

ALASKA LEGISLATIVE COMMITTEE FILES 1985-1986 80/2

3348 HJUD HB 456 - HB 458



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

7/25/89  
Date

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STATE OF ALASKA  
THE LEGISLATURE

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

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

4/21/86

1:30 pm

HOUSE  
COMMITTEE REPORT

(7)

Date referred: 3/26/86

FURTHER REFERRALS: FINANCE

DATE: \_\_\_\_\_

The JUDICIARY Committee has considered SSHB 456

"An Act relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS SSHB 456 (JUD)  same title
- new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

[Signature]

ROD E. TROTT

Admin by Taylor

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

SIGNING OTHER RECOMMENDATIONS:

[Signature] - NO REC.

[Signature] 100 REC

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]

Chairman

Original sponsors: Pourchet and Boucher

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to registration of commercial and  
7 noncommercial motor vehicles and providing a penalty  
8 for failure to obtain title or registration; and  
9 providing for an effective date."

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

11 \* Section 1. AS 28.10.121(a) is amended to read:

12 (a) A nonresident owner of a noncommercial vehicle registered  
13 outside the state is exempt from the registration provisions of this  
14 chapter for 60 [90] days after entry into the state if the vehicle at  
15 all times when driven in this state is registered in and has displayed  
16 upon it a currently valid registration plate issued for it by another  
17 jurisdiction. However, if the person becomes gainfully employed in  
18 the state or takes action that [WHICH] indicates an intention to  
19 acquire residence in the state, the person shall comply with the  
20 licensing and registration provisions of this chapter within 10 [15]  
21 days of commencement of employment or of taking action that [WHICH]  
22 indicates the person's intention to acquire residence. If the vehicle  
23 is a commercial vehicle, the vehicle must be registered when its  
24 commercial use begins except as provided in AS 28.10.011 and 28.10.-  
25 131(c) [IN ACCORDANCE WITH AS 28.10.141 AND OTHER APPLICABLE PRO-  
26 VISIONS OF THIS CHAPTER].

27 \* Sec. 2. AS 28.10.121 is amended by adding a new subsection to read:

28 (d) It is the responsibility of the person claiming exemption  
29 under this section to provide proof of qualification for the ex-

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emption.

\* Sec. 3. AS 28.10.131(c) is amended to read:

(c) If a vehicle to be registered under this chapter is previously registered outside the state, the jurisdiction of registry shall be stated in the application, and the owner shall surrender to the department all evidence of out-of-state registration in the owner's [NYS] possession or control except as provided in this section or AS 28.10.141, and the department may require verification of the vehicle identification number.

\* Sec. 4. AS 28.10.131 is amended by adding a new subsection to read:

(c) If the owner of a commercial vehicle desires to maintain title in another jurisdiction, the department, when satisfied that the applicant is temporarily operating in-state and is the lawfully registered owner of the commercial vehicle, may register the commercial vehicle without issuing a title and shall type or stamp on the face of the State of Alaska certificate of registration "No Title Issued."

\* Sec. 5. AS 28.10.141 is amended to read:

Sec. 28.10.141. INTERSTATE USE OF VEHICLES. When, in the course of regular interstate operation in this state [OF] a commercial vehicle licensed by the Interstate Commerce Commission under 49 U.S.C. 1-1240 (Interstate Commerce Act) or regulated by the Federal Maritime Commission under 46 U.S.C. 304 (Interstate Commerce Act) is registered in another jurisdiction, and it is desirable to retain the registration and title of the vehicle in the other jurisdiction, the owner or an agent of the owner shall register the vehicle and pay all required fees and taxes and submit for inspection the certificate of registration issued by that jurisdiction. The department, when satisfied that the applicant is entitled to the exemption from the title requirements of this chapter, shall register the vehicle but may

not issue a certificate of title. [NOTICE OF THE FACT THAT THE VEHICLE IS REGISTERED IN ANOTHER JURISDICTION SHALL APPEAR ON THE CERTIFICATE OF REGISTRATION ISSUED BY THIS STATE AND IN THE RECORDS OF THE DEPARTMENT MAINTAINED UNDER AS 28.10.071.]

\* Sec. 6. AS 28.10.151 is amended to read:

Sec. 28.10.151. VEHICLES TRANSPORTED UNDER SPECIAL PERMITS.

When moved or driven under a special permit to be designed and issued by the department, the registration required by this chapter is not required of

(1) a vehicle under construction and which is not completed;

(2) a vehicle while being moved from one place to another for the purpose of inspection, weighing, or meeting other requirements of the department; or

(3) a vehicle while being moved or driven from one location to another for the purpose of rebuilding, dismantling, or permanently removing the vehicle from the highways and vehicular ways and areas of the state;

(4) an unladen commercial vehicle making a single continuous trip by a noncircular route for a period of time not exceeding 10 days.

\* Sec. 7. AS 28.10.151 is amended by adding a new subsection to read:

(b) A special permit issued under this section shall be prominently displayed.

\* Sec. 8. AS 28.10.201(d) is amended to read:

(d) Except for vehicles registered under AS 28.10.131(b) or (c) and 28.10.141, the department may not register a vehicle unless the applicant for registration at the same time applies for and obtains a certificate of title under this chapter, or presents satisfactory

1 evidence that a certificate of title was previously issued to the  
2 applicant. The department may not accept the application for the  
3 original certificate of registration or title to a vehicle unless the  
4 vehicle is in the state at the time of application. However, the  
5 department may accept an application for registration and certificate  
6 of title for a vehicle is not in the state when the application is  
7 made by a registered and bonded dealer or by a resident of the state  
8 when the application is accompanied by a manufacturer's statement of  
9 origin, or in the case of a used vehicle, when the application is  
10 accompanied by a certificate of title issued in another jurisdiction  
11 and a certificate of inspection by a peace officer of that jurisdic-  
12 tion stating that the vehicle has been determined to be the vehicle  
13 described in the certificate of title and that the vehicle has not  
14 been reported stolen.

15 \* Sec. 9. AS 28.10.451 is amended by adding a new subsection to read:

16 (b) Except as otherwise provided in this chapter, a person who  
17 violates this section shall be fined \$50. In addition to the fine of  
18 \$50, a person who continues to violate this section after being cited,  
19 shall be fined an additional \$10 for each day the person fails to  
20 properly title or register the vehicle, not to exceed \$250. The  
21 additional fine of \$10 a day under this subsection may not be imposed  
22 if the person who violates this section obtains proper title or  
23 registration within five days after being charged. A person who  
24 violates this section two or more times, within seven years of the  
25 prior violation, is guilty of a class B misdemeanor.

26 \* Sec. 10. This Act takes effect immediately in accordance with AS 01.-  
27 10.070(c).  
28  
29

INDEX TO PACKET

1. Cover Memo
2. SSHB 456
3. Sectional Analysis for SSHB 456
4. Summary
5. Position Paper - Department of Public Safety
6. Alaska Statutes - Title 28 - Chapter 10  
Relating to Motor Vehicle Registration and Title
7. Department of Public Safety Regulations  
Relating to Motor Vehicle Registration and Title
8. Fiscal Note - Department of Public Safety

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE  
COMMITTEE ON OIL AND GAS



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## House of Representatives

### MEMORANDUM

DATE: April 15, 1986

TO: House Judiciary Committee  
Representative Mike M. Miller, Chairman  
Representative John Sund, Vice-Chairman  
Representative Don Clocksin  
Representative Max Gruenberg  
Representative Fritz Pettyjohn  
Representative Randy Phillips  
Representative Robin Taylor

FROM: Representative Pat Fourchot  
Representative Red Boucher

SUBJECT: SSHB 456, Relating to Registration of Motor Vehicles

With increasing frequency, we hear complaints of commercial vehicles with out-of-state license plates operating on our highways. While some operators may pay the required registration fee, others do not. Enforcement of registration laws is difficult as there is no visual means to quickly identify the illegal nonregistered operator.

In addition, many new residents or nonresidents working temporarily instate fail to comply with state registration requirements, choosing instead to maintain their vehicle registration in other states. These residents benefit from our roads and jobs without paying the required fees.

SSHB 456 would eliminate distinctions between nonresident and resident commercial vehicles for purposes of registration, assessing fees, and display of license plates. Only licensed ICC carriers and unladen commercial vehicles operating under a one way trip permit would be exempted although prominent display of permits would be required.

SSHB would shorten the length of time a nonresident, noncommercial vehicle is exempt from state registration requirements, require proof of any exemption from registration, and provide a specified fine for noncompliance with current registration and title laws.

Page 2

We consider this legislation to be an important element of the local hire issue in its attempt to enforce our vehicle registration laws and to legally, but forcefully, discourage the use of nonresident commercial vehicles.

Introduced: 2/12/36  
Referred: Transportation  
Judiciary and Finance

1 IN THE HOUSE BY POURCHOT AND BOUCHER  
2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to registration of commercial and  
7 noncommercial motor vehicles and providing a penalty  
8 for failure to obtain title or registration; and  
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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14 chapter for 60 [90] days after entry into the state if the vehicle at  
15 all times when driven in this state is registered in and has displayed  
16 upon it a currently valid registration plate issued for it by another  
17 jurisdiction. However, if the person becomes gainfully employed in  
18 the state or takes action that [WHICH] indicates an intention to  
19 acquire residence in the state, the person shall comply with the  
20 licensing and registration provisions of this chapter within 10 [15]  
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5       shall be stated in the application, and the owner shall surrender to  
6       the department all evidence of out-of-state registration in the  
7       owner's [HIS] possession or control except as provided in this section  
8       or AS 28.10.141, and the department may require verification of the  
9       vehicle identification number.

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12       title in another jurisdiction, the department, when satisfied that the  
13       applicant is temporarily operating in-state and is the lawfully regis-  
14       tered owner of the commercial vehicle, may register the commercial  
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16       the State of Alaska certificate of registration "No Title Issued."

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19       of regular interstate operation in this state [OF] a commercial  
20       vehicle licensed by the Interstate Commerce Commission under 49 U.S.C.  
21       1-1240 (Interstate Commerce Act) is registered in another jurisdic-  
22       tion, and it is desirable to retain the registration and title of the  
23       vehicle in the other jurisdiction, the owner or an agent of the owner  
24       shall register the vehicle and pay all required fees and taxes and  
25       submit for inspection the certificate of registration issued by that  
26       jurisdiction. The department, when satisfied that the applicant is  
27       entitled to the exemption from the title requirements of this chapter,  
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29       [NOTICE OF THE FACT THAT THE VEHICLE IS REGISTERED IN ANOTHER

1 JURISDICTION SHALL APPEAR ON THE CERTIFICATE OF REGISTRATION ISSUED BY  
2 THIS STATE AND IN THE RECORDS OF THE DEPARTMENT MAINTAINED UNDER  
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7 when the application is accompanied by a manufacturer's statement of  
8 origin, or in the case of a used vehicle, when the application is  
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22 being charged. A person who violates this section two or more times,  
23 within five years of the prior violation, is guilty of a class B  
24 misdemeanor.

25 \* Sec. 10. This Act takes effect immediately in accordance with AS 01.-  
26 10.070(c).

A M E N D M E N T

OFFERED IN THE HOUSE:

By: \_\_\_\_\_

To: \_\_\_\_\_ HOUSE BILL No. 456 \_\_\_\_\_

SENATE BILL No. \_\_\_\_\_

PAGE: 2 \_\_\_\_\_

LINE: 21 \_\_\_\_\_

After: "Act)"

Add: "or Federal Maritime Commission"

STATE OF ALASKA  
THE LEGISLATURE

POUCHY STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 28, 1986

SUBJECT: Registration of Motor Vehicles - SSHB 456  
TO: Representative Pat Pourchot  
FROM: Michael F. Ford *M.F.*  
Legislative Counsel

The following is a sectional analysis of SSHB 456, as requested:

Section 1

Lowers the nonresident exemption from registration of a non-commercial vehicle from 90 to 60 days, and the requirement that registration take place after employment is lowered from 15 to 10 days after the person becomes employed. Requires commercial vehicles to be registered when use begins, except as provided in AS 28.10.011 and 28.10.131(c).

