on the Internet. The date for this action has not been set because of difficulty with transferring all of the maps in the regulation summaries.

Commercial Fisheries Regulations:

1. Prior to Administrative Order 157, we had made it the goal of the Commercial Fisheries Management and Development division to rewrite and reformat chapters as we went through the board cycle. We are basically in the second year of a three-year process. To date, we have made changes in Chapter 28 (groundfish, which will get some more work done on it next year), and reformatted Chapters 34 (king crab) and 35 (Tanner crab). This year Chapter 31 (shrimp), Chapter 32 (Dungeness crab), and Chapters 30 (Yakutat) and 33 (Southeast Alaska) will be going through a similar process.
2. In the case of the Southeast Regulations, we recently hired Larry Edfelt, on a short-term basis to assist in creating a new Chapter 29, dealing specifically with troll salmon regulations. Larry pulled those regulations scattered throughout Chapters 30, 33, and 39 that all dealt with troll salmon and incorporated them into one Chapter so the fishermen could find everything in one Chapter. The board will be adopting these regulations at its February 1997 meeting. Larry also is in the process of updating our EO manual.
3. We have received good feedback regarding the rewrite of Chapters 34 and 35. People especially like the way convoluted regulations have been split out and put into logical categories and titled with headings that will help direct them to the proper place in the regulations. It is interesting to note that making the regulations more user-friendly and more understandable has not necessarily resulted in fewer regulations. Our rewrite of Chapters 34 and 35 ended with more language than what I started with, but it was a major improvement.
4. On the public process end, I think it's important to mention that the current make-up of the board has been perceived by the public as a lot more attentive to the public, than previous boards. It is not uncommon to hear public (as during our recent Sika meeting) complimenting the board on their deliberate approach during oral testimony and deliberations of proposals. The board recently has been forming committees to hash out discussion points and possible compromises prior to the full board's deliberations of the topics. I believe the public feels like they are getting more of a "fair shake" if you will.

Wildlife Hunting Regulations

1. The Wildlife Division Management Team developed a charter for the Regulations Review Committee. This document spells out the responsibility and authority to prepare, produce and distribute hunting, trapping, miscellaneous and waterfowl regulation booklets, as well as drawing, registration and Tier II Permit hunt supplements. In the past this committee met on an *ad hoc* basis but now it will meet at least twice each year on a regular schedule. These meetings will include reviews of problems brought to staff by the public using the book, review of state/federal

regulatory problems, suggestions for better formatting, more efficient incorporation of new regulations, checking the books for accuracy, etc. The goal of this new process is to publish error free books within budget and on time to the public.

2. We have begun the process of making our regulatory books available on the Internet primarily to help nonresidents answer their own questions and to help them plan their hunts. To date, the entire trapping, miscellaneous and waterfowl regulations booklets are available on line and there is a link to the Alaska Administrative Code. We anticipate installing the entire hunting regulation book on site by this coming hunting season. Very few states have accomplished this task and it should save a tremendous amount of secretarial time answering inquiries about changes in seasons.
3. We continue to improve the way we present our regulatory information to the public by incorporating their suggestions based on what is asked of the staff. Eventually this not only saves staff time but the regulations will evolve into more "user friendly" documents.
4. We have developed a "critical tasks/deadlines" calendar covering the entire year to keep track of important deadlines in the regulatory process.

I hope you find this information useful. If you have questions, or need more information, please give me a call.

cc:

Frank Rue
Wayne Regelin
Kevin Delaney
Bob Clasby
Laird Jones
Diana Cote

MEMORANDUM

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION

TO: Pat Pourchot
Legislative Director
Mail Stop: 0101

DATE: February 12, 1997

FILE:

PHONE: 789-6160/Voice
789-6170/FAX

FROM: COMMERCIAL FISHERIES ENTRY
COMMISSION

Dale Anderson, Commissioner
Marlene Johnson, Commissioner
Bruce Twomley, Chairman
Mail Stop: 0302

SUBJECT: Administrative Order 157
- Status Report

Internal Agency System for Maintaining Regulations

The commission designated Susan Haymes, Law Specialist, as the agency contact person for regulations. All questions, comments and requests regarding proposed regulation changes are directed to Ms. Haymes. Ms. Haymes maintains a list of pending regulation projects for the agency.

Notice to the Public of Proposed Regulation Changes

The commission has taken several measures to improve notice to the public of proposed changes to regulations and to make it easier for the public to access copies of proposed regulations. Public notices are now published on the commission's website as well. The commission's statutes (AS 16.43) and regulations (20 AAC 05) are also available on our website.

We regularly make proposed regulations and public notices available at local Fish & Game offices in communities affected by the proposals. The commission also provides press releases describing regulatory proposals and public hearings information to radio stations and newspapers in relevant communities.

The commission has always tried to schedule public comment periods for time periods when fishers involved in the relevant fishery are not fishing, so as to maximize public awareness of a regulatory proposal.

Status of Plan for Reviewing Existing Regulations

The commission is just completing its review of regulations for the purpose of identifying provisions that could be amended or repealed because of confusing, unnecessary language, burdensome requirements, or excessive cost. If needed, the commission will propose regulatory changes based on our findings when practicable.

MEMORANDUM

STATE OF ALASKA

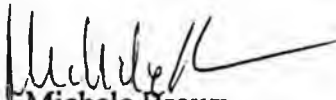
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
OFFICE OF THE COMMISSIONER

TO: Pat Pourchot
Legislative Director
Office of the Governor

DATE: February 13, 1997

FILE NO.:

TELEPHONE: 465-5066

FROM: 
Michele Brown
Commissioner

SUBJECT: Administrative Order 157

In response to Jim Ayers' December 23, 1996 memorandum to the Cabinet, this is DEC's report on our implementation of Governor Knowles' Administrative Order 157. We have been striving to make the improvements called for in that Order as each set of our regulations has been amended. As each project has been developed, we have:

- (1) applied the "plain English" standard to all projects;
- (2) updated references;
- (3) eliminated obsolete provisions;
- (4) eliminated unnecessary paperwork submittals, including resubmittals of paperwork already on file when a permit is renewed;
- (5) implemented alternative methods that would be less burdensome and still achieve the purposes of the regulations;
- (6) developed a "quick summary" lead-in for all of our public notices so that the reader can readily determine if the notice is of interest;
- (7) placed proposed regulations on our homepage and have arranged it so that interested persons can send us their comments directly from the homepage;
- (8) published a newsletter that includes all regulatory projects, with particular focus on improvements (the attached article entitled "Cutting The Fog" is an example of how this tool is used for purposes of the Order); and
- (9) provided our regulatory staff with guidance in writing "plain English" regulations (examples attached).

A few examples of regulatory projects that focused on the objectives of Administrative Order 157 include:

- ◆ When the oil spill regulations were amended, we eliminated a requirement for separate application forms for each geographic region, allowing for submittal of one consolidated application.
- ◆ We incorporated all the food service regulations from two separate chapters into one Alaska Uniform Food Code, and changed the permitting year from a fiscal year to a calendar year to match other requirements (like business license and liquor licenses); food service applications will be available from the internet; and we have a food safety homepage with extension information on food handling and food recalls.
- ◆ When we amended the solid waste regulations, we removed over 75 uses of the phrase "the department will, in its discretion" and substituted clear conditions under which action would occur; we obtained a Congressional exemption for certain requirements for small, remote Alaska communities, since those requirements would not be cost effective nor make sense for Alaska conditions; we issued a general permit for coal ash, reducing paperwork for low risk facilities and we're evaluating the use of other general permits to continue this trend; we separated out requirements for Class III landfills into a "plain English" guide for small communities so they don't have to wade through the full regulations; we've developed a permit application form that takes the community through the process step-by-step; we've exempted freezeback landfills from groundwater monitoring, liner requirements, and methane gas monitoring -- all of which are federal requirements that make no sense in a frozen environment.
- ◆ For the seafood regulations, we eliminated many requirements, including the requirement to submit labels for preapproval, to submit a narrative of the processing procedure, to submit quality assurance plan (POP or HACCP), to obtain written approval to freeze previously shucked and packed shellfish, to provide letters of agreement from the purchaser AND the foreign government for the use of US-unapproved food or color additives (now only a letter from the purchaser that the product meets the country's specs must be on file at the facility), and the requirement for shellfish harvesters to maintain records; we consolidated processors' applications between Revenue, ADF&G and DEC into one form available from the internet; we plan to do the same between ADF&G and DEC for shellfish next year.
- ◆ A comprehensive rewrite of the drinking water regulations is underway, with an aim toward making them easier to understand and follow.
- ◆ We developed an Underground Storage Tank Procedures Manual that explains all sampling requirements, providing the regulated community with more details and further explaining the intent of the regulations.

- ◆ When we developed new mixing zone regulations, we used that project as an opportunity to restructure the chapter in a more logical, efficient order.
- ◆ In the air quality regulations, we eliminated permitting for drilling rigs, and changed the ambient air quality requirements for existing facilities to focus more directly on problem areas. We adopted owner requested and pre-approved limit regulations to allow smaller air pollution sources avoid the overly burdensome permitting regulations.
- ◆ We are preparing to go to public notice soon to eliminate the registration requirement and state standards for compressed air, adopting national standards
- ◆ We are ready to adopt regulations that will eliminate the registration requirement for airplanes that apply pesticides.
- ◆ A major revision of the very complicated State Implementation Plan is being worked on so that it will be easier to use and understand.

A copy of our current list of pending regulations projects, also mandated by Administrative Order 157, is attached. Our general regulations information contact person is Billie Wilson, 465-5061.

Attachments

cc: Jim Ayers, Chief of Staff
Deborah Behr, Regulations Attorney

NOTICE OF PROPOSED CHANGES IN THE WATER QUALITY REGULATIONS
OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

EXAMPLE OF DEC'S QUICK SUMMARY BOX FOR REGULATORY NOTICES

QUICK SUMMARY

What is being changed: Water Quality Standards Regulations, 18 AAC 70, to provide site-specific criteria for Sherman Creek at the Kensington Mine.

Who is affected: Users of the fresh waters of Sherman Creek and adjacent waters of Lynn Canal.

Why we are proposing changes: The concentration of Total Dissolved Solids (TDS) in drainage from the mine adit discharge at the Kensington Mine is higher than the planned receiving waters of Sherman Creek (which averages about 50 mg/l). The mine developer has found, through discussions with users (fishers and others) that a discharge of mine drainage to fresh water is preferred to a marine discharge into Lynn Canal. The proposed change to the Water Quality Standards is necessary to accommodate the developer's mining plan and the users' preferred discharge location.

Comment Period Ends: March 28, 1997.

Copies of Proposed Regulations: Available at DEC's offices statewide, on DEC's home page, or you may call (907) 465-5300 to have a copy mailed to you (a copy is being mailed to all persons on DEC's Water Quality Standards mailing list).

Your comments may be electronically submitted directly from DEC's home page by selecting "proposed regulations".

DEC Home page: [Http://www.state.ak.us/dec](http://www.state.ak.us/dec)

NOTICE IS GIVEN that the Department of Environmental Conservation (DEC), under the authority of AS 46.03.020, 46.03.050, AS 46.03.070, and 46.03.080 proposes to adopt regulations in Title 18, Chapter 70, of the Alaska Administrative Code (18 AAC 70) dealing with the state water quality standards, to implement AS 46.03.070 and 46.03.080 as follows:

DEC has received a request under 18 AAC 70.025 from Coeur Alaska, Inc. ("Coeur") to establish site-specific criteria for Sherman Creek, at the Kensington mine 45 miles north of Juneau, Alaska, for Total Dissolved Solids (TDS) for the following fresh water uses: (1) water supply regulated under 18 AAC 70.020(b)(1)(A), and (2) growth and propagation of fish and other aquatic life regulated under 18 AAC 70.020(b)(1)(C). The request is for discharge of TDS up to 1000 mg/l, with sulfates not to exceed 500 mg/l.

The current criterion for water supply used for human consumption states that "TDS from all sources may not exceed 500 mg/l. Neither chlorides nor sulfates may exceed 200 mg/l." The basis of the request for a change to this standard is that Coeur has shown that the particular composition of the sulfates and chlorides contributing to TDS in the Kensington mine adit discharge is not harmful to uses protected under the Water Quality Standards at 18 AAC 70.020(b)(1)(A)(i) for drinking, culinary, and food processing. The Kensington discharge has low levels of magnesium and sodium. Research has shown that when present in high levels in the form of

* "Cutting the fog": Fewer forms required of "RACs"

Response action contractors — companies which contract with the oil industry to perform oil spill response and cleanup — can spend less time duplicating forms under proposed revisions to DEC regulations.

The contractors fill a critical niche in oil spill response in Alaska and must be registered with DEC.

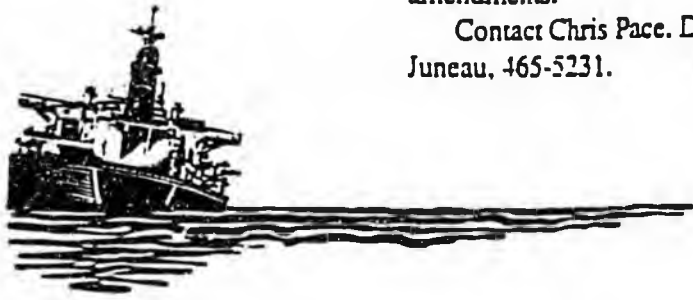
The registration program is designed to include only those contractors who agree to be listed in contingency plans and are prepared to assume a role in spill cleanup. Registration helps assure oil industry

operators that their RACs are responsible and prepared to respond.

