

LEG. FINANCE - BILLS 1983 - 1984 - 1909

HB 480 cont. - HB 486 1908

January 26, 1984

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

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

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

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

Fiscal Analysis - HB 480

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

1st Year (FY 85)

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

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

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

13 REQUEST FOR
NEW POSITION

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

Page _____ of _____
Revised Date _____

FY 85

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

13 REQUEST FOR
NEW POSITION

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

Page of
Revised Date

FY 85

1.	POSITION TITLE Paralegal Assistant II				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		30,876							
6.	Benefits		5,064							
7.	Supplemental Benefits		1,893							
8.	Fixed Benefits		2,736							
9.	TOTAL PERSONAL SERVICES		01		40,569					
10.	Travel		02		2,000					
11.	Contractual		03		3,000					
12.	Commodities		04		4,500					
13.	Equipment		05		1,500					
14.	Other									
15.	TOTAL COST				51,569					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004 51,569					
19.					I-A Receipts 1005					
20.					Program Receipts 1020					
21.					Other					
FOR B&M USE ONLY										
4A KEY NUMBER _____										

This position is needed to coordinate the efforts of other departments in the three year review of the entire body of regulations contained in the Alaska Administrative Code. The position will monitor and track review activities in departments responsible for administering state regulations to ensure that regulations that are lawfully required for the operation of state service programs do not unintentionally expire. This level of work is ideally suited for a paralegal assistant, given the large body of code, up to one-third of the state's existing regulations, which must be reviewed each year.

13 REQUEST FOR
NEW POSITION

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

FY 85

Page _____ of _____
Revised Date _____

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

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

13 REQUEST FOR
NEW POSITION

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

Page _____ of _____
Revised Date _____

FY 85

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

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

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

Distribution (by Agency preparing fiscal note):

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

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousand of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

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

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

12/1/83

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

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

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

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

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

Distribution (by Agency preparing fiscal note):

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

12/1/83

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 480

~~NEUTRAL~~

February 17, 1984



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

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

Robert J. Sundberg
Commissioner

JR HB

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis.

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

Phone: 465-2300

Date: 02/27/84

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

Date: 2/29/84

Distribution (by Agency preparing fiscal note):

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

Analysis for HB 480

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

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

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

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

FY 85

I. Personal Services

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

II. Travel

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

III. Contractual

Publication costs for regulations as well as telephone charges. 13.0

IV. Supplies and Equipment

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

31.80

Introduced: 1/9/84
Referred: State Affairs

1 IN THE HOUSE

BY BETTISWORTH AND LISKA

2

HOUSE BILL NO. 480

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

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

7

8

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

9

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

10

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

11

12

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

13

14

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

15

16

17

18

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

19

20

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

21

22

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

23

24

(6) the reasons for the proposed regulation;

25

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

26

27

28

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

29

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

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

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

25 (1) a reasoned justification of the regulation;

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

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

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

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

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

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		194.7	190.7	202.1	214.3	227.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis

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

LEG:B:8

Distribution (by Agency preparing fiscal note):

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

12/1/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: HB 180

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

AGENCY AFFECTED: Department of Labor

Page 2

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

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

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

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

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

The following assumptions were made in preparing this fiscal note:

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

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

13 REQUEST FOR NEW POSITION

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

FY 85

Page 1 of 3
Revised Date

LEG:F:26

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

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Worker Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

FY 85

Page 2 of 3
Revised Date

LEG:F:27

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

13 REQUEST FOR NEW POSITION

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

FY 85

Page 3 of 3
Revised Date

LEG:F:28

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis

Prepared By: ¹³ Jim Robison Phone: 465-2700
Division: Commissioner's Office Date: _____
Approved by Commissioner: ^{HB} Jim Robison Date: 2-21-84
Agency: Department of Labor

LEG:8:10
Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: HB 480

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

AGENCY AFFECTED: Department of Labor

Page 2

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

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

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

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

	RECEIPT CODE	FUNDING SOURCE	
16		Federal Receipts 1002	
17		G.F. Match 1003	
18		General Funds 1004	52,054
19		I-A Receipts 1005	
20		Program Receipts 1028	
21		Other	

For M&B Use Only
4A Key Number _____

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

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

Other operating costs associated with this position are as follows:

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

Commodities: Regular operating supplies.

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

AGENCY Labor

PROGRAM Social Services

BRU Commissioner's Office

COMPONENT Commissioner's Office

FY 85

13 REQUEST FOR NEW POSITION

Page 1 of 1

Revised Date

LEG:F:29

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: ^{MB} Jacquelyn McClintock *Jacquelyn McClintock* Phone: 465-2790
Division: Workers' Compensation Date: 2-23-84

Approved by Commissioner: ^{MB} Jim Robison *Jim Robison* Date: 2-22-84
Agency: Department of Labor

LEG:B:9

Distribution (by Agency preparing fiscal note):

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

12/1/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: HB 480

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

AGENCY AFFECTED: Department of Labor

Page 2

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

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

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

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

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

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

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

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

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

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

Other costs associated with this position would include:

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

Commodities: Basic operating supplies.

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

13 REQUEST FOR NEW POSITION

AGENCY Department of Labor

PROGRAM Public Protection

BRU Workers' Compensation

COMPONENT Workers' Compensation

FY 85

Page 1 of 1

Revised Date

LEG:F:30

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

General Fund

ANALYSIS: Attach a separate page for analysis

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

Distribution (by Agency preparing fiscal note):

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

12/1/83

FISCAL NOTE ADDENDUM
HB 480

CONTRACTUAL SERVICES

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

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: February 29, 1984

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

* - See attached Fiscal Note Analysis

ANALYSIS: Attach a separate page for analysis

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

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

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

Date: 3/1/84

Distribution (by Agency preparing fiscal note):

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

12/1/83

Fiscal Note Analysis
HB 480

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

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

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

Sponsor: Bettisworth
Requestor: _____
Date of Request: _____

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	24.0	27.5	30.0	40.8	44.5
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not stated by sponsor

ANALYSIS: Attach a separate page for analysis

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

Phone: 465-2515
Date: _____

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

Date: 3/5/84

Distribution (by Agency preparing fiscal note):

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

12/1/83

ANALYSIS
HB 480

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

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

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

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

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

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

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

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

ANALYSIS: Attach a separate page for analysis

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

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

Distribution (by Agency preparing fiscal note):

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

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/28/84

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified by the sponsors

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

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

Distribution (by Agency preparing fiscal note):

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

12/1/83

FISCAL ANALYSIS:

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

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

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

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

HOUSE BILL NO. 480

FISCAL IMPACT:

100 PERSONAL SERVICES

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

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

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

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

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

Total \$10,080.00

300 CONTRACTUAL

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

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

400 COMMODITIES

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

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

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

One position total: \$81,568.60

1.	POSITION TITLE Regulations Specialist II				RANGE/STEP 16 A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISA/P.
2.	TYPE OF POSITION PFI	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION AWA	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		30,876.00							
6.	Benefits		5,042.05							
7.	Supplemental Benefits		1,892.70							
8.	Fixed Benefits		2,728.20							
9.	TOTAL PERSONAL SERVICES		01		40,538.95					
10.	Travel		02		10,080.00					
11.	Contractual		03		27,100.00					
12.	Commodities		04		400.00					
13.	Equipment		05		3,449.65					
14.	Other				0					
15.	TOTAL COST				81,568.60					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR B&M USE ONLY										
4A KEY NUMBER _____										

This position would be required in FY '85 for the immediate implementation of the provisions of Sections 1 and 2 of HB No. 480, which mandates a complete review within three years, and subsequent action to amend, repeal or retention, of all regulations in effect as of the effective date of the bill and for any regulation adopted after the effective date of the bill.

The scope of activity required would be of such nature as to require an experienced person in the regulatory process to effectively implement the provisions of HB No. 480.

13 REQUEST FOR
NEW POSITION

AGENCY Commerce & Economic Development

PROGRAM Public Protection

BRU Occupational Licensing

COMPONENT Administration

FY 84

Page 1 of 1

Revised Date _____

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		46.1	42.8	44.6	44.7	44.8
FEDERAL FUNDS						
OTHER						
TOTAL		46.1	42.8	44.6	44.7	44.8

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Taxes

ANALYSIS: Attach a separate page for analysis

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

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

Distribution (by Agency preparing fiscal note):

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

12/1/83

1.	POSITION TITLE Regulation Specialist I				RANGE/STEP 13A	BARG. UNIT G	FORM 12 PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION Permanent	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		25.2							
6.	Benefits		7.8							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01		33.0					
10.	Travel		02		3.0					
11.	Contractual		03		3.0					
12.	Commodities		04		2.0					
13.	Equipment		05		5.1					
14.	Other									
15.	TOTAL COST				46.1					
<p>Compliance with the provisions of HB 480 would require a full-time regulation specialist. Current staffing would not permit compliance with HB 480.</p> <p>This position would draft notices, regulations, publication notices, summaries of regulations and all the other items necessary to adopt/readopt regulations on a triennial basis.</p> <p>The position would need supplies, terminal, desk, etc.</p>										
16.	RECEIPT CODE	FUNDING SOURCE								
17.		Federal Receipts 1002								
18.		C.F. Match 1003								
19.		General Funds 1004		46.1						
20.		I-A Receipts 1005								
21.		Program Receipts 1028								
		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Commerce & Economic Development
PROGRAM Consumer Protection
BRU Real Estate Commission
COMPONENT _____

Page 1 of 1
Revised Date _____

FY 85

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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

13 REQUEST FOR
NEW POSITION

AGENCY Commerce & Economic Development
 PROGRAM Consumer Protection
 BRU Real Estate Commission
 COMPONENT _____

Page 1 of 1
 Revised Date _____

FY 85

Alaska State Legislature



POUCH V
JUNEAU, ALASKA 99811

REPRESENTATIVE
ROBERT H. "BOB" BETTISWORTH

211 CUSHMAN STREET
FARBANKS, ALASKA 99701

MEMORANDUM

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

RAB

From: Representative Bob Bettisworth

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

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

OFFICE OF THE ATTORNEY GENERAL

April 2, 1984

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

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

Dear Mr. Adams:


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

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

Thank you.

Yours truly,

Norman C. Gorsuch
Attorney General

By: 
Arthur H. Peterson
Assistant Attorney General

AHP/jb

cc: The Honorable Bob Bettisworth
Alaska House of Representatives

March 1, 1984

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

Re: HB 480 (adoption and
expiration of
regulations)

Dear Representative Abood:

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

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

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

SECTION 1.

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

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

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

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

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

SECTION 2.

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

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

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

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

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

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

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

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

CONCLUSION.

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

The Honorable Mitch Abood
HB 480

March 1, 1984
Page 4

Thank you for this opportunity to comment.

Yours truly,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:

Arthur H. Peterson
Assistant Attorney General

AHP/jb

cc: Hon. Bob Bettisworth
Alaska House of Representatives

Bill No. House Bill 480

Date March 1, 1984

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

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

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

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

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

POSITION PAPER/Department of Labor

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

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

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

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

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

APPROVED:



Jim Robison
Commissioner

COMMITTEE REPORT
HOUSE

3/28

Rules

(11)

FURTHER:

3/19/84

Date: 3/27/84

The Committee on FINANCE has had HB 486

"An Act authorizing fees for the use of state park facilities;
and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 486 (Fin) same title
 new title
- and recommends Individual Recommendations sup 115
- AND attaches a "Letter of Intent" ^{NEW} Fiscal Note 2/3/84
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

R Buttsworth

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Paul J. Zhanoff (No Rec)

Jerry Wain (No Rec)

MILAN H. FRITZ (NO REC)

W F Funnell NO Rec

Tom Martin " "

acting R Buttsworth
CHAIRMAN

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 3/16/84

REQUEST (915)
Bill/Resolution No.: CS For HB 486
Title: State Park Facility Fees

FISCAL DETAIL
Agency Affected: Natural Resources
Program Category Affected: NRM&EC

Sponsor: Bettisworth
Requestor:
Date of Request: 2/2/84

BRU, Program or Subprogram(s) Affected:
Parks, Park Management/Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES		13.5	14.0	14.6	15.2	15.8
200 TRAVEL						
300 CONTRACTUAL		3.0	4.5	4.5	4.5	4.5
400 SUPPLIES		1.5	1.5	1.5	1.5	1.5
500 EQUIPMENT		3.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		21.0	20.0	20.6	21.2	21.8
CAPITAL		35.7	17.9	17.9	-0-	-0-
REVENUE		200.0	210.0	231.0	254.1	280.0

FUNDING: (Thousands of Dollars)

GENERAL FUND		56.7	37.9	38.5	21.2	21.8
FEDERAL FUNDS						
OTHER						
TOTAL		56.7	37.9	38.5	21.2	21.8

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Al Meiners/Mike Lee/Mary Halloran Phone: 265-4506, 465-2407
Division: Parks/Management Date: 2/2/84

Approved by Commissioner: William D. Amundson, Deputy Date: 2/3/84
Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

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

12/1/83

Analysis of Fiscal Note

100 Accounting Clerk ($\frac{1}{2}$ time), in Division of Management, Anchorage, to handle accounting for fees collected under this program.