Section 2

Requires the person claiming nonresident exemption from registration to provide proof of qualification for the exemption.

Section 3

Technical amendment in conjunction with section 4.

Section 4

Allows the owner of a commercial vehicle temporarily operating in-state to register a commercial vehicle, while maintaining title in another jurisdiction.

Section 5

Requires owners of commercial vehicles licensed by the I.C.C. and registered in another jurisdiction who desire to

Representative Pat Pourchot

Page 2

February 28, 1986

retain registration and title in the other jurisdiction, to register the commercial vehicle, but exempts the owner from title requirements.

Section 6

Adds an additional exemption from registration requirements for an unladen commercial vehicle making a single continuous trip not exceeding 10 days.

Section 7

Requires special permits issued under AS 28.10.151 to be prominently displayed.

Section 8

Technical amendment in conjunction with section 4.

Section 9

Provides a penalty for failure to title or register a vehicle.

Section 10

Effective date.

MFF:mkr

m3/100

SUMMARY

SSHB 456  
(Relating to Vehicle Registration)

Background

Current State law or regulations require the registration of all vehicles operating instate. However, many new residents or nonresidents working temporarily instate illegally maintain their vehicle registration in other states. These operators benefit from our roads and jobs without paying the required fees.

Current State law also does not specifically address the handling of nonresident commercial vehicles operating temporarily instate. Regulations now provide for permitting or registration for such vehicles. However, with the exception of licensed ICC carriers, the regulations do not require the display of a permit or registration for nonresident commercial vehicles. Thus, it is difficult for law enforcement officers and the public to distinguish between a vehicle holding a valid temporary permit and one operating illegally instate.

Additionally, fees for temporary permits for nonresident commercial vehicles are now determined administratively by prorating the resident commercial vehicle fee for the number of days the nonresident vehicle is registered for use instate. This method does not appear to result in fees appropriate for the privilege of operating nonresident commercial vehicles in Alaska.

SSHB 456 would accomplish the following:

1. Shorten the length of time a nonresident, noncommercial vehicle is exempt from State registration requirements and require proof of any exemption from registration.
2. Eliminate the distinction between resident and nonresident commercial vehicles for purposes of registration, assessing fees, and display of license plates.
3. Limit the authority for issuance of special permits and the exemption from normal registration to only short-term, one-way unladen commercial vehicles and licensed ICC carriers. Permits would have to be prominently displayed.
4. Require that a specified fine be assessed for noncompliance with the State's registration and title laws.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SS HB 456

Support

February 19, 1986

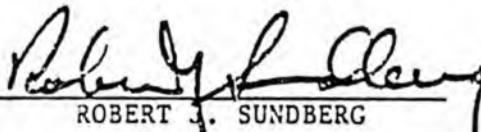
SS HB 456. An Act relating to issuance of temporary permits for commercial motor vehicles.

All commercial vehicles may now obtain a "trip permit" that allows them to operate in Alaska for up to 90 days. This gives summer commercial operators an advantage over Alaska residents who must pay full fees. This bill restricts use of the trip permit to only licensed ICC carriers and requires temporary operators to pay full fees. This is done to put non-residents on an equal economic basis with Alaska residents while, at the same time, not placing a restrictive burden on legitimate interstate carriers.

I recommend the bill be amended to consist of the two following amendments.

1. 28.10.011(9) add: F.M.C. (Federal Maritime Commission) carrier  
(a) a licensed ICC or FMC carrier under AS 28.10.141;
2. 28.10.141 add: F.M.C. (Federal Maritime Commission) carrier  
INTERSTATE USE OF VEHICLES. When a licensed ICC or FMC carrier in the course.....

Without the addition of the F.M.C. carrier, barge lines which transport commercial vehicles, (trailers) would not be eligible for trip permit when unloading at their destination.

  
ROBERT J. SUNDBERG  
Commissioner

For complete chapter please refer to a set  
of Alaska Statutes. JH 6/25/86

§ 28.10.010

ALASKA STATUTES

§ 28.10.011

## Chapter 10. Vehicle Registration and Title.

### Article

1. Registration (§§ 28.10.011 — 28.10.181)
2. Title (§§ 28.10.201 — 28.10.261)
3. Transfer of Vehicle (§§ 28.10.271 — 28.10.361)
4. Filing Documents Evidencing Liens or Encumbrances (§§ 28.10.371 — 28.10.401)
5. Fees and Charges (§§ 28.10.411 — 28.10.441)
6. Registration and Title Violations (§§ 28.10.451 — 28.10.493)
7. General Provisions (§§ 28.10.495 — 28.10.661)

### NOTES TO DECISIONS

Cited in *Newell v. National Bank*, Sup. Anchorage, Ct. App. Op. No. 89 (File No. 5318), 645 P.2d 205 (1982); *Anderson v. Municipality of* Ct. Op. No. 2518 (File No. 5437), 646 P.2d 224 (1982); *Anderson v. Municipality of*

Collateral references. — 7A Am. Jur.  
2d, *Automobiles and Highway Traffic*,  
§ 51 et seq.  
60 C.J.S., *Motor Vehicles*, § 58 et seq.

### Article 1. Registration.

#### Section

11. Vehicles subject to registration
21. Application for registration
31. Temporary permits
41. Grounds for refusing registration
51. Department may suspend or revoke registration
61. Registration of vehicles with altered or missing identification number
71. Registration records and statistics: stolen vehicles
81. Issuance of certificate of registration; certificate to be signed, carried and displayed
91. Lost or mutilated certificates of registration or registration plates
- ~~101. Expiration of registration~~

#### Section

- ~~106. Staggered registration~~
- ~~107. Staggered registration in implementation~~
111. Renewal of registration
121. Vehicles of nonresidents
131. Vehicles previously registered in other jurisdictions
141. Interstate use of vehicles
151. Vehicles transported under special permits
161. Registration plates to be furnished by department
171. Display of registration plates
181. Registration of unique and special vehicles and vehicles used for special purposes

*Sec. 28.10.010. Administration. (Repealed, § 7 ch 178 SLA 1978.)*

**Sec. 28.10.011. Vehicles subject to registration.** Every vehicle driven, moved, or parked upon a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is

**PART 4.  
DIVISION OF MOTOR VEHICLES**

**Chapter**

70. Vehicle Registration, Title, and Transfer  
(13 AAC 70.010–13 AAC 70.260)

**CHAPTER 70.  
VEHICLE REGISTRATION, TITLE,  
AND TRANSFER**

**Article**

1. Registration, Title and Transfer  
(13 AAC 70.010–13 AAC 70.250)  
2. General Provisions  
(13 AAC 70.260–13 AAC 70.270)

**ARTICLE 1.  
REGISTRATION, TITLE AND TRANSFER**

**Section**

10. Title and registration: burden of producing evidence of ownership on applicant  
20. Title and registration: grounds for refusing title or registration or transfer of title or registration  
30. Title and registration: ownership and transfer;  
40. Title and registration after involuntary transfer of ownership by court order  
50. Title and registration after tax or customs sale  
60. Title and registration after death of registered owner  
70. Title and registration for a new vehicle not located in Alaska  
80. Title and registration for a used vehicle  
90. Title and registration for a vehicle purchased in foreign country other than Canada  
100. Title and registration for vehicle purchased in Canada  
110. Title and registration for assembled vehicle  
120. Title and registration when no supporting evidence of ownership  
130. Title and registration after dismantling or wrecking vehicle  
140. Registration for vehicle registered elsewhere  
150. Registration for occasional-use vehicle  
160. Registration for snowmobile

170. Personalized registration plates for motor vehicles  
180. Registration plates for handicapped registrant  
190. Registration plates for mobile amateur radio station owner  
200. Exemption from registration tax for military  
210. Exemption from license tax for charitable organization  
220. Refund of tax or fee  
230. Satisfaction and release of liens: procedures  
240. Duty of insurance company obtaining title to an unreparable vehicle  
250. Temporary operating permits

**13 AAC 70.010. TITLE AND  
REGISTRATION: BURDEN OF PRODUCING  
EVIDENCE OF OWNERSHIP ON APPLICANT.**

An applicant for title to and registration of a vehicle has the burden of producing evidence of ownership in all cases. The department will provide reasonable guidelines to assist applicants for title and registration whose vehicles are not listed on the state's records system. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.020. TITLE AND  
REGISTRATION: GROUNDS FOR  
REFUSING TITLE OR REGISTRATION OR  
TRANSFER OF TITLE OR REGISTRATION.**

(a) The department will, in its discretion, refuse to issue title or registration or transfer title or registration if the application does not comply with the procedures established in the Alaska Motor Vehicle Act, AS 28.10 and the regulations in this chapter.

(b) If the department refuses to issue title or registration or transfer title or registration, it will promptly inform the applicant of its decision and briefly give reasons in writing for its action. An applicant may reapply after a refusal to act on an earlier application. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.110  
AS 28.10.310

**13 AAC 70.030. TITLE AND REGISTRATION: OWNERSHIP AND TRANSFER.** (a) The department will issue title and registration in the names of all owners of a vehicle upon the application and signature of one or more of the multiple owners.

(b) Title to and registration of a vehicle recorded in the names of more than one owner in the conjunctive will not be transferred or encumbered without the signature on the title of every owner or his legally recognized representative. Title and registration in the conjunctive are signified by use of the word "and" between names of the owners listed on the certificates of title and registration.

(c) Title to and registration of a vehicle recorded in the names of more than one owner in the disjunctive will be transferred or encumbered on the signature of one or more of the multiple owners or his legally recognized representative. Title and registration in the disjunctive are signified by use of the word "or" between the names of the owners listed on the certificates of title and registration.

(d) In this section, "legally recognized representative" means any person who is the heir, beneficiary, assignee, or devisee of an owner or who holds a power of attorney signed by an owner, authorizing the holder to transfer, assign or encumber title to the vehicle. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.040. TITLE AND REGISTRATION AFTER INVOLUNTARY TRANSFER OF OWNERSHIP BY COURT ORDER.** In addition to the other requirements in AS 28.10, an applicant for title and registration after involuntary transfer by court order must submit a certified copy of a court order showing a transfer to the applicant of ownership of the vehicle. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.410

**13 AAC 70.050. TITLE AND REGISTRATION AFTER TAX OR CUSTOMS SALE.** (a) In addition to the other requirements in AS 28.10, an applicant for title and registration who purchased a vehicle at a tax sale

must submit a copy of a bill of sale by the United States Internal Revenue Service, the Alaska Department of Revenue, or a municipality showing that the vehicle was sold for taxes owed upon it.

(b) In addition to the other requirements in

AS 28.10, an applicant for title and registration who purchased a vehicle at a sale by the United States Customs Service must submit a copy of a bill of sale issued by it. (Eff. 3/29/78, Reg. 65)  
Authority: AS 28.10.020  
AS 28.10.410

**13 AAC 70.060. TITLE AND REGISTRATION AFTER DEATH OF REGISTERED OWNER.** (a) In addition to the other requirements in AS 28.10, an applicant for new title and registration after the death of the registered owner must submit the following documents:

(1) letters of administration issued to the applicant as the personal representative of the estate of the deceased; or

(2) a certified copy of a probated will or a will declared valid by an order of informal probate naming the applicant the devisee of the deceased's vehicle; and

(3) the current title to and registration of the vehicle.

