

HB

533

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB533-ACS-TC-3-18-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title If Unreas. Agency Delay/Ct. Decides BRU Alaska Court System
 Component Trial Courts
 Sponsor House State Affairs
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 House Bill 533 allows a person proceeding through the administrative adjudication process under AS 44.62.330 - 44.62.630 to move his or her case to the superior court if the person alleges that the agency has unreasonably delayed the process and further delay will cause the person significant and irreparable damage. Once a case is before the court it may either determine the case on its merits, order that the dispute be handled by another form of dispute resolution or establish a deadline for the agency to issue a final administrative decision.
 This bill changes existing law by allowing a person to bring an administrative adjudication to the superior court prior to the issuance of a final agency decision. The court will be impacted by the number of cases that come before it under this provision. However, estimating the number of such cases is too speculative to support a fiscal note. Should the number of cases prove to be significant then the court may return to the legislature for additional funding.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 3/18/04 7:59 AM
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 3/18/2004
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB533
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title "An act relating to judicial relief before final administrative decisions of state agencies." RDU Comm. Fish Entry Commission
 Component Commercial Fisheries Entry Commission
 Sponsor House State Affairs Committee
 Requester House Judiciary Committee Component No. 471

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Services						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	*	*	*	*	*	*
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The commission has averaged more than 70 final decisions on applications for limited entry permits each year since 1990 (more than 1,000 total). Seven appeals from these decisions are currently pending in court, representing about 10% of our average yearly final decisions on applications (the commission does additional kinds of cases including transfer cases).

HB 533 will almost certainly increase the number of CFEC court cases the state must defend, though the exact number (and thus, the exact fiscal impact to CFEC) cannot be known at this time. Any increase in the number of cases filed will require additional staff and commissioner time. If 10% of the 321 applicants currently on appeal before our hearing officers or commissioners were to file a case

Prepared by: Shirley Penrose, Administrative Officer Phone 907-790-6960
 Division: Commercial Fisheries Entry Commission Date/Time 3/23/04 10:13 AM
 Approved by: Bruce Twomley, Chairman Date 3/23/2003
 Agency: Commercial Fisheries Entry Commission

FISCAL NOTE

**STATE OF ALASKA
2004 LEGISLATIVE SESSION**

BILL NO. HB533

ANALYSIS CONTINUATION

under HB 533 without having first exhausted the administrative appeal process available to them, 32 additional lawsuits would be generated. Because gathering and preparing records and assisting the Department of Law with court appeals of CFEC cases is enormously labor intensive and time consuming, if HB 533 results in 10% of the appeals pending before the commission being filed with the courts, the commission will need to add one paralegal position to assist with the additional workload.

The following personal services costs are calculated for a range 15 with salary, benefits and employer costs, including yearly merit increases (based on the current employer costs and XE salary schedule):

FY05: \$54.4
FY06: \$55.8
FY07: \$57.5
FY08: \$59.3
FY09: \$61.0
FY10: \$63.0

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB533-DHSS-DHCS2-03-23-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Health & Social Services

Title JUDICIAL OVERSIGHT OF ADMINISTRATIVE PROCEDURES

RDU Health Care Services

Component Hearings and Appeals

Sponsor HOUSE (STA)

Requester HOUSE (JUD)

Component No. 1434

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
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						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match	*	*	*	*	*	*
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would allow parties involved in the administrative hearing and appeals process judicial relief if a party to the proceeding has satisfied all procedural requirements up to the time relief is sought, a state agency unreasonably delays the administrative process, and that delay causes significant and irreparable damage.

HB 533 would circumvent the federal requirements set forth for the Medicaid Program, Temporary Assistance Program, and Food Stamps Program. 7 CFR 273.15 (Food Stamps), 42 CFR 431.200-250 (Medicaid Program), 45 CFR 205.10(Temporary Assistance) requires this

Prepared by: Dwayne Peoples, Director
 Division: Health Care Services
 Approved by: Joel S. Gilbertson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-3355
 Date/Time 03/13/2004
 Date 03/23/2004

FISCAL NOTE

FN #

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. HB533-DHSS-DHCS2-03-23-04

ANALYSIS CONTINUATION

state to provide a fair hearing through the administrative process. These federal regulations require the fair hearing process to be complete within 90 days from the date a person requests a hearing, and in some cases regarding food stamps, within 60 days.