300,400 Design and production of payment envelopes and purchase of supplies for accounting, etc.

500 Three safes to hold funds collected under this program, one each in the Kenai area, the Mat-Su area and the Ketchikan area..

Capital: Cost of Iron Rangers to use for fee collection.

Original sponsor: Battisworth

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 486 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fees for the use of certain state
7 park facilities; and providing for an effective
8 date."

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

10 * Section 1. AS 41.21 is amended by adding a new section to read:

11 Sec. 41.21.021. FEES FOR THE USE OF RECREATIONAL AND EDUCATIONAL
12 FACILITIES. (a) The department may establish and collect fees for
13 the use of public use cabins, campsites developed under (b) of this
14 section, and guided tours of historical sites. In adopting fees under
15 this section, the department shall consider:

16 (1) the cost to the state of operating the facility;

17 (2) fees charged for the use of a similar facility by the
18 private sector;

19 (3) the cost of administering a fee collection program at
20 the facility; and

21 (4) the public interest.

22 (b) The department may collect campsite user fees within a state
23 park for the use of a campsite if the campground has been constructed
24 with

25 (1) a safe water supply;

26 (2) individual tables and fireplaces;

27 (3) a road system with well-defined individual or clustered
28 campsites; and

29 (4) sealed vault or flush fixture sanitary facilities.

1 (c) The department may collect a campsite user fee within the
2 following state parks and other state parks if the state park meets
3 the standards established in (b) of this section: Eagle River, Bird
4 Creek, and Eklutna Lake Campgrounds in Chugach State Park, South Rolly
5 Campground in Nancy Lake State Recreation Area, Byers Lake Campground
6 in Denali State Park; and campgrounds within Johnson Lake State Recre-
7 ation Area, Minilchik State Recreation Area, Chilkat State Park, Chil-
8 koot State Recreation Site, Dry Creek State Recreation Site, Eagle
9 Trail State Recreation Site, Chena State Recreation Site, Settlers
10 Cove State Recreation Site, Quartz Lake State Recreation Area, Harding
11 Lake State Recreation Area, King Mountain State Recreation Site, Izaak
12 Walton State Recreation Site, Morgan's Landing State Recreation Area,
13 and Zuskin River State Recreation Site.

14 (d) The department shall submit a report to the legislature
15 within the first 10 days of a regular session of the legislature that
16 indicates the revenue generated, the cost of administering the fees,
17 and public comments on the fees.

18 * Sec. 2. AS 28.10.411(e) is repealed.

19 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).

Alaska State Legislature



POUCH V
JUNEAU, ALASKA 99811

REPRESENTATIVE
ROBERT H. "BOB" BETTISWORTH

211 CUSHMAN STREET
FARBANKS, ALASKA 99701

March 26, 1984

M E M O R A N D U M

To: Rep. Al Adams, Chairman, House Finance Committee and committee members

From: Rep. Bob Bettisworth

RHB

Subject: HB486, 'An Act relating to fees for the use of certain state park facilities;'

In response to suggestions from the Department of Natural Resources and discussions with other interested legislators I have caused a Finance CS to be drafted. This bill preserves virtually intact the bill passed out by the House Labor and Commerce Committee but adds additional criteria for imposition of campsite fees.

Sectional Analysis:

Section 1: DNR may set up a fee structure for campsites, public cabins and historical sites. The department must consider certain factors when adopting a fee structure. Criteria for charging a campsite user fee are listed including two additional requirements (individual tables and fireplaces and sanitary facilities) that were not included in the Labor and Commerce version. Specific park units where campsite fees would be immediately authorized are listed and a mechanism for additional park units being authorized for campsite fees is provided if all criteria are met.

Section 2: Repeals an inconsistent motor vehicle statute currently on the books that would allow those paying for Alaska vehicle registration to avoid a fee authorized in this legislation. This would put all park users, resident or non-resident, in the same position.

Section 3: Immediate effective date.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 26, 1984

SUBJECT: User fees in state parks (CSHB 486(Finance))
TO: Representative Al Adams
Chairman, House Finance Committee
FROM: Richard A. Bradley
Legislative Counsel B

Louann Cutler has requested a committee substitute for HB 486, a bill permitting certain user fees in state parks.

I suggest that you consider deleting subsection (c) of the bill; as the bill has evolved, it has become unnecessary to the substantive law. The provisions of (b) as drafted determine which parks are eligible for application of the user fees.

Alternatively, I suggest that the provisions of (c) be recast as temporary law [or perhaps as a legislative intent section] to avoid the necessity for the inclusion of the subsection in permanent law.

The term "state park" is defined in AS 38.04.910(8) (as amended in ch. 6, SLA 1984) as:

(8) "state park" means an area of state land designated by law to be managed for public use and enjoyment of recreational, scenic, cultural, historical, wilderness, and similar values, and includes roadside rests and recreational beaches, state monuments and historic sites, state recreation areas and state parks, including marine parks. [Emphasis added.]

If I may be of further assistance, please advise.

RAB:ojb
J5/011

title fee required under § 441 of this chapter, the department shall issue a new certificate of title. (§ 7 ch 178 SLA 1978)

Article 5. Fees and Charges.

Section

411. Registration fees levied

421. Registration fee rates

Section

431. Annual motor vehicle registration tax

441. Schedule of other fees and charges

Sec. 28.10.411. Registration fees levied. (a) For every year during any part of which a vehicle is subject to registration under this chapter, a registration fee shall be paid to the department at the time of original registration and at each annual renewal of registration after that time.

(b) Motor carrier and bus transportation fees paid on vehicles subject to the Alaska Motor Freight Carrier Act (AS 42.10) and the Alaska Bus Act (AS 42.15) shall be paid to the department at the same time the registration fee is paid.

(c) A resident 65 years of age or older is entitled to an exemption from tax under this section for one motor vehicle subject to registration. No exemption may be granted except upon written application for the exemption on a form prescribed by the department.

(d) The Department of Community and Regional Affairs shall pay to the borough and to the city in which a person who is granted an exemption under (c) of this section resides an amount equal to the tax levied under § 431(b) of this chapter regardless of whether the borough or city is eligible for the tax levied under that section.

(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under § 421(b)(1), (2), (5), (6) or (d) of this chapter shall include all fees required for entry into and use of a state park or campground. (§ 7 ch 178 SLA 1978)

Sec. 28.10.421. Registration fee rates. (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under §§ 101—111 of this chapter.