(b) When the estate of the deceased can be summarily administered under AS 13.16.690, the applicant for new title and registration after the death of a registered owner, in addition to the other requirements in AS 28.10, must submit a certified copy of the closing statement for the estate showing the applicant to be the person entitled to the vehicle and current title to and registration of the vehicle. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.070. TITLE AND REGISTRATION FOR A NEW VEHICLE NOT LOCATED IN ALASKA.** In addition to the other requirements in AS 28.10, an applicant for title to and registration of a new vehicle not located in Alaska at the time of application must submit a manufacturer's certificate of origin. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.090  
AS 28.10.060 AS 28.10.260

**13 AAC 70.080. TITLE AND REGISTRATION FOR A USED VEHICLE.** In addition to the other requirements in AS 28.10,

an applicant for title to and registration of a used vehicle must submit

(1) an affidavit affirming that the vehicle is located within the state; and

(2) current title to and registration of the vehicle, or current registration alone if the owner cannot surrender out-of-state title. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.090  
AS 28.10.050 AS 28.10.260

**13 AAC 70.090. TITLE AND REGISTRATION FOR VEHICLE PURCHASED IN FOREIGN COUNTRY OTHER THAN CANADA.** (a) In addition to the other requirements in AS 28.10, an applicant for title to and registration of a new vehicle purchased in a foreign country other than Canada must submit the following documents:

(1) a manufacturer's certificate of origin;

(2) DOD Form 430 or AD Form 89 issued by the Department of Defense or their successor forms; and

(3) other documents reasonably required by the department in its examination of the applications for title and registration.

(b) In addition to the other requirements in AS 28.10, an applicant for title to and registration of a used vehicle purchased in a foreign country other than Canada must submit the following documents:

(1) an affidavit affirming that the vehicle is located within the state;

(2) a bill of sale or comparable document evidencing a transfer of ownership and possession to the applicant;

(3) DOD Form 430 or AD Form 89 issued by the Department of Defense, or their successor forms; and

(4) other documents reasonably required by the department in its examination of the applications for title and registration. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.090  
AS 28.10.050 AS 28.10.260

**13 AAC 70.100. TITLE AND REGISTRATION FOR VEHICLE PURCHASED IN CANADA.** In addition to the other requirements in AS 28.10, an applicant for title to and registration of a new vehicle purchased in Canada must comply with sec. 70 of this chapter and an applicant for title and registration to a used vehicle purchased in Canada must comply with sec. 80 of this chapter. (Eff. 3/29/78, Reg. 65)

Authority: AS 20.50.090  
AS 20.50.260

**13 AAC 70.110. TITLE AND REGISTRATION FOR ASSEMBLED VEHICLE.** In addition to the other requirements in AS 28.10, an applicant for the title to and registration of a reconstructed vehicle or a vehicle assembled from a kit must submit a receipt of purchase for the engine, transmission, drive train, frame and body and other information reasonably required by the department in its examination of the applications for title and registration. The applicant may also be required to submit his vehicle to the department for an inspection for stolen parts before the issuance of title and registration. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.050

**13 AAC 70.120. TITLE AND REGISTRATION WHEN NO SUPPORTING EVIDENCE OF OWNERSHIP.** In addition to the other requirements in AS 28.10, an applicant for title and registration who has no supporting evidence of ownership must submit

(1) an affidavit affirming that he is the owner of the vehicle and that no liens or encumbrances exist on it;

(2) a cash bond or surety bond, executed by a corporate surety approved by the department, posted with the state and held by it for at least two years, in the amount of the retail value of the vehicle as determined from a departmental listing; and

(3) a statement signed by the applicant holding the state harmless in all suits concerning questions of title and ownership to the vehicle and promising to indemnify the state for all

judgments against it arising out of these actions. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.130. TITLE AND REGISTRATION AFTER DISMANTLING OR WRECKING VEHICLE.** Title to and registration of a vehicle expires when it is disassembled or sold for scrap or parts. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.440

**13 AAC 70.140. REGISTRATION FOR VEHICLE REGISTERED ELSEWHERE.** The department will issue "No Alaska Title Issued" (NTI) registration only in the name of the owner shown on the records of the other state where the vehicle is registered. Lienholders recorded on the certificate of registration for another state will be shown on the NTI registration card issued by Alaska. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.060

**13 AAC 70.150. REGISTRATION FOR OCCASIONAL-USE VEHICLE.** (a) In addition to the other requirements in AS 28.10, an applicant for occasional-use registration must submit an affidavit affirming that the vehicle is used in relation to commercial fishing, mining, hunting, or farming operations and travels upon the highways less than 10 percent of its total hours of operation.

(b) No person may transfer an occasional-use registration plate to another vehicle. Upon the transfer or assignment of title to an occasional-use vehicle, the registration plates remain with the vehicle if it continues to be used as an occasional-use vehicle or must otherwise be returned to the department by the new owner.

(c) In this section, "occasional-use vehicle" means a motor vehicle as defined in AS 28.15.260(4) used in accordance with AS 28.10.127(a). (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.127

**13 AAC 70.160. REGISTRATION FOR SNOWMOBILE.** (a) In addition to the other requirements in AS 05.30, an applicant for registration of a snowmobile must submit a bill of sale for the vehicle. An applicant unable to

submit a bill of sale may be required to present the vehicle for an inspection of the serial number displayed on the frame and to submit an affidavit affirming that he is the owner and stating the circumstances under which he acquired ownership.

(b) When ownership of a registered snowmobile is transferred or assigned the new owner shall notify the department of the change in ownership within 30 days and pay a transfer fee of \$2. When ownership of an unregistered snowmobile is transferred or assigned, the new owner shall notify the department of the change of ownership within 30 days and pay the original registration fee. (Eff. 3/29/78, Reg. 65)

Authority: AS 05.30.020  
AS 05.30.050  
AS 05.30.101

**13 AAC 70.170. PERSONALIZED REGISTRATION PLATES FOR MOTOR VEHICLES.** (a) The department will issue personalized registration plates for a pickup truck, van, motor home, or passenger car not used for commercial purposes.

(b) The department will not issue personalized registration plates displaying

(1) symbols in a combination identical to one already in use on a registration plate;

(2) a total of more than six or less than two symbols;

(3) the prefix "KL7";

(4) four consecutive numbers followed by two consecutive letters;

(5) three consecutive letters followed by three consecutive numbers;

(6) two consecutive letters followed by four consecutive numbers;

(7) symbols other than numbers or letters; or

(8) symbols in a combination which demeans any ethnic or racial group, carries a prurient meaning, or which is otherwise vulgar or indecent; any combination known by the department to be patently offensive to a person

of ordinary sensibilities will be considered vulgar or indecent or carrying a prurient meaning; any combination known by the department to be patently offensive to any racial or ethnic group will be considered demeaning to that group.

(c) The department will recall any personalized registration plate discovered to be in violation of subsection (b).

(d) In addition to the other requirements in AS 28.10, an applicant for personalized registration plates must submit five ranked combinations of symbols for the plates. No registrant may transfer personalized registration plates to another vehicle or person, except that a registrant may transfer plates to another vehicle registered in his name after proper application to the department. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.200  
AS 28.10.120 AS 28.10.205

**13 AAC 70.180. REGISTRATION PLATES FOR HANDICAPPED REGISTRANT.** The department will issue only one set of special registration plates to each registrant under AS 28.10.200(b)(11). Special registration plates remain with the registrant if title or ownership to the vehicle is transferred. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.120  
AS 28.10.200

**13 AAC 70.190. REGISTRATION PLATES FOR MOBILE AMATEUR RADIO STATION OWNER.** (a) The department will issue special registration plates containing the prefix "KL7" to a mobile amateur radio station owner. Each registrant will be issued only one set of special registration plates.

(b) In addition to the other requirements in AS 28.10, the applicant for special registration plates broadcasting on 75 meters through 10 meters must submit a copy of his amateur radio operator's license and call letters issued by the Federal Communications Commission and pay the annual license tax levied under AS 28.10.200(b)(7).

(c) In addition to the other requirements in AS 28.10, the applicant for special registration plates broadcasting on frequencies other than 75

meters through 10 meters must submit a copy of his amateur radio operator's license and call letters issued by the Federal Communications Commission and pay the annual license tax levied upon the particular type of vehicle to be registered.

(d) A registrant may use mobile amateur radio registration plates as long as he retains a qualifying amateur radio operator's license issued by the Federal Communications Commission and otherwise complies with the requirements of law. After proper application to the department, the registration plates may be placed on another vehicle containing a mobile amateur radio station. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.120  
AS 28.10.060 AS 28.10.200

**13 AAC 70.200. EXEMPTION FROM REGISTRATION TAX FOR MILITARY.** A vehicle owned by a member of the armed forces of the United States on active duty, and a vehicle owned jointly by a member and one or more of his or her dependents, is exempt from registration if the vehicle is registered in a state of domicile other than Alaska. A vehicle owned solely by a dependent of a member of the armed forces of the United States on active duty is not exempt from registration. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
50 USC App. 574

**13 AAC 70.210. EXEMPTION FROM LICENSE TAX FOR CHARITABLE ORGANIZATION.** In addition to the other requirements in AS 28.10, a charitable organization applying for an exemption from the annual license tax must submit to the department, if requested by the department, a letter from the Internal Revenue Service establishing its tax exempt status. When the title to or ownership of a vehicle exempted from the annual license tax is transferred, the charitable organization shall surrender the registration plates to the department. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.210

**13 AAC 70.220. REFUND OF TAX OR FEE.** The department will not refund a tax or fee paid by an applicant unless the applicant can prove

that the tax or fee has already been paid for the current licensing period or can demonstrate that a refund is necessary to correct an administrative error. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.230. SATISFACTION AND RELEASE OF LIENS: PROCEDURES.** (a) A lien recorded upon the title shall immediately be released by the lienholder upon satisfaction of the lien. Upon satisfaction, the lienholder shall release or assign his interest in the vehicle to the owner.

(b) An owner of a registered vehicle upon which a lien has been satisfied and released shall, within 10 days, apply for a new title, unless title to the vehicle will be transferred or assigned within 30 days of the release of the lien. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.430  
AS 28.10.450

**13 AAC 70.240. DUTY OF INSURANCE COMPANY OBTAINING TITLE TO AN UNREPAIRABLE VEHICLE.** An insurance company obtaining title to an unrepairable vehicle through the satisfaction of an insurance claim shall mark the word "junk" on the face of the certificate of title and surrender the current title and registration to the department. The vehicle may then be sold by a bill of sale which indicates that the title has been surrendered to the department (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.250. TEMPORARY OPERATING PERMITS.** (a) The department will, in its discretion, issue a temporary operating permit without charge to an owner of an unladen vehicle, pending action on the application for title and registration.

(b) The department will, in its discretion, issue a noncommercial trip permit for a fee as established by statute to an owner of an unladen vehicle, allowing a single continuous trip by a noncircular route for a period of time not to exceed 20 days.

(c) The department will, in its discretion, issue for a fee as set by statute a nonresident vehicle permit to an owner of a laden vehicle, allowing

the commercial operation of a vehicle registered in another state. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.290  
AS 28.10.540

## ARTICLE 2. GENERAL PROVISIONS

### Section

260. Records of department  
270. Definitions

**13 AAC 70.260. RECORDS OF DEPARTMENT.** (a) Certified or uncertified copies of records made within the scope of duty of an employee or representative of the department, unless specifically declared confidential by statute or regulation, will be available during regular business hours upon request and payment of a reasonable fee equal to the cost to the department of copying the record.

(b) Records of applications for title and registration and records of the denial, suspension, or revocation of the title and registration, will be retained by the department for a period of three years following the final entry in the title history or registration file for a vehicle. After three years, the commissioner will, in his discretion, destroy records of no further service in carrying out the powers and duties of the department. (Eff. 3/29/78, Reg. 65)

Authority: AS 09.25.110 AS 28.10.010  
AS 09.25.120 AS 28.10.020

**13 AAC 70.270. DEFINITIONS.** In this chapter

(1) "department" means the Alaska Department of Public Safety;

(2) "manufacturer's certificate of origin" includes a manufacturer's statement of origin. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

## PART 5. VIOLENT CRIMES COMPENSATION BOARD

### Chapter

80. Violent Crimes Compensation  
(13 AAC 80.010-13 AAC 80.110)

### CHAPTER 80. VIOLENT CRIMES COMPENSATION

Editor's Note: As of Register 71, the material formerly located in 7 AAC 77 has been transferred to 13 AAC 80, in recognition of the relocation of the Violent Crimes Compensation Board by sec. 1, ch. 87 SLA 1978. The history notes for the sections in this chapter continue the history of these provisions from their former location.

