

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8777 HOUSE STATE AFFAIRS

9-LS04400✓

Bannister

3/17/95

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

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, James

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the examination by the Administrative Regulation Review
2 Committee and the Department of Law of proposed regulations, amendments of
3 regulations, and orders repealing regulations; relating to the submission to,
4 acceptance by, and return by the lieutenant governor of proposed regulations,
5 amendments of regulations, and orders repealing regulations; relating to agency
6 review of public comment on the adoption, amendment, and repeal of regulations;
7 and requiring certain agencies to provide examples of compliance methods before
8 adopting regulations, amendments of regulations, or orders repealing regulations."

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

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

11 (4) to examine all administrative regulations, including proposed
12 regulations, amendments, and orders of repeal submitted to it under
13 AS 44.62.040(c), to determine if they properly implement legislative intent;

1 * Sec. 2. AS 44.62.040 is amended by adding new subsections to read:

2 (c) After an agency submits a regulation, amendment, or order of repeal to the
3 lieutenant governor under (a) of this section and before accepting the regulation,
4 amendment, or order of repeal for filing, the lieutenant governor shall submit the
5 following items to the Administrative Regulation Review Committee for the
6 committee's comments on whether the regulation, amendment, or order of repeal
7 conforms to the intent of the authorizing statute and whether the agency complied with
8 AS 44.62.215:

9 (1) the regulation, amendment, or order of repeal;

10 (2) the written record and example required by AS 44.62.215(a) - (b);

11 and

12 (3) the statement prepared by the Department of Law under
13 AS 44.62.060(b).

14 (d) The Administrative Regulation Review Committee shall provide its
15 comments under (c) of this section to the lieutenant governor within 30 days after
16 receiving the items listed in (c) of this section. When preparing its comments, the
17 committee may consult with experts in the area that is the subject of the regulation,
18 amendment, or order of repeal.

19 (e) At any time after receiving a proposed regulation, amendment, or order of
20 repeal from an agency, and whether or not the Administrative Regulation Review
21 Committee has provided comments under (c) - (d) of this section, the lieutenant
22 governor may return the proposed regulation, amendment, or order of repeal to the
23 proposing agency without accepting the regulation, amendment, or order of repeal for
24 filing if the Department of Law has submitted a statement of disapproval under
25 AS 44.62.060, or if the Administrative Regulation Review Committee has provided
26 comments under (c) - (d) of this section, in order to allow the agency to respond to the
27 specific issues raised by the Department of Law or the Administrative Regulation
28 Review Committee.

29 * Sec. 3. AS 44.62.050 is amended to read:

30 Sec. 44.62.050. **STYLE AND FORMS.** The Department of Law shall prepare
31 and shall revise when necessary a drafting manual for administrative regulations that

1 prescribes the style and forms for submitting regulations to the lieutenant governor
2 under AS 44.62.040.

3 * Sec. 4. AS 44.62.060 is amended to read:

4 Sec. 44.62.060. PREPARATION AND FILING. (a) Every state agency that
5 by statute possesses regulation-making authority shall work with the Department of
6 Law, under AS 44.62.125, in the preparation and revision of its regulations and shall
7 adhere to the drafting manual for administrative regulations prepared by the
8 Department of Law under AS 44.62.050. A state agency shall also provide the
9 Administrative Regulation Review Committee with a copy of the first draft that
10 the agency provides to the Department of Law under this subsection.

11 (b) In the performance of duties under AS 44.62.125, the Department of Law
12 shall advise the agencies on legal matters relevant to the adoption of regulations and
13 may advise the agencies on the need for and the policy involved in particular
14 regulations. In addition, the department shall prepare a written statement of approval
15 or disapproval after each regulation has been reviewed in order to determine

16 (1) its legality, constitutionality, and consistency with other regulations;
17 in this paragraph, "legality" includes compliance with AS 44.62.030;

18 (2) the existence of statutory authority and the correctness of the
19 required citation of statutory authority following each section;

20 (3) its clarity, simplicity of expression, and absence of possibility of
21 misapplication;

22 (4) compliance with the drafting manual for administrative regulations.

23 (c) The lieutenant governor may not accept for filing a regulation, amendment,
24 or order of repeal required by AS 44.62.040 unless it is accompanied by the written
25 record and example required by AS 44.62.215(a) - (b) and the written statement
26 specified in (b) of this section, and the statement approves the regulation, amendment,
27 or order of repeal.

28 * Sec. 5. AS 44.62.060 is amended by adding a new subsection to read:

29 (d) Unless the Department of Law notifies the lieutenant governor and the
30 agency that it needs more time and sets a specific date for the review of the proposed
31 regulation, amendment, or order of repeal, the Department of Law shall prepare the

1 written statement of approval or disapproval required by (b) of this section within 30
2 days after the proposed regulation, amendment, or order of repeal has been submitted
3 to it for preparation of the statement.

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

5 Sec. 44.62.215. PUBLIC COMMENT AND AGENCY ESTIMATES AND
6 DETERMINATIONS. (a) In the drafting, review, or other preparation of a proposed
7 regulation, amendment, or order of repeal, an agency shall weigh, evaluate, or
8 otherwise utilize public comment that consists of facts or other substantive information
9 that is relevant to the accuracy, coverage, or contents of the proposed regulatory
10 action. The agency shall record in writing the agency's use or rejection of factual or
11 other substantive information that is submitted as public comment and relevant to the
12 accuracy, coverage, or other aspect of the proposed regulatory action. An agency may
13 not weigh, evaluate, or otherwise utilize in the drafting, review, or other preparation
14 of the proposed regulatory action public comment that is nonfactual or an expression
15 of preference regarding the need for, coverage, or policy of the proposed regulatory
16 action.

17 (b) Before adopting a regulation, amendment, or order of repeal, an agency,
18 except the Board of Fisheries or the Board of Game established under AS 16.05.221,
19 shall provide in writing an example of an economically feasible method for complying
20 with the proposed regulatory action.

21 (c) A written explanation, estimate, or determination required by this section
22 is a public record under AS 09.25.100 - 09.25.220, and the agency producing the
23 explanation, estimate, or determination shall provide a copy to a person upon request.

24 * Sec. 7. AS 44.62.250 is amended to read:

25 Sec. 44.62.250. EMERGENCY REGULATIONS. A regulation or order of
26 repeal may be adopted as an emergency regulation or order of repeal if a state agency
27 makes a written finding, including a statement of the facts that constitute the
28 emergency, that the adoption of the regulation or order of repeal is necessary for the
29 immediate preservation of the public peace, health, safety, or general welfare. The
30 requirements of AS 44.62.040(c) - (d), 44.62.060, [AS 44.62.060] and 44.62.190 -
31 44.62.215 [44.62.190 - 44.62.210] do not apply to the initial adoption of emergency

1 regulations; however, upon adoption of an emergency regulation the adopting agency
2 shall immediately submit a copy of it to the lieutenant governor for filing and for
3 publication in the Alaska Administrative Register, and within five days after filing by
4 the lieutenant governor the agency shall give notice of the adoption in accordance with
5 AS 44.62.190(a). Failure to give the required notice by the end of the 10th day
6 automatically repeals the regulation.