(b) The annual registration fees under this subsection are imposed within the following classifications for:

- (1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use \$30;
- (2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use \$35;
- (3) a taxicab \$65;
- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists \$80;
- (5) a motorcycle or a motor-driven cycle \$15;

it shall issue

registration tax
and charges

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Alaska Bus
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of persons or
..... \$35;
..... \$65;
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ing of visitors
..... \$80;
..... \$15;

(6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer \$ 5.

(c) The annual registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight which the owner shall furnish, subject to the approval of the commissioner or his representative, for a vehicle, including a motor vehicle pulling a trailer or semi-trailer, used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial use, including a commercial vehicle such as a trailer, semi-trailer, truck, wrecker, tow car, hearse, ambulance, and tractor, as follows:

- (1) up to and including 5,000 pounds \$45;
- (2) more than 5,000 pounds to and including 12,000 pounds .. \$80;
- (3) more than 12,000 pounds to and including 18,000 pounds .. \$150;
- (4) more than 18,000 pounds \$215.

(d) The special registration fees under this subsection are imposed annually, unless otherwise specified, for:

- (1) an historic vehicle (one time only upon initial registration under § 181 of this chapter) \$10;
- (2) special request plates \$20;
plus the fee required for that vehicle under (b)(1) or (2) of this section;
- (3) a vehicle owned by a disabled veteran or other handicapped person, and registered under § 181 of this chapter or a resident 65 years of age or older who complies with § 411(c) of this chapter none;
- (4) a vehicle owned by the state none;
- (5) a vehicle owned by an elected state official the fee required for that vehicle under (b) of this section;
- (6) a vehicle owned by a consular officer, unless waived under § 181 of this chapter \$30;
- (7) a vehicle owned by a rancher, farmer, or dairyman and registered under § 181 of this chapter \$30;
- (8) a snowmobile or off-highway vehicle \$ 5;
- (9) an amateur mobile radio station vehicle,
 - (A) with a transceiver capable of less than 5-band operation
..... the fee required for that vehicle under (b) or (c) of this section;
 - (B) in recognition of his service to the public: a mobile amateur radio station owned by an amateur with general class or higher license, provided the station must be satisfactorily proved capable of operating on at least five bands between 160 through 10 meters, must have an antenna, and must have a power supply and wiring as a permanent part of the vehicle; the transmitting unit may be removed from the car for service or dry storage none for a mobile amateur radio station vehicle included in b(1) or (2) of this section;

PROPOSED ALASKA STATE PARK CAMPGROUND FEES: A PROGRAM TO REDUCE GOVERNMENT SUBSIDIES

-HOW AND WHY-



PREPARED BY: NEIL C. JOHANNSEN, DIRECTOR
DIVISION OF PARKS AND OUTDOOR RECREATION
ALASKA DEPARTMENT OF NATURAL RESOURCES

AS AN INFORMATIONAL REPORT ON HB 486 AS INTRODUCED
BY THE HONORABLE ROBERT BETTISWORTH, ALASKA HOUSE
OF REPRESENTATIVES

1984

Alaska Department of
**NATURAL
RESOURCES**

Proposed Alaska State Park Campground Fees:
A Program to Reduce Government Subsidies

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Fees in Alaska State Parks

How long have fees for recreation been charged?

Of the 50 state park systems in the United States, Alaska stands alone in not levying any entry or user fees for its facilities. Within Alaska, the U.S. Forest Service, National Park Service, U.S. Fish & Wildlife Service, the Bureau of Land Management, Municipal campgrounds and (obviously) private campgrounds have fees. Alaska State Parks' 3,000 campsites are free.

Fee collection in National Parks was instituted over 50 years ago by President Franklin D. Roosevelt. Years later, in 1951, the U.S. Congress passed legislation requiring that facilities providing "service, benefit or privilege should be self-sustaining to the full extent possible". In 1964 Congress passed legislation specifically calling for recreation user fees as part of the Land and Water Conservation Fund Act. Since 1964 federal acts dealing with user fees have been constantly updated.

Most state and federal parks capture a portion of park and recreation area operation and maintenance costs nationwide.

Has Alaska State Parks ever charged user fees for recreation?

Yes. Through the Alaska Administrative Code (11 AAC 12.310) fees are authorized. The Division of Parks and Outdoor Recreation utilized an annual \$10.00 entrance fee. Individuals were given a decal that could be affixed to a vehicle allowing access for the entire year. On occasion fees have been charged by park concessionaires for boat rentals and other services.

When was the fee stopped?

The fee was stopped by the passage of a somewhat obscure piece of legislation in a body of law dealing primarily with motor vehicles in 1978. AS 28.10.411(e) said if you have an Alaska license plate on your car, you do not have to pay fees for use of a state park or campground.

Why should we charge fees again?

Times have changed. In 1978 Alaska was in the beginning of a period of record high government spending. Today the tables are turned. Revenue is tight and it will continue to decline. Also, research has shown that vandalism is reduced in campgrounds where fees are charged.

How do people react to user fees and will they pay?

Surprisingly, more than half of campground users will normally pay without hesitation. In British Columbia up to 80% compliance has been recorded. With limited staff contact they experienced 96% compliance from users.

Even closer to home, here in Alaska, the U.S. Forest Service charges campground fees of \$5.00 per night. Their program gets 77% user compliance and up to 92% user compliance when campground hosts (volunteers) are used.

What method would Alaska State Parks use to charge fees and is it really worth it?

Research tells us that "iron rangers" appear to be the most practical method. The iron ranger is essentially a self-registration station that is virtually theft and vandal proof. Staff time needed to operate it is very limited, installation is cheap, maintenance is minimal and user compliance elsewhere with this system is good to excellent. By using Campground Hosts (Volunteers in Parks) to contact campers, we expect to increase user compliance and understanding of the fee system.

Exactly what kind of fees would be charged?

Only overnight camping fees at selected well-developed campgrounds and a tour fee for the House of Wickersham. People who overnight in parks utilize the full range of facilities provided and logically should pay to help defray the costs of operating and maintaining the campgrounds. The House of Wickersham, a non-profit foundation, is envisioned which would support its existence through tour fees. Fees charged by park concessionaires would be established on an individual basis.

How much revenue do other states generate and what could Alaska expect to earn?

The more heavily populated states like California and Michigan collect \$26,000,000 and \$10,000,000 annually. Over 15 other states earn over \$1,000,000 and 33 states generate over \$500,000 each year. Preliminary analysis allows us to predict first year revenues of \$200,000. Usually revenue goes up after the first year.

Exactly how much will our campers pay?