### Section

10. Applications for compensation  
15. Investigation and consideration  
20. Hearings  
30. Attorney fees  
40. (Repealed)  
50. Standards for compensation  
60. Awarding compensation  
65. Recommencing suspended proceedings  
70. Finality of awards  
80. Recovery from a collateral source  
90. Emergency compensation  
100. Recovery from an offender  
110. Definitions

**13 AAC 80.010. APPLICATIONS FOR COMPENSATION.** (a) All applications for compensation shall be made on the form authorized by the board. The information required by the board shall be supplied in full by the claimant, or the claim may not be considered. Additional sheets may be used, as necessary, to complete descriptions of the injury, incident or expenses. For those unable to make applications for compensation themselves (e.g., minors or the mentally incompetent), claims may be filed by a parent, guardian or other individual authorized to administer the injured party's estate. The applicant shall sign his completed application under oath before a notary public.

(b) Those medical reports and examination results which are reasonably available shall be submitted by the applicant no less than 10 days before the date of the hearing. On the basis of their potential relative importance or material

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SS HB 456  
 Title : An Act relating to registration of commercial and noncommercial motor vehicles and providing...  
 Sponsor : Pourchot  
 Requestor : H. Transportation  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Motor Vehicles  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

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

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Will not have any fiscal impact. There may be a slight increase in revenues, however, we are unable to predict the amount.

Prepared by : Kenneth Simpson Phone : 269-5566  
 Division : Motor Vehicles Date : 2-19-86

Approved by Commissioner : [Signature] Date : 2/20/86  
 Agency : Public Safety

**Distribution (by Agency preparing fiscal note) :**

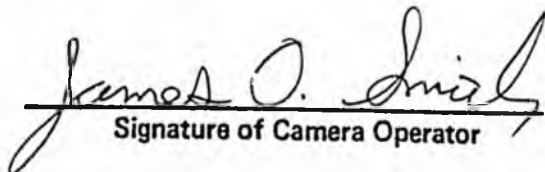
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

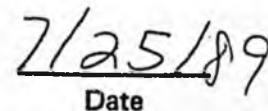


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

H B

4 5 8

A M E N D M E N T

#2

Offered in the  
TO: SSHB 458

By Pignalberi

Page 1, lines 16 - 23, delete all material and insert a new bill section to read:

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

Sec. 44.62.197. REGULATORY ANALYSIS. (a) An agency shall issue a regulatory analysis of a proposed regulation if, within 20 days after publishing the notice of proposed action, a written request is submitted to the agency by a legislator, another agency, a political subdivision of the state, the governor, as authorized by a vote of the Administrative Regulation Review Committee, or by five persons signing a single request.

(b) Upon receipt of a request under (a) of this section, the agency shall prepare the regulatory analysis. The analysis must quantify the data to the extent practicable, take into account both short-term and long-term consequences, and

(1) describe the classes of persons who probably will be directly affected by the proposed action, including the classes who will bear the costs of the proposed regulation and the classes who will benefit;

(2) describe the probable quantitative and qualitative effect of the proposed regulation, economic or otherwise, on the

classes of persons affected;

(3) set out the probable cost to the agency and any other agency for implementing and enforcing the proposed regulation and the anticipated effect on state revenue;

(4) compare the probable cost and benefits of the proposed regulation with the probable cost and benefits of inaction;

(5) determine whether there are less costly or less intrusive methods for achieving the purpose of the proposed regulation.

(c) The person or persons requesting the regulatory analysis may, by express statement in the request, waive one or more of the requirements of (b) of this section.

(d) A concise summary of the regulatory analysis shall be published in the administrative journal at least 20 days before the earliest of

(1) the end of the period for making written comments on the proposed regulation;

(2) the end of the period during which an oral public proceeding may be requested; or

(3) the date of a required oral public proceeding on the proposed regulation.

(e) The published summary must indicate where to obtain copies of the full text of the analysis and when, where, and how persons may comment on the proposed regulation.

(f) If an agency has made a good faith effort to comply with the requirements of (a) - (c) of this section, the regulation may not be invalidated on the ground that the contents of the regulatory analysis

are insufficient or inaccurate."

Page 2, lines 10 - 11, delete "and financial estimate"

Page 2, lines 13 - 14:

Delete: "Except as provided in (c) of this section, when"

Insert: "When"

Page 2, line 23, delete "each document" and insert "documents"

Page 2, line 27:

Delete: "Except as provided in (c) of this section, when"

Insert: "When"

Page 3, line 5:

Delete: "each comment or objection"

Insert: "the comments and objections"

Page 3, line 7:

Delete: "comment or objection"

Insert: "comments or objections"

Page 3, line 14:

Delete: "new subsections"

Insert: "a new subsection"

Page 3, line 15, delete "10" and insert "15"

Page 3, line 17, delete "hold" and insert "promptly schedule"

Page 3, line 18 after "action." insert:

"The agency may extend the comment period if necessary to provide at least 14 days' notice of the public hearing."

Page 3, lines 19 - 22, delete all material.

Page 4, line 13, delete "and financial estimates"

Page 4, after line 14, insert:

"(5) a regulatory analysis, if required under AS 44.62.-  
197;"

Renumber remaining paragraphs.

Page 5, lines 10 - 11, delete:

"in the case of a regulation subject to AS 44.62.205(a) and (b),"

Page 5, line 16, delete "submitted to" and insert "considered by"

Page 5, line 17, delete "for consideration"

Page 5, line 20, delete "and 44.62.205(c)"

**DEPARTMENT OF LAW**

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

OFFICE OF THE ATTORNEY GENERAL

April 3, 1986

Honorable Marco Pignalberi  
Alaska House of Representatives  
P. O. Box V  
Juneau, Alaska 99811

Re: CSSSHB 458(SA) -- adoption  
of regulations  
Our file: 66-3-86-0343

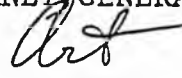
Dear Marco:

It was my understanding, from the House State Affairs Committee hearing on March 21, that, during the hearing, you had agreed to a "good faith" clause for the justifications of need requirement (sec. 4 of the bill) like the one that your amendments of that date had provided for the regulatory analysis requirement (sec. 2 of the bill). See proposed AS 44.62.197(f), at page 2 of the committee substitute. Fearing that that additional amendment might have gotten lost, I reminded the committee staff person of that point a few days after the hearing and discussed it with you in the hallway a few days after that. You said that you would check on it to be sure that it was in the committee substitute.

Despite everybody's efforts and good intentions, it appears that that provision indeed got lost. CSSSHB 458(SA), reported out of committee April 1, does not include that "good faith" protection for the justifications of need. (Including it would, of course, require deletion or amendment of the proposed AS 44.62.300(4) [page 6 of the committee substitute].) Do you know what happened?

Yours truly,

HAROLD M. BROWN  
ATTORNEY GENERAL

By:   
Arthur H. Peterson  
Assistant Attorney General

AHP:md

Honorable Marco Pignalberi  
Alaska House of Representatives

April 3, 1986  
Page 2

cc: Hon. Katie Hurley, Chair  
House State Affairs Committee  
Alaska State Legislature

Hon. M. Mike Miller, Chair  
House Judiciary Committee  
Alaska State Legislature

EARL H. BEISTLINE  
Mine Consultant

P.O. Box 80148  
Fairbanks, Alaska 99708

Telephone: Area Code 907  
Office: 479-6240

April 1, 1986

The Honorable M. Mike Miller, Chairman  
House Judiciary Committee  
Alaska State Legislature  
Pouch V (MS3100)  
Juneau, Alaska 99811

Dear Mike:

Representative Marco Pignalberi's HB 458, "An Act Relating to the Adoption of Regulations," appears to me to be a sound and solid approach to curtail a proliferation of non essential regulations, but at the same time provide for needed and essential regulations to enhance private industry and the stature of the state of the State.

Justification and the anticipated regulations accompanied by costs projections prior to the adoption of regulations should do much to give integrity to the law involved and to legislators' intent of a specific law.

Accordingly, I endorse H.B. 458.

Sincerely,



Earl H. Beistline

EHB/jc

cc: House Judiciary Committee  
Paula Easley, Executive Director, Resource Development Council of Alaska  
Interior House Delegation

# South-Central Timber Development, Inc.

26 March 1986

Representative Marco A. Pignalberi  
P.O. Box V  
Juneau, Alaska 99811

Dear Marco:

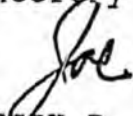
Re: H.B. 458

Thanks very much for introducing your bill to retard regulatory proliferation. As a country and as a state we have produced a vast, unfathomable array of regulations having the force of law. The sheer fact of their existence makes many, many citizens unwitting lawbreakers; this is the poorest kind of public policy, and, of course, a great shrinker of the freedom the people formerly enjoyed.

By copy of this letter to the Judiciary Committee, we are urging passage of the measure.

With thanks and kind regards, I remain,

Sincerely yours,

  
JOSEPH R. HENRI  
President

JRH/df

cc: Representative Mike Miller, Judiciary Chair  
Ms. Paula P. Easley, Resource Development Council



HB 458

April 2, 1986

Representative Mike Miller  
Pouch 5  
Juneau, AK 99811

Dear Representative Miller,

As you well know, Alaska regulatory policies have significant impact upon the States ability to effectively administer its vast natural resources and to serve the needs of its people. Beyond this and equally as important, is the message Alaska signals throughout the international arena, specifically our friends of the Pacific Rim, through its operating policies as to our real intentions and commitment to an orderly and effective use of our lands.

In my view, our state government thus far has shown little to no regard for the impacts current regulatory policies have on those it is charged to serve; the people. Current regulatory policy permits blatant disregard by various state agencies to the interests of the people by not requiring complete accountability of their actions. For instance regulatory adoption now requires no "justification for need", does not weigh "costs vs benefits"; and, can shoot policies through with little to no hearing.

On the other hand, our system clearly requires those dealing with the state to fully disclose all considerations of a particular venture before granting authority to proceed. It certainly stands to reason that we should at least hold our own internal system and actions with like accountability.

There is clearly a need for regulatory reform and HB 458, as drafted by Representative Marco Pignalberi, takes a giant step toward this goal.

This Bill would:

- \* require agencies to prepare an estimate of the financial impact of a proposed regulation on the private sector.
- \* allow 15 interested citizens to call for a public hearing on a proposed regulation.
- \* require agencies to prepare a "justification of need" for all new regulation, including the factual evidence which supports the proposed regulation.

Page 2  
Regulatory Reform

\* require agencies to list alternatives to proposed regulations and answer each comment they receive.

\* preclude agencies from adopting regulations more than a year after they released them.

If one takes the time to read the Bill, its wisdom becomes clearly one which begins to serve the people rather than a select few bureaucratic interests. It makes sense doesn't it?

I would strongly urge you and your entire House Judiciary Committee to pass this important Bill and begin to clean up our regulatory adoption process.

Regards,



Boyd J. Brownfield

cc: Members House Judiciary Committee:  
Representative John Sund  
Representative Don Clocksin  
Representative Max Gruenberg  
Representative Fritz Pettyjohn  
Representative Randy Phillips  
Representative Robin Taylor

**DEPARTMENT OF LAW**

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: 1907) 465-3600

OFFICE OF THE ATTORNEY GENERAL

March 21, 1986

Honorable Katie Hurley, Chair  
House State Affairs Committee  
Alaska State Legislature  
P. O. Box V  
Juneau, AK 99811

MAR 21 1986

Re: SSHB 458 (adoption of  
regulations)  
Our file: 66-3-86-0343

Dear Representative Hurley:

Since this bill has been scheduled for another hearing before your committee today, I wanted to get the following additional information to you: some comments on Representative Pignalberi's March 10, 1986 "Peterson Memo Rebuttal" (i.e., his comments on my February 27, 1986 memo to the governor's director of legislative relations, Jim Ayers, copies of which were distributed to your committee and Representative Pignalberi), and fiscal notes, etc., from various departments.