7 * Sec. 8. AS 44.62.260 is amended to read:

8 Sec. 44.62.260. LIMITATION ON EFFECTIVE PERIOD OF EMERGENCY
9 REGULATIONS. (a) A regulation adopted as an emergency regulation does not
10 remain in effect more than 120 days unless the adopting agency complies with
11 AS 44.62.040(c) - (d), 44.62.060, [AS 44.62.060] and 44.62.190 - 44.62.215
12 [44.62.190 - 44.62.210] either before submitting the regulation to the lieutenant
13 governor or during the 120-day period.

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

9-LS0410M-
Bannister
2/22/95

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

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, James

A BILL

FOR AN ACT ENTITLED

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

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

10 * Section 1. AS 24.20.460 is amended to read:

11 Sec. 24.20.460. POWERS. The Administrative Regulation Review Committee
12 has the following powers:

- 1 (1) to organize and adopt rules for the conduct of its business;
- 2 (2) to hold public hearings;
- 3 (3) to require all state officials and agencies of state government to give
- 4 full cooperation to the committee or its staff in assembling and furnishing requested
- 5 information;
- 6 (4) to examine all administrative regulations, including proposed
- 7 regulations, amendments, and orders of repeal submitted to it under
- 8 AS 44.62.040(c), to determine if they properly implement legislative intent;
- 9 (5) to make recommendations for legislative annulment of administrative
- 10 regulations under AS 44.62.320;
- 11 (6) to prepare and distribute reports, memoranda, or other materials;
- 12 (7) to promote needed revision or repeal of regulations that have been
- 13 adopted by state departments and agencies and, when the committee determines a
- 14 regulation should be repealed or amended, to introduce a bill that would enact a statute
- 15 that would supersede or nullify the regulation;
- 16 (8) to investigate findings that are transmitted to the committee by a
- 17 standing committee in accordance with AS 24.05.182 and, as appropriate, to either
- 18 introduce a bill annulling the regulation or exercise the committee's power to suspend the
- 19 effectiveness of the regulation in accordance with AS 24.20.445.

20 * Sec. 2. AS 44.62.040 is amended by adding new subsections to read:

21 (c) Unless the lieutenant governor has returned the regulation, amendment, or

22 order of repeal to the agency under (e) of this section, within 30 days after an agency

23 submits a regulation, amendment, or order of repeal to the lieutenant governor under (a)

24 of this section and before accepting the regulation, amendment, or order of repeal for

25 filing, the lieutenant governor shall submit the following items to the Administrative

26 Regulation Review Committee for the committee's comments on whether the regulation,

27 amendment, or order of repeal conforms to the intent of the authorizing statute and

28 whether the agency complied with AS 44.62.215:

- 29 (1) the regulation, amendment, or order of repeal;
- 30 (2) the written estimate and determination made by the agency under
- 31 AS 44.62.215(b); and

1 (3) the statement prepared by the Department of Law under
2 AS 44.62.060(b).

3 (d) The Administrative Regulation Review Committee shall provide its
4 comments under (c) of this section to the lieutenant governor within 90 days after
5 receiving the items listed in (c) of this section. The committee shall notify the lieutenant
6 governor within 30 days after receipt if the committee needs more than 90 days to
7 prepare its comments and shall provide the lieutenant governor with a date when the
8 comments will be ready. When preparing its comments, the committee may consult with
9 experts in the area that is the subject of the regulation, amendment, or order of repeal.

10 (e) At any time after receiving a proposed regulation, amendment, or order of
11 repeal from an agency, and whether or not the Administrative Regulation Review
12 Committee has provided comments under (c) - (d) of this section, the lieutenant governor
13 may return the proposed regulation, amendment, or order of repeal to the proposing
14 agency without accepting the regulation, amendment, or order of repeal for filing if the
15 lieutenant governor determines that the return would be in the best interests of the state.

16 * Sec. 3. AS 44.62.050 is amended to read:

17 Sec. 44.62.050. STYLE AND FORMS. The Department of Law shall prepare
18 and shall revise when necessary a drafting manual for administrative regulations that
19 prescribes the style and forms for submitting regulations to the lieutenant governor
20 under AS 44.62.040.

21 * Sec. 4. AS 44.62.060(c) is amended to read:

22 (c) The lieutenant governor may not accept for filing a regulation, amendment,
23 or order of repeal required by AS 44.62.040 unless it is accompanied by the written
24 estimate and determination required by AS 44.62.215(b) and the written statement
25 specified in (b) of this section, and the statement approves the regulation, amendment,
26 or order of repeal.

27 * Sec. 5. AS 44.62.060 is amended by adding a new subsection to read:

28 (d) Unless the Department of Law notifies the lieutenant governor and the agency
29 that it needs more time to review the proposed regulation, amendment, or order of repeal,
30 the Department of Law shall prepare the written statement of approval or disapproval
31 required by (b) of this section within 60 days after the proposed regulation, amendment,

1 or order of repeal has been submitted to it for preparation of the statement.

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

3 Sec. 44.62.215. PUBLIC COMMENT AND AGENCY ESTIMATES AND
4 DETERMINATIONS. (a) In the drafting, review, or other preparation of a proposed
5 regulation, amendment, or order of repeal, an agency shall weigh, evaluate, or otherwise
6 utilize public comment that consists of facts or other substantive information that is
7 relevant to the accuracy, coverage, or contents of the proposed regulatory action. The
8 agency shall explain in writing the agency's use or rejection of factual or other
9 substantive information that is submitted as public comment and relevant to the accuracy,
10 coverage, or other aspect of the proposed regulatory action. An agency may not weigh,
11 evaluate, or otherwise utilize in the drafting, review, or other preparation of the proposed
12 regulatory action public comment that is nonfactual or an expression of preference
13 regarding the need for, coverage, or policy of the proposed regulatory action.

14 (b) Before adopting a regulation, amendment, or order of repeal, the agency shall
15 make a written estimate of the cost of compliance for a private person affected by the
16 proposed regulatory action, and shall determine in writing that there is an economically
17 feasible method for complying with the proposed regulatory action.

18 (c) A written explanation, estimate, or determination required by this section is
19 a public record under AS 09.25.100 - 09.25.220, and the agency producing the
20 explanation, estimate, or determination shall provide a copy to a person upon request.

21 * Sec. 7. AS 44.62.250 is amended to read:

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

1 agency shall give notice of the adoption in accordance with AS 44.62.190(a). Failure to
2 give the required notice by the end of the 10th day automatically repeals the regulation.

3 * Sec. 8. AS 44.62.260 is amended to read:

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

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

Section 1. No change.

This section simply clarifies the obvious goals set by the legislature for the Administrative Regulation Review Committee. Title 24, Chapter 20, Article 3, sets out the "Powers" of the Administrative Regulation Review Committee. The Administrative Regulation Review Committee is lawfully authorized body or "Agency" of the Legislature. Section 1 also serves to make consistent the authority to review proposed regulations granted under AS 24.05.182.