Current regulations require the companies to submit separate application forms for each geographic region of coverage. This results in requirements for up to 11 separate applications. DEC staff, recognizing an opportunity to reduce paperwork, have proposed regulations that would allow RACs to use one consolidated application form to list each equipment depot. RACs could also register for several regions at once on the same form.

May 15 is the public comment deadline on the proposed regulation amendments.

Contact Chris Pace, DEC
Juneau, 465-5231.



Oil shippers examine risks of oil spills

Five major oil shipping companies that transport Alaska North Slope crude oil from Valdez will examine shipping hazards that could lead to oil spills.

British Petroleum Oil Shipping, ARCO Marine, Sea River Maritime, Chevron Shipping and Tesoro Alaska recently started this risk assessment project, with participation from DEC, the U.S. Coast Guard and the Prince William Sound Regional Citizen's Advisory Council.

DEC oil spill specialists expect the spill prevention effort to serve as an important component of future efforts to protect Alaska waterways, shorelines and wildlife resources.

The firm of Det Norske Veritas,

under contract to the shippers, will develop a shipping model for Prince William Sound, incorporating hundreds of actions taken by both people and equipment that enable an oil tanker to safely deliver its cargo. The model then will be used to show the human and equipment events that, alone or together, can result in shipping accidents or near misses.

Study results are expected to provide information on best ways to reduce the risks of oil spill accidents, and in particular, where equipment or investments in staff resources should best be applied.

Contact Tom Chapple, DEC
Anchorage, 271-4338

The Palmer Laboratory

It takes a lot of laboratory work to keep commercial food supplies safe from toxins and contaminants.

In Alaska, much of that load is shouldered by a small cadre of science professionals at DEC's Environmental Health Laboratory in Palmer.

Twelve science professionals, led by lab director Dick Barrett, perform the analyses that enhance consumer confidence in Alaska's meat, dairy and seafood products.

The Palmer lab runs tests for animal health and toxins affecting seafood (such as PSP and domoic acid). It also certifies private drinking water labs.

The number of tests necessary for these aspects of public health protection reflects the lab's pace, with 17,247 tests in the past ten months! These tests were for marine toxins in shellfish and crab; dairy, animal health and meat inspection; and pathogenic bacteria, indicator organisms and miscellaneous chemical procedures.

Contact Dick Barrett, DEC
Palmer, 745-3236.

**BULK RATE
U.S. POSTAGE
PAID
Juneau, Alaska
Permit No. 39**

Alaska Department of Environmental Conservation
Division of Administrative Services
410 Willoughby Avenue, Suite 105
Juneau, AK 99801-1795

How to simplify our writing

by Billie Wilson

"Our life is frittered away by detail. . . Simplify, simplify." So said Thoreau. Two main tools to simplify our writing are: (1) cut excess words; (2) decrease syllables. The following examples come from DEC publications:

Instead of	Try This
Take into consideration	consider
For the purpose of coordinating ...	to coordinate
As a means of reducing or eliminating	to reduce or eliminate (or remove)
Implemented for the resolution of	to resolve
In the course of	during
Ensure that inspections are implemented in a coordinated manner	coordinate inspections
In the event that a COBC is the course of action chosen to pursue	If a COBC is pursued

An easy way to begin this exercise is to look for "ing" words (third example above). Next, try prepositions:

Instead of	Try This
Terms and conditions of the permit .	permit terms and conditions
With approval by the department	with department approval
Delegation of the program	program delegation

"Vigorous writing is concise" advise Strunk and White (*The Elements of Style*). "This requires not that the writer make all... sentences short ... but that every word tell."

Billie Wilson, DEC paralegal assistant, is a published author who also worked with Commissioner Gene Burden to originate the department's new "plain English policy."

BULK RATE
U.S. POSTAGE
PAID
Juneau, Alaska
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Alaska Department of Environmental Conservation
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PLAIN ENGLISH POLICY

* Will we or won't we? by Billie Wilson

The most unpopular regulatory phrase is surely this one: "*The department will, in its discretion.*" Even regulations writers hate it and ask, "Why can't we just say 'the department may?'" The answer is almost as convoluted as the phrase itself. The word "may" grants privilege or power. An agency cannot grant itself privilege or power. Only the legislature can do that.

We probably could say "the department might," but that sounds more like a dice throw than a decision. So what *can* we do? In a ground-breaking move toward clarity, consistency, and conviction, the solid waste program recently took a closer look at some draft

regulations. They found the annoying phrase on almost every page.

Staff pondered each requirement, subjecting it to two simple tests:

(1) Is the phrase redundant because department discretion is obvious?

(2) Can we list conditions that, when met, result in an automatic decision?

When the dust settled, more than 70 "will, in its discretions" littered the cutting room floor. Only eight remained in the regulations, representing cases where department discretion had to be specified.

This exercise serves as a challenge to other regulations writers to strive for similar clarity. As each mystery is removed, understanding and compliance become easier.

Billie Wilson, DEC paralegal assistant, originated the department's new "plain English policy."

Performance Indicators, cont. from p. 1

dialogue on areas where improvements are being noted and where more attention may be required.

We have adopted a number of environmental indicators which will be reported in future issues of the *Update*. The indicators cover each division and address public health, spill prevention, regulatory reform, permitting, water and air quality, and departmental financial matters.

The Spill Prevention and Response division has consolidated spill reporting and will be providing quarterly and year to year updates. The graphs on page one indicate spill frequencies for the past three fiscal years. Many reported spills are small — DEC staff respond to the significant ones.

Water quality standards revisions highlight mixing zones

Water quality specialists at DEC are asking for public comments until March 22 on a DEC proposal for revisions to the mixing zone provisions of the Alaska water quality standards. Public hearings were held in mid-March.

The revisions will clarify conditions for allowing mixing zones. They will also make the regulations easier to use and more predictable for regulated facilities, environmental groups and the public.

The changes result from a commitment made during the resolution of the Sierra Club Legal Defense Fund's

petition on the water quality standards regulations.

The department is requesting public comment on language simplification and suggested improvements in structure on the entire chapter of the regulations.

Contact: Pamela Grefsrud, DEC
Anchorage, 269-7588,
pgrefsr@envircon.state.ak.us

Solid waste fees

continued from p. 6

and Juneau. The Juneau hearing was also a statewide teleconference. This time, the department received only 17 comments.

"By addressing all concerns, either by changing the proposed regulations or explaining why we couldn't do what they suggested, we were able to develop a fee structure that the public was willing to accept. The acceptance may be somewhat grudging because people

would rather not pay fees, but this structure is acceptable because it is fair and reasonable.

"No one likes to pay for something they've received for free in the past. Most people, however, realize that the law requires certain permits, and if they don't have them, their projects will be held up - which costs much more. So, they are willing to pay a reasonable and fair fee. Constructive comments can and do make a difference, and the process worked," said Adair.

Contact: Heather Stockard, DEC
Juneau, 465-5162,
hstockar@envircon.state.ak.us



PLAIN ENGLISH POLICY

* Keeping It Simple

by Billie Wilson

The chief argument in defense of a complex regulation is: "It's written for scientists and engineers." This might be valid, except that (1) all readers deserve to know what government requires; and (2) scientists and engineers have asked, "What on earth does this mean?"

While a formula, standard, or equation cannot always be simplified, instructions for its use can be. We're so used to jargon, legalese, and important-sounding phrases, the idea of using simpler words can seem — simplistic. Even if some concepts cannot be simplified, clarity can be increased by breaking big blocks of instructions into short, numbered steps.

When writing about a complex subject, ask: (1) What needs to be said? and (2) Can it be said with fewer, shorter words? Another tip: when you see the phrase, "In other words....", pay close attention to what follows. That's often a better way to say it.

Billie Wilson, DEC paralegal assistant, originated the department's "plain English policy."

Anchorage offices move

The department's Anchorage

offices will move to new space at the end of May, on the corner of 6th Avenue and Cordova Street. The address will be 555 Cordova St., Anchorage, AK 99501.

DEC will occupy the first five

floors of the building. This will put all DEC Anchorage offices in the same location except staff at the Joint Pipeline Office.

An upgraded phone and com-

puter system, more conference room space and improved grouping of DEC programs will improve DEC's

work efficiency and response to

public needs.

The main phone number for

DEC may change; if so it will be published in the next issue of ADEC

Update.

by Billie Wilson

I ONLY HAVE IZE FOR YOU



To maximize your reading pleasure, let me verbalize one of bureaucracy's favorite ploys: adding "ize" to almost everything. "Prior-ize" may be the leader of this pack. It is one of the words categorized as "weeds that will smother what you write," says William K. Zinsser, author of *On Writing Well*. He counsels against using fancy words that are no better than plain ones. "Nobody will exonerate you for using a long word whose precise meaning no shorter word could duplicate," say Roman and Raphaelson, authors of *Writing That Works*. Too often, though, we idolize what Zinsser calls "slippery new fad words" believing they glamorize our writing.

We can instead utilize plain English, and emphasize clarity above clutter. This will minimize the confusion generated as the public theorizes about what we mean. To finalize, most people will sympathize with the fact that some scientific words cannot be downsized. We can optimize our ability to characterize our writing as "clear" if we explain those scientific words with simple ones.

Billie Wilson, DEC paralegal assistant, is a published author who also worked with Commissioner Gene Burden to originate the department's new "plain English" policy.

Alaska Department of Environmental Conservation
Division of Administrative Services
410 Willoughby Avenue, Suite 105
Juneau, AK 99801-1795

**BULK RATE
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Commissioner, continued
from p. 1

metal in the past 4 years: 17

Southwest Alaska communities recycled batteries in 1994; and the Alaska Materials Exchange (sup-

ported by ARCO, BP, Alyeska, the Alliance, and the Anchorage Chamber of Commerce) has saved

users over \$368,000 since 1994.

Sealand and TOTE have also been instrumental in providing the

critical back haul services for recyclables.

Recycling and waste minimization make sense and can mean real savings to all Alaskans.

PLAIN ENGLISH POLICY

Old dogs, new tricks

by Billie Wilson

When I began my search for a good example of bad writing, I didn't expect it to be my own. Given another chance, I might try it this way:

Staff will be alert for rules that are no longer needed or that are hard to understand. If a rule creates a serious problem, we will amend it right away. All others will await the next regular project for the chapter involved.

Old dogs can learn new tricks. Much of that process is unlearning habits that no longer serve us — if they ever did.

Billie Wilson, DEC paralegal assistant, originated the department's new "plain English policy."

Many of us have been bureaucrats so long, we slip into bloated jargon without even noticing. The following was spotted by a fellow bureaucrat in a DEC memo about Governor Knowles' regulatory reform project (which includes the use of "plain English"): Staff will be instructed to think of the objectives of regulatory reform as they daily apply DEC's regulations. If appropriate, we will prepare problematic provisions for expeditious amendment; otherwise, we will include them in the next regulatory project for that chapter.

**BULK RATE
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Alaska Department of Environmental Conservation
Division of Administrative Services
410 Willoughby Avenue, Suite 105
Juneau, AK 99801-1795

MEMORANDUM

STATE OF ALASKA

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
OFFICE OF THE COMMISSIONER

TO: Commissioner
Deputy Commissioner
Directors
Regulation Contact Persons

DATE: January 29, 1997

TELEPHONE: 465-5061

FROM: Billie Wilson
Paralegal

SUBJECT: Regulations Projects
STATUS REPORT

This is an updated summary of pending and projected amendments to DEC's regulations. Changes since last report (December 11, 1996) are redlined. Please call or email me with changes or additions for next month. This list serves as the list required by Governor Knowles' Administrative Order No. 157, so I would appreciate your help keeping it current. SUMMARY TABLE ATTACHED.

REMINDER: In addition to the routine requirements for a regulatory project, all projects must include (1) before public notice, a communication plan submitted to the Commissioner for approval, (2) a memo to the Lt. Governor prepared before public notice if project might be controversial (describe the nature of the expected controversy) or with public notice for projects not expected to incur controversy (simply advise that none is expected), (3) sending a copy of the proposed regulations to the Administrative Regulation Review Committee with the required public notice, (4) preparing a responsiveness summary of public comments, (5) special consideration regarding the cost to comply with the regulations, (6) submittal to the Governor for approval after adoption (Law does this for us); (7) preparation of memo to Lt. Governor to accompany adoption package, following up regarding public comments received and how any controversy was addressed; and (8) send copy of response to comments to me for forwarding to Sally Rue in the Lt. Governor's Office.