For your convenience, here is a listing of the attachments to this letter:

Appendix 1, Department of Administration, February 25, 1986 fiscal note;

Appendix 2, Department of Community and Regional Affairs, February 20, 1986 fiscal note;

Appendix 3, Department of Education, March 20, 1986 fiscal note;

Appendix 4, Department of Environmental Conservation, March 21, 1986 fiscal note;

Appendix 5, Department of Fish and Game, March 20, 1986 fiscal note and bill analysis;

Appendix 6, Department of Health and Social Services, March 21, 1986 fiscal note;

Appendix 7, Department of Labor, March 7, 1986 fiscal note and position paper;

Appendix 8, Department of Law, February 27, 1986 fiscal note;

Appendix 9, Department of Natural Resources, Division of Oil & Gas, March 20, 1986 fiscal note, with comments in memo form;

Appendix 10, Department of Public Safety, March 18, 1986 fiscal note;

Appendix 11, draft revised version of sec. 2 of SSHB 458.

It is very likely that fiscal notes from other departments, and from other divisions within the Department of Natural Resources, will be forthcoming.

I am not really qualified to comment on the fiscal notes. As mentioned in my February 27, 1986 memo to Jim Ayers, I can only give some general clues as to fiscal impact -- no specifics. It is my opinion that the costs of SSHB 458 will be substantial. I have tried to suggest some of the reasons for that in my earlier memo.

Regarding Appendix 11, Representative Pignalberi, his assistant, Deborah Bonito, the Department of Law's legal text editor, B.J. Jordan, and I met on March 13, 1986 to discuss the bill. We got as far as sec. 2, and I believe that Appendix 11 incorporates changes that we agreed upon. This does not mean that the Administration supports even this revised sec. 2. The revised version addresses some of the problems of, and is much better than, the original; thus, it is more acceptable.

However, before supporting a change in the law, we would like to be able to identify a problem in the current law and would like to feel assured that the proposal is a good solution to that problem. Notwithstanding generalized complaints about there being "too many" regulations, I am not aware of any particular problem stemming from an absence of the financial estimate required by sec. 2. In addition, it is not at all clear that there will be one bit of public benefit derived from the information that will cost a great deal to provide.

Here are some comments on Representative Pignalberi's March 10 material:

1. Representative Pignalberi emphasizes the fact that only an "estimate" of the financial impact of a regulation is

required by sec. 2. However, even an estimate is not a guess. We are assuming that if the legislature were to pass such a requirement, it would expect the agency to do the research and make the analysis necessary to present a responsible and accurate package of information to the public -- especially since the potential for litigation is great. And the kind of information required is not readily available. Moreover, typically, it comes from the regulated entities and is not given to them.

2. Representative Pignalberi suggests that it is easy to discern entities that are "directly affected" by a regulation, because the agencies "know the territory." Certainly, they know the territory. But often they do not know the legislative intent. For example, when a regulation sets an opening date for a particular fishery, the Board of Fisheries could probably find from the Commercial Fisheries Entry Commission the number of boats, and the amount of gear and thus the number of actual fishing "entities" that would be affected, but would floating fish-processing plants be considered "directly affected"? Certainly, they are affected. Are they "directly affected"? Would sec. 2 require an analysis of the regulation's effect upon them as well as upon the people doing the fishing? How about the effect upon a shore-based processor? Or take another example: if a safety regulation were to require two fire escapes on all day care centers of more than two stories, it would be relatively easy to find the number of currently licensed day care centers, and perhaps it would be as easy to find which ones of those were taller than two stories. But is a person who has not yet begun operation as a day care center, although he plans to do so, an entity that is "directly affected"? How about someone whose application for the day care license is pending? Arguments could be made on both sides of the issue of whether such an individual's situation must be taken into account by the agency in preparing its financial estimate.
3. Representative Pignalberi's comments regarding opening and closing dates for hunting and fishing seasons are mistaken. The respective boards do indeed set such dates by the regular regulations process. See, for just one example, 5 AAC 18.310, which sets the season for taking salmon in the Kodiak area.
4. Representative Pignalberi suggests that the legislature has imposed no such requirement on itself because it, as distinct from the executive branch, is a "deliberative" body. He mentions debate and research. Clearly, those two

activities do not distinguish the legislature's processing of a bill from the executive's processing of a regulation. It goes without saying that, in addition to complying with the formal, statutory requirements for public comment, hearings, and consideration of testimony, the executive agencies engage in a substantial amount of research and debate. Consider, for example, the 109 days of meetings by the Boards of Fisheries and Game in FY 85. (See Appendix 5.)

5. With regard to sec. 4, Representative Pignalberi takes issue with my reference to the official commentary under Section 3-105 of the National Conference of Commissioners on Uniform State Laws' Model State Administrative Procedure Act. Specifically, he suggests that "informed disagreement" may be good. He may well be right. But, when that disagreement develops into litigation over whether an agency's "justification of need" is sufficiently accurate or persuasive, then we are talking about another matter. Litigation, of course, is expensive. Litigation that can shut down a popular program because of a technical, procedural defect (a debatable one at that) can be even more expensive.
6. I do not quite understand Representative Pignalberi's comments on the "retroactive application of regs." Perhaps he is referring to the paragraph that begins at the bottom of page 4 and continues on page 5 of my February 27 memo to Jim Ayers. The change from the current situation that SSHB 458 would make is the requirement that an agency's justification be set out in writing and the effect that that written justification would serve by providing a basis for litigation stemming from the application of a new regulation to an even newer problem -- one not contemplated at the time the regulation was adopted, but to which the regulation could very appropriately apply.
7. I have just learned that Representative Pignalberi is preparing a revised set of amendments to the bill. As I write this letter, I have not yet seen those amendments, but I understand that they will supersede the March 10 (and other?) amendments offered by Representative Pignalberi. Therefore, I will not comment on the earlier amendments, and cannot comment on the new ones, at this time.

#### SUMMARY

It is difficult to pinpoint any particular problem to which this bill is directed. It is also difficult to detect any

worthwhile information flowing to the public from the very troublesome secs. 2 and 4. Yet those very sections would impose great financial burdens on a wide range of executive-branch agencies -- especially those trying to do the most conscientious job when adopting regulations.

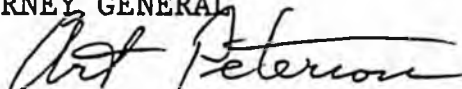
Whether my comments about costs, or whether any of the attached fiscal notes, are absolutely accurate, it should be clear that the costs to a conscientious, regulation-adopting agency will be substantial. With the state's current financial situation, this is hardly a time to be creating new procedures that will give rise to new costs with such hazy, if any, benefit to the public.

As mentioned in my February 27 memo to Jim Ayers, there are provisions in this bill that are acceptable. And, as I have indicated, we will be happy to continue working with Representative Pignalberi to try to define any problem and develop appropriate amendatory language.

Once again, thank you for this opportunity to offer our comments.

Yours truly,

HAROLD M. BROWN  
ATTORNEY GENERAL

By:   
Arthur H. Peterson  
Assistant Attorney General  
and Regulations Attorney

AHP:md

cc w/out enc.: Dept. Heads

cc w/enc.: Jim Ayers, Director  
Legislative Relations  
Governor's Office

P.S. I have just received Representative Pignalberi's new set of amendments, and will try to comment on them at this afternoon's hearing.

**HOUSE  
COMMITTEE REPORT**

(7)

Date referred: 2/10/86

FURTHER REFERRALS: JUDICIARY

DATE: 3/21/86

The STATE AFFAIRS Committee has considered SSHB 458

"An Act relating to the adoption of regulations; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS SHB 458(SA)  same title
- new title

and recommends DO PASS

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - 10 new fiscal notes
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

[Signature]  
[Signature]  
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[Signature]  
Chairman

Original sponsors: Pignalberi, Cato,  
Marrou, et al

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 458 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the adoption of regulations; and  
7 providing for an effective date."

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

9 \* Section 1. AS 44.62.190 is amended by adding a new subsection to  
10 read:

11 (d) An agency may not adopt, amend, or repeal a regulation if  
12 more than one year has elapsed since the first publication of notice  
13 of proposed action under this section. When more than one year has  
14 elapsed, an agency may revive the proposed action by republication in  
15 accordance with (a) of this section.

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

17 Sec. 44.62.197. REGULATORY ANALYSIS. (a) An agency shall issue  
18 a regulatory analysis of a proposed regulation if, within 20 days  
19 after publishing the notice of proposed action, a written request is  
20 submitted to the agency by a legislator, another agency, a political  
21 subdivision of the state, the governor, as authorized by a vote of the  
22 Administrative Regulation Review Committee, or by 50 persons signing a  
23 single request.

24 (b) Upon receipt of a request under (a) of this section, the  
25 agency shall prepare the regulatory analysis. The analysis must  
26 quantify the data to the extent practicable, take into account both  
27 short-term and long-term consequences, and

28 (1) describe the classes of persons who probably will be  
29 directly affected by the proposed action, including the classes who

1 will bear the costs of the proposed regulation and the classes who  
2 will benefit;

3 (2) describe the probable quantitative and qualitative  
4 effect of the proposed regulation, economic or otherwise, on the  
5 classes of persons affected;

6 (3) set out the probable cost to the agency and any other  
7 agency for implementing and enforcing the proposed regulation and the  
8 anticipated effect on state revenue;

9 (4) compare the probable cost and benefits of the proposed  
10 regulation with the probable cost and benefits of inaction;

11 (5) determine whether there are less costly or less intru-  
12 sive methods for achieving the purpose of the proposed regulation.

13 (c) The person or persons requesting the regulatory analysis  
14 may, by express statement in the request, waive one or more of the  
15 requirements of (b) of this section.

16 (d) A concise summary of the regulatory analysis shall be pub-  
17 lished in the administrative journal at least 10 days before the  
18 earliest of

19 (1) the end of the period for making written comments on  
20 the proposed regulation; or

21 (2) the end of the period during which an oral public  
22 proceeding may be requested.

23 (e) The published summary must indicate where to obtain copies  
24 of the full text of the analysis and when, where, and how persons may  
25 comment on the proposed regulation.

26 (f) If an agency has made a good faith effort to comply with the  
27 requirements of (a) - (c) of this section, the regulation may not be  
28 invalidated on the ground that the contents of the regulatory analysis  
29 are insufficient or inaccurate.

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\* Sec. 3. AS 44.62.200(a) is amended to read:

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

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

(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;

(3) an informative summary of the proposed subject of agency action, including a summary of the initial justification of need;

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

(5) a summary of the fiscal information required [TO BE PREPARED] under AS 44.62.195.

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

Sec. 44.62.205. JUSTIFICATIONS OF NEED. (a) When a state agency files a notice of proposed action under AS 44.62.190, the agency shall make available to the public an initial justification of need for the proposed action. The initial justification shall

(1) describe the problem, condition, or circumstance the regulation is intended to address;

(2) specify the purpose of the regulation and the factual basis for the agency's determination that the regulation is reasonably necessary to carry out the purpose;

(3) identify documents upon which the agency is relying in proposing the action; and

1 (4) describe practical and reasonable alternatives to the  
2 proposed action.

3 (b) When a state agency submits a regulation or order of repeal  
4 for filing with the lieutenant governor under AS 44.62.040, the agency  
5 shall make available to the public a final justification of need con-  
6 cerning the regulation or order of repeal. The final justification  
7 shall include

8 (1) the complete text of a regulation that is adopted or  
9 amended and a list of regulations repealed;

10 (2) a summary of the comments and objections received and  
11 an explanation of changes made to the proposed regulation in response  
12 to the information or the reasons for rejecting the comments or ob-  
13 jections; and

14 (3) the reasons for rejecting proposed alternatives.