Section 2. (c) Page 2, Lines 2 to 28. Streamlined.

Deleted the thirty day time frame for the Lieutenant Governor's office to transmit pre-filed regulations to the Administrative Regulation Review Committee.

(d) Page 2, lines 14 to 18. The Administrative Regulation Review Committee time frame is simplified and shortened to just thirty days. The comments the Committee can provide are set out in AS 44.62.215.

This section was changed in response to the concerns about the timing of the regulation process.

(e) Page 2, Line 24 to 28. Changed to specify the reasons the Lieutenant Governor may return final draft regulations to an agency. These reasons now include allowing the agency to respond to the Department of Law's comments, and Administrative Regulation Review Committee comments.

Section 3. Page 2, lines 30 to 31, and page 4 lines 1 and 2.

No Change. No contextual importance, merely janitorial.

Section 4. Page 3. New.

This section clarifies an area I believe is at the heart of the confusion over the role of the Legislature's Regulation Review Committee. It does not make a substantive addition to the bill as much as it recognizes the existing process which occurs when a Legislator or an active Administrative Regulation Review Committee wishes to participate in the regulation review process.

(b) (1) clarifies the role of the Department of Law includes the review of statutory consistency.

(c) modified to be consistent with the streamlining of Section 6.

Section 5. Page 3 and the top of page 4.

Changed to clarify the role of the Department of Law, by setting a thirty day review deadline, identical to the deadline for the Administrative Regulation Review Committee. This deadline is not a hard deadline, it can be extended by the Department of law to a future date.

The lieutenant governor can now "track" regulations in the Department of Law. It prevents the Department of Law from performing a **hidden** "pocket veto." It does not prevent the Department of Law from taking months and months to review a regulation. It just requires that they inform the elected official who the public perceives as responsible for regulations about the status and expected time frame for the Department's review of a complex regulation.

Section 6. Page 4.

Part (a) line 10. The phrase [explain in writing] has been replaced with **record in writing.**

This is not a substantive change, but responds to some of the confusion regarding the intent of this section brought up in prior discussion.

Part (b) Lines 17 to 20. The Boards of Game and Fisheries are exempted from the task of providing examples of economically feasible methods of complying with the proposed regulatory action.

Due to the speed of construction this section inadvertently omitted the reference to the cost of compliance. We simply need to amend it back into this section.

(c) No change.

Section 7 and 8 Page 4 and 5.

No change. This is just constructional language making the added requirements of Section 6 exempt from emergency regulations

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

Committee Substitute for HB 130 Sponsor Statement

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

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

AS 44.62.040 (e) "Any time after receiving a proposed regulation. . . the lieutenant governor **may return the proposed regulation** . . . without . . . filing. . . if the return would be in the best interest of the state"

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

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

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

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

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

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

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

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

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

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

Intent:

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

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

February 22, 1995

House State Affairs
The Honorable
Jeannette James, Chairman

Fiscal Note Summary:

<u>Department</u>	<u>Dollars</u>
Administration	0
Governor - Lieutenant Governor	73.7
Governor - Office of Management & Budget	38.4
Governor - Human Rights Commission	40.0
Governor - Elections	0
Department of Commerce & Econ. Dev.	0
Department of Health and Social Services	74.2
Department of Fish and Game, limited entry.	15.0
Department of Law	0
Department of Public Safety	10
Department of Natural Resources	0
Total	281.3

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

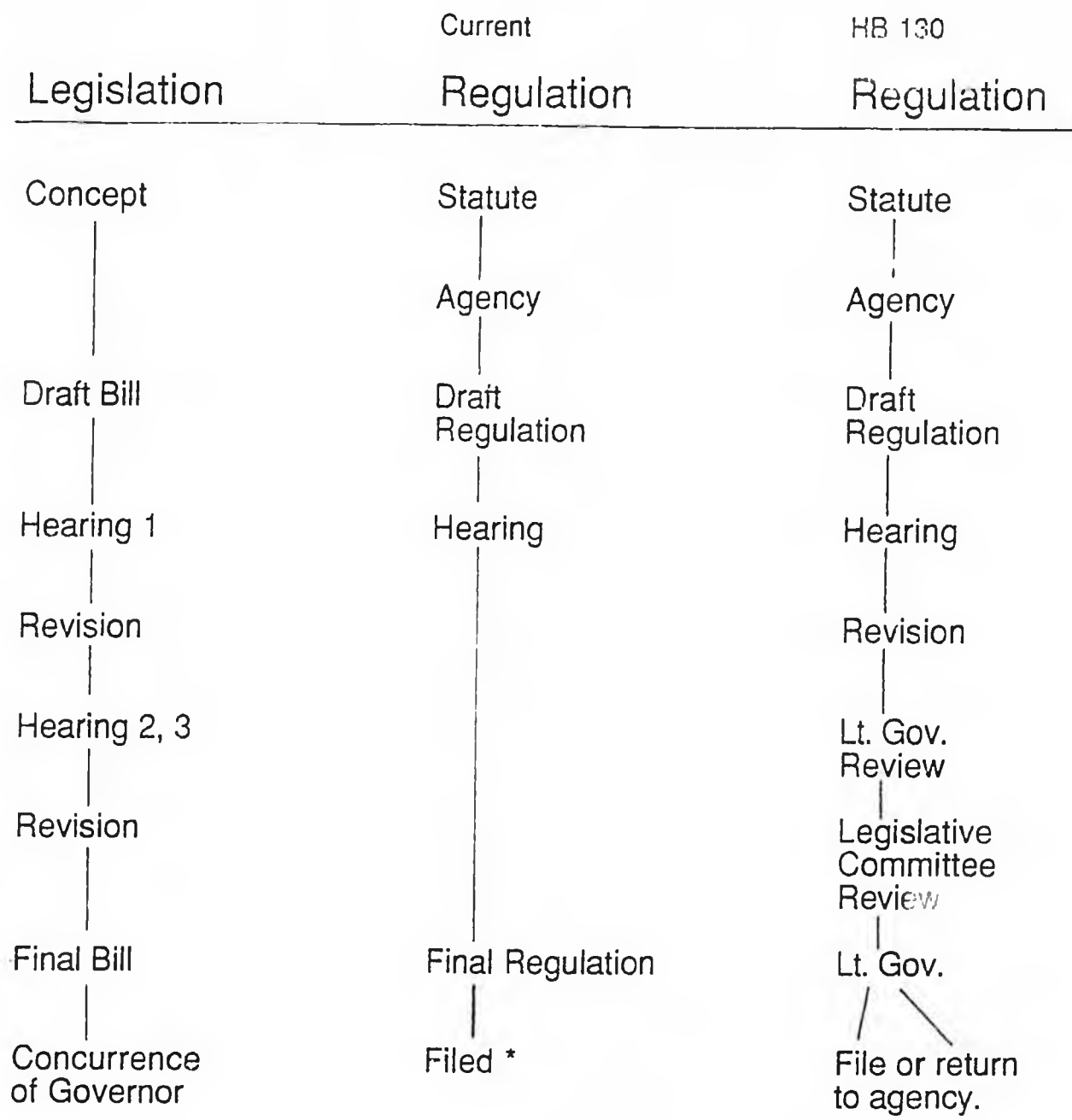
Memorandum

To: Administrative Regulation Review Committee (ARRC)

Date: February 22, 1995.