NEW EFFECTIVE DATES

18 AAC 50
18 AAC 52
18 AAC 72

~~Comprehensive Reviews (1/1/97)~~
I/M Biennial Requirements, etc.
Subdivision Plan Review (Suspension)

Effective 1/18/97
Effective 1/1/97
Effective 11/27/96

AWAITING LT. GOVERNOR'S ACTION

None

AT LAW FOR FINAL APPROVAL

- 18 AAC 53**
993-96-0014
Marie Sansone
OXYFUEL. [Barbara Shepherd, 465-5176] Part 2.
Clarify regulations based on implementation during winter of 1994-95.
Adopted December 4. Incorporating Marie's concerns, ready for re-adoption soon.
- 18 AAC 72**
993-96-0102
Mary Lundquist
WASTEWATER DISPOSAL. [Alex Viteri, 465-5324]
Part 1 of 2. Adding certified installer regulations.
Adopted 6/19/96. Readopted 1/17/97 to incorporate Mary's comments. Mary sent her approval memo to Deb Behr on 1/28/97 with request for expedited review so this program can be implemented before this year's construction season.
- 18 AAC 75**
993-97-0013
Breck Tostevin
OIL & HAZARDOUS SUBSTANCES. [Ken Rogowski, 269-7540]
Requiring best available technology (BAT) for c-planholders as mandated by AS 46.04.030. Adopted 1/10/97.
- 18 AAC 76**
993-97-0050
Mary Lundquist
ALASKA CLEAN WATER FUND. [Mike Burns, 465-5136]
Amended to reflect changes to underlying statutes and to respond to comments.
Adopted 12/10/96.

PENDING ADOPTION BY COMMISSIONER

- 18 AAC 31**
993-96-0132
Jim Cantor
ALASKA UNIFORM FOOD CODE. [Nancy Napolilli, 451-2110]
Comprehensive rewrite. Comment period ended August 15, with further notice on fees (comment ended 11/15/96). ~~Jim has given us his revisions and they are being incorporated into a draft for adoption.~~
- 18 AAC 70**
993-96-0003
Marie Sansone
WATER QUALITY STANDARDS. [Earl Hubbard, 465-5216]
Site-specific criteria (Gold Creek). Comment period ended 9/1/95.
Because proposed criteria are hinged to approval of mixing zones, and because the "one-year staleness rule" applies, renote is required before they can be adopted.
- 18 AAC 70**
993-96-0074
Marie Sansone
WATER QUALITY STANDARDS. [Pamela Grefsrud, 269-7568]
Mixing zones. First public notice, January 11. Extended to May 1, 1996.
Third public comment period ended 12/12/96. ~~Adoption planned soon.~~
- 18 AAC 70**
993-96-0112
Cam Leonard
WATER QUALITY STANDARDS. [Joyce Beelman, 451-2141]
Reclassification of Red Dog Creek and Ikalukrock Creek; Red Dog Mine.
Comment period ended May 14. Adoption planned ~~this week.~~
- 18 AAC 75**
993-97-0033
Jim Cantor
OIL SPILL REGS. [Chris Pace, 465-5231]
Adjust financial responsibility requirements to CPI, as required by AS 46.94.045. Comment period ended 10/10/96.

PUBLIC COMMENT DRAFTS

- 18 AAC 34**
993-96-0059
Jim Cantor
FISH INSPECTION. [Janice Adair, 269-7645] Part 2 of 2
Rewrite required because of HB208 and general changes in industry.
Majority of user fees adopted after first notice with balance of package available for a
second public review, based on comments received during the first public review period
that ended 6/15/96. Comment period extended to January 6, 1997.
- 18 AAC 70**
993-97-0077
Cam Leonard
WATER QUALITY STANDARDS. [Paul Bateman, 451-2102]
Site-specific criteria for two creeks near Red Dog Mine.
Comment period ends 2/14/97.
- 18 AAC 70**
WATER QUALITY STANDARDS. [Sherman Stambauer, 466-5257]
Site-specific criteria for Sherman Creek (Keasington Mine). Public notice
issued 1/28/97. Comment period ends 3/28/97.
- 18 AAC 75**
993-96-0031
Robert Reges
CONTAMINATED SITES REMEDIATION. [Randal Buckendorf, 752-7542]
Cleanup Standards. Public notice 12/18/96. Comment period ends 3/28/97.
Includes amendment to 18 AAC 70 Water Quality Standards.
- 18 AAC 90**
993-97-0070
Chris Kennedy
PESTICIDES. [Janice Adair; Carl Kalb, 745-3236]
Make easier to understand; require registration of pesticides; require consultants to be
certified; exempt from certification certain activities; require restricted-use pesticide
recordkeeping for private applicators; exempt certain public projects from permit
requirement; clarify various requirements; amend insurance requirements; allow time to
challenge permits before pesticide is used. Comment period ends 2/10/97.

DRAFTS BEING PREPARED FOR PUBLIC NOTICE

- 18 AAC 30**
ENVIRONMENTAL SANITATION [Tufo/Napolilli]
Schools: Clarify that no lead paint may be present on any surface to which children
would have access. Barbershops, Public Toilets portion to be reviewed in FY97 because
of prioritized workloads. Public notice planned by end of year.
- 18 AAC 30**
[REDACTED]
[REDACTED] standards.
- 18 AAC 32**
DAIRY. [Dr. Gore]
Update USPHS/FDA recommendations; Appendix N to implement testing,
reporting, and enforcement; require certified IMS labs to be used to confirm sample
results; annual testing of vitamins, finished milk; testing of raw milk for pesticides.
Public notice planned by end of year.

- 18 AAC 36** **ANIMAL HEALTH.** [Dr. Gore]
(Update rabies reference) (Add requirements for elk and reindeer; adding and updating various testing requirements) Contains incorrect references to federal law.
- 18 AAC 50 & 51** **AIR QUALITY INSPECTIONS.** [Bill MacClarence, 269-7575]
993-96-0119 Develops inspector certification program mandated by AS 46.14.140(a)(13).
Robert Reges First comment period ended May 20. A new public review draft will be prepared for
another round of hearings and public comment based on comments received.
- 18 AAC 72** **WASTEWATER DISPOSAL.** [Alex Viteri, 465-5324]
993-96-0102 Part 2 of 2. Clarifying intent of 220(g). Public hearings 4/22/96;
Marie Sansone comment period ended 5/10/96. Adopted 220(g) portion; thereafter withdrew adoption to
renotify proposal for additional comment. Adopted certified installer portion 6/19/96.
- 18 AAC 72** **WASTEWATER DISPOSAL.** [Alex Viteri, 465-5324]
Eliminating "nonessential requirements while maintaining adequate protection of
public health and environment." Public notice draft being prepared to address concerns
regarding bank loan certifications and other matters.
- 18 AAC 75** **OIL SPILL REGS.** [Chris Pace, 465-5231]
993-93-0096 Remove duplication with DGC's regulations, 65-day review period, and other
Breck Tostevin changes. MUST GO TO RE-NOTICE because of "one-year staleness rule."
- 18 AAC 76** **ALASKA REVOLVING LOAN FUNDS.** [Mike Burns, 465-5136]
Add new article for Alaska Clean Water Fund chapter for regulations
to implement AS 46.03.036; Alaska Drinking Water Fund. Anticipate public notice by
early February.
- 18 AAC 78** **UNDERGROUND STORAGE TANKS.** [Cynthia Pringham, 465-5301].
Revising laboratory analytical methods specific to Alaska conditions.
Cleanup standards to coordinate with contaminated sites project in 18 AAC 75.
- 18 AAC 80** **DRINKING WATER.** [Julie Penn, 465-5318]
Fee increase; minor improvements to regulations; remove guidance from
Procedures for placement in a strictly guidance manual. Anticipate public notice by early
May 1997.
- 18 AAC 85** **RADIATION PROTECTION** [Doug Dasher, 465-2172]
Revising regulations for the [REDACTED] and
[REDACTED] to occur in spring
1996, with updating project [REDACTED]
RADIOACTIVE MATERIALS. [Doug Dasher, 465-2172]
Develop regulations under AS 46.03.250/260 for [REDACTED] Radioactive
Materials. Update Northwest Interstate Compact on Low-Level Radioactive Waste.
Public review draft incorporating comments from State of Washington's attorney nearly
completed. Anticipate public notice early February.

PENDING PROPOSALS

**VARIOUS
CHAPTERS**

ALL CHAPTERS REQUIRING STAMPING, SIGNING OF AS-BUILT DRAWINGS. [Keith Kelton] Need to determine whether our regulations conflict with regulations of the Board of Registration for Architects, Engineers and Land Surveyors

18 AAC 30

OVERNIGHT/TOURIST ACCOMMODATIONS [Adair]
Update basic sanitary requirements, establish recognition program for facilities that go beyond compliance. Industry work group established

18 AAC 32

DAIRY, MEAT & POULTRY INSPECTION.
Changes necessitated by amendments to federal law

18 AAC 50

AIR QUALITY CONTROL [Bob Hight, 465-3222]
Open Burning Ban For activities that do not require permit (emit less than 100 lbs per year)

18 AAC 50/52

AIR QUALITY CONTROL (SIP to EPA)
EPA allowed us to claim additional credit for the state SIP program. We were required to submit the annual effectiveness of our SIP program (compared to a similar program) in March 1997. We have 18 months to "prove" that our SIP program is effective. The SIP program is currently established accurately.

18 AAC 55

SMOKING IN PUBLIC PLACES. [Janice Adair, 269-7645]
While this chapter was repealed to remove outdated rules, it needs to be updated to reflect changes to statutes. Anticipate public notice during FY97.

18 AAC 60

SOLID WASTE [Glenn Miller, 465-5153]
Technical corrections, additional flexibility for Class II and III landfills as a result of Congressional exemptions, and adopting the federal financial assurance requirements. Public notice after EPA adopts the local government financial test (unless this is no longer an issue for Fairbanks and Anchorage).

18 AAC 62

HAZARDOUS WASTE (federal updates and other changes, including repealing fees to reflect statutory changes). May want to consider temporary suspension until program is funded.

18 AAC 63

SITING/HAZARDOUS WASTE (Update federal requirements)

18 AAC 70

WATER QUALITY STANDARDS. [Pamela Grefsrud, 269-7568]
Phase 2 and 3 Triennial Review.

- 18 AAC 70 &
18 AAC 72** **Water Quality Standards and Wastewater Disposal**
Amend simultaneously to state that decanting operations during an oil spill emergency are not subject to either chapter and do not require permit. Perhaps could be handled under general permit process.
- 18 AAC 72 &
18 AAC 15** **WASTEWATER DISPOSAL.** Ensure that user fee must be paid in full before federal certification can be considered a state permit. .
- 18 AAC 72** **WASTEWATER DISPOSAL.** [Pete McGee, 451-2101].
Workload ranking model to develop waivers and administrative renewals for certain permits and certifications.
- 18 AAC 75** **OIL & HAZARDOUS SUBSTANCE**
Hazardous Substance Spill Technology Review Council's pre-approval procedures and protocols. AS 46.08.070(d) mandates cost recovery regulations.
- 18 AAC 79** **MINING WASTEWATER** [Pete McGee]
(Cyanide/Heap Leach; AMA has requested formation of a new working group to review regulations for overlap with other programs.
- 18 AAC 80** **DRINKING WATER.** [James Weise] See federal deadlines in attachment.

cc: Deborah Behr, Department of Law; Sally Rue, Office of the Lieutenant Governor; Ron Sutcliffe, Statewide Environmental Crimes, Anchorage DA; Interested Attorneys, Department of Law

ATTACHMENT - MONTHLY REGULATORY STATUS REPORT:**FEDERAL AND OTHER DEADLINES**

(In some cases state regulations must be in place by these dates to avoid federal sanctions)

NOTE: Department of Law seeks an update to this list. Which deadlines were met or missed. Can any of these now be deleted? Are you aware of any new ones? Thank you!

April 9, 1997	18 AAC 60. SOLID WASTE. Requirement for all landfills to obtain financial assurance.
11/98	18 AAC 80. DRINKING WATER. Disinfection and Disinfection By-Products Rule; interim enhanced Surface Water Treatment Rule.
2001	18 AAC 80. DRINKING WATER. Groundwater Disinfection Rules
1/2001	18 AAC 80. Arsenic Rule.
2000	18 AAC 80. Drinking Water Rule

**ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGULATIONS PROJECTS PROGRESS CHART**

CHAPTER/SUBJECT	COMMUNI CATIONS PLAN; DRAFT MEMO TO LT. GOV.	INTERNAL REVIEW DRAFT	CHECK WITH DOL?	PUBLIC REVIEW DRAFT	PUBLISH NOTICE	LAW OPENS FILE	COMMENT PERIOD ENDS	ADOPT FINAL; MEMO TO LT. GOV.	TO ADEC ATTOR NEY	TO REGS ATTORN EY	TO LT. GOV.	EFF. DATE.	TEXT SUMMARY TO AAJ
18 AAC 15 ADMINISTRATIVE PROCEDURES		1/11/96	1/11/96			993-96- 0080 Cantor							
18 AAC 30 ENVIRONMENTAL SANITATION (Compressed Air)					PLAN: early February 1997								
18 AAC 30 ENVIRONMENTAL SANITATION (Tourist Accommodations)					PLAN: early February 1997								
18 AAC 30 ENVIRONMENTAL SANITATION (Schools)					PLAN: early February 1997								
18 AAC 31 UNIFORM FOOD CODE						993-96- 0132 (Cantor)	11/15/96 EXTENDED						
18 AAC 32 DAIRY, MEAT, POULTRY					PLAN: 12/31/96								
18 AAC 34 SEAFOOD PROCESSING (user fees)				4/18/96	4/24/96	993-96- 0059 Cantor	6/15/96		6/26/96			10/18/96	
18 AAC 34 SEAFOOD PROCESSING (Comprehensive rewrite)				4/18/96	4/24/96	993-96- 0059 Cantor	1/6/97 EXTENDED						
18 AAC 36 ANIMAL HEALTH													
18 AAC 50 AIR QUALITY CONTROL				4/18/96	4/18/96	993-94- 0102 Reges	5/30/96	9/17/96	9/17/96	9/17/96		1/18/97	