15 \* Sec. 5. AS 44.62.210 is amended by adding a new subsection to read:

16 (c) If at least 15 interested persons submit a written request  
17 for a public hearing at least 10 days before the end of the initial  
18 comment period, a state agency shall promptly schedule a public hear-  
19 ing on the proposed action. The agency may extend the comment period  
20 if necessary to provide at least 14 days' notice of the public hear-  
21 ing.

22 \* Sec. 6. AS 44.62.230 is amended to read:

23 Sec. 44.62.230. PROCEDURE ON PETITION. Upon receipt of a  
24 petition requesting the adoption, amendment, or repeal of a regulation  
25 under AS 44.62.180 - 44.62.290, a state agency shall, within 30 days,  
26 deny the petition in writing, including the reasons for the denial, or  
27 schedule the matter for public hearing under AS 44.62.190 - 44.62.210.  
28 However, if the petition is for an emergency regulation [,] and the  
29 agency finds that an emergency exists, the requirements of

AS 44.62.190 - 44.62.210 do not apply, and the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

\* Sec. 7. AS 44.62 is amended by adding a new section to read:

Sec. 44.62.275. RECORDS OF PROPOSED ACTIONS. (a) A state agency shall maintain a file of the proceedings concerning the adoption, amendment, or repeal of a regulation. The file shall include

- (1) petitions received under AS 44.62.220;
- (2) published notices of proposed action under AS 44.62.-190;
- (3) justifications of need required by AS 44.62.205;
- (4) fiscal information under AS 44.62.195;
- (5) a regulatory analysis, if required under AS 44.62.197;
- (6) each document submitted in connection with the proposed action;
- (7) each document upon which the agency is relying for the proposed action;
- (8) a transcript, recording, or minutes of each public hearing connected with the proposed action; and
- (9) other information that the state agency is required by law to consider or prepare in connection with the proposed action.

(b) The agency shall maintain a log that identifies each item contained in the file and the date on which the item was received. The file shall include an affidavit by the employee responsible for maintaining the file stating that the file contains all of the documents required by this section and the date the file was completed.

(c) The file is a public record.

\* Sec. 8. AS 44.62.300 is amended to read:

Sec. 44.62.300. COURT REVIEW. An interested person may get a

1 judicial declaration on the validity of a regulation by bringing an  
2 action for declaratory relief in the superior court. In addition to  
3 any other ground the court may declare the regulation invalid

4 (1) for a substantial failure to comply with AS 44.62.010 -  
5 44.62.320; [ , OR]

6 (2) in the case of an emergency regulation or order of  
7 repeal, upon the ground that the facts recited in the statement do not  
8 constitute an emergency under AS 44.62.250;

9 (3) for failure to comply with AS 44.62.205; or

10 (4) if the justification of need fails to present  
11 sufficient facts to establish by a preponderance of the evidence the  
12 need for the regulation.

13 \* Sec. 9. AS 44.62.640(a) is amended by adding a new paragraph to read:

14 (5) "document" means a written or electronic communication  
15 of any kind, except a telephone communication, considered by an agency  
16 during the adoption, amendment, or repeal of a regulation.

17 \* Sec. 10. AS 44.62.190 as enacted by sec. 1 of this Act, AS 44.62.-  
18 205(b) as enacted by sec. 4 of this Act, and the amendments made by secs. 5  
19 and 9 of this Act apply to proposed regulations, amendments, and orders of  
20 repeal that have not been submitted to the lieutenant governor for filing  
21 before the effective date of this Act. The amendment made by sec. 6 of  
22 this Act applies to petitions that have not been scheduled for public  
23 hearing or denied before the effective date of this Act.

24 \* Sec. 11. The amendments made by secs. 2, 3, 7, and 8 of this Act, and  
25 AS 44.62.205(a) enacted by sec. 4 of this Act do not apply to proposed  
26 regulations, amendments, or orders of repeal for which a notice of proposed  
27 action has been published before the effective date of this Act.

28 \* Sec. 12. This Act takes effect July 1, 1986.  
29

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSSSHB 458 (SA)  
 Title : "An Act relating to the adoption of regulations; and providing for an effective date."  
 Sponsor : Rep. Pignalberi  
 Requestor : House Judiciary  
 Date of Request : 10/3/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : DPS Administration  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL SUPPLIES		62.0	65.1	68.4	71.8	75.4
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>62.0</b>	<b>65.1</b>	<b>68.4</b>	<b>71.8</b>	<b>75.4</b>

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		62.0	65.1	68.4	71.8	75.4
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>62.0</b>	<b>65.1</b>	<b>68.4</b>	<b>71.8</b>	<b>75.4</b>

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

This Department's Divisions of Motor Vehicles, Fire Prevention and Alaska State Troopers are affected by this bill. The Alaska Police Standards Council and the council on Domestic Violence and Sexual Assault would also be affected.

(continued on page 2)

Prepared by : Frank R. Gorham Phone : 465-4322  
 Division : Commissioner's Office Date : 4/03/86

Approved by Commissioner : [Signature] Date : 4/11/86  
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSSHB 458 (SA)

The Department's approach to the requirements of the Act would be to contract research/analytical expertise to develop impact statements as well as flexibility analysis as related to small entities, and to make periodic review assessments of regulations as would be indicated by the Department's plan published in the Alaska Administrative Journal. The contractual expertise time necessary to meet the requirements found in this piece of legislation would be estimated at 90 days per year.

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

A 5% inflation factor is added beginning FY88.

<u>300 Contractual</u>	\$62.0
Research/analysis	
90 days @ \$100/day for 6 hours per day	\$54.0
Incidental computer use	5.0
Incidental travel related to above	3.0

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SSHB 458  
 Title: Adoption of regulations  
 \_\_\_\_\_  
 Sponsor: Pignalberi, Cato, Marrou, Shultz  
 Requestor: State Affairs  
 Date of Request: 3/21/86

**FISCAL DETAIL**

Agency Affected: ADEC  
 BRU: Commissioner's Office  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		82.5	83.0	83.5	84.0	84.5
TRAVEL		1.5	1.5	1.5	1.5	1.5
CONTRACTUAL		80.0	75.0	75.0	75.0	80.0
SUPPLIES		1.5	1.6	1.7	1.8	1.9
EQUIPMENT		2.6	.5	.5	.5	.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		169.1	161.6	162.2	162.8	168.4

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		169.1	161.6	162.2	162.8	168.4
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		169.1	161.6	162.2	162.8	168.4

**POSITIONS :**

FULL-TIME		2				
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

See attached.

Prepared by: Billie Trent  
 Division: Commissioner's Office

Phone: 465-2600  
 Date: 3/21/86

Approved by Commissioner: Bill Ross  
 Agency: Environmental Conservation

Date: 3/21/86

**Distribution (by Agency preparing fiscal note):**

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

APPENDIX 4  
 Page 1 of 4

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSHB 458

For this department to comply with the provisions of this bill, it will be necessary to add two new positions as reflected in the attached requests. The additional research, analyses, and documentation cannot be done with present staff; and this agency lacks the expertise necessary to accomplish the economic impact/justification of need aspects of the legislation.

Contractual services are based on an estimate of 20 contracts per year, 10 of which would be of major proportions (such as the tri-ennial review of Water Quality Standards mandated by federal law).

APPENDIX 4  
Page 2 of 4

Position Title Research Analyst III			No. of Positions 1	Range/Step 18A	Barg. Unit UGU	Gov.	Approv.	Disapp.	
Time Status PFT	Staff Months 12	RP Number	Location Juneau		Election District	Leg.			
Type of Expenditure			Justification						
Amount			<p>Because of the complex nature of this agency's programs, and the wide variety of entities and individuals affected by those programs, this position's expertise would be required to provide the justifications of need and to incorporate economic data gathered through contractual services into a meaningful packet.</p> <p>Costs associated with this position would include average per-employee costs for contractual and commodities. Equipment expense for a desk and chair, etc. would be a one-time expenditure.</p>						
1	2	3							
Salary	37,596								
Benefits	12,324								
Premium Pay									
Other									
Total Personal Services		49,920							
Travel		1,500							
Contractual		2,000							
Commodities		1,000							
Equipment		2,000							
Other									
Total Cost		56,420							
Receipt Code	Funding Source								
	Federal Receipts	1002							
	G. F. Match	1003							
	General Funds	1004							56,420
	I-A Receipts	1005							
	Program Receipts	1028							
	CIP Receipts	1061							
	Other								
For B&M Use Only Key Number _____									

APPENDIX 4, Page 3 of 4

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Commissioner's Office  
 Component Commissioner's Office

**FY 87**

Page 3 of 4  
 Revised Date \_\_\_\_\_

Position Title Clerk Typist III			No. of Positions 1	Range/Step 8A	Barg. Unit CCU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Juneau	Election District	LAG			
Type of Expenditure			Justification					
1	2	3	<p>This position would handle the clerical duties imposed by this legislation. The position would keep records of all proposed actions on all regulations in the department and assure the additional documentation requirements of this bill are met, including the integrity of the files.</p> <p>This person would make sure all correspondence was properly handled, type the justifications, file logs and other required documents.</p> <p>Costs associated with this position are average per employee costs. The equipment expense for a desk, chair, etc. would be a one-time cost.</p> <p>It is estimated that one new filing cabinet would be needed each year to meet the filing requirements of this bill.</p>					
Salary	20,316							
Benefits	7,702							
Premium Pay								
Other								
Total Personal Services		28,018						
Travel								
Contractual		2,000						
Commodities		1,000						
Equipment		1,600						
Other								
Total Cost		32,618						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		32,618					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
For B&M Use Only Key Number _____								

APPENDIX 4, Page 4 of 4

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Commissioner's Office  
 Component Commissioner's Office

Page 4 of 4  
 Revised Date \_\_\_\_\_

**FY 87**

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

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : HB 458  
 Title : An Act relating to adoption  
 of regulations and providing for  
 an effective date  
 Sponsor : Pignalberi, Cato, Marrou &  
 Requestor : Shultz  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Fish and Game  
 BRU : Boards  
 Components : Boards of Fisheries  
 and Game

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		635.8	693.6	756.6	325.4	334.5
TRAVEL		66.2	72.8	80.1	85.3	90.8
CONTRACTUAL		20.9	23.0	25.3	27.3	30.1
SUPPLIES		6.5	7.1	7.7	8.3	8.9
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>732.4</b>	<b>796.5</b>	<b>869.7</b>	<b>946.0</b>	<b>964.3</b>

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

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

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		732.4	796.5	869.7	946.8	964.3
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME		11	11	11	11	11
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

See attachment.

Prepared by : Beth Stewart, Director  
 Division : Boards

Phone : 465-4110  
 Date : March 20, 1986

Approved by Commissioner : *[Signature]*  
 Agency : Department of Fish and Game

Date : *[Signature]*

Distribution (by Agency preparing fiscal note) :

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

APPENDIX 5  
 Page 1 of 9

## HB 453--Fiscal Note Analysis

This funding would allow two teams to conduct economic surveys and analyze fisheries and game economic data. One team would be based in Juneau, the other in Anchorage. Each team would consist of an Economist III, two Economist I's, a Systems Analyst II, Systems Programmer I, and a Clerk Typist III. The teams would undertake economic research regarding the effect of proposed fishing regulations on sport and commercial fishermen, and hunting and trapping, as well as on communities affected by the regulation. Information would be gathered from all available sources, processed and synthesized by computer, and provided to the Board of Fisheries and the Board of Game. Thereafter, the board would be able to make allocative decisions on competing demands for finite fishery and wildlife resources consistent with the proposed legislation.