Regarding: Proposed amendments to the regulation process

-
- 1) Statutory Authority
Legislature passes statute delegating law making authority to an agency.
 - 2) Development of Regulation:
Agency has expertise to make specific regulations. (AS 44.62.050, 060, 130)
Department of Law: legal review for style, form, preparation and codification.
 - 3) Fiscal Notes = Cost to agency. (AS 44.62.195)
 - 4) HB 163 **Compliance Cost Estimate = Cost for private person.** (AS 44.62.197)
 - 5) Agency Public Notice & 30 days to Public Hearings (AS 44.62.190, 200, 210)
 - 6) HB 130 **Agency Response to Public Comment** (AS 44.62.215)
Written response to factual comment. Not a vote or "weighing" of the public will.
 - 7) HB 130 **Agency Determinations** (AS 44.62.215)
Presented to Lt. Gov. & ARRC: a) Cost of compliance.
b) Economically feasible means of compliance.
 - 8) Department of Law: Regulations Attorney approves regulations. (AS 44.62.125)
(HB 130 adds 60 day time limit to DOL review.)
 - 9) HB 130 Legislature's Regulation Review Committee (AS 44.62.040 (c) & (d))
Given 90 days to review draft regulations, provide comments to Lt. Gov.
 - 10) HB 130 **Lieutenant Governor may return draft regulation to agency.**
(AS 44.62.040 (e))
 - 11) Lieutenant Governor files regulations (AS 44.62.040)
("Mandatory and Ministerial")
 - 12) HJR 1 **Legislative Annulment of Regulations** (AS 44.62.320)



* The lieutenant governor's role in regulations is now "ministerial and mandatory." A regulation must be filed when received by the lieutenant governor. HB 130 adds review authority to the lieutenant governor's office.

03/16/95 08:17:39 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
MESSAGE FROM: LIOCJEN IN ANCHORAGL

LTN1120
JNU

RE TCN: 50418 SCHEDULED FOR:03/16/95 08:00 TO 10:00
SPONSOR: HOUSE STATE AFFAIRS PURPOSE: PUBLIC HEARING

MESSAGE TEXT: MICHELE O'LEARY ON FOR HB 130 AND 163 ,

03/16/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

08:48:52 PARTICIPANT LIST (ALL PARTICIPANTS)

BY:FBX

TCN:50418 SCHEDULED FOR:03/16/95 08:00 TO 10:00

FOR:FBX

PUBLIC HEARING HOUSE STATE AFFAIRS

LOCATION:FAIRBANKS

HB 130

MS.

BONNIE

WILLIAMS

TESTIFY

HB

132

Alaska State Legislature

REPRESENTATIVE
JERRY MACKIE



House of Representatives

ALASKA STATE CAPITOL,
JUNEAU, ALASKA 99801-1182
(907) 465-4925

PO. BOX 793
CRAIG, ALASKA 99921
(907) 326-3008 OFFICE
(907) 326-2930 HOME

SPONSOR STATEMENT

ON

HB 132

I introduced HB 132 to bring parity to the state's election process. The principle provision of the bill is the requirement that all candidates for state elective office must enter the primary election contest.

Currently, any Alaskan citizen eligible for elective office may bypass the state's primary election and be placed directly on the general election ballot by a nominating petition. In my view, this causes two inequities. First, the voters are denied full knowledge at the onset of all contestants seeking election to a particular office. Voter access to financial disclosure information of petition candidates is delayed until just 2 months before the general election. Furthermore, voter exposure to petition candidates' views and positions on issues of public interest is limited and compressed.

The second inequity is that the petition process provides a short cut avenue to the general election ballot. It thus acts as an incentive for citizens to get directly on the general election ballot, because it saves money and the campaign scrutiny by the electorate is short. While independent candidates have occasionally won elective office, they more often act as spoilers to the competition between primary election winners. In effect then, the two ballot, primary-general election system, designed to winnow the many candidates down to contests between the few, is subverted. The infusion of petition candidates onto the general election ballot can make it an election system of few primary contests transcending into contests among the many in the general election.

HB 132 would place all candidates before the electorate on an equal footing. This is accomplished by requiring all candidates to be in the primary election. Just as the top vote getter of each political group will move on to the general election ballot, so too will the top vote getter among all independent candidates for a particular elective office. In this manner, the electorate will have an equal opportunity to view and assess all candidates for an elective office. And each candidate will be equally challenged by the election process.

SECTIONAL ANALYSIS
OF
HB 132

Section 1 This section changes the filing date for candidates for elective office who are being nominated by petition to June 1. This date coincides with the primary filing deadline for candidates of a political party [AS 15.24.040 (a)(1)].

Section 2. Deleted is the provision that petitions for governors and lieutenant governor must file jointly. This necessity for the general election ballot is contained in section 8.

Section 3. The requirements for the nominating petition must include the request that the candidate's name be placed on the primary election ballot in subsection (10). The provision for joint filing of governor and lieutenant governor candidates is deleted.

Section 4. AS 15.25.180(b) is amended to change financial disclosure requirements of petition candidates to coincide with those of political party candidates filing for the primary.

Section 5. A new section is added which governs challenges to the eligibility of a candidate being nominated by petition. AS 15.25.042 and AS 15.25.043 cite the authority and the manner with which the director of elections shall resolve questions of a candidate's eligibility.

Sections 6 and 7. These sections make general election to primary election conforming changes.

Section 8. A new section is added which places the names of the top vote getter of each party or political group on the general election ballot. In subsection (b) the party or political groups' governor and lieutenant governor candidates are paired up. In subsection (c), all nominating petition candidates will be treated as a political group. Hence, top vote getter for a particular office among competing petition candidates shall be placed on the general election ballot.

FISCAL NOTE **DRAFT**

BILL NO. HB 132

STATE OF ALASKA
 19946 LEGISLATIVE SESSION

Revision Date: _____

Title: Candidates for Statewide Ballot

Sponsor: Representative Mackle

Requestor: _____

Department Affected: Office of the Governor

BRU: Division of Elections

Component: General and Primary

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

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

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY98) impact: _____

ANALYSIS: (Attach a separate page if necessary.)

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

Phone: 465-4611
 Date: 2-2-95

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

Date: _____

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

HB

136

9-LS0438\O
Utermohle
4/24/96

CS FOR HOUSE BILL NO. 136()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MARTIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the establishment and operation of the Alaska Railroad
2 Commission to evaluate the sale of the Alaska Railroad; and providing for an
3 effective date."