The fee per night per campsite will be six or eight dollars. Rates will be structured with higher fees for campgrounds with the most amenities/services. Most of the small, remote and rustic vehicle campgrounds will remain free.

What do Alaska's private campground operators think of the idea?

Each operator we have contacted favors the idea. Private operators have long felt free state campgrounds constituted unfair competition.

Introduced: 1/9/84
Referred: Resources and
Finance

1 IN THE HOUSE

BY BETTISWORTH

2

HOUSE BILL NO. 486

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act authorizing fees for the use of state park
facilities; and providing for an effective date."

7

8

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

9

* Section 1. AS 41.21 is amended by adding a new section to read:

10

Sec. 41.21.021. FEES FOR THE USE OF RECREATIONAL AND EDUCATIONAL

11

FACILITIES. (a) The department may establish and collect fees for

12

the use of recreational and educational facilities established under

13

this chapter. In adopting fees for the use of recreational or educa-

14

tional facilities, the department shall consider:

15

(1) the cost to the state of operating the facility;

16

(2) fees charged for the use of a similar facility by the

17

private sector;

18

(3) the cost of administering a fee collection program at

19

the facility; and

20

(4) the public interest.

21

(b) The department shall submit a report to the legislature

22

within the first 10 days of a regular session of the legislature that

23

indicates the revenue generated, the cost of administering the fees,

24

and public comments on the fees.

25

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-

26

10.070(c).



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Natural Resources	Sponsor (Print, all) Rep. Bettisworth	Bill Number HB 486
Department Position Support with amendment noted below		
Division/ Director <i>[Signature]</i>	Date 1/31/84	Commissioner Date
GOVERNOR'S OFFICE USE		
Comments:		
<input type="checkbox"/> Position Noted	By	Date

SUMMARY

1. a) Related Bills (Similar or Conflicting) none	1. b) Other Agencies Affected by Bill Revenue, Commerce & Econ. Devel. - (Tourism)
2. a) Organizational Support for Bill Private campground operators	2. b) Organizational Opposition to Bill none known

3. Program Effects of Bill
The bill seeks to establish a system of user fees for facilities located in units of the state park system. Rates charged are to be based on state cost of operating a facility, fees charged by the private sector for similar facilities, cost of administering fee program and the public interest. Program is estimated to generate \$200,000 in revenues to the state in the first year and increase at a 10%-15% rate for the next several years as compliance improves and park system visitation increases. Fees will be from \$3.00 to \$8.00 for camp per night depending on level of service and amenities. Other fees will be charged for use of historic buildings and by future park concessionaires for use of their facilities and services. Volunteers and existing staff to admin. program.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:
The bill should be amended to repeal AS.28.10.411 (e). This statute states that fees paid for registering a vehicle in Alaska shall include all fees required for entry into and use of a state park or campground. The effect of this law is to prevent the state from charging to Alaskans. This law was passed in 1978 and effectively resulted in the elimination of previous \$10 state park annual entry permit. A non-resident only program would likely not be worth the cost of administering it and may run into constitutional law problems.

6. Comments:

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

I. REQUEST

Bill/Resolution No.: HB 486
 Title: State Park Facility Fees
 Sponsor: Rep. Bettisworth
 Requestor: _____
 Date of Request: 1/31/84

II. FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRM&EC
 BRU, Program of Subprogram(s) Affected: Parks, Park Management/Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		13.5	14.0	14.6	15.2	15.8
200 TRAVEL						
300 CONTRACTUAL		3.0	4.5	4.5	4.5	4.5
400 COMMODITIES		1.5	1.5	1.5	1.5	1.5
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		18.0	20.0	20.6	21.2	21.8
CAPITAL		35.7	17.9	17.9	-0-	-0-
REVENUE		200.0	210.0	231.0	254.1	280.0

FUNDING: (Thousands of Dollars)

GENERAL FUND		53.7	37.9	38.5	21.2	21.8
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL		53.7	37.9	38.5	21.2	21.8

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Alan Meiners/Mike Lee/Mary Halloran Phone: (907) 265-4506
 Division: Parks/Management Date: 1/31/84
 Approved by Commissioner: _____ Date: _____
 Department: Natural Resources

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

9/14/83

IV. ANALYSIS

User Fees are the rule in every state park system in the nation except Alaska. The initiation of this proposed fee system would cost approximately \$35,700 in the first year for the installation of "iron rangers" at fee payment stations at the entrances to campgrounds. \$4,500 is required for the acquisition of payment envelopes. No new staff will be required. Campground hosts (volunteers) will be used to encourage compliance with the program. Existing park rangers will collect the fee envelopes and deal with persons failing to pay the fee. Existing district office and state office staff will handle accounting of the funds.

The comparative cost in the initial year is higher due to start-up costs associated with establishing the fee stations. In subsequent years this cost will be for the establishment of seven new fee stations at existing campgrounds in the second and third years. After that, the cost of the fee collection will be included in the costs of new or rehabilitated campgrounds.

An annual increase in revenues from increased visitation, and improved compliance is estimated at 10 to 15%.

A part-time accounting clerk will be needed in DNR's Division of Management to assist the Division of Parks and Outdoor Recreation in accounting for user fees collected throughout the state.

title fee required under § 441 of this chapter, the department shall issue a new certificate of title. (§ 7 ch 178 SLA 1978)

Article 5. Fees and Charges.

Section
411. Registration fees levied
421. Registration fee rates

Section
431. Annual motor vehicle registration tax
441. Schedule of other fees and charges

Sec. 28.10.411. Registration fees levied. (a) For every year during any part of which a vehicle is subject to registration under this chapter, a registration fee shall be paid to the department at the time of original registration and at each annual renewal of registration after that time.

(b) Motor carrier and bus transportation fees paid on vehicles subject to the Alaska Motor Freight Carrier Act (AS 42.10) and the Alaska Bus Act (AS 42.15) shall be paid to the department at the same time the registration fee is paid.

(c) A resident 65 years of age or older is entitled to an exemption from tax under this section for one motor vehicle subject to registration. No exemption may be granted except upon written application for the exemption on a form prescribed by the department.

(d) The Department of Community and Regional Affairs shall pay to the borough and to the city in which a person who is granted an exemption under (c) of this section resides an amount equal to the tax levied under § 431(b) of this chapter regardless of whether the borough or city is eligible for the tax levied under that section.

(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under § 421(b)(1), (2), (5), (6) or (d) of this chapter shall include all fees required for entry into and use of a state park or campground. (§ 7 ch 178 SLA 1978)



Sec. 28.10.421. Registration fee rates. (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under §§ 101—111 of this chapter.