Position Title <b>Systems Programmer I</b>			No. of Positions <b>2</b>	Range/Step <b>17 A</b>	Base Unit <b>5GU</b>	Gov.	Approv.	Disapp.
Time Status	Staff Months <b>12 (x 2)</b>	RP Number	Location <b>Jnu/Aach</b>		Election District	Leg.		
Type of Expenditure per/mo.			Justification					
			Staffing necessary to implement HB 458. See Bill Analysis and Fiscal Note.					
<b>1</b>	<b>2</b>	<b>3</b>						
Salary	2,895.0							
Benefits	493.9							
Premium Pay	177.5							
Other	227.2							
<b>Total Personal Services</b>	<b>45.5x2</b>	<b>91.0</b>						
Travel								
Contractual								
Commodities								
Equipment	.9x2	1.8						
Other								
<b>Total Cost</b>		<b>92.8</b>						
Receipt Code	Funding Source							
	Federal Receipts	1002						
	G. F. Match	1003						
	General Funds	1004	92.8					
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
For B&M Use Only Key Number _____								

APPENDIX 5  
Page 3 of 9

**Request For  
New Position**

Agency Fish and Game  
 BRU Boards of Fisheries & Game  
 Component Administration & Support

Page 1 of 1  
 Revised Date

**FY 87**



Position Title Clerk Typist III (two positions)			No. of Positions 2	Range/Step 8 A	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status	Staff Months 12 (x 2)	RP Number	Location Jnu/Anch	Election District		Leg.		
Justification								
Staffing necessary to implement HB 458. See Bill Analysis and Fiscal Note.								
Type of Expenditure			Amount					
1 per/mo	2	3						
Salary	1.631.0							
Benefits	278.3							
Premium Pay	100.0							
Other	227.2							
Total Personal Services		26.8x2	53.6					
Travel								
Contractual								
Commodities	0.5x2	1.0						
Equipment	0.5x2	1.0						
Other								
Total Cost		55.6						
Receipt Code			Funding Source					
			Federal Receipts 1002					
			G. F. Match 1003					
			General Funds 1004 55.6					
			I-A Receipts 1005					
			Program Receipts 1028					
			CIP Receipts 1061					
			Other					
For B&M Use Only								
Key Number _____								

APPENDIX 5  
Page 5 of 9

**Request For  
New Position**

Agency Fish and Game  
 BRU Boards of Fisheries & Game  
 Component Administration & Support

Page 1 of 1  
 Revised Date \_\_\_\_\_

**FY 87**

Position Title <b>Economist I</b>			No. of Positions <b>3</b>	Range/Step <b>18 A</b>	Barq. Unit <b>CCU</b>	Gov.	Approv.	Disapp.																																						
Time Status <b>PFT</b>	Staff Months <b>12 (x 3)</b>	RP Number	Location <b>Jnu/Anch</b>	Election District		Leg.																																								
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>Amount</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td>4,969.5</td> <td></td> </tr> <tr> <td>Benefits</td> <td>847.8</td> <td></td> </tr> <tr> <td>Premium Pay</td> <td>304.7</td> <td></td> </tr> <tr> <td>Other</td> <td>340.8</td> <td></td> </tr> <tr> <td><b>Total Personal Services</b></td> <td></td> <td><b>155.1</b></td> </tr> <tr> <td>Travel</td> <td></td> <td>12.1</td> </tr> <tr> <td>Contractual</td> <td></td> <td>1.5</td> </tr> <tr> <td>Commodities</td> <td></td> <td>4.8</td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td><b>Total Cost</b></td> <td></td> <td><b>173.4</b></td> </tr> </tbody> </table>			Type of Expenditure	Amount	1	2	3	Salary	4,969.5		Benefits	847.8		Premium Pay	304.7		Other	340.8		<b>Total Personal Services</b>		<b>155.1</b>	Travel		12.1	Contractual		1.5	Commodities		4.8	Equipment			Other			<b>Total Cost</b>		<b>173.4</b>	Justification					
Type of Expenditure	Amount																																													
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APPENDIX 5  
Page 6 of 9

## Request For New Position

Agency Fish and Game  
 BRU Boards of Fisheries & Game  
 Component Administration & Support

Page 1 of 1  
 Revised Date

### FY 87

Position Title Economist III (two positions)			No. of Positions 2	Range/Step 21 A	Barg. Unit C.G.U.	Gov.	Approx.	Disapp.
Time Status	Staff Months 12 (x 2)	RP Number	Location Jnu/Anch		Electon District	Leg.		
Type of Expenditure			Justification					
Amount			Staffing necessary to implement HB 458. See Bill Analysis and Fiscal Note.					
1	2	3						
Salary	3,812.0							
Benefits	650.3							
Premium Pay	233.7							
Other	227.2							
Total Personal Services	59.1 x 2	118.2						
Travel	4.0 x 2	8.0						
Contractual	9.5 x 2	19.0						
Commodities	1.0 x 2	2.0						
Equipment	1.2 x 2	2.4						
Other								
Total Cost		149.6						
Receipt Code	Funding Source							
	Federal Receipts	1002						
	G. F. Match	1003						
	General Funds	1004	149.6					
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
For B&M Use Only								
Key Number								

APPENDIX 5  
 Page 7 of 9

**Request For  
New Position**

Agency Fish and Game  
 BRU Boards of Fisheries & Game  
 Component Administration & Support

Page 1 of 1  
 Revised Date \_\_\_\_\_

**FY 87**



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Boards	BILL NUMBER HB 458	SPONSOR Pignalberi, Cato, Marrou, and Shultz
DEPARTMENT POSITION Neutral			
PREPARED BY Beth Stewart	DATE 3/20/86	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 3/20/86

SUMMARY

OTHER AGENCIES AFFECTED BY BILL DNR, DEC, CED, CRA, HSS, DOL, DOR, DOT/PF	CONSTITUENT GROUPS AFFECTED BY BILL Fishermen and Hunters
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT  
Introduced in 1936 by Pignalberi, Cato, Marrou and Shultz.

ANALYSIS OF BILL/PROGRAM EFFECTS  
Currently, the Board of Fisheries meets at least five times annually to hold extensive public hearings and make decisions on proposed changes to its regulations. The Board of Game meets at least twice annually for the same purposes. During FY 35, the two boards considered 1,246 proposals and 39 petitions for regulatory change. By far, the majority of these changes were allocative in nature. In order to conduct business during FY 35, if the proposed legislation had been in effect, the boards would have undertaken over 300 economic impact analyses and summaries for everyone concerned (individuals, communities, businesses and the state as a whole) and written summaries for each of the 1,235 issues, and reconstructed the current boards filing system. This undertaking would not only require increased staffing (estimate 11 permanent, fulltime positions), but would vastly extend the length of time the boards meet. During FY 35, the boards met 109 days.

Under the bill, the boards would determine the economic effect a regulation would have on individuals and other entities directly affected by the proposed action. Such analyses would necessarily have to occur before the

AMENDMENTS PROPOSED (CONTINUED)

boards would decide on a regulation to become effective. We estimate a six-month delay for a regulation to become effective from introducing economic procedural requirements to the existing administrative process.

In the absence of the funding necessary to implement this legislation, the department and board staff would be unable to provide the information necessary for the boards to allocate resources among competing demands.

In addition to the boards' regulations for fish , hunting, and trapping, the Commissioner has limited regulatory authorities for protection of fish and wildlife. Costs comparable to those incurred in the board process could be anticipated.

For this analysis, we have assumed that in-season openings and closures under the Commissioner's emergency order (EO) authority would not be subject to the requirements of the bill. These uses of EO authority occur within the management plans, seasons, and other regulatory measures adopted by the boards. If these EO openings and closures must be accompanied by economic analyses, EO in-season management would not be feasible. This EO authority is essential to the maintenance and proper utilization of fish and wildlife resources given the annual fluctuation in resource availability.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SSHR 458  
 Title : An Act relating to the adoption of regulations  
 Sponsor : Pignalheri, Cain, Marrou, Shultz  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Health & Soc. Services  
 BRU : DHSS Administrative Services  
 Components : Commissioner's Office

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		113.6	117.6	121.7	126.0	130.4
TRAVEL		9.5	9.8	10.2	10.6	11.0
CONTRACTUAL		8.3	8.6	8.9	9.2	9.5
SUPPLIES		.6	.7	.8	.9	1.0
EQUIPMENT		14.9				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		146.9	136.7	141.6	146.7	151.9

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

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

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		146.9	136.7	141.6	146.7	151.9
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		146.9	136.7	141.6	146.7	151.9

**POSITIONS :**

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

**ANALYSIS :** Attach a separate page if necessary

See Attached.

Prepared by : Joanne C. Clark *JCC* Phone : 465-3082  
 Division : Budget & Finance Date : 3/20/86

Approved by Commissioner : *John R. Poy* Date : 3/21/86  
 Agency : Health & Social Services

Distribution (by Agency preparing fiscal note):

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

APPENDIX 6  
Page 1 of 5

An assumption is made that the Department has an average of 10 major new regulations or regulations amendment projects yearly and 20 smaller or emergency regulations projects yearly.

A team of three new staff persons would be needed to work with the Special Assistant to the Commissioner for Legal Affairs. This team would aid staff of the divisions promulgating regulations in preparing the financial estimates required in section 2 of the bill and the initial and final justification required in section 4.

Summary of Costs--FY 87

Personal Services - salary, benefits, overtime for 3 staff	113.6
Travel - for hearings, meeting with affected public	9.5
Contractual - communications, risk management, equipment maint.	8.6
Supplies - office supplies	.3
Equipment - 3 desks, 3 chairs, 3 calculators, 1 IBM Displaywriter, 1 bookcase, 1 file cabinet	<u>14.9</u>
Total	146.9

Costs for years beyond FY 87 are adjusted by 3.5% yearly. Equipment costs are one time only.



Position Title <b>Management Analyst III</b>			No. of Positions 1	Range/Step 18A	Barg. Unit CCU	Gov.	Approv.	Disapp.	
Time Status PET	Start Months 12	RP Number	Location AWA		Election District	Leg.			
Type of Expenditure			Justification						
Amount			<p>This position would work with the Special Assistant and division staff to determine financial effect of regulations on the population. This person would have to attend hearings, talk to persons potentially affected by regulations, and work with the Program Budget Analyst to cost out impacts. This person would also work on preparation of initial and final justification.</p>						
1	2	3							
Salary	37,356								
Benefits	9,182								
Premium Pay									
Other									
Total Personal Services		46.5							
Travel		7.0							
Contractual		3.5							
Commodities		2							
Equipment		1.6							
Other									
Total Cost		58.8							
Receipt Code	Funding Source								
	Federal Receipts	1002							
	G. F. Match	1003							
	General Funds	1004							58.8
	I-A Receipts	1005							
	Program Receipts	1028							
	CIP Receipts	1061							
	Other								
For B&M Use Only Key Number _____									

APPENDIX 6, Page 4 of 5

**Request For  
New Position**

Agency Health & Social Services  
 BRU DHSS Admin. Services  
 Component Commissioner's Office

Page \_\_\_\_\_ of \_\_\_\_\_  
 Revised Date \_\_\_\_\_

**FY 87**

Position Title <b>Program Budget Analyst II</b>			No. of Positions 1	Range/Step 16 A	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location AWA	Election District		Leg.		
Type of Expenditure			Justification					
		Amount	<p>This position would work with the Special Assistant and division staff to determine financial impact of regulations on the population. This person would attend some hearings and would have the main responsibility for costing out impacts, along with division staff.</p>					
1	2	3						
Salary	32,424							
Benefits	8,002							
Premium Pay								
Other								
Total Personal Services		40.4						
Travel		2.5						
Contractual		2.5						
Commodities		.2						
Equipment		1.8						
Other								
Total Cost		47.4						
Receipt Code			Funding Source					
			Federal Receipts 1002					
			G. F. Match 1003					
			General Funds 1004 47.4					
			I-A Receipts 1005					
			Program Receipts 1028					
			CIP Receipts 1061					
			Other					
For B&M Use Only								
Key Number								

APPENDIX 6, Page 5 of 5

**Request For  
New Position**

Agency Health & Social Services  
 BRU DHSS Admin. Services  
 Component Commissioner's Office

Page \_\_\_\_\_ of \_\_\_\_\_  
 Revised Date \_\_\_\_\_

**FY 87**

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: SSHB 458  
 Title: Adoption of regulations

Sponsor: Ronald Heri, Cato, Marrow, Shultz  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 BRU: Oil & Gas

Components: \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	21.4	21.4	21.4	21.4	21.4
TRAVEL	0	36.0	36.0	36.0	36.0	36.0
CONTRACTUAL SUPPLIES	0	15.9	15.9	15.9	15.9	15.9
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>						

<b>CAPITAL</b>	0	73.3	73.3	73.3	73.3	73.3
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<b>REVENUE</b>						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND	0	73.3	73.3	73.3	73.3	73.3
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

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

**ANALYSIS :** Attach a separate page if necessary DD&G anticipates promulgating/revising 3 packages of regulations per year. The above cost are VERY TENTATIVE. Actual costs would vary with the actual number of regulations packages, number of hearings requested and the location of the hearings.