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

5 * Section 1. ALASKA RAILROAD COMMISSION. (a) The Alaska Railroad
6 Commission is established as an entity within the Legislative Budget and Audit Committee
7 of the legislature. The commission consists of five members who represent the legislature,
8 the governor, the labor unions who represent persons employed by the Alaska Railroad
9 Corporation, and the private sector that uses the Alaska Railroad. One member shall be
10 appointed by the governor, one member shall be appointed by the president of the senate, one
11 member shall be appointed by the speaker of the house of representatives, one member shall
12 be appointed jointly by the governor, president of the senate, and speaker of the house of
13 representatives to represent labor unions that represent the employees of the Alaska Railroad
14 Corporation, and one member shall be appointed jointly by the governor, president of the

1 senate, and speaker of the house of representatives who is a representative of the private sector
2 that uses the Alaska Railroad. A vacant seat on the commission shall be filled in the manner
3 that the seat was originally filled.

4 (b) A member of the Alaska Railroad Commission is entitled to compensation at a rate
5 of \$250 for each day the member is engaged in the actual performance of duties as a
6 commission member. The commission may provide for compensation for partial days during
7 which a member is engaged in actual performance of duties as a commission member. In
8 addition, a member is entitled to per diem and travel expenses authorized for boards and
9 commissions under AS 39.20.180.

10 (c) Subject to appropriations for the purpose, the Alaska Railroad Commission may
11 contract for professional services as the commission considers necessary. Contracts for
12 professional services under this subsection are exempt from AS 36.30.

13 (d) The Alaska Railroad Commission shall contract for preparation of an appraisal by
14 a qualified railroad appraiser of the fair market value of the Alaska Railroad and all other
15 assets of the Alaska Railroad Corporation. The commission shall give a preference to a
16 private entity based in the state for the contract to perform the appraisal. The appraisal shall
17 be submitted to the governor and the Legislative Budget and Audit Committee before
18 November 1, 1996. The Alaska Railroad Corporation shall pay for the appraisal from the
19 Alaska Railroad working fund. The contract for the appraisal under this subsection is exempt
20 from AS 36.30.

21 (e) By January 13, 1997, the Alaska Railroad Commission shall determine whether
22 or not it is in the best interests of the state to sell the Alaska Railroad and all other assets of
23 the Alaska Railroad Corporation classified as necessary or convenient for the operation of the
24 railroad. In reaching its determination under this subsection, the commission shall

25 (1) identify all assets, real and personal and tangible and intangible, of the
26 Alaska Railroad Corporation and classify those assets as necessary or convenient for the
27 operation of the railroad or as other assets of the corporation;

28 (2) consider the effect of the sale of the Alaska Railroad on the state, on
29 customers, lessees, and employees of the railroad, and on municipalities served or affected by
30 the railroad;

31 (3) consider the effect of privatization of the Alaska Railroad and the

1 conditions of the sale upon the long-term profitability of the railroad;

2 (4) consider the ability of the state to obtain enforceable assurances of
3 continued operation of the railroad at necessary levels of service;

4 (5) consider foreseeable economic effects of the sale of the railroad; and

5 (6) consider the value to the state of direct oversight of operations of the
6 Alaska Railroad Corporation as currently provided under law.

7 (f) Notwithstanding the determination of the commission under (e) of this section,
8 before January 13, 1997, the Alaska Railroad Commission shall also

9 (1) recommend specific conditions to be attached to a sale of the Alaska
10 Railroad, including requirements that the purchaser of the railroad agree to

11 (A) continue operation of the railroad, as an active and functioning
12 transportation system, for a minimum of 20 years following the date of sale of the
13 railroad;

14 (B) accept assignment of all contracts, including agreements with
15 connecting carriers, shippers, or other persons concerning services, operation, property,
16 and facilities of the Alaska Railroad Corporation, entered into by the Alaska Railroad
17 Corporation and in effect on the date of the sale of the Alaska Railroad, provided that
18 the contracts are assignable under terms of the contract or that the other parties to the
19 contract consent to the assignment; this subparagraph does not apply to executive
20 employment contracts;

21 (C) accept assignment of collective bargaining agreements with labor
22 organizations that represent employees of the Alaska Railroad that are in effect on the
23 date of transfer of ownership of the Alaska Railroad until expiration of the agreements;

24 (D) as a condition of the sale and before the transfer of ownership of
25 the Alaska Railroad, negotiate collective bargaining agreements, including provisions
26 for future retirement benefits if appropriate, to take effect upon the expiration of the
27 collective bargaining agreements that are in effect on the date of transfer of ownership
28 of the Alaska Railroad;

29 (E) accept assignment of the retirement obligations owed to employees
30 of the Alaska Railroad at the time of transfer of ownership of the Alaska Railroad;

31 (F) purchase the Alaska Railroad for an amount that is equal to or

1 exceeds the fair market value of the Alaska Railroad and the assets of the Alaska
2 Railroad Corporation that are necessary or convenient for the operation of the railroad;
3 and

4 (G) provide proof of financial ability to abide by the terms of sale and
5 to operate the railroad as an active and functioning transportation system;

6 (2) recommend specific procedures and a schedule of events to be followed
7 in selling the Alaska Railroad;

8 (3) evaluate the prospects for and effects of operation of the Alaska Railroad
9 under private ownership;

10 (4) recommend procedures for the disposal of real property of the Alaska
11 Railroad Corporation that is not necessary or convenient for operation of the Alaska Railroad
12 to the state or to private persons;

13 (5) identify measures necessary to assure continued use of the railroad right-of-
14 way corridor for transportation, communication, and transmission purposes and support
15 functions associated with these purposes; and

16 (6) identify conditions or terms of the sale of the Alaska Railroad that may be
17 necessary for consistency with the Alaska Railroad Transfer Act of 1982 (P.L. 97-468, Title
18 IV) and AS 42.40 (Alaska Railroad Corporation Act).

19 (g) The Alaska Railroad Commission shall submit a comprehensive report of its
20 determination, recommendations, identifications, and evaluations made under (e) and (f) of this
21 section and of the appraisal of corporation assets under (d) of this section to the governor and
22 the Legislative Budget and Audit Committee before January 13, 1997.

23 (h) Except as provided under this subsection, the meetings of the Alaska Railroad
24 Commission shall be open to the public and shall provide an opportunity for public comment.
25 A subject may not be considered at an executive session unless the subject is mentioned in
26 the motion calling for the executive session or is auxiliary to a subject mentioned in the
27 motion. An action may not be taken at an executive session. Only the following subjects
28 may be discussed in an executive session:

29 (1) matters, the immediate knowledge of which would clearly have an adverse
30 effect upon the finances of the Alaska Railroad Corporation;

31 (2) unless the person has requested to have the subjects discussed in public,

1 subjects that tend to prejudice the reputation and character of a person;

2 (3) matters that, by law or municipal charter or ordinance, are permitted to be
3 kept confidential from public disclosure;

4 (4) matters pertaining to personnel;

5 (5) matters pertaining to the legal position of the Alaska Railroad Corporation;

6 (6) land acquisition or disposal; and

7 (7) proprietary or other information of a type treated as confidential under the
8 standards and practices of the United States Interstate Commerce Commission, including
9 practices that protect information associated with specific shippers, divisions, and contract rate
10 agreements.