CHAPTER/SUBJECT	COMMUNI CATIONS PLAN; DRAFT MEMO TO L.T. GOV.	INTERNAL REVIEW DRAFT	CHECK WITH DOL?	PUBLIC REVIEW DRAFT	PUBLISII NOTICE	LAW OPENS FILE	COMMENT PERIOD ENDS	ADOPT FINAL; MEMO TO L.T. GOV.	TO ADEC ATTOR NEY	TO REGS ATTORN EY	TO L.T. GOV.	EFF. DATE.	TEXT SUMMARY TO AAJ
18 AAC 50 & 51 AIR QUALITY INSPECTIONS	4/4/96				4/9/96	993-96- 0119 (Reges)	5/20/96 (1st of 2 planned)						
18 AAC 50 & 52 AUTO INSPECTION & MAINTENANCE (I/M)						993-96- 0090 (Latta)	7/12/96	11/8/96				1/1/97	
18 AAC 50 (Opening Burning Fees)													
18 AAC 50 & 52 AUTO INSPECTION & MAINTENANCE (I/M) - SIP Credit													
18 AAC 53 VEHICLE FUEL REQUIREMENTS (Pt 1 - 1993 CO2 emissions - SIP)					5/24/96	993-96- 0014 (Sansone)	7/12/96					9/13/96	
18 AAC 53 VEHICLE FUEL REQUIREMENTS (Pt 2 - 1994-95 winter implementation)					5/24/96	993-96- 0014 (Sansone)	7/12/96	12/4/96	12/4/96				
18 AAC 55 SMOKING IN PUBLIC PLACES	PLANNED FOR FY97												
18 AAC 60 SOLID WASTE (fces)						993-94- 0041 (Reges)		3/6/96	3/6/96			6/28/96	
18 AAC 62 HAZARDOUS WASTE													
18 AAC 63 HAZARDOUS WASTE SITING													
18 AAC 64 LITTER RECEPTACLES													
18 AAC 65 LITTER GRANTS													
18 AAC 66 RECYLCING AWARDS TO SCHOOLS													
18 AAC 70 WATER QUALITY STANDARDS (Gold Creek Site-Specific Criteria)						993-96- 0003 (Sansone)	9/1/95 RENOTICE NEEDED						

CHAPTER/SUBJECT	COMMUNICATIONS PLAN; DRAFT MEMO TO LT. GOV.	INTERNAL REVIEW DRAFT	CHECK WITH DOL?	PUBLIC REVIEW DRAFT	PUBLISH NOTICE	LAW OPENS FILE	COMMENT PERIOD ENDS	ADOPT FINAL; MEMO TO LT. GOV.	TO ADEC ATTORNEY	TO REGS ATTORNEY	TO LT. GOV.	EFF. DATE.	TEXT SUMMARY TO AAJ
18 AAC 80 DRINKING WATER (Meet federal deadlines)	PLAN: FY97												
18 AAC 85 RADIATION PROTECTION (Comprehensive revisions needed) RADIOACTIVE MATERIALS (Northwest Interstate Compact)	PLAN: February 1997												
18 AAC 90 PESTICIDE CONTROL					12/6/96	Chris Kennedy	2/10/97						
18 AAC 95 ADMINISTRATIVE ENFORCEMENT (To be repealed and merged with 18 AAC 15)		1/11/96	1/11/96			993-96- 0080 Cantor							

MEMORANDUM

State of Alaska
Department of Education

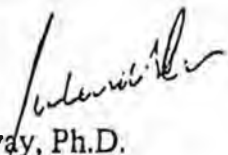
To: Pat Pourchot
Legislative Director
Office of the Governor

Date: February 14, 1997

Phone: 465-8650

File: p:ess/regs2.doc

From: Shirley J. Holloway, Ph.D.
Commissioner



Subject: Administrative Order No. 157
Status Report

Attached is a brief report summarizing the Department of Education's review of regulations over the past year and a half, and the upcoming review cycle based on the schedule of the State Board of Education meetings through November of 1998.

Administrative Order No. 157 directed each Commissioner to implement an internal agency system for maintaining in a centralized manner, current information on agency regulations projects. I initiated that system in the fall of 1995. The process calls for a three year review cycle from the time a regulation is reviewed or acted upon by the State Board of Education.

The State Board of Education has tentatively scheduled meetings through November of 1998 which is extremely helpful in planning and implementing this review cycle. Department divisions were asked to outline the time frame for the regulations under review and proposed action required by the State Board of Education. The attached matrix will be updated following each State Board meeting to reflect any action they may have taken.

I have appointed Roger Stephan, 465-8682, as our internal agency contact for general regulation information, to maintain the review schedule and assist agency staff with preparing revisions for consideration by the State Board of Education. Once the State Board has taken action on a particular regulation, Dottie Knuth, 465-2801, is responsible for making sure that all of the appropriate steps are taken up to and including filing with the Department of Law.

Please let me know if you have any questions about the Department's review process.

Attachment

cc: Jim Ayers, Chief of Staff
Office of the Governor

John Lindback, Chief of Staff
Office of the Lieutenant Governor

Deborah Behr, Regulations Attorney
Department of Law

Alaska Department of Education
Regulation Review Schedule
February, 1997

Regulations Under Review - Changes Required/Anticipated

Board Date	Necessary Action Required	Regulation	Division*	Comments
4/97	Open Public Comment	4 AAC 36	ESS	Propose that the section on Cigarette Tax Distribution be repealed effective 7/1/98. Propose that the Cigarette Tax Report in 4 AAC 06.121(5)(C) be repealed.
4/97	Open Public Comment	4 AAC 31	ESS	The Bond Reimbursement and Grant Review Committee has completed making recommendations for all School Facility Planning & Construction regulations.
4/97	Adoption	4 AAC 31.200-225	ESS	For the article on Loss Protection under the School Facility Planning and Construction chapter, the Board approved the public comment period on 10/24/96 and extended the public comment period through January 31, 1997.
4/97	Open Public Comment	4 AAC 39	TLS	Under the chapter on Diplomas Under Special Conditions, the Section on Eligibility (4 AAC 39.120) will be revised to raise the minimum score. Other sections are being reviewed.
6/97	Adoption	4 AAC 06.	ESS	Uniform Chart of Accounts and Account Code Descriptions for School Districts (4 AAC 06.120(a)(2)) has been out for public comment. At the 2/4/97 meeting, the Board** delayed action for further analysis by the department..
6/97	Open Public Comment	4 AAC 34	TLS	The Bilingual-Bicultural Education chapter is being revised.
6/97	Open Public Comment	4 AAC 03	CO	The section on Regular Meetings (4 AAC 03.030) within the State Board of Education chapter needs revision. No action needed on others.
6/97	Open Public Comment	4 AAC 54	DVR	The Division of Vocational Rehabilitation hopes to have their regulations revised and updated by March 15, 1997.
6/97	Open Public Comment	4 AAC 60	TLS	This chapter on Pre-Elementary (Early Childhood) School is anticipated to be repealed.
6/97	Open Public Comment	4 AAC 33.200-290	TLS	These sections on Grants For The Improvement of School Performance are unfunded. Recommend to eliminate.
9/97	Open Public Comment	4 AAC 05	TLS	Under Local Education, Extensions of Time in Which to Establish Local Schools (4 AAC 06.060) will be repealed. Program Planning and Evaluation (4 AAC 06.070) and School Curriculum and Personnel (5 AAC 06.070) will be revised.
9/97	Open Public Comment	4 AAC 12	TLS	The Certification of Teachers Chapter is being revised. One or two sections may be ready for the Board before 9/97.
9/97	Open Public Comment	4 AAC 18	TLS	All the sections within this Chapter on Employment of Professional Personnel will be revised.
9/97	Open Public Comment	4 AAC 19	TLS	All the sections within this chapter on Evaluation of Professional Personnel will be revised.
9/97	Open Public Comment	4 AAC 30	TLS	Within this chapter on Exchange Teachers & Student Teachers, the section on Exchange Teachers (4 AAC 30.010) will be revised.
9/97	Open Public Comment	4 AAC 06.700-790	TLS	Within Chapter 06 (Government of Schools), the section on Statewide Student Assessment (4 AAC 06.710), has been reviewed and will have changes. Miscellaneous changes will be made in some other sections.
9/97	Open Public Comment	4 AAC 33.070	TLS	The section under the Special Programs Chapter on Alaska School for the Deaf will be reviewed and revised.
9/97	Open Public Comment	4 AAC 32	TLS	This chapter on Community Schools has been reviewed. The section on Indirect Program Charges (4 AAC 32.025) is unnecessary and can be eliminated.
9/97	Open Public Comment	4 AAC 33.060	TLS	Under the Special Programs chapter, the section on Providence Heights School (4 AAC 33.060) is being reviewed.
11/97	Open Public Comment	4 AAC 52	TLS	All sections within this chapter on Education for Exceptional Children are being reviewed.
11/97	Open Public Comment	4 AAC 42	TLS	The one remaining section on Corporal Punishment in Private Schools (4 AAC 42.200) within this chapter on Private Denominational Schools is being reviewed.

**Alaska Department of Education
Regulation Review Schedule
February, 1997**

Board Date	Necessary Action Required	Regulation	Division*	Comments
3/98	Open Public Comment	4 AAC 07	TLS	This chapter on Student Rights & Responsibilities will be reviewed due to new national student records and need for definition of suspension and expulsion.
3/98	Open Public Comment	4 AAC 51	TLS	This chapter on Vocational Education will be reviewed for changes in the federal law and any to the foundation formula.
None Required	Review	20 AAC 30	ASCA	ASCA has made substantial changes to most sections. Their Council will review all public comments including the State Board of Education, adopt the regulations, and forward the final package to Department of Law.

Regulations Reviewed - No Changes Needed At This Time

Board Date	Necessary Action Required	Regulation	Division	Comments
	None	4 AAC 33.080	CO	At the February 1997 meeting, the Board approved revising Mount Edgecumbe admissions policy. The policy now conforms to existing regulations.
	None	4 AAC 59	LAM	There were new regulations adopted in 1994 for Archives & Management Services. No further changes are needed.
	None	4 AAC 58	LAM	All Museum Services regulations have been reviewed. No changes required.
	None	4 AAC 40	ESS	This chapter on Appeals of Decisions to Deny or Withhold Funding has been reviewed. No changes required.
	None	4 AAC 33.025	TLS	Under the Special Programs chapter, this section on Adult Basic Education Grants has been reviewed. No changes required.

Regulations Reviewed - Pending

Board Date	Necessary Action Required	Regulation	Division	Comments
	Pending	4 AAC 33.030	CO	Enrollment in Correspondence Study Programs (4 AAC 33.030) will be reviewed by the new director as changes are made to the foundation funding formula.
	Pending	4 AAC 57	LAM	The Division of Libraries, Archives and Museums expects the public library community to propose legislative changes, which will require subsequent regulatory amendments.
	Pending	4 AAC 27	ESS	Transportation of Pupils
	Pending	4 AAC 09	ESS	State Support of Schools
	Pending	4 AAC 15	CO	Allowances for Professional Personnel
	Pending	4 AAC 66	CO	Regional Resource Centers
	Pending	4 AAC 80	CO	Advisory Arbitration: Teacher Negotiations (Repeal)

Regulations Reviewed - Board Action

Board Date	Action Taken	Regulation	Division	Comments
10/95	Adopted	4 AAC 04.110	TLS	The Board approved opening a public comment period on 7/10/95 for student performance standards in fine arts and adopted them on 10/24/95.
10/95	Adopted	4 AAC 04.120	TLS	The Board approved opening a public comment period on 7/95 for student performance standards in technology and adopted them on 10/24/95.
10/95	Adopted	4 AAC 04.130	TLS	The Board approved opening a public comment period on 6/30/95 for student performance standards in world languages and adopted them on 10/24/95.
10/95	Adopted	4 AAC 06.075(f)	TLS	The Board approved opening a public comment period on 8/25/95 for redefining the definition for unit of high school credit and adopted them on 10/24/95.
10/95	Adopted	4 AAC 12.900(a)(1)(2)	TLS	The Board approved opening a public comment period on 8/25/95 for updating definitions in teacher certification regulations for approved programs and credit and adopted them on 10/24/95.