Because federal law provides required completion dates, this bill has no fiscal impact on Health Care Services Hearings and Appeals.

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. Jim Holm
Rep. Dan Ogg
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: March 26, 2004
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS1833\D, HB 533, incorporating the attached amendment. The bill was passed out of committee today.

If you have any questions, please call me at 4990. Thank you!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

New Amendment ^{#1} to CSHB 533 () "D" version
by Gruenberg - PASSED

page 2 line 14 delete "15" insert "30"

page 2 line 15 delete "provide" and insert "filed in"

page 2 line 15 delete "with" and insert "a"

23-LS1833\D
Bannister
3/24/04

CS FOR HOUSE BILL NO. 533()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the state's administrative procedures and to judicial oversight of**
2 **administrative matters."**

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

4 *** Section 1. AS 22.10.020(d) is amended to read:**

5 (d) The superior court has jurisdiction in all matters appealed to it from a
6 subordinate court, or administrative agency when appeal is provided by law, and has
7 jurisdiction over petitions for relief in administrative matters under
8 AS 44.62.305. The hearings on appeal from a final order or judgment of a subordinate
9 court or administrative agency, except an appeal under AS 43.05.242, shall be on the
10 record unless the superior court, in its discretion, grants a trial de novo, in whole or in
11 part. The hearings on appeal from a final order or judgment under AS 43.05.242 shall
12 be on the record.

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

14 **Sec. 44.62.305. Judicial relief in administrative matters. (a)**

1 Notwithstanding any other provision of law to the contrary and except as provided in
 2 (f) of this section, a person may obtain judicial relief in an administrative matter by the
 3 superior court before the state agency handling the administrative proceeding on the
 4 matter issues a final administrative decision if

- 5 (1) the person is a party to the administrative proceeding;
- 6 (2) the person has satisfied the procedural requirements of the
 7 administrative proceeding up to the time that the person petitions for judicial relief
 8 under (b) of this section;
- 9 (3) the state agency has unreasonably delayed the progress of the
 10 administrative proceeding; and
- 11 (4) further delay in reaching a final administrative decision will cause
 12 the person immediate and irreparable damage.

13 (b) A person may seek judicial relief under (a) of this section by filing a
 14 petition in the superior court. A person may not file the petition until 15 days after the
 15 person has provided the state agency handling the administrative proceeding with
 16 written notice that the person intends to file the petition.

17 (c) In a proceeding begun under (b) of this section, if the superior court
 18 determines that the person is eligible for judicial relief under (a) of this section, the
 19 superior court may

- 20 (1) enjoin the administrative proceeding and determine the
 21 administrative matter in the superior court;
- 22 (2) order that the administrative matter be handled by another form of
 23 dispute resolution; or
- 24 (3) establish a deadline for the state agency to issue a final
 25 administrative decision.

26 (d) After a person files a petition under (b) of this section, the state agency
 27 shall continue with the administrative proceeding unless the superior court

- 28 (1) enjoins the administrative proceeding under (c)(1) of this section;
- 29 or
- 30 (2) issues an order under (c)(2) of this section.

31 (e) If the superior court decides that a person is not eligible for judicial relief

1 under (a) of this section, a party to the administrative proceeding may exercise any
2 right of appeal allowed under law for the final administrative decision as if the person
3 had not filed a petition under (b) of this section.

4 (f) A person may not obtain judicial relief under this section in a personnel
5 proceeding by a state agency. In this subsection, "personnel proceeding" includes a
6 proceeding under AS 39.25 (State Personnel Act) and a proceeding in a grievance
7 arbitration procedure under a collective bargaining agreement.