11 (i) Notwithstanding AS 42.40.220 and other provisions of AS 42.40, the Alaska
12 Railroad Commission shall have access to financial records, contracts, legal documents, and
13 other records and documents of the Alaska Railroad Corporation that the commission
14 determines are necessary to perform the commission's functions under this section. The
15 members and staff of the commission shall maintain the confidentiality of confidential records
16 and documents provided by the corporation to the commission.

17 * Sec. 2. This Act is repealed June 30, 1997.

18 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

HB

163

9-LS0661C

Bannister

3/16/95

9LS504401
2/22/95
3/17/95

CS FOR HOUSE BILL NO. 163()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOTT, Toohey, Kelly, MacLean

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to agency compliance cost estimates for proposed regulations,
2 amendments, and repeals of regulations."

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

4 * Section 1. AS 44.62.190(d) is amended to read:

5 (d) Along with a notice furnished under (a)(2), (4)(A), (6), (7), or (8) of this
6 section, the state agency shall include the reason for the proposed action, the initial
7 cost to the state agency of implementation, the estimated annual costs to the state
8 agency of implementation, the compliance cost estimate required by AS 44.62.197,
9 the name of the contact person for the state agency, and the origin of the proposed
10 action.

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

12 Sec. 44.62.197. COMPLIANCE COST ESTIMATES. (a) If the adoption,
13 amendment, or repeal of a regulation will increase the costs for compliance by private
14 persons, the agency proposing the regulatory action shall prepare an estimate of the

1 anticipated increased compliance costs for those persons. The estimate must cover the
2 year following the adoption, amendment, or repeal of the regulation plus, if initial
3 compliance will take longer than one year, the additional period of time needed for
4 initial compliance.

5 (b) If an agency prepares the estimate required by (a) of this section and
6 demonstrates that it has made a good faith effort to prepare a reasonable estimate, a
7 person may not challenge in a court action the resulting regulation, amended
8 regulation, or repeal of a regulation, if the basis of the challenge is that the agency did
9 not comply with (a) of this section.

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

11 (a) The notice of proposed adoption, amendment, or repeal of a regulation
12 must include

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

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

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

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

21 (5) a summary of the fiscal information required to be prepared under
22 AS 44.62.195 and 44.62.197.

23 * Sec. 4. AS 44.62.320(b) is amended to read:

24 (b) At the same time a regulation is filed by the lieutenant governor, the
25 lieutenant governor shall submit the regulation to the chair [CHAIRMAN] and all
26 members of the Administrative Regulation Review Committee for review under
27 AS 24.20.400 - 24.20.460 together with the fiscal information required to be prepared
28 under AS 44.62.195 and 44.62.197.

Alaska State Legislature House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE, CHAIRMAN
MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & REGIONAL AFFAIRS
RESOURCES
INTERNATIONAL TRADE / TOURISM
LEGISLATIVE COUNCIL



INTERIM:
10928 EAGLE RIVER ROAD, SUITE 141
EAGLE RIVER, AK 99577
PHONE (907) 694-8944
FAX 694-8949

SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
FAX (907) 465-2819

TO: Representative Jeanette James, Chair
House State Affairs Committee

FROM: Representative Pete Kott

A handwritten signature in black ink, appearing to read "Pete Kott".

DATE: February 15, 1995

RE: HB 163

Please schedule HB 163 - "An Act requiring an agency to provide compliance cost estimates for proposed regulations, amendments, and repeals of regulations under certain circumstances" for a hearing in the House State Affairs Committee.

This legislation would require state agencies to prepare a cost estimate that would result from the adoption, amendment or repeal of a law or regulation. The cost estimate would cover the year following adoption and for any other additional time required for implementation or compliance.

This information would allow the Legislature and the public to consider the fiscal implication on the private sector of statutory and regulatory changes. Similar information is already required to measure the fiscal impact of such action on state agencies.

Thank you in advance for scheduling this legislation.



Representative Pete Kott



Alaska State Legislature House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE, CHAIRMAN
MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & REGIONAL AFFAIRS
RESOURCES
INTERNATIONAL TRADE / TOURISM
LEGISLATIVE COUNCIL



INTERIM:
10928 EAGLE RIVER ROAD, SUITE 141
EAGLE RIVER, AK 99577
PHONE (907) 694-8944
FAX 694-8949

SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
FAX (907) 465-2819

SPONSOR STATEMENT HB 163

The purpose of House Bill 163 is to require state agencies to provide cost estimates for proposed regulations, amendments and repeals of regulations to the Lieutenant Governor. Fiscal impact of regulations on state agencies is already required. This legislation would expand the fiscal impact information requirement to the affected private persons.

This legislation would allow the Governor, Lieutenant Governor, Administrative Regulation Review Committee, Legislature and the general public to know the financial impact of regulatory changes on private persons. Often times little or no consideration is given to the financial impact of regulatory changes on these individuals by agencies proposing these changes.

By not considering the costs associated with regulatory actions, agencies may cause businesses in Alaska to become less competitive. Alaska businesses are already faced with additional overhead expenses. Imposition of government regulatory expense may price the Alaskan product out of the market.

Making informed decisions concerning regulatory changes is a prudent manner in which to carry out the people's business. Informed decisions should ultimately help, not hinder, Alaskan businesses.

I urge your support for Alaska businesses and HB163.



Representative Pete Kott



Alaska State Legislature House of Representatives



COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE, CHAIRMAN
MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & REGIONAL AFFAIRS
RESOURCES
INTERNATIONAL TRADE / TOURISM
LEGISLATIVE COUNCIL

INTERIM:
10928 EAGLE RIVER ROAD, SUITE 141
EAGLE RIVER, AK 99577
PHONE (907) 894-8944
FAX 694-8949

SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 485-3777
FAX (907) 485-2819

Sectional Analysis

HB 163

9-LS0661\A

- Section 1. Amends AS 44.62.190(d) adds Compliance Cost Estimates to this section of law dealing with Notice of Proposed Action.
- Section 2. Adds a new section defining Compliance Cost Estimates.
- Section 3. Amends the section of law dealing with public notices of regulation changes the requirement that the Compliance Cost Estimates be included in the public notice.
- Section 4. Amends the Administrative Regulation Review Committee statute to include Compliance Cost Estimates.



Representative Pete Kott



FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date: _____
 Title: Regulation Compliance Cost Estimates
Required
 Sponsor: Representative Kott
 Requestor: (H) STATE AFFAIRS

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

COMPONENT SERIAL NO. 633

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	149.0	155.5	162.3	169.4	176.9	184.6
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	15.0	15.7	16.3	17.1	17.8	18.6
SUPPLIES	1.2	1.3	1.3	1.4	1.4	1.5
EQUIPMENT	13.5	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	178.7	172.4	180.0	187.9	196.1	204.7

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
004 GF	178.7	172.4	180.0	187.9	196.1	204.7
005 GF/Program Receipt	0.0	0.0	0.0	0.0	0.0	0.0
006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS:

FULL-TIME	3	3	3	3	3	3
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

(SEE ATTACHED)

Prepared by: Larry Jones
 Division: Director, Information and Administrative Services

Phone: 465-5010
 Date: 2/20/95

Approved by Commissioner: _____
 Agency: Department of Environmental Conservation

Date: _____

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

**ATTACHMENT
HB163 FISCAL NOTE
Page 2 of 2**

The Department supports the concept that the public and the regulated community have a right to know the impacts of proposed regulations. Obviously, there is a very real cost associated in preparing an in-depth economic analysis of each regulatory proposal.