**Alaska Department of Education
Regulation Review Schedule
February, 1997**

Board Date	Necessary Action Required	Regulation	Division*	Comments
10/95	Adopted	4 AAC 39.12	TLS	The Board approved opening a public comment period on 8/25/95 for the lower age limit for GED testing and adopted them on 10/24/95.
10/95	Adopted	4 AAC 31.021(b)(1)(2)	ESS	The Board approved opening a public comment period on 6/30/95 for repealing the subsection for each CIP application being a discrete project and independently justified unless certain conditions exist. The repeal was then adopted on 10/24/95.
12/95	Adopted	4 AAC 33.110	CO	The Board approved opening a public comment period on 10/31/95 for Charter Schools and adopted them on 12/8/95.
12/95	Adopted	4 AAC 52.710	TLS	The Board approved opening a public comment period on 5/2/95 for setting a deadline on applications for special education grants under Individuals With Disabilities Act and adopted them on 12/8/95.
1/96	Public Comment Period	4 AAC 31.090	ESS	The Board approved opening a public comment period on 1/25/96 for REEA use permits.
1/96	Readopted	4 AAC 33.110	CO	The Board readopted Charter Schools because of a technicality in the motion language.
9/96	Adopted	4 AAC 06.115	TLS	The Board approved opening a public comment period on 6/28/96 for allowing additional voting members to ASAA Board of Control and adopted them on 9/13/96.
11/96	Adopted	4 AAC 31.090	ESS	The Board approved opening a second public comment on 6/21/96 for REEA use permits and approved them 11/21/96.
1/97	Adopted	4 AAC 04.200	TLS	The Board approved opening public comment periods on 10/9/96 and 12/16/96 for content and performance standards for public school teachers and administrators. They were adopted by the Board on 1/21/97.
2/97	Adopted	4 AAC 31.120	TLS	The Board approved opening a public comment period on 12/2/96 for raising the passing score on GED and adopted them on 2/4/97.

- * Division
- CO - Commissioner
- TLS - Teaching and Learning Support
- ESS - Education Support Services
- LAM - Libraries, Archives & Museums
- DVR - Vocational Rehabilitation
- ASCA - Alaska State Council on the Arts

** Board - Alaska State Board of Education

Correct 005 F-100
E-100

STATE OF ALASKA
DEPARTMENT OF CORRECTIONS
Margaret Pugh, Commissioner



MEMORANDUM

To: Jim Ayers
Chief of Staff

Thru: Margaret Pugh
commissioner

Handwritten initials "MP" in black ink.

File: g:\commish\shriner\regrevrp.wpm

From: Jerry Shriner
Federal Funds Coordinator

Handwritten initials "JS" in black ink.

Re: Regulations Review Project

Date: 1/8/97

Handwritten word "Administration" in black ink.

In compliance with Executive Order 157 the DOC submitted a *Regulations Review Plan* dated August 31, 1995, a Correctional Action Team (CAT) was formed and work began on 9/1/95.

The status of the project is as follows:

- ▶ First draft revisions have been completed for eight of the ten chapters in 22 AAC 05. Chapters four and six are still under preliminary review by the Department of Law. (DOL has transferred this task from Mr. Terrell to Mr. Stark)
- ▶ 22 AAC 10 will be eliminated and incorporated elsewhere as necessary.
- ▶ 22 AAC 20 remains under preliminary review by the Parole Board staff.

After this review plan was underway, three other regulations were undertaken:

- ▶ A new article, 22 AAC 15, constituting Ignition Interlock Device regulations has been adopted.
- ▶ A new section concerning prisoner responsibility for health care is in the public comment phase.
- ▶ Regulations governing domestic violence related training have been adopted as emergency regulations and are currently in the process of permanent adoption.

MEMORANDUM

State of Alaska

TO: Pat Pourchot, Legislative Director
Office of the Governor

DATE: February 27, 1997

FILE NO:

TELEPHONE NO: 465-2500

FROM:  Jeff Bush, Deputy Commissioner
Department of Commerce and Economic
Development

SUBJECT: AO 157

This is in response to Jim Ayers' request for an update on the status of regulatory reviews under Administrative Order 157. I apologize for the delay in completing this report.

I am please to report that the Department of Commerce and Economic Development is on schedule in its review of all department regulations, as outlined in our Regulation Review Plan. Briefly, here is the current status for each affected agency within the department:

AIDEA: Review completed. It was determined that no regulatory changes were necessary.

Insurance: A file was opened in the Department of Law in January 1996. This project is proceeding, and we anticipate completion soon. A few of the more complex changes have been incorporated into separate regulations projects that also are moving ahead.

Investments: A file was opened last January in the Department of Law, and legal review is almost complete. Due to a technical error, we were required to re-notice the regulations early this month. We anticipate final completion of this package in the near future.

Banking, Securities and Corporations: A file was opened in the Department of Law in December 1995. We have worked with Law to complete these regulations, and we will be forwarding a final re-draft of the regulations to Law within two weeks. Again, we anticipate closure on this project very shortly.

Occupational Licensing: Because regulations for this division are adopted by many different entities (boards), there are several separate projects under way. Basically, the division is continuing to follow the schedule outlined in its original plan, reviewing each board's regulations with the board when it meets, and incorporating amendments into regulations packages as they are developed. In addition, the division is also continuing work on a larger project, the comprehensive review of all regulations for the business licensing program.

Trade and Development: Draft revisions to the Made in Alaska regulations have been developed and the formal regulatory review process has been completed. Final paperwork will shortly be sent to the Lt. Governor's Office. Regulations relating to the ARDOR program were updated and streamlined in draft form. However, the formal regulation review process was not initiated because administration of the program was transferred to the Department of Community and Regional Affairs. No other division regulations needed amendment, although we anticipate recommendations on regulatory change to the AK product preference program to come from the Governor's Small Business Program Evaluations Task Force.

Please contact me if you need further information on one or more of these projects.

MEMORANDUM

State of Alaska
Community and Regional Affairs
Commissioner's Office

TO: Pat Pourchot
Legislative Director

DATE: February 28, 1997

FROM: Mike Irwin, Commissioner
Mike Irwin

PHONE: 465-4700

RE: Administrative Order 157

In response to your December 23, 1996 memo regarding Administrative Order No. 157 (AO 157), the Department of Community and Regional Affairs has responded to the requirements of the AO when drafting regulations. The department will continue to incorporate the objectives of AO 157, especially the use of clear and concise language and making the regulatory process accessible and understandable to the general public. The department is diligent in its efforts to promote good relationships between the Legislature, the executive branch agencies, and the general public. We are also concerned with the cost of compliance, and we encourage staff to work closely with the public to ensure that complying with regulations is not an onerous process.

Since adoption of AO 157, the department has adopted the following regulations:

- The Division of Municipal and Regional Assistance (MRAD) has adopted new regulations 19AAC 10.340 - 370 (Standards for Reclassification of Cities).

MRAD was aware of and used the guidelines provided by AO 157. The guidelines created no particular burden for the division and were consistent with existing policies of regulation drafting, notice, etc. Clear language and widespread public involvement is consistent with the division's long established objectives of making information easily and readily available to the public.

- The Division of Community and Rural Development has prepared regulation changes to the Day Care Assistance Program at 19 AAC 65 and to adopt new regulations for the Child Care Grant program at 19 AAC 59.

All directives set forth in Administrative Order No. 157 were complied with by the Division in the regulation promulgation process. The Child Care Programs staff were especially sensitive to the need to gather as much information as possible from the public prior to writing any changes to the existing Day Care Assistance Program regulations. Town meetings were conducted in each community in which the program

Pat Pourchot
February 28, 1997
Page Two

is offered. Hundreds of parents, child care providers and other concerned members of the public turned out for the meetings to express their views on how the regulations should or should not be changed. The division solicited written comments and testimony as well as conducted a formal hearing for testimony.

Another innovation to getting out the notice of proposed regulatory changes was a statement on the state warrant payment stub sent to child care providers participating in the Child Care Grant program. The warrant stub contained another notice that those child care providers might want to comment on the proposed regulations.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: SB 101

Revision Date: _____ Dept. Affected: Public Safety
 Title: The Alaska Regulations Reform Act BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Sen. Donlev
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	8.1	8.1	8.1	8.1	8.1	8.1
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	8.1	8.1	8.1	8.1	8.1	8.1

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES () Revenue Code						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	8.1	8.1	8.1	8.1	8.1	8.1
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	8.1	8.1	8.1	8.1	8.1	8.1

Estimate of current year (FY 97) 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.)

This bill will have fiscal impact on AST. See the attached analysis.

Prepared By: F/Sgt. Robert Gorder Phone: 269-5650
 Division: Alaska State Troopers Date: 04/09/97
 Approved by Commissioner: Ronald L. Otte *R. L. Otte* Date: 4/9/97
 Agency: Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: SB 101

Revision Date: 04/08/97

Dept. Affected: Public Safety

Section 5 of this legislation adds a new section to AS 44.62 which requires that a cost-benefit analysis, that will be capable of meeting a legal challenge, must be made for each proposed regulation. For the potential regulations proposed by the Alaska State Troopers in the future, it is extremely difficult to quantify specifics. For example, how is the safety of the public valued? Further, the number and complexity of regulations proposed for adoption each year varies considerably.

It has been estimated that contracted expertise capable of preparing cost-benefits analysis would be utilized and would vary in cost of between \$65 and \$97 per hour, for an average estimate of \$81 per hour. Based upon the department's experience with concealed handgun permit regulations and sex offender registration regulations, but recognizing that these were adopted in a high volume year, it is estimated that approximately one hundred hours of effort would be required in an average year to provide the cost-benefit analysis. Thus, the contractual cost is calculated as follows:

$$100 \text{ hours of contracted services} \times \$81 \text{ per hour} = \$8,100$$

Section 8 of the bill adds a new section to AS 44.62 requiring that the state agencies provide additional notice and opportunity to comment by the public if a significant change is made to the substance of a proposed regulation. What can be determined to be "significant" is highly subjective. If the regulation process must be re-started due to a change being made during the adoption process, the costs associated with the process will rise accordingly. However it can not presently be determined how often this will occur in the future since there is no actual experience to base an estimate upon.

Due to the considerable variables and difficulty in quantifying essential data related to adopting regulations in the Department of Public Safety, it is indeterminate how much of a fiscal impact beyond the \$8.1 indicated. Additional impact may become identifiable in the future.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: Relating to the adoption, amendment, repeal, and BRU: Office of Management and Budget
review of regulations; and amending Rule 202 Component: Governmental Coordination
 Sponsor: Senator Donley
 Requester: Judiciary COMPONENT SERIAL NO. 18

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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	38.8	39.1	39.1	39.1	39.1	39.2
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						
TOTAL OPERATING	38.8	39.1	39.1	39.1	39.1	39.2

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

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	38.8	39.1	39.1	39.1	39.1	39.2
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	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	38.8	39.1	39.1	39.1	39.1	39.2

Estimate of any current year (FY97) 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)

Section 5 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 has determined the most efficient way to meet the new requirements would be to contract with an economic consultant. The consultant would prepare a cost-benefit analysis of the proposed regulatory change. 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 and Section 8 regarding supplemental notice and public proceedings. The inflation rate is based on current revenue forecasts.

Prepared by: Diane E. Mayer, Director
 Division: Governmental Coordination

Phone: 465-3582
 Date: 4/8/97

Approved by Commissioner: Jim Ayers, Chief of Staff
 Agency: Office of the Governor

Date: 4/8/97

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FISCAL NOTE

STATE OF ALASKA

BILL NO. SB 101

1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Fish and Game
 Title: An Act relating to the adoption, amendment, repeal, legislative review, and judicial review of regulations; BRU: Commercial Fisheries (Limited) Entry Commission
 Component: Limited Entry Program Administration
 Sponsor: Senator Donley
 Requester: Senate Judiciary COMPONENT SERIAL NO. 0471

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	24.7	24.7	24.7	24.7	24.7	24.7
TRAVEL						
CONTRACTUAL	.4	.4	.4	.4	.4	.4
SUPPLIES	.2	.2	.2	.2	.2	.2
EQUIPMENT	3.6					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	28.9	25.3	25.3	25.3	25.3	25.3

CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	28.9	25.3	25.3	25.3	25.3	25.3
1006 GF/MHTIA						
Other						
TOTAL	28.9	25.3	25.3	25.3	25.3	25.3

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary.)

See attached document.

Prepared By: Roger Kolden Phone: 789-6160
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 4/8/97

Approved by Commissioner: Bruce Twomley Date: 4/8/97
 Agency: Commercial Fisheries (Limited) Entry Commission

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SB 101 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. The work done on these analyses would have to withstand legal challenges.

Each year, CFEC must add or amend many regulations. Each proposed regulatory change requires a public review process. For example, CFEC is required by its statutes to 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. In the last two years our Law Specialist needed to devote about 40% 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.

Because our agency has lost 22% of its staff positions over the last 11 years, we are having serious difficulty meeting existing statutory requirements. Estimating the benefits and cost each regulatory change will impose an additional requirement on our agency. We believe we would need a part-time regulatory economist 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.

First Year Additional Cost of SB 101:

Part-Time Economist II or equivalent position for 4.0 months
Telephone purchase and yearly expenses
Personal computer purchase
Office supplies

Subsequent Years Additional Cost of SB 101:

Part-Time Economist II or equivalent position for 4.0 months
Telephone yearly expenses
Office supplies

Revision Date: _____ Dept. Affected: Revenue
 Title: The Alaska Regulations Reform Act BRU: Revenue Operations
 Component: Income and Excise Audit
 Sponsor: Senator Donley
 Requestor: (S) JUD COMPONENT SERIAL NO. 113

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	72.9	72.9	72.9	72.9	72.9	72.9
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	72.9	72.9	72.9	72.9	72.9	72.9
CAPITAL EXPENDITURES						
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	72.9	72.9	72.9	72.9	72.9	72.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	72.9	72.9	72.9	72.9	72.9	72.9

Estimate of any current year (FY97) cost \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

We estimate 5-10 regulation projects a year. Some of these would involve technical changes with essentially zero costs. However, other more complex regulatory changes will involve from 100-300 hours for each analysis for a total of 900 hours. At \$81 an hour the total annual contract cost comes to \$72,900.