8 (g) In this section,

9 (1) "administrative matter" means the subject matter of an
10 administrative proceeding;

11 (2) "administrative proceeding" means

12 (A) a proceeding subject to AS 44.62.330 - 44.62.630; and

13 (B) a proceeding that is not subject to AS 44.62.330 -
14 44.62.630, that is authorized by statute for the adjudication of a state agency
15 matter by the state agency handling the matter or by a person appointed by the
16 state agency, and that involves a matter that directly affects the personal,
17 professional, or business interests of a specific person who is named in the
18 adjudication;

19 (3) "damage" means damage to the personal, professional, or business
20 interests of a person;

21 (4) "party" means a specific person whose personal, professional, or
22 business interests are the subject of an administrative proceeding and who is named in
23 the administrative proceeding;

24 (5) "person" does not include a state agency or other governmental
25 agency;

26 (6) "state agency" means a department, an institution, a board, a
27 commission, a division, an authority, and any other administrative unit of the
28 executive branch of state government, except a public corporation; the term includes
29 the University of Alaska.

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

(907) 465-3744
FAX (907) 465-2273

STATE AFFAIRS COMMITTEE

MEMORANDUM

DATE: March 15, 2004
TO: Rep. Lesil McGuire
FROM: Rep. Bruce Weyhrauch
SUBJECT: HB 533 – Judicial Extraction from Administrative Review

At this time I respectfully request a hearing before your committee on this very important piece of legislation. The Judiciary Committee is this bill's first committee of referral.

If you have any questions or need further information, I invite you to contact Dave Stancliff from Senator Therriault's office.

Thank you for your kind attention to this matter.

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

(907) 465-3744
FAX (907) 465-2273

STATE AFFAIRS COMMITTEE

HB 533

Judicial Extraction from Administrative Review

HB 533 allows a person (petitioner) who is unable to obtain a final administrative decision from a government agency to ask the Superior Court for assistance.

Under the present system, the agency regulators have the power to keep a petitioner tied up in its process for extended periods of time. Long delays can mean high costs to the state, the petitioner and damage to the integrity of the administrative process itself. High costs are especially onerous to smaller businesses or individuals.

The legislature does not intend that agencies be able to tie up petitioners for unreasonable lengths of time. Since the judiciary requires administrative remedies to be exhausted before taking the matter up in court, abuse of agency authority can actually block or unduly delay due process.

For instance, if a state agency fears losing a contested rule in court, it has the ability to effectively delay judicial review by refusing to issue a final administrative decision.

House Bill 533 is an integral part of three-phase regulation reform package.

- Senate Bill 203 reforms the internal administrative hearing process.
- Senate Bill 287 / House Bill 424 reforms the initial phases of the regulatory process.
- Senate Bill 333 / House Bill 533 reforms the final phases of the administrative process.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: H.B. 533
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
Title: If Unreasonable Agency Delay, RDU _____
Court Decides Component _____
Sponsor: Representative Weyrauch
Requester: House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
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)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson, Legislative Liaison Phone 465-6137
Division: Alaska Department of Fish & Game Date/Time 3/19/04 5:33 PM
Approved by: Commissioner Kevin Duffy Date 3/19/2004
Agency: Alaska Department of Fish & Game

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB533-DHSS-DPA-03-23-04
() Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Health & Social Services

Title JUDICIAL OVERSIGHT OF ADMINISTRATIVE PROCEDURES

RDU Public Assistance

Component Public Assistance Field Svcs

Sponsor HOUSE (STA)

Requester HOUSE (JUD)

Component No. 236

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual	59.4	59.4	59.4	59.4	59.4	59.4
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	59.4	59.4	59.4	59.4	59.4	59.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	59.4	59.4	59.4	59.4	59.4	59.4
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	59.4	59.4	59.4	59.4	59.4	59.4

Estimate of any current year (FY2004) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill allows individuals involved in administrative hearing procedures to seek and receive judicial relief before completing all available administrative proceedings. Public Assistance receives approximately 550 requests for administrative fair hearings per year. While the number of hearings that may proceed to court could range from zero to 550, we will assume approximately 10% or 55 will go to court, and each will require 10 hours of work by an AAG. Our cost estimates are based on the FY 05 Dept. of Law attorney's fees of \$108 per hour.