In the past two years, this Department went to public notice on more than 30 regulatory projects, a number of which were complex and comprehensive amendments to existing law, some of which were mandated by recent changes to federal law. If that level of regulatory activity continues, we believe the development of the compliance cost estimates would be a full-time job for at least two economists and one clerical position.

In addition to preparing the estimates, these positions would need to develop facility-specific checklists for each program for which regulations are developed, since one set of regulations will have different impacts on different facilities. The entities best able to assist us in making these estimates will be the facilities regulated under each proposed set of regulations.

The FY96 cost detail is as follows:

Cost Category	Economist I	Economist I	Clerk Typist III	Total
Salary	41,988	41,988	22,632	106,608
Benefits	15,771	15,771	10,897	42,439
Travel				0
Contractual Services (a)	5,000	5,000	5,000	15,000
Commodities	400	400	400	1,200
Equipment (one time)	4,500	4,500	4,500	13,500
Total	67,659	67,659	43,429	178,747

Footnote:

(a) Contractual Services includes space, phone, copier, training, etc.

The inflation rate of 4.38% (per fiscal note procedures) was applied to each subsequent year.

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

02/20/95

Position Information Inquiry/Update

08:22:02

Position: 18-18#029	Project: 0	Salary Costs: 41,988.00
Component: 18-10-00-00-00-01	Region: _	Benefits Costs: 15,771.21
Scenario: 7 FY: 96	COLA %= 0.000	Total Costs: 57,759.21

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

00/00/00	Step: A for 12.0 months & Step: B for _0.0 months (total: 12.00)
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
	Class/Sched Prefix: 2 Schedule: 2A (actual:)
	Bargaining Unit: GG Range: 18 (actual:)
	Location Code: AWA Place: JUNEAU
	Job Class Code: P2207 Title: ECONOMIST I _____
	Seasonal Indic.: F Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 ___ for _0.0 months & rate of 0.00 ___ for _0.0 months
 Hourly Rate: 0.00 ___ for _0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:

1=Premium pay info	2=Funding info	4=Code Translations	6=Calculations
7=MISC NEW POS DATA	8=Detail Report	12=Exit w/o update	Selection: 0_

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

02/20/95

Position Information Inquiry/Update

08:28:08

Position: 18-18#031	Project: 0	Salary Costs: 22,632.00
Component: 18-10-00-00-00-01	Region:	Benefits Costs: 10,897.37
Scenario: 7 FY: 96	COLA %= 0.000	Total Costs: 33,529.37

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

00/00/00	Step: B for 12.0 months & Step: C for _0.0 months (total: 12.00)
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
	Class/Sched Prefix: 2 Schedule: 2A (actual:)
	Bargaining Unit: GG Range: 08 (actual:)
	Location Code: AWA Place: JUNEAU
	Job Class Code: P1123 Title: CLERK TYPIST III
	Seasonal Indic.: F Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 for _0.0 months & rate of 0.00 for _0.0 months
 Hourly Rate: 0.00 for _0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0_

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB163

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: Compliance Cost Estimates BRU: Human Rights Commission
 Component: _____
 Sponsor: Rep. Kott & Rep. Toohy
 Requester: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	17.0	-0-	17.8	-0-	18.6	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	17.0	-0-	17.8	-0-	18.6	-0-

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	17.0	-0-	17.8	-0-	18.6	-0-
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	17.0	-0-	17.8	-0-	18.6	-0-

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

POSITIONS NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Commission periodically enacts regulations. Section 44.162.197 will require the agency to prepare an estimate of increased compliance costs. The Commission would need the contractual services of an accountant to assist it in determining the increased costs for persons required to comply with a regulation enacted by the agency.

Prepared by: Paula M. Haley, Executive Director Phone: 276-7474 x241
 Division: HUMAN RIGHTS COMMISSION Date: _____
 Approved by Commissioner: [Signature] Date: 2/21/95
 Agency: _____

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: Relating to providing compliance cost estimates for proposed regulations, amendments & repeals BRU: Office of Management and Budget
 Component: Governmental Coordination
 Sponsor: Representatives Kott & Toohy
 Requester: _____ COMPONENT SERIAL NO. 18

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	9.6	9.7	9.7	9.7	9.7	9.7
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	9.6	9.7	9.7	9.7	9.7	9.7

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	9.6	9.7	9.7	9.7	9.7	9.7
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	9.6	9.7	9.7	9.7	9.7	9.7

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

POSITIONS

FULL-TIME	0	0	0	0	0	0
SHORT-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Section 2 of the proposed legislation (AS 44.62) would place a new requirement on the Division of Governmental Coordination to furnish a compliance costs estimate for an amendment or repeal of a proposed regulation. The Division has determined the most efficient means to meet the new requirement would be to contract with an economic consultant. The consultant would prepare a written summary of the fiscal information required under AS 44.62.197. The fiscal impact to the Division is based on the average of three regulatory project per year that would require one week of an economic consultant's time per project. The inflation rate is based on current revenue forecasts.

Prepared by: Mow Kerry Howard, Acting *Kerry Howard*
 Division: Governmental Coordination
 Approved by Commissioner: *James R. Poyser*
 Agency: _____

Phone: 465-3562
 Date: 2/21/95
 Date: 2/21/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

BILL NO. HB163

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Office of the Governor

Title: "An Act requiring an agency to provide compliance cost ..."

BRU: Executive Operations

Component: Office of the Lieutenant Governor

Sponsor: Representative Kott, Toohy

COMPONENT SERIAL NO. 0011

Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

CHANGE IN						
-----------	--	--	--	--	--	--

FUND SOURCE

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: _____

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

Prepared by: John Lindback, Chief of Staff *John Lindback* Phone: 465-4081
Division: Office of the Lieutenant Governor ✓ Date: 2/17/95

Approved by Commissioner: Lieutenant Governor Ulmer *John Lindback for*
Agency: Office of the Lieutenant Governor Date: 2/17/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

FISCAL NOTE

BILL NO. HB 163

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____
Title: Compliance cost estimates required.
Sponsor: Representative(s) Kott & Toohay
Requestor: _____

Department Affected: Office of the Governor
BRU: Division of Elections
Component: Operations
COMPONENT SERIAL NO. 21

EXPENDITURES/REVENUES:

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

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

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

FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program	0	0	0	0	0	0
1008 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY98) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: David Kolvunemi, Acting Director Phone: 486-4811
Division: Division of Elections Date: 2-13-95

Approved by Commissioner: Fran Ulmer, Lieutenant Governor Date: 2-17-95
Agency: Office of the Governor

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office
Rev 12/98 Page 1 of 1

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date: _____ Dept. Affected: Department of Administration
 Title: "An Act requiring an agency to provide compliance
cost estimates..." BRU: Various
 Component: Various
 Sponsor: Rep. Kott
 Requestor: Rep. Kott **COMPONENT SERIAL NO. 45**

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
1081 Information Services Fund						
Total	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0	10.0 - 25.0

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

(Please see attached)

The Department promulgates one to two regulations packages per year where the number of and cost to those affected might be difficult to determine. In those cases, the department would contract with a professional consultant to make the estimates required by the bill.