(see attached page for additional comments)

Prepared by: Brett Fried, Economist Phone: 465-3682
 Division: Income and Excise Audit Division Date: April 8, 1997
 Approved by Commissioner: Wilson L. Condon Date: April 8, 1997
 Agency: Department of Revenue

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Alaska Department of Revenue
Income and Excise Audit Division

The Alaska Regulations Reform Act
April 8, 1997
SB 101
Page 2 of 2

Comments:

SB 101 increases the regulatory burden upon agencies and the liability to the State. Although section 8 (public notice requirements) and section 13 (least intrusive of all regulatory changes) would increase the expense of even the most routine regulatory changes, the section that would have the greatest fiscal effect is section 5 (cost-benefit requirement). To conduct such an analysis it would be necessary to identify who the gainers and the losers are and to quantify these gains and losses. Many of these gains and losses would involve intangibles that are difficult to value. For example, how does one weigh the value of information lost due to regulatory streamlining against the time savings of applicants. Also how does one quantify benefits such as reduced uncertainty and risk. It is not that quantification cannot be accomplished. It is just that for most Department of Revenue regulatory changes the costs of performing the analysis would outweigh the benefits obtained from doing the analysis.

In our fiscal note we do not address the potential costs of increased liability to civil claims by both individuals and corporations. Even if we ignore potential legal challenges to the methods used to quantify the benefits and costs of intangibles, it will be very difficult and expensive to demonstrate that a particular regulatory change is the least intrusive of all possible regulatory changes (see section 3) . Because of the risk of legal challenges and the expense of conducting benefit cost analyses many regulatory changes that would benefit the public might not be considered.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____
Title: Regulation Adoption, Review, Appeal
Sponsor: Senator Donley
Requestor: (S) Judiciary

Department Affected: Environmental Conservation
BRU: Administration
Component: Commissioner's office

COMPONENT SERIAL NO. 633

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	186.9	186.9	186.9	186.9	186.9	186.9
TRAVEL	18.0	18.0	18.0	18.0	18.0	18.0
CONTRACTUAL	27.0	27.0	27.0	27.0	27.0	27.0
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT	18.0	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	253.9	235.9	235.9	235.9	235.9	235.9

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

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	253.9	235.9	235.9	235.9	235.9	235.9
1005 GF/Program Receipt	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	253.9	235.9	235.9	235.9	235.9	235.9

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared by: Larry Jones *Lawrence Jones*
Division: Director, Division of Administrative Services

Phone: 465-5010
Date: 4/8/97

Approved by Commissioner: *Michael*
Agency: Department of Environmental Conservation

Date: 4/10/97

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**ATTACHMENT
SB 101 FISCAL NOTE
Page 2 of 2**

While the department supports the concept that the public and the regulated community have a right to know the impacts of proposed regulations, obviously, there is a very real and substantial cost associated in preparing an in-depth cost-benefit analysis of each regulatory proposal, increasing the public notice requirements, and defending the regulations under a judicial review of validity.

In the past two years, this Department developed approximately 50 regulatory projects, a number of which were complex and comprehensive amendments to existing law, some of which were mandated by federal law. If that level of regulatory activity continues, we believe the development of the cost-benefit analyses would be a full-time job for two Economist positions, a Paralegal position, and one Clerical position.

Further costs would be incurred as a result of required supplemental notices, with the associated photocopying and postage costs. Many of our regulations mailing lists exceed 2,000 names.

A Paralegal would be required to assist this Department and the Department of Law in developing the justification for not issuing supplemental notice, to defend the regulations under a judicial review, and to assist the Economists in preparing the cost-benefit analyses.

This Fiscal Note includes costs of:

- (A) Salaries and benefits for the four required new employees (2 Economist I's; 1 Paralegal II; 1 Administrative Clerk II),
- (B) Travel for the Economists for interaction with the department's program employees in locations other than Juneau,
- (C) Contractual Services, which includes space lease, phones, copier expense, training for new employees. Also, the increased costs associated with additional public notice (e.g., classified ads, postage, photocopying, envelopes, supplies),
- (D) Commodities costs (basic office supplies), and
- (E) Equipment costs (one time cost for purchase of office and computer equipment for four new positions).

FISCAL NOTE

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

BILL NO. SB 101

Revision Date: 4/8/97 Dept. Affected: DOT&PF
 Title: An Act relating to the adoption, amendment, repeal, ... Alaska Rules of Appellate Procedure BRU: D&C
 Component: E&O
 Sponsor: Senator Donlev
 Requester: Judiciary, Finance COMPONENT SERIAL NO. 530

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	15.0	15.0	15.0	15.0	15.0	15.0
TRAVEL	3.0	3.0	3.0	3.0	3.0	3.0
CONTRACTUAL	15.0	15.0	15.0	15.0	15.0	15.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	0.0					
LAND & STRUCTURES	0.0					
GRANTS, CLAIMS	0.0					
MISCELLANEOUS	1.0	1.0	1.0	1.0	1.0	1.0
TOTAL OPERATING	35.0	35.0	35.0	35.0	35.0	35.0

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						
1004 GF	35.0	35.0	35.0	35.0	35.0	35.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	35.0	35.0	35.0	35.0	35.0	35.0

Estimate of any current year (FY96) 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)

There are approximately 196 active transportation regulations in 17 AAC. These regulations establish controls and standards, give authority, designate and define activities on surface, air, and marine transportation issues. DOT&PF's portion of the AAC is only 2% of the total volume of regulations.

The Dept. of Law will be responsible for accomplishing many of the tasks required by DOT&PF and this bill. The Dept. of Law will direct charge the DOT&PF for those services that relate to transportation issues.

These estimated costs are based on the assumption of moderate to minimal impacts to the adoption of regs by the DOT&PF.

Prepared by: Mike Downing, P.E., Director
 Division: Engineering and Operations
 Approved by: Joseph L. Perkins
 Agency: Department of Transportation and Public Facilities

Phone: 465-2960
 Date: 4/8/97
 Date: 4/8/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____
 Title: Regulations: Adoption & Judicial
Review
 Sponsor: Senator Donley
 Requestor: Senate JUD

Department Affected: Labor
 BRU: Administrative Services
 Component: Labor Market Information
COMPONENT SERIAL NO. 336

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	20.0		20.0		20.0	
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	20.0	0.0	20.0	0.0	20.0	0.0

CAPITAL						
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CHANGE IN REVENUE FUND SOURCE #						
--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	20.0		20.0		20.0	
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	20.0	0.0	20.0	0.0	20.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Arbe Williams, Director Phone: 465-2720
 Division: Administrative Services Date: 4/8/97
 Approved by Commissioner: Tom Cashen, Commissioner
 Agency: Department of Labor Date: 4/8/97

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AS 09.38.115 of the Alaska Exemptions Act provides for the adjustment of the exemption amounts specified in other sections of the Act and requires that the Department of Labor adopt a regulation announcing the changes in the dollar amounts. The dollar amounts change on October 1 of each even-numbered year if the percentage of change is 10 percent or more. Senate Bill No. 101 would require that the department prepare a cost benefit analysis to identify the cost to the public and the benefit that the public would receive from the adjustment.

The Alaska Exemptions Act deals with all sorts of financial settlements. They range from bankruptcies to divorce settlements. The number of new cases which would involve exemptions each year is unknown. An estimate of the number and type of cases would have to be identified and the adjustment amount related to each case; an estimate of the benefit to interested and unrelated parties would need to be determined. Understanding that a supportable estimate would require such information, we would nonetheless estimate that complying with Senate Bill No. 101 would require 250 hours of contracted economic analysis at \$80 per hour for a cost of \$20.0. This does not include the costs to the Courts system to develop and maintain an electronic database which would provide the data which would be the basis of the above analysis.

Presumably the adjustment would not be made if the cost outweighs the benefit even though the adjustment has also been mandated by state law. However, we question the legality of not acting on the requirements of the Alaska Exemptions Act and would propose an amendment to the Act to eliminate the requirement that adjustments are made by the Department of Labor and noticed by regulation. The amendment would require the legislature to act on future adjustments to the exemption amounts specified in the Alaska Exemptions Act and would clarify the legislature's intent as it relates to exemption amounts.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____
 Title: Regulations: Adoption & Judicial
Review
 Sponsor: Senator Donley
 Requestor: Senate Judiciary Committee

Department Affected: Labor
 BRU: Employment Security
 Component: Employment/Unemployment
Services
 COMPONENT SERIAL NO. 1807

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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						
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CHANGE IN REVENUE FUND SOURCE #						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ None

ANALYSIS:

The bill would amend the regulation adoption process in AS 44.62.
 See attached.

Prepared by: Rebecca Nance, Director *[Signature]* Phone: 465-2711
 Division: Employment Security Division Date: 4/8/97
 Approved by Commissioner: Tom Cashen, Commissioner *[Signature]*
 Agency: Department of Labor Date: 4/8/97

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Attachment
Fiscal Note for SB 101

ALASKA DEPARTMENT OF LABOR
Employment Security Division

The bill would amend the regulation adoption process in AS 44.62 in two primary areas:

Sections 5-6 of the bill would require a mandatory cost-benefit analysis for each regulation and would allow adoption of the regulation only if benefits exceed costs. A summary of the cost-benefit analysis would be included with each notice.

Section 8 of the bill would require a supplemental notice before adoption if the agency has made any "significant" change to the regulation after the original notice. The agency would be required to justify any failure to provide supplemental notice, presumably on the basis of whether the re-drafted changes were "significant".

Mandatory cost-benefit analysis

ESD regulations in most cases do not impose additional reporting or other burdens on the public. They interpret eligibility requirements in the statute or define statutory terms. Cost-benefit analysis would be minimal. The personal services cost for this function is based on one regulations project per year, with one staff person completing the analysis in one week. Estimated cost approximately \$1300.

Supplemental notice

Almost all ESD regulations projects have some "significant" re-drafting before adoption. Personal services cost is based on one project per year, with one supplemental notice per project, and an estimated two staff-weeks to complete the supplemental notice and evaluate the public response. Estimated cost approximately \$2600.

Anticipated costs to be absorbed within existing budgeted funds.
Zero fiscal note to be submitted.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____
 Title: Regulations: Adoption & Judicial
Review
 Sponsor: Senator Donley
 Requestor: Senate JUD

Department Affected: Labor
 BRU: Office of the Commissioner
 Component: Ak Labor Relations Agency

COMPONENT SERIAL NO. 1200

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0.6	0.6	0.6	0.6	0.6	0.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.6	0.6	0.6	0.6	0.6	0.6

CAPITAL						
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CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.6	0.6	0.6	0.6	0.6	0.6
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.6	0.6	0.6	0.6	0.6	0.6

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ none

ANALYSIS: (Attach a separate page if necessary)

SB101 proposes changes to procedures to adopt regulations that will increase the costs of such procedures: AS 44.62.213 should increase publication costs and AS 44.62.035 should add the cost of an economist to do a cost benefit analysis. This note assumes the agency will have one substantial regulation project every three years. The costs are then prorated to give an annual average.

Prepared by: Jan Hart DeYoung, Hearing Examiner Phone: 269-4895
 Division: Alaska Labor Relations Agency Date: 4/8/97
 Approved by Commissioner: Tom Cashen, Commissioner
 Agency: Department of Labor Date: 4/8/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____
 Title: Regulations: Adoption & Judicial
Review
 Sponsor: Senator Donley
 Requestor: Senate JUD

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: Wage & Hour
Administration
 COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	8.0	8.0	8.0	8.0	8.0	8.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	8.0	8.0	8.0	8.0	8.0	8.0

CAPITAL						
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CHANGE IN REVENUE FUND SOURCE #						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	8.0	8.0	8.0	8.0	8.0	8.0
1005 GF/Program Receipt						
1006 GF/MHTIA						
1007 I/A Receipts						
TOTAL	8.0	8.0	8.0	8.0	8.0	8.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ NONE

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Alan W. Dwyer, Director Phone: 465-4855
 Division: Labor Standards & Safety Date: 4/8/97
 Approved by Commissioner: Tom Cashen, Commissioner
 Agency: Department of Labor Date: 4/8/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
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Section 5 of SB 101 will have a significant fiscal impact on Wage & Hour Administration as it requires agencies to "prepare a cost-benefit analysis of the costs to the public to comply with the proposed regulatory action and the benefits to the public from the proposed regulatory action."

We do not currently have the funding or qualified individuals (positions) available to implement this legislation. We would be required to contract with professional economic consulting firms, at the current rate of \$65 to \$97 per hour, to conduct the cost-benefit analyses. The hours required to conduct the analyses as required by SB 101 could vary tremendously depending on the type of regulation project and the level of detail required. Given that these analyses would need to stand up to a court challenge (Section 13), we must assume significant detail will be required.