These estimates do not include any inflation allowances.

Prepared by: Kristina O'Connor  
 Division: Oil and Gas

Phone: 762-4243  
 Date: March 20, 1986

Approved by Commissioner: Ned Fargher  
 Agency: Natural Resources

Date: 3/20/86

Distribution (by Agency preparing fiscal note):

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

APPENDIX 9  
 Page 1 of 4

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL AND GAS

TO: Ned Farquhar  
Special Asst., Commissioner's Office

DATE: March 20, 1986

FILE NO:

THRU: Kay Brown, Director

TELEPHONE NO: 561-2020

FROM: Kristina M. O'Connor  
Natural Resource Manager II

SUBJECT: Fiscal Note and  
Comments on SSHB 458

Division staff have reviewed this legislation and generated the following comments:

1. New AS 44.62.190 (d) proposes a one-year rule-of-thumb for staleness. This is unnecessary and redundant since AS 44.62.050 requires that when drafting regulations, the rules in the Drafting Manual for Administrative Regulations (Drafting Manual) be followed. The one-year rule of thumb for staleness is required by the Drafting Manual and has been for a number of years.
2. New AS 44.62.195 (b) proposes that a financial estimate of the total annual cost or savings that will be incurred by all individuals and entities directly affected by complying with the regulation be prepared. It would be virtually impossible to accomplish this. How can agencies know ALL of the affected parties and figure their costs/savings and also figure out how many parties/how much to figure for costs/savings for future years?
3. Amended AS 44.62.200 (a) (3) and new AS 44.62.205 will require a justification of need for the proposed regulations. AS 38.05.020 and AS 44.62 specifically allow the Commissioner to adopt necessary regulations. AS 44.62 sets forth the procedures that must be followed in order to adopt regulations. AS 44.62.220. Right to petition, specifically allows an individual or designated group to petition for amendment, adoption or repeal of a regulation if it is felt that there is sufficient need. The public does have two methods to facilitate change, one during the regulatory comment period and the other, to petition. The proposed amendment and new section are unnecessary, will cause delays and extra costs to agencies and possibly the public as well. This amended section and new subsection should not be adopted.
4. AS 44.62.210 (c) and (d) are proposed as new subsections. Will AS 44.62.210 (c) allow the use of teleconferencing for the public hearing? If so, the language should be added to the text. In case the community involved does not have teleconferencing capabilities, the agency would be required to send staff and a court reporter (since tapu recordings at meetings are often inaudible, and notes could be later contested by stating that only select information was taken down) for the hearing. Once again this will be a great expense to agencies. Written or taped comments should provide adequate means for concerns to be expressed for such groups if teleconferencing is not possible.

AS 44.62.210 (d) seems to be unclear. Is it meaning to say that the agency may not accept comments from the public after the closing date, even if they were delayed because of the postal system? Is it saying that if more information is revealed supporting the justification for need that the agency must go back to notice and begin the process all over again? Or finally, is it saying that if the agency decides to accept public comment proposals or reject them, that in their decision making process the public must be allowed to review those decisions and another comment period will be required?

5. AS 44.62.230 proposes that if a petition requesting an adoption, amendment or repeal of a regulation is denied, the reasons for denial will be included in the agency's response. This sounds like a fair and reasonable requirement.
6. AS 44.62.275 proposes to require agencies to maintain a file of the proceedings concerning the adoption, amendment or repeal of a regulation. This is already being done. Is this going to mean that each proposed regulation will have to have its own file, or if it's part of a package of changes, will it be ok to have them all together in one file?

The contents of how the files are to be maintained would more appropriately be addressed in the Drafting Manual.

If the content material and how the files are to be maintained will be in the statute, then the following changes are necessary.

AS 44.62.275 (a) (1) should add the word "any" before "petitions..."  
AS 44.62.275 (a) (3) and (4) should be deleted. See earlier comments for AS 44.62.205.

AS 44.62.275 (a) (5), (6), (7) and (8) are ok.

AS 44.62.275 (b) is unnecessary because documents are date stamped in and filed in order of date received and filed in categories. To maintain a log is just extra work that doesn't seem to accomplish anything. An affidavit seems unnecessary as well since the AG's are the ones that determine that the legal process has been followed.

AS 44.62.275 (c) regulatory files are open to public inspection under the Freedom of Information Act.

6. AS 44.62.300.(3) the addition of the proposed new subsection is unnecessary and will only tie up the agency's ability to implement and meet statutory requirements and needs (see the comments under AS 44.62.205).

Language should be added to the section placing a 60-day time limit for filing a judicial declaration after adoption, amendment or repeal. This is done by the feds. and many states.

March 20, 1988  
Neu Farquhar  
Page 3

FISCAL NOTE BACKGROUND INFORMATION:

Our estimate is very rough. The actual costs will vary with the real number of regulation packages generated, the number of additional notices deemed necessary, and the number and location of hearings requested by the public. We really have no firm grasp on what these numbers will be. However, we estimate that, on the average, the division produces about three packages of regulations each year. The proposed legislation (SSHB 458) could require an additional permanent part-time Natural Resource Officer II (Range 16, Step A) at a cost of about \$21,400 per year. We would anticipate having to issue three additional notices per year at a cost of \$3500 each, for a total of \$10,500. We would anticipate conducting three additional bush hearings for each package for a total of nine hearings. Travel and per diem for each hearing is estimated to cost about \$4000 per bush hearing. A court reporter's time and transcript generation is estimated to cost about \$550 per hearing for a total of \$4950, and translator services will cost about \$50 per hearing for a total of \$450 per year. We have not included the possible cost of an assistant attorney general's time to assist the division in complying with the new regulation procedures. We were unable to estimate the amount of time an AAB would be needed. The grand total is \$73,300 per year. Please keep in mind that this estimate is very rough, and is based on assumptions that can vary a great deal.

KO/08610

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SSHB-458  
 Title : ... adoption of regulations.  
 \_\_\_\_\_  
 Sponsor : Pignalberi, et al  
 Requestor : Sponsor  
 Date of Request : March 20, 1986

**FISCAL DETAIL**

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

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>						
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING : (Thousands of Dollars)**

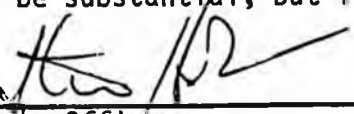
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

This is not a zero fiscal note. Costs associated with the bill, particularly sections 2 and 4, will be substantial, but indeterminate.

Prepared by : Steve Hole   
 Division : Commissioner's Office

Phone : 465-2800  
 Date : March 20, 1986

Approved by Commissioner : Marshall L. Lind  
 Agency : Department of Education

Date : March 20, 1986

**Distribution (by Agency preparing fiscal note):**

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

APPENDIX 3  
 Page 1 of 1

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SSHB 458  
 Title : "An Act relating to the adoption of regulations; and providing for an effective date."  
 Sponsor : Rep. Pignalberi  
 Requestor : House State Affairs  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : DPS Administration  
 \_\_\_\_\_  
 Components : Commissioner's Office  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		62.0	65.1	68.4	71.8	75.4
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		62.0	65.1	68.4	71.8	75.4

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		62.0	65.1	68.4	71.8	75.4
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		62.0	65.1	68.4	71.8	75.4

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

This Department's Division of Motor Vehicles and Fire Prevention are entities that most adopt, add, modify and/or repeal regulations. The Alaska Police Standards Council and the Council on Domestic Violence and Sexual Assault also have regulations that could be affected by the bill.

Prepared by : Frank Gortam, Inspector

Phone : 465-4322

Division : Commissioner's Office

Date : 3/18/86

Approved by Commissioner : [Signature]

Date : 3/18/86

Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

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

APPENDIX : 10  
 Page 1 of 2

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSHB 458

The Department's approach in addressing the requirements of Section 2 and Section 4 of the bill will be to contract for the expertise to do an indepth analysis of the costs or the savings that will be incurred by individuals and entities directly affected by a proposed regulation action and prepare summaries and needs justification. It is deemed that a great deal of analytical input would be needed for regulation actions which would require research, data massaging and analytical documentation. An estimate of such need would cover the need for contractual support for three months out of a year.

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

A 5% inflation factor is added beginning FY 88.

<u>300 Contractual</u>		\$62.0
Regulation Analytical Diagnosis		
90 days @ \$100/day for 6 hrs.per day	\$54.0	
Incidental computer use	5.0	
Incidental travel related to above	3.0	

A M E N D M E N T

Offered in the HOUSE

BY \_\_\_\_\_

TO: SSHB 458

Page 1, lines 16 -- 23:

Delete all material and substitute the following for it:

\* Sec. 2. AS 44.62.195 is amended by adding new subsections to read:

(b) Except as provided in (c) of this section, if (1) the information is known or reasonably ascertainable, and (2) within 20 days after notice of a proposed regulation adoption is published, a written request is filed in the lieutenant governor's office by the governor, the Administrative Regulation Review Committee, the governing body of a political subdivision of the state, another state agency, or 300 persons signing the request, an agency planning to adopt a regulation shall prepare a financial estimate.

(c) The financial estimate required by (b) of this section must set out an estimate of (1) the cost or savings that will likely be incurred during a year by an individual or entity directly affected by the proposed regulation, in complying with that regulation, and (2) the aggregate cost or savings that will likely be incurred during a year by individuals or entities directly affected by the proposed regulation, in complying with that regulation. An estimate is not required for a proposed regulation for which no identifiable cost or savings will likely be incurred by those directly affected by the regulation.

(d) If the agency has made a good faith effort to comply with the requirements of (b) and (c) of this section, the regulation may not be invalidated on the ground that the contents of the estimate are insufficient or inaccurate.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill Resolution No. : SSHB 458  
 Title : "An Act relating to the adoption of regulations..."  
 Sponsor : Pignalberi et, al  
 Requestor : State Affairs  
 Date of Request : 2/11/86

**FISCAL DETAIL**

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

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 83	FY 89	FY 90	FY 91
PERSONAL SERVICES		72.5	72.5	72.5	72.5	72.5
TRAVEL		0	0	0	0	0
CONTRACTUAL		48.5	50.4	52.4	54.5	56.7
SUPPLIES		1.5	1.6	1.7	1.8	1.9
EQUIPMENT		3.2	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>125.7</b>	<b>124.5</b>	<b>126.6</b>	<b>128.8</b>	<b>131.1</b>

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		125.7	124.5	126.6	128.8	131.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>125.7</b>	<b>124.5</b>	<b>126.6</b>	<b>128.8</b>	<b>131.1</b>

**POSITIONS :**

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

**ANALYSIS :** Attach a separate page if necessary

Prepared by: <sup>no</sup> Eileen Plate Phone : 465-2700  
 Division : Commissioner's Office Date : 3/7/86

Approved by Commissioner: <sup>MS</sup> Jim Robison Date : 3/7/86  
 Agency : Labor

Distribution (by Agency preparing fiscal note):

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

APPENDIX 7  
Page 1 of 6