(b) The annual registration fees under this subsection are imposed within the following classifications for:

- (1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use \$30;
- (2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use \$35;
- (3) a taxicab \$65;
- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists \$80;
- (5) a motorcycle or a motor-driven cycle \$15;

Statute which prohibits the charging Alaska residents for entering or using a state park or campground

ALASKA STATE PARK OVERNIGHT CAMPING FEE SCHEDULE (Proposed)

A \$8.00

1. Flush toilets
2. Running water
3. Individual spaces with separation.
4. Campground Host on duty, ranger/maintenance staff Daily on grounds.
5. Close to or within major population center.
6. Proximity to good roads.
7. May have dump station.
8. Single entrance.

B \$6.00

1. Vaulted latrines
2. Clearly defined spaces
3. Recent major maintenance and upgrading
4. Hand pump or running water.
5. Road surfaced with gravel.
6. Single entrance.
7. Rangers/maintenance staff/volunteer host frequently on grounds.

C \$3.00

1. Vaulted or pit latrines
2. Spaces not clearly defined.
3. Roads hard packed dirt or sand.
4. With or without drinking water.
5. No host-rangers/maintenance. Staff intermittantly.
6. May be remote from hard surfaced roads or major highways.
7. Fewer than 6 over-night spaces.

D Free

1. Vaulted or pit latrines or no latrines.
2. Dirt roads and pads.
3. Facilities minimum of lacking.
4. May be no drinking water.
5. Sporadic or infrequent maintenance and enforcement.
6. Multiple entrances.
7. Fewer than 6 over-night spaces.
8. More than 40 miles from maintenance station.

H TBA

Fees for these areas may be charged if demand for facility is high enough and if facility has a finished product to offer, i.e. Independence Mine SHP - yes; Fort Abercrombie SHP - no for historic portion.

Campground
Fee Schedule - Western United States

Park Systems

	CLASS A	CLASS B	CLASS C	1983 Campsite Fee Total Revenue
	Table, grill, shower etc., water, flush toilets	Table, grill, water, flush toilets, surfaced roads	Table, grill, pit toilets, Rustic	
California	\$ 9.00	\$ 6.00	\$ 3.00	\$8,596,464
Colorado	6.50	5.00	4.00	\$ 394,277
Idaho	7.00	5.00	n/a	\$291,500
Montana	n/a	3.00	2.00	\$112,317
Nevada	n/a	4.00	4.00	\$262,936
New Mexico	5.00	3.00	n/a	\$370,500
Utah	7.00	6.00	4.00	\$76,617
Washington	8.00	5.50	4.00	\$2,815,331
Wyoming	n/a	2.00	n/a	\$67,224
Arizona	10.00	6.00	3.00	\$443,054
British Col.	10.00	6.00	4.00	not. avail.
Anchorage Mun.	8.00	n/a	n/a	"
NPS - Denali	n/a	6.00	.00	"
USFS	n/a	6.00	5.00	"
*Norlite (Fbx)	11.00 (14.00 in 84)	8.50	n/a	"
*Tap. Fair (Fbx)	n/a	6.00 (up in 84)	n/a	"
Alaska (State)	n/a	10/6.00	3.00	"

*Private campgrounds



Province of
British Columbia
Ministry of
Lands, Parks
and Housing

FORUM

SELF REGISTRATION IN PARKS A SUCCESS

Will B.C. campers voluntarily register and pay for campground use when there isn't an official there to ask for their money? The answer is an overwhelming "yes", as the Parks and Outdoor Recreation Division showed this year in 52 provincial parks.

Two years ago, the division launched a pilot program of self-registration fee collections in seven parks, then increased it to 11 parks in 1979 and 52 this year. The objective was to monitor both the response of campers and the effectiveness from an operations standpoint. It has proven to be an entirely valid system for both users and operators.

B.C. was the first Canadian province to use the self-registration system, but credit for its organization goes to the U.S. Forest Service, which pioneered it in the early 1970's.

The principle behind self-registration is simple: the responsibility for registering and paying camping fees falls to the camper rather than park staff. The advantage to campers is obvious: convenience. They can now pay their fee when they arrive instead of waiting for a collector to come around at a specified time. They can also pay in advance for as many nights as they wish. Assuming they do (and statistics now show this to be an entirely valid assumption), fee collectors are now free to work in other areas of park operations to improve service to the public.

The implementation of the system is also fairly simple: as campers enter the campground, a sign advises them that attendants do not collect fees. Campers are asked to select a site, then go to the self-registration station and pay. At these fee stations, strategically located in the campground, envelopes are provided, the camper fills in the registration information, puts the fee in the envelope, seals it, and deposits it in a vault, first tearing off the receipt stub. During the evening, park staff check each vault to ensure payment has been received.

During the two year period, the average voluntary compliance rate was over 80% and, when additional information, instruc-

tions, or reminders were given, the average was a stunning 96%! This rate is as high as that achieved with traditional methods of fee collection. Based on B.C.'s experimental program, Yoho National Park started a similar system in the summer of 1979. Their volunteer compliance averaged 92% — another indication of the system's viability and people's basic honesty!

To get public reaction to the new system, the division monitored some of the 20,000 camping parties who participated in the 1978 pilot program. At that time, users did not show any strong objections to the system. They were undecided as to whether or not there was a decrease in contact with staff and it was generally felt there were no problems with change, foreign currency (American) or the instructions. They did, however, remark on the appearance of the fee station, because it did not blend with park environment. This response was welcomed because the fee stations and vaults were designed to be easily identified.

As with most new concepts, improvements are an integral part of their success. The self-registration system was no exception. Several recommendations were made by field staff and improvements and modifications were made.



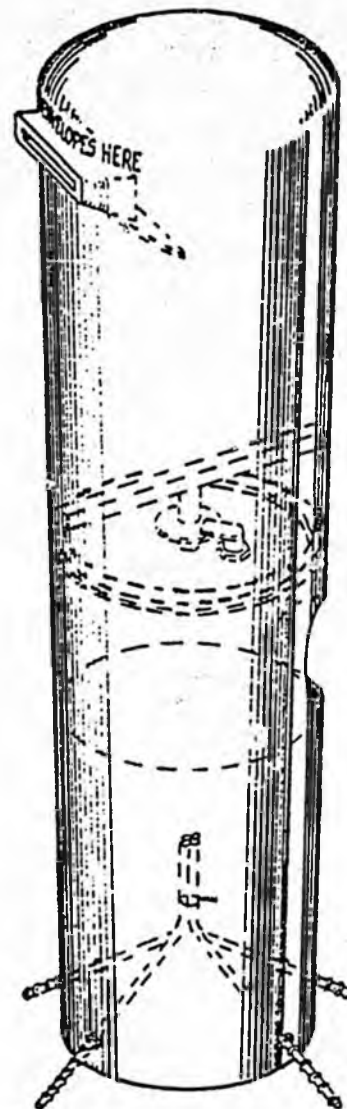
Ron Kerr of the Parks and Outdoor Recreation Division Operations Branch demonstrates the self-registration fee system. Ron is filling out the permit envelope following the instructions on the sign. In the foreground is the vault where Ron will deposit the permit envelope and camping fee.