Wage & Hour estimates one regulation adoption per year in response to new legislation, requiring 100 hours of contractual services. $100 \text{ hours} \times \$80 \text{ per hour} = \$8.0.$

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____

Department Affected: Labor

Title: Regulations: Adcption & Judicial Review

BRU: Labor Standards & Safety

Component: Mechanical Inspection

Sponsor: Senator Donley

Requestor: Senate JUD

COMPONENT SERIAL NO. 346

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	16.0	16.0	16.0	16.0	16.0	16.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	16.0	16.0	16.0	16.0	16.0	16.0

CAPITAL						
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CHANGE IN REVENUE FUND SOURCE #						
--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Recelpts						
1003 GF Match						
1004 GF	16.0	16.0	16.0	16.0	16.0	16.0
1005 GF/Program Receipt						
1006 GF/MHTIA						
1007 I/A Receipts						
TOTAL	16.0	16.0	16.0	16.0	16.0	16.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ NONE

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Alan W. Dwyer, Director Phone: 465-4855

Division: Labor Standards & Safety Date: 4/8/97

Approved by Commissioner: Tom Cashen, Commissioner

Agency: Department of Labor Date: 4/8/97

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Section 5 of SB 101 will have a significant fiscal impact on Mechanical Inspection as it requires agencies to "prepare a cost-benefit analysis of the costs to the public to comply with the proposed regulatory action and the benefits to the public from the proposed regulatory action."

We do not currently have the funding or qualified individuals (positions) available to implement this legislation. We would be required to contract with professional economic consulting firms, at the current rate of \$65 to \$97 per hour, to conduct the cost-benefit analyses. The hours required to conduct the analyses as required by SB 101 could vary tremendously depending on the type of regulation project and the level of detail required. Given that these analyses would need to stand up to a court challenge (Section 13), we must assume significant detail will be required.

Mechanical Inspection's regulatory changes could involve fee structure changes, and the incorporation of new plumbing, boiler, and electrical codes in existing regulations.

Mechanical Inspection estimates two regulation changes or adoptions per year, requiring 100 hours of contractual services each. $200 \text{ hours} \times \$80 \text{ per hour} = \$16.0$.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____
 Title: Regulations: Adoption & Judicial
Review
 Sponsor: Senator Donley
 Requestor: Senate JUD

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: Occupational Safety & Health

COMPONENT SERIAL NO. 970

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	16.0	16.0	16.0	16.0	16.0	16.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	16.0	16.0	16.0	16.0	16.0	16.0
CAPITAL						
CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	16.0	16.0	16.0	16.0	16.0	16.0
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	16.0	16.0	16.0	16.0	16.0	16.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ NONE

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Alan W. Dwyer, Director Phone: 465-4855
 Division: Labor Standards & Safety Date: 4/8/97
 Approved by Commissioner: Tom Cashen, Commissioner
 Agency: Department of Labor Date: 4/8/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
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Section 5 of SB 101 will have a significant fiscal impact on Occupational Safety and Health as it requires agencies to "prepare a cost-benefit analysis of the costs to the public to comply with the proposed regulatory action and the benefits to the public from the proposed regulatory action."

Every federal Occupational Safety & Health Administration final rule which Occupational Safety and Health must adopt includes an analysis of costs of compliance, benefits to the public, and national economic effects. Each final rule also includes OSHA's estimated costs of compliance.

These federal analyses may be marginally acceptable as a response to Section 5, in cases where we are adopting a federal regulation. However, they often don't have much application to Alaska due to the differences in our geography, infrastructure, climate, and industries. In addition, there are regulatory changes OSH promulgates which are not federal changes, which we would have to analyze completely.

The OSH section currently uses information on occupational safety and health injuries, illnesses and fatalities as an indicator of needed state-specific changes, and OSH should be able to state the benefits to be received by the public with minimal additional effort. However, we do not complete formal cost/benefit analyses, and estimating the costs of compliance in Alaska could be a formidable task.

For example, a cost analysis for implementation of the relatively simple bloodborne pathogens standard in the Alaska Department of Health and Social Services required .5 FTE in 1992 for data gathering, analysis, rechecking assumptions, and report production for approximately four months. A statewide cost/benefit analysis for the implementation of the Process Safety Management standard probably would require several years for a team of safety professionals and professional analysts and economists to complete. We do not have this capability.

Because of the level of review and analysis required of the department, and the number of days allowed for each level of review, OSH would never meet federal deadlines for adoption of regulations. This would continue to be a serious problem for our federal monitors.

We do not currently have the funding or qualified individuals (positions) available to implement this legislation. We would be required to contract with professional economic consulting firms, at the current rate of \$65 to \$97 per hour, to conduct the cost-benefit analyses. The hours required to conduct the analyses as required by SB 101 could vary tremendously depending on the type of regulation project and the level of detail required. Given that these analyses would need to stand up to a court challenge (Section 13), we must assume significant detail will be required.

OSH estimates two regulation adoptions or amendments per year will be undertaken by the section, requiring 100 hours of contractual services for each. $200 \text{ hours} \times \$80 \text{ per hour} = \$16.0.$

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____
 Title: Regulations: Adoption & Judicial
Review
 Sponsor: Senator Donley
 Requestor: Senate JUD

Department Affected: Labor
 BRU: Worker's Compensation
 Component: Worker's Compensation

COMPONENT SERIAL NO. 344

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL	7.1	7.1	7.1	7.1	7.1	7.1
CONTRACTUAL	10.1	10.1	10.1	10.1	10.1	10.1
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	17.2	17.2	17.2	17.2	17.2	17.2

CAPITAL						
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CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	17.2	17.2	17.2	17.2	17.2	17.2
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	17.2	17.2	17.2	17.2	17.2	17.2

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary)

The bill provides for a right to judicial review in district or superior court by an interested party for any regulation adopted, amended, or repealed. The bill also requires a cost benefit analysis be performed for each regulation promulgated and supplemental notices and public proceedings to take place when a substantive change in regulation occurs. Please see attached for additional impact to Worker's Compensation.

Prepared by: Paul Grossi, Director Phone: 465-2790

Division: Worker's Compensation Date: 4/8/97

Approved by Commissioner: Tom Cashen, Commissioner

Agency: Department of Labor Date: 4/8/97

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SB101 Analysis

The bill provides for a right to judicial review in district or superior court by an interested party for any regulation adopted, amended, or repealed. The bill also requires a cost benefit analysis be performed for each regulation promulgated and supplemental notices and public proceedings to take place when a substantive change in regulation occurs.

To ensure accurate cost benefit analysis data, a contract must be established with an experienced economic cost benefit analyst. It is anticipated that this form of Professional Services contract will cost \$8,000 annually.

Additionally, the required travel, supplemental notices and public proceedings will result in approximately \$9,200 in additional annual expenses.

Line 200 Travel

Board Members/Hearing Officers Travel	7.1
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Line 300 Contractual

Cost Benefit Analysis Professional Services Contract	8.0
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Advertising (Proposed Changes/Public Meetings)	2.1
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Total	17.2
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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB101

Revision Date: _____ Dept. Affected: EDUCATION
 Title: An Act relating to the adoption, amendment, repeal, BRU: Education Support Services
legislative review and judicial review of regulations; and amending... Component: _____
 Sponsor: Senator Donley
 Requester: Senate Judiciary COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	59.6	62.4	64.4	66.4	68.5	70.8
TRAVEL	1.5	1.5	1.5	1.5	1.5	1.5
CONTRACTUAL	1.0	1.0	1.0	1.0	1.0	1.0
SUPPLIES	0.5	0.5	0.5	0.5	0.5	0.5
EQUIPMENT	7.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0.2	0.2	0.2	0.2	0.2	0.2
TOTAL OPERATING	70.3	65.6	67.6	69.6	71.7	74.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	70.3	65.6	67.7	69.6	71.7	74.0
1005 GF/Program Receipts						
Other:						
TOTAL	70.3	65.6	67.7	69.6	71.7	74.0

Estimate of current year (FY97) cost: \$

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

One full time economist would be required to prepare cost-benefit analysis of the costs to the public to comply with regulatory changes (adoption, amendment, repeal), and the benefits to the public from the proposed regulatory action.

Prepared by: Eddy Jeans, School Finance Manager
 Division: Education Support Services
 Approved by Commissioner: Shirley J. Holloway, Ph.D.
 Agency: Department of Education

Phone: 465-8679
 Date: 4/8/97
 Date: 4/8/97

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FISCAL NOTE

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

BILL NO. SB101

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: "An Act relating to the adoption, amendment, repeal and review of regulations,..." BRU: Commissions/Special Offices
 Component: Human Rights Commission
 Sponsor: Senator Donley
 Requester: Senate Judiciary COMPONENT SERIAL NO. 1

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	20.2	0.0	20.2	0.0	20.2	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	48.0	0.0	20.2	0.0	20.2	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	20.2	0.0	20.2	0.0	20.2	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	20.2	0.0	20.2	0.0	20.2	0.0

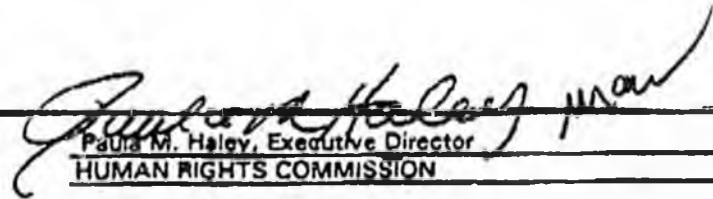
Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Commission periodically enacts regulations. Section 44.62.035 and Section 44.62.200(a)6) 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/ or economist for two weeks to assist in providing the cost-benefit analysis required in these subsections.



Prepared by: Paula M. Haley, Executive Director
 Division: HUMAN RIGHTS COMMISSION
 Approved by Commissioner: Jim Ayers, Chief of Staff
 Agency: Office of the Governor

Phone: 276-7474
 Date: 4/8/97
 Date: _____

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB101

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: "An Act relating to the adoption, amendment, repeal ... of regulations; ..." BRU: Executive Operations
 Component: Lt. Governor
 Sponsor: Senator Donley
 Requester: Senate Judiciary COMPONENT SERIAL NO. 11

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SB101 would not have fiscal impact on the Office of the Governor.

Prepared by: John Lindback, Chief of Staff
 Division: Office of the Lt. Governor
 Approved by Commissioner: [Signature] Lieutenant Governor Fran Ulmer
 Agency: Office of the Lt. Governor

Phone: 465-3520
 Date: 4/8/97
 Date: _____

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____ Dept. Affected: Administration
 Title: "The Alaska Regulations Reform Act." BRU: Various
 Component: Various
 Sponsor: Sen. Donley
 Requestor: Senate Judiciary COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITUR	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	26.8	26.8	26.8	26.8	26.8	26.8
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	26.8	26.8	26.8	26.8	26.8	26.8

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	26.8	26.8	26.8	26.8	26.8	26.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
Total	26.8	26.8	26.8	26.8	26.8	26.8

Estimate of current year (FY 97) cost: \$ 0.0 _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

It is impossible to project the costs of this bill with any accuracy. However, by making certain conservative assumptions we hope to come close.

Assumptions:

The Department of Administration estimates three regulations packages are dealt with annually. Each regulations project would likely be subject to the supplemental notices and public comment provision of the bill. \$2.5 for costs related to this requirement is included in the fiscal note.

Prepared by: Sharon Barton Phone: 465-5655
 Division: Administrative Services Date: _____
 Approved by Commissioner: Mark Boyer Date: 4/18/97
 Agency: Department of Administration

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ANALYSIS: (continued)

The fiscal note further assumes the three regulations packages to be of various complexity; one very complex, one of medium complexity and one of lesser complexity. Estimates of the number of hours necessary to conduct cost benefit analysis, for which the department will contract, are 10 hours for less complicated regulations projects, 40 hours for projects of medium complexity and 200 hours for very complex projects. The cost of contracting for cost benefit analysis services is estimated at \$97/hr.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the adoption, amendment, repeal, legislative review, and judicial review of regulations . . ." BRU: Criminal Division/Civil Division
 Sponsor: Senator Donley Component: Criminal Div., General Legal Svcs, Mental Health Lands, Oil, Gas & Mining, Env La
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085/2087-88, 2091-92

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	215.0	215.0	215.0	215.0	215.0	215.0
TRAVEL	5.8	5.8	5.8	5.8	5.8	5.8
CONTRACTUAL	64.0	64.0	64.0	64.0	64.0	64.0
SUPPLIES	4.2	4.2	4.2	4.2	4.2	4.2
EQUIPMENT	19.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	308.5	289.0	289.0	289.0	289.0	289.0

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	308.5	289.0	289.0	289.0	289.0	289.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	308.5	289.0	289.0	289.0	289.0	289.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

To be known as the "Alaska Regulations Reform Act," SB 101 makes a number of significant changes to the way regulations are promulgated. Of most significance to the Department of Law from a cost perspective are three of the proposed changes: (1) a requirement for the preparation of cost-benefit analyses on every regulation adoption, repeal and amendment showing that benefits to the public outweigh costs; (2) a requirement for supplemental notices and public comment for "significant changes" in proposed regulations after initial notice and public comment has occurred; and (3), an assumption of invalidity by the courts unless it can be shown that the proposed regulation uses an approach that causes the least intrusion on the rights and property of the persons affected by the regulation, and if it does not, that there is a compelling state interest in using the approach.

Each of these proposed changes will cause a significant increase in the workload of the department in terms of preventative advice to agencies and additional time for regulations review to ensure the proposed requirements are met, and to defend the regulations when they are challenged in court.