55 cases/yr. x 10hrs./case x \$108/hr = \$59,400

Prepared by: Angela Salerno
Division Public Assistance
Approved by: Joel S. Gilbertson, Commissioner
Agency Department of Health and Social Services

Phone 465-3200
Date/Time 03/10/2004
Date 03/23/2004

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB533-DHSS-DHCS1-03-23-04
() Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Health & Social Services

Title JUDICIAL OVERSIGHT OF ADMINISTRATIVE PROCEDURES

RDU Health Care Services

Component Health Purchasing Group

Sponsor HOUSE (STA)

Requester HOUSE (JUD)

Component No. 243

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual	40.0	40.0	40.0	40.0	40.0	40.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	40.0	40.0	40.0	40.0	40.0	40.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
-------------------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts	20.0	20.0	20.0	20.0	20.0	20.0
1003 GF Match	20.0	20.0	20.0	20.0	20.0	20.0
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	40.0	40.0	40.0	40.0	40.0	40.0

Estimate of any current year (FY2004) cost: _____

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POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would allow parties involved in the administrative hearing and appeals process judicial relief if a party to the proceeding has satisfied all procedural requirements up to the time relief is sought, a state agency unreasonably delays the administrative process, and that delay causes significant and irreparable damage.

The Division of Health Care Services, Health Purchasing Group handles approximately 150 Medicaid and CAMA provider appeals and 185 Medicaid and CAMA recipient fair hearings annually. Assuming 10% of these proceedings bypass administrative remedy, it is estimated the division will need to purchase the part-time services of an additional attorney from the Department of Law.

Prepared by: Dwayne Peoples, Director
Division: Health Care Services
Approved by: Joel S. Gilbertson, Commissioner
Agency: Department of Health and Social Services

Phone 465-3355
Date/Time 03/13/2004
Date 03/23/2004

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB533
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title "An act relating to judicial relief before final RDU Comm. Fish Entry Commission
administrative decisions of state agencies." Component Commercial Fisheries Entry
 Sponsor House State Affairs Committee Commission
 Requester House Judiciary Committee Component No. 471

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Services						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: 0.0
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POSITIONS

Full-time	*	*	*	*	*	*
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 The commission has averaged more than 70 final decisions on applications for limited entry permits each year since 1990 (more than 1,000 total). Seven appeals from these decisions are currently pending in court, representing about 10% of our average yearly final decisions on applications (the commission does additional kinds of cases including transfer cases).

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Prepared by: Shirley Penrose, Administrative Officer Phone 907-790-6960
 Division: Commercial Fisheries Entry Commission Date/Time 3/23/04 10:13 AM
 Approved by: Bruce Twomley, Chairman Date 3/23/2003
 Agency: Commercial Fisheries Entry Commission

FISCAL NOTE

**STATE OF ALASKA
2004 LEGISLATIVE SESSION**

BILL NO. HB533

ANALYSIS CONTINUATION

under HB 533 without having first exhausted the administrative appeal process available to them, 32 additional lawsuits would be generated. Because gathering and preparing records and assisting the Department of Law with court appeals of CFEC cases is enormously labor intensive and time consuming, if HB 533 results in 10% of the appeals pending before the commission being filed with the courts, the commission will need to add one paralegal position to assist with the additional workload.

The following personal services costs are calculated for a range 15 with salary, benefits and employer costs, including yearly merit increases (based on the current employer costs and XE salary schedule):

FY05: \$54.4
FY06: \$55.8
FY07: \$57.5
FY08: \$59.3
FY09: \$61.0
FY10: \$63.0