ENVELOPE DEPOSITORY

SAMPLE

- D-625 DEPOSITORY BOX 48" HIGH
- DOMED HEAD AND REINFORCED SLOT PREVENTS DISTORTION BY PRYING
- STURDY 8" IRON PIPE PREVENTS USE OF PIPE CUTTER
- HIDDEN LOCK PANEL INACCESSIBLE FOR CHISELING, DRILLING OR PRYING
- ANTI TILT RING ABOVE LOCK PLATE
- CEMENT CAST INTO PIPE ANCHORS IT PERMANENTLY TO BASE
- FOREST GREEN PAINT

72.50 EACH



ALL PRICES F.O.B. ORLAND
Subject To Change Without Notice

NOTE: ALL shipments will be prepaid via most economical method
Shipping charges will appear as a separate item on your invoice.



B&K INDUSTRIES INCORPORATED

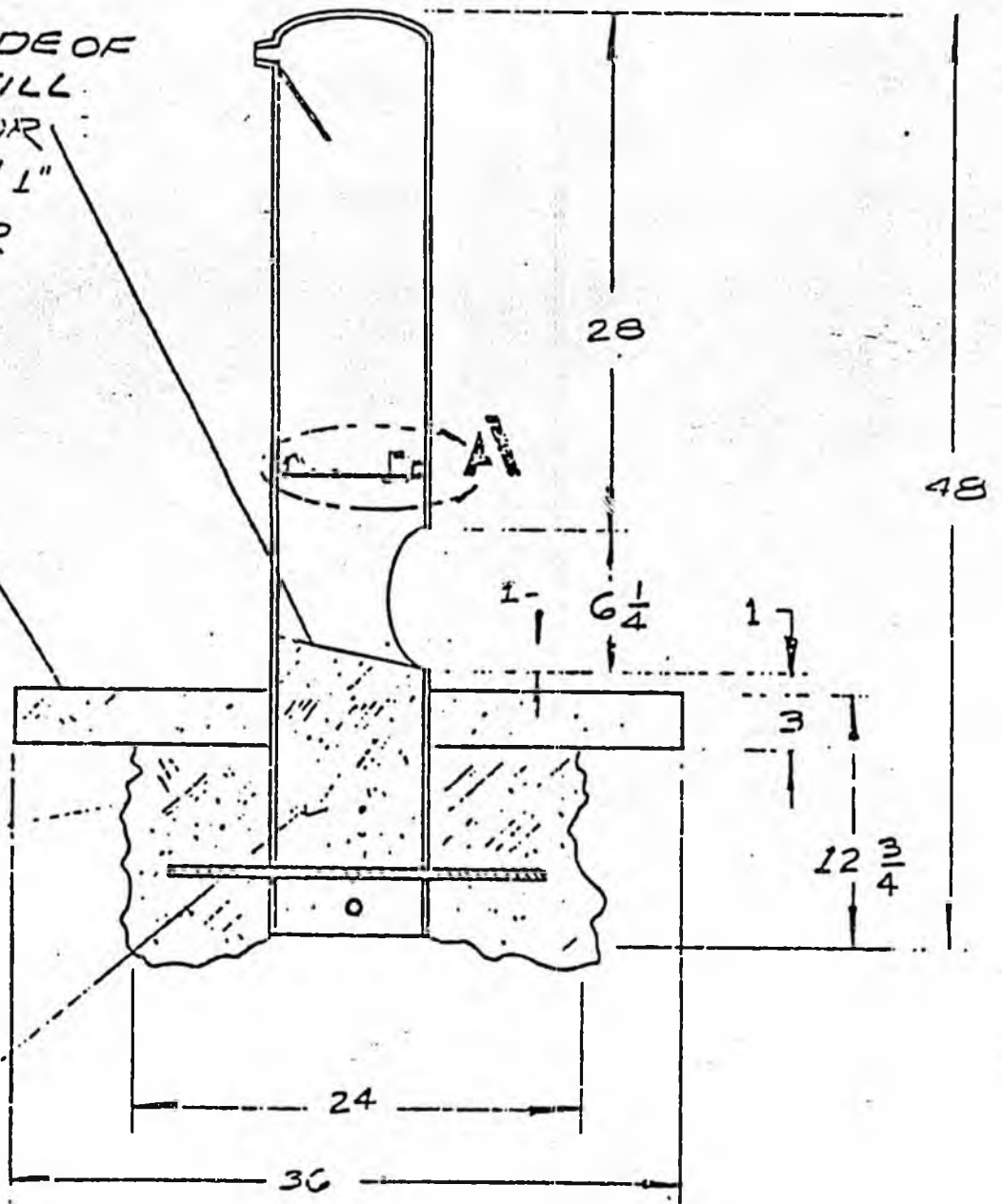
P.O. BOX 876 • ORLAND, CA. 95963 • (916) 865-4777