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone: 465-5370
 Division: Administrative/Services Division Date: 4/8/97
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho* Date: 4/8/97
 Agency: Department of Law

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ANALYSIS CONTINUATION:

The Department of Law anticipates that a significant increase in the level of litigation attempting to overturn regulations would result. Quantifying costs and benefits of regulations will be, in many cases, a subjective process open to considerable interpretation. In addition, a determination that a regulation uses the least intrusion possible on rights and property of affected individuals would also be open to various interpretations in many cases. For example, it is difficult to determine even who might be affected in the case of many fisheries regulations, and proving a compelling state interest in using a particular allocation scheme, would almost certainly involve extensive litigation because of the economic interests at stake in fisheries and other natural resource allocation decisions.

The department estimates that its attorneys presently spend 7500 hours per year on regulations review projects and litigation challenging regulations. We estimate a 40 percent increase in time for all regulations-related projects would result from this bill. (Increases in fisheries and other natural resource-related litigation over regulations could be substantially higher.) At 40 percent, an additional 2920 hours would be required, a total of 2 full-time equivalent attorneys (2920/1460 hours). In addition, many of the cases in litigation would require the use of "outside" expert economists.

Based on the department's FY 97 standard full-time equivalent attorney cost schedule (\$127,000), which includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses, the cost of 2 FTE attorneys is \$254,000. An additional \$5,000 per position is included for direct case costs, \$6,500 per position for one-time equipment purchases, and \$25,000 for outside experts, costs that cannot be included in the rate as overhead.

While clerical support funding is included in the cost schedule, position authorization and one-time equipment costs are separate. The total PFT estimate thus includes one permanent full-time Legal Secretary I position, and the equipment line includes \$6,500 for one-time equipment.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

NO. _____
BILL VERSION: SB 101
PUBLISH DATE: _____

Revision Date: _____
Title: "An Act relating to the adoption,
amendment, repeal, legislative review, and judicial...."
Sponsor: Senator Donley
Requestor: Senate Judiciary

Department Affected: Legislative Affairs Agency
BRU: All
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
Division: Administrative Services Date: 4/7/97

Approved By: Pamela A. Varni, Executive Director *Pamela A. Varni*
Agency: Legislative Affairs Agency Date: 4/7/97



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

ADMINISTRATIVE ORDER NO. 157

I, Tony Knowles, Governor of the State of Alaska, under the authority vested in me by art. III, secs. 1 and 24, of the Alaska Constitution, order all executive branch agencies to comply with the directives set out in this Order regarding administrative regulations, in order to accomplish the following objectives:

- achieve clear and concise language, and "plain English," in administrative regulations so that customers of state services are better able to understand and comply with the regulations;
- promote a better relationship between the Legislature, executive branch agencies, and the public that they serve;
- make the regulation-adoption process more accessible and understandable to the general public;
- minimize the cost to the public of complying with state regulations; and
- encourage state agencies to work with the regulated public to meet the objectives of agency regulations.

AGENCY DIRECTIVES

1. Public notices regarding regulation changes, including repeals of existing regulations, should include statements that describe:

- ▶ what is being changed;
- ▶ how it is being changed; and
- ▶ why it is being changed.

2. In public notices regarding regulation changes:

- ▶ minimize the use of technical terms not generally understood by the public;
- ▶ use "plain English" in describing the regulatory action;
- ▶ strive for clarity and clean, concise language;
- ▶ name a specific agency contact person for requesting information about the regulation project, including information regarding special accommodations for persons with a disability; and
- ▶ actively solicit comments from the affected public on the cost of compliance with the proposed regulation.

3. When drafting regulations, each agency shall consider known and potential costs to the public of complying with the regulations and, to the extent possible, shall draft the regulations so as to minimize those costs.

4. When preparing the public notice for regulation changes, the adopting agency shall consider whether, because of the nature and effect of the regulation changes, the agency should hold one or more oral public hearings on the changes, in addition to providing for written comments on the changes. In deciding whether to hold oral hearings, the agency shall consider both its budget and the possibility of using teleconferencing.

5. In determining an appropriate length of time for the public comment period for a set of regulations, the adopting agency shall consider:

- ▶ the special needs or concerns of those likely to be affected by the regulations;
- ▶ whether the anticipated comment period is sufficient for the public to obtain a copy of, review, and comment on the regulations;
- ▶ the urgency of the regulations project; and
- ▶ the overall time frame for the regulations project.

6. At the time of publishing a public notice regarding regulation changes, each adopting agency shall provide for additional newspaper or broadcast media press releases, or mailings to affected persons, to the extent that action is economically feasible, in order to ensure maximum public awareness of the agency action.

7. In maintaining mailing lists of persons interested in agency regulations, each agency shall periodically review the lists to ensure that, to the extent possible, the lists represent the broadest spectrum of interested persons as well as persons likely to be affected by the agency's regulations.

8. After a regulation change has been filed by the Lieutenant Governor's Office, the adopting agency, to the extent economically feasible, shall use newspaper or broadcast media press releases, or mailings, to inform the public of the filing and impending effective date of the regulation change.

9. To better respond to inquiries from the public regarding regulations projects, each commissioner shall institute an internal agency system for maintaining, in a centralized manner, current information regarding pending agency regulations projects. As part of such a system:

- ▶ each commissioner shall designate a staff person within the agency to serve as the general regulation information contact person for that agency;
- ▶ each commissioner shall direct agency staff to provide to the contact person information necessary to develop and maintain a current list of that agency's pending regulations projects;
- ▶ at the time it opens a regulation file, the Department of Law shall provide to the appropriate agency regulation contact person a copy of the file-opening information; and
- ▶ each commissioner shall ensure that that agency's pending regulation project list contains adequate and accurate information, including a sufficient description of each project and the name and phone number of the agency staff person who can provide more specific information about the project.

10. Each adopting agency immediately shall submit a plan to the Governor for a process of reviewing, in consultation with the Department of Law, its existing regulations for the purpose of identifying, within budget constraints, provisions to be amended or repealed because:

- ▶ the provision contains confusing or unnecessarily technical language; the use of "plain English" is the standard that should be achieved whenever possible;
- ▶ the cost to the regulated public is excessive when compared to the state's interest in or benefit from the particular requirement; and
- ▶ the requirements of the provision are burdensome to the regulated public and less burdensome requirements still would allow the agency to carry out its statutory responsibilities.

11. The Department of Law shall, to the extent economically feasible, provide, through its own staff or through others, training to appropriate staff of executive branch agencies regarding:

- ▶ handling of public information requests regarding regulation projects, including the requirements of the public records law;
- ▶ ways to improve the language of public notices regarding regulation changes, so that the notices are more understandable and meaningful to the public while still meeting legal requirements;
- ▶ ways to improve regulation writing, so that draft regulations that are distributed to the public for comment are clearer, in "plain English," and adequately and accurately describe the agency's intent;
- ▶ the requirements of the Americans With Disabilities Act regarding accommodations that might be required in order for persons with a disability to be able to participate in the regulatory process; and
- ▶ the requirements for collecting and seriously considering all public comments received during the public comment period for a regulation project.

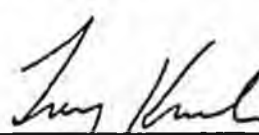
12. Each commissioner shall take appropriate steps to ensure that the agency focuses its efforts on educating and otherwise working with the public so that the public is better able to comply with regulatory requirements in a cost-effective manner and avoid inadvertent noncompliance.

13. Each commissioner shall take appropriate steps to inform federal agencies of state concerns in proposed federal regulations and to suggest changes so that federal regulations are not overly burdensome for Alaskans.

14. If state agencies have overlapping regulatory responsibilities regarding business activities, the commissioners of those agencies shall ensure that the agencies work together to achieve, to the extent possible, regulatory requirements that avoid duplication while facilitating compliance with statutory requirements.

This Order takes effect immediately.

DATED at Juneau, Alaska, this 5 day of June, 1995.



Tony Knowles
Governor



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

**SPONSOR STATEMENT
FOR SENATE BILL 101
"THE ALASKA REGULATION REFORM ACT"**

Senate Bill 101 reforms how administrative regulations are adopted by the state of Alaska and places reasonable new limits on the power of state bureaucracy to impose new regulations on Alaskans.

SB 101 increases opportunities for public notice and comment regarding adoption of regulations. SB 101 requires that new regulations pass a "needs" test and be drafted in a way to minimize their impact on personal liberties and property rights. The bill also requires a legislative decennial review of state regulations.

Regulations adopted by state agencies have the effect of law similar to statutes adopted by the legislature. The regulations adoption process however has very few of the safeguards and opportunity for public input that the legislative process has. Unlike statutes which require a series of public hearings in the state House and Senate, regulations can be adopted with a single notice and hearing which may or may not even reflect the actual content of the final version of the regulation.

Once adopted, state regulations can only be amended by the agency that adopted them or by the adoption of a statute that somehow directly conflicts with the regulation. This makes state regulations in Alaska very hard to amend or appeal once in place. Entrenched state bureaucrats, with little incentive to be responsive to the public, often have more real control over public policy through regulations than elected state officials.

Senate Bill 101 makes state regulators more accountable to the public and to elected officials. SB 101 places reasonable and needed restraints on the ever increasing number of state regulations Alaskans live with.

DD/jja

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

**SECTIONAL ANALYSIS
FOR SENATE BILL 101
"THE ALASKA REGULATIONS REFORM ACT"**

Section #1 - refers to this act as "The Alaska Regulations Reform Act"

Section #2 - Conforming language with Sections #3 and #12 of the bill allowing a person to obtain declaratory relief from a regulation in state district court in addition to the superior court.

Section #3 - this section adds the review of regulations to the jurisdiction of district courts.

Rationale: under existing law a person may only bring action against the validity of a regulation in the state superior court. This bill would expand the opportunity for individuals to challenge the validity of regulations by allowing them to file such actions in state district courts. There are more district courts in Alaska providing more accessibility to individuals wishing to gain access to the courts. Also, it is less costly for individuals to file actions in a district court than a superior court.

Section #4 - adds new language requiring the Legislative Administrative Regulation Committee to review regulations of principal departments every 10 years and report its recommendations to the legislature.

Rationale: under existing law the Legislative Administrative Regulation Committee has the authority to examine all administrative regulations, including proposed, amendments and orders of repeals. This new language would mandate that the committee examine all the regulations of all state agencies and submit to the legislature a report of their findings. To accomplish this mandate, the committee would need to examine the regulations of one or two departments each year.

Section #5 - requires that when a department adopts a regulation, an order of appeal, or an amendment to a regulation the department will submit a cost-benefit analysis of the costs of the regulatory action.

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MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee

Senate Bill 101
Sectional Analysis
Page 2

Rationale: this would make each department justify the fiscal benefit of proposed regulatory action outweighs the cost to the public.

Section #6 - adds a summary of the cost-benefit analysis to the other required information for a notice of proposed adoption, amendment, or repeal of a regulation.

Rationale: under existing law a department is required to include specific information when noticing a proposed regulatory action. If the department fails to provide a cost-benefit analysis or any other information required by law a court may declare the regulation invalid.

Section #7 - Deletes the word "original" from the statute regarding the content of the public notice of a proposed adoption of a regulatory action. This is a conforming change since the bill now allows supplemental notices.

Section #8 - requires a department to provide a supplemental notice and the opportunity for additional public comment if the department rewrites a proposed regulatory action and the rewrite is significantly different in substance from the original regulatory action.

Rationale: under existing law a department is only required to provide one notice to the public regarding a proposed regulatory action. However, the content of the proposed regulatory action could and often changes without the knowledge of the public. This provision would address this problem by alerting the public of any significant change and allow the public to provide additional testimony.

Sections #9, 10, 11 - exempts the department from complying with the new provisions of this bill if the proposed regulations are necessary for the immediate preservation of public peace, health, safety or general welfare.

Section #12 - gives the statutory authority for a person to obtain a judicial declaration on the validity of a regulation by bringing an action for declaratory relief in the district court.

Senate Bill 101
Sectional Analysis
Page 3

Section #13 - adds additional provisions the court must consider in determining the validity of a regulation including:

- 1) the regulation uses an approach that causes the least intrusion on the rights and property of the persons affected.
- 2) in cases where a compelling state interest requires using the approach taken by the regulation.

Rationale: forces a department to not intrude on the rights and the property of persons affected when adopting a regulation except in those cases where the department can prove that a compelling state interest requires such an action.

Section #14 - allows for appeals to the supreme court from the district court.

Rationale: conforming language allowing certain judicial validity appeals to be heard in the in the superior court as well as the district court.

Section #15 - provides for the effective date of this legislation.

DD/jja

Headquarters:
217 2nd Street, Suite 201
Juneau, Alaska 99801
(907) 586-2323 FAX 463-5515



April 1, 1997

Senator Dave Donley
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senator Donley:

We are pleased that you have introduced Senate Bill 101, which would reform how administrative regulations are adopted and places limits on the power of the state bureaucracy in the regulatory process.

Reform of the present regulatory system is one of the highest priorities of the Alaska State Chamber of Commerce. Our resolution on this matter asks the legislature and the administration to create a regulatory and economic environment supportive of business development that encourages businesses to locate and grow in Alaska. ASCC's resolution also asks the legislature and the administration to provide for an effective oversight mechanism to assure that regulations are producing effective results that follow legislative intent.

The legislation you have introduced addresses many of the concerns of Alaska's business community, and we are happy to provide supportive testimony for SB 101 when the time arises. Please let us know of any other help we might provide in this matter.

Sincerely,

Pamela La Bolle
President