NOTE: FILL INSIDE OF
TUBE W/ CONC. TILL
EVEN WITH DOOR
LOWER LIP, W/ 1"
FLOVE TO OTHER
SIDE

30 x 30 x 3"
CONC. PAD
2.5" DIA

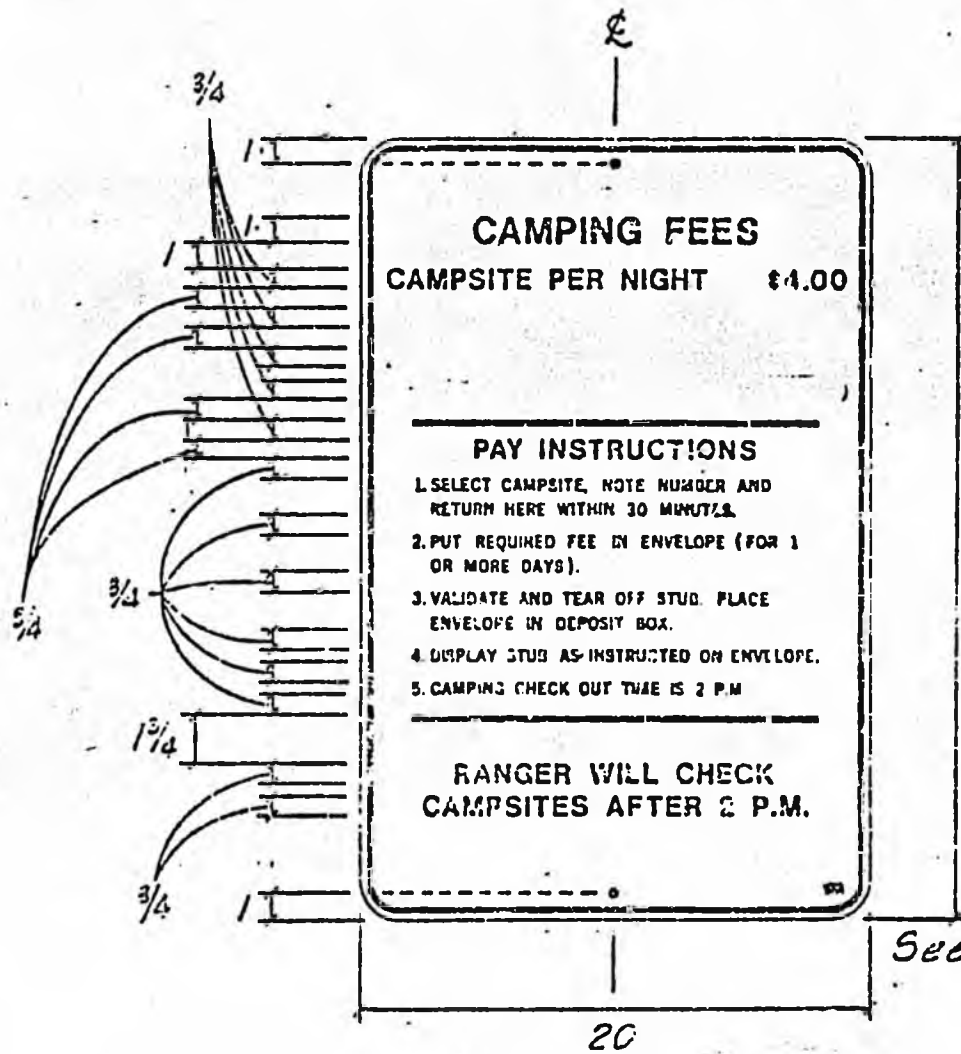
31 CU. FT.
CONCRETE

458 CU. FT.
CONCRETE



Side view of a typical
fee collection devise
or "iron ranger".

SIGN DIMENSIONS



Note: Unless otherwise noted lettering is to be 1/2" and spacing between lines is 1/2".

See Bear Specs

Sign Number: 790-477 (Revised) ALL DIMENSIONS IN INCHES

Size	Border Width	Margin				Frame Stiffener			Bear	Hole	Gauge	Corner Radius	
		Top	Bottom	Left	Right	Dwg.	A	B					C
20x30	1/4	3	4	1	1	---	---	---	---	1/2	5/16	0.80	1 1/2

Colors		Production Method	
Symbol		Reflective	Non-Reflective
Strip			
Border	Silver-White	Background	
Background	White	Border:	
Letters	Silver-White	Letters & Symbols:	
Diamond		Die Cut Letters	
Diamond Letters		Die Cut Letters & Symbols	
		Drawn By: J.F.	

Typical Fee Payment Instruction Sign

PERMIT

Valid Only at This Site for
the Day(s) Paid Beginning
Purchase Date / /
Campers: Check Out 2 p.m.
Number of Days Paid



No. B 0531009

Detach this stub and display on
vehicle dashboard clearly visible
from outside.

No. B 0531009

U.S. Department of Agriculture
Forest Service

COMPLETE THIS BLOCK ONLY ONCE DURING YOUR STAY		
ARRIVAL _____	(HOUR) _____	(AM or PM)
No. PEOPLE IN VEHICLE _____	HOME ZIP CODE _____	
EXPECTED DEPARTURE _____	(DATE) _____	(HOUR) _____ (AM or PM)

TO VALIDATE COMPLETE THE FOLLOWING

Amount Enclosed \$ _____ Number of Days Paid _____

Purchase Date / /

Car License _____ State _____

Golden Age Passport No. (if applicable) _____

CAMPGROUND USERS MUST COMPLETE THE FOLLOWING:

Camp Unit No. _____

2300-26L (2/76)

PERMIT

Valid Only at This Site for
the Day(s) Paid Beginning
Purchase Date / /
Campers: Check Out 2 p.m.
Number of Days Paid



No. B 0531010

Detach this stub and display on
vehicle dashboard clearly visible
from outside.

No. B 0531010

U.S. Department of Agriculture
Forest Service

COMPLETE THIS BLOCK ONLY ONCE DURING YOUR STAY		
ARRIVAL _____	(HOUR) _____	(AM or PM)
No. PEOPLE IN VEHICLE _____	HOME ZIP CODE _____	
EXPECTED DEPARTURE _____	(DATE) _____	(HOUR) _____ (AM or PM)

TO VALIDATE COMPLETE THE FOLLOWING

Amount Enclosed \$ _____ Number of Days Paid _____

Purchase Date / /

Car License _____ State _____

Golden Age Passport No. (if applicable) _____

CAMPGROUND USERS MUST COMPLETE THE FOLLOWING:

Camp Unit No. _____

2300-26b (2/76)



DRAFT
Alaska State Park System User Fee Policy

The policy of the Division of Parks and Outdoor Recreation regarding user fees in state park units is:

1. To establish and levy affordable entry, facility use and program fees where it is practical to do so and where the facilities or programs are worthy of the fees charged. Initial fees shall be levied only for high quality and urban adjacent campsites and for tours of the Wickersham State Historic Site.
2. Fees should be charged for highly specialized developments or programs catering to a specific clientele. Fee schedules shall seek to significantly reduce, or if possible eliminate, user subsidies.
3. Some fees may be adjusted annually, effective January 1. The overall percentage fee increase shall not be greater than the rate of inflation for the preceding year and/or a reasonable amount of increase if it is found that a user fee has been artificially low.
4. Fees schedules shall generally be in round dollar numbers to avoid the expense and inconvenience of making change.
5. Fees may be waived for school groups on a reservation basis, when their visit or trip is in conjunction with an educational program for grades K through 12.
6. Where fees are charged on an individual rather than a per vehicle basis, fees may be reduced for visitors under 12 or over 65 years of age.
7. Insofar as possible every effort should be made to insure that user fees do not unreasonably discriminate against economically disadvantaged or other minority groups.
8. Annual use permits may be established and used in lieu of paying daily fees to provide a moderate savings to frequent users of park facilities.