Prepared by: Sharon Barton, Director
 Division: Administrative Services

Phone: 465-5655
 Date: 2-17-95

Approved by Commissioner: Mark Boyce
 Agency: Department of Administration

Date: 2-17-95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB163

1995 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: An Act requiring an agency to provide compliance BRU: Management & Administration
 cost estimates for proposed regulations, amendments, and repeals... Component: Commissioner's Office
 Sponsor: Representative(s) Kott, Toohy
 Requestor: _____ Component Serial No. 423

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

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ None

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

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated fiscal impact for the Department of Natural Resources associated with passage of this legislation.

Prepared by: Nico Bus, Acting Legislative Liaison Phone: 465-2406
 Division: Support Services Date: 15-Feb-95
 Approved by Commissioner: Nico Bus for John Toohy Date: 2-15-95
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date: _____
 Title: Cost Estimates for Proposed Regulation

 Sponsor: Kott, Toohey
 Requestor: House STA

Dept. Affected: Health and Social Services
 BRU: Administrative Services
 Component: Commissioner's Office
 COMPONENT SERIAL NO. 317
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY96	FY97	FY98	FY99	FY00	FY01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY96	FY97	FY98	FY99	FY00	FY01
FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS:	(Attach a separate page if necessary)

Prepared by: Janet Clarke
 Division: Administrative Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3082
 Date: 02/15/95
 Date: 2/15/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 183

Revision Date:	Dept. Affected: <u>Military and Veterans Affairs</u>
Title: <u>Requiring an agency to provide compliance costs estimates for proposed regulations</u>	BRU: <u>Alaska National Guard</u>
Sponsor: <u>Rep. Kott</u>	Component: <u>Commissioner's Office</u>
Requestor: <u>Rep. Kott</u>	COMPONENT SERIAL NO. <u>414</u>

Expenditures/Revenues

(Thousands of Dollars)

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

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

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

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared by: Jeff Morrison, Director
 Division: Administrative Support Services Division
 Approved by Commissioner: *J. Morrison for* MG Jake Lestenkof
 Agency: Military and Veterans Affairs

Phone: 485-4730
 Date: 2/15/95
 Date: 2/15/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: Relating to providing compliance cost estimates for BRU: Office of Management and Budget
proposed regulations, amendments & repeals Component: Governmental Coordination
 Sponsor: Representatives Kott & Toohy
 Requester: _____ COMPONENT SERIAL NO. 18

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	9.6	9.7	9.7	9.7	9.7	9.7
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	9.6	9.7	9.7	9.7	9.7	9.7

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	9.6	9.7	9.7	9.7	9.7	9.7
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	9.6	9.7	9.7	9.7	9.7	9.7

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

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Section 2 of the proposed legislation (AS 44.62) would place a new requirement on the Division of Governmental Coordination to furnish a compliance costs estimate for an amendment or repeal of a proposed regulation. The Division has determined the most efficient means to meet the new requirement would be to contract with an economic consultant. The consultant would prepare a written summary of the fiscal information required under AS 44.62.197. The fiscal impact to the Division is based on the average of three regulatory project per year that would require one week of an economic consultant's time per project. The inflation rate is based on current revenue forecasts.

Prepared by: Mau Kerry Howard, Acting Kerry Howard
 Division: Governmental Coordination
 Approved by Commissioner: [Signature]
 Agency: _____

Phone: 465-3562
 Date: 2/21/95
 Date: 2/21/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date: _____ Dept. Affected: Fish and Game
 Title: An Act requiring an agency to provide BRU: Administration and Support
compliance cost estimates for proposed regulations. . . Component: Administration
 Sponsor: Rep. Kott
 Requester: (H) STA COMPONENT SERIAL NO. 479

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	27.8	28.6	29.5	30.4	31.3	32.2
TRAVEL	3.0	3.0	3.0	3.0	3.0	3.0
CONTRACTUAL	1.0	1.0	1.0	1.0	1.0	1.0
SUPPLIES	0.5	0.5	0.5	0.5	0.5	0.5
EQUIPMENT	5.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	37.3	33.1	34.0	34.9	35.8	36.7

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	37.3	33.1	34.0	34.9	35.8	36.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	37.3	33.1	34.0	34.9	35.8	36.7

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

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

See Attached Page

Prepared by: Kevin Brooks *Kevin Brooks*
 Division: Administration
 Approved by Commissioner: Frank G. Miller
 Agency: Department of Fish and Game

Phone: 465-5999
 Date: 2/24/95
 Date: 3.13.95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

HB 163 Fiscal Note Analysis

The department promulgates numerous regulations based on actions of the Boards of Fisheries and Game that are aimed at allocating the State's fish and wildlife resources among the various user groups. The department already considers the impact of proposed regulations on the public, as well as affected industries, and tries to adopt regulations that impose the least possible burden. All regulatory proposals currently receive extensive public review before being adopted.

Some of these regulatory changes can be classified as "housekeeping" and should have little impact on compliance costs, while others are more significant. These regulatory actions can be as diverse as changing the gill net size for a targeted fishery or restricting, moving, or closing a specific hunt. These two examples are indicative of the types of regulations the Boards pass, and estimating the impact on private citizens would be very difficult. In the first example, it would be necessary to know the number of potential fishing vessels participating in the directed fishery, the cost of new nets, how many vessels currently had nets and which needed new ones. A survey of the fleet would be necessary each time this type of regulation was passed. In the second example, potential hunter effort would somehow have to be measured to estimate the cost of compliance.

The department estimates that an additional part-time (6 month) research analyst III position would be necessary to address the increased effort required by this bill. The boards currently meet on specific schedules throughout the year with meetings of the two boards often occurring simultaneously in different locations. The proposed position would be required to work immediately before, during and after each board meeting. Estimated costs are itemized below.

Salary and Benefits, Part-time Research Analyst III (Range 18)	\$27.8
Travel to Board Meetings	3.0
Contractual Costs--telephone, etc.	1.0
Miscellaneous Office Supplies	.5
Equipment (first year only)	5.0
	—
TOTAL	\$37.3

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: HB 163

Revision Date: _____ Dept. Affected: Public Safety
 Title: Compliance Cost Estimates BRU: ALL
 Component: ALL
 Sponsor: Kott
 Requester: House State Affairs COMPONENT SERIAL NO. 0523

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	60.0	60.0	60.0	60.0	60.0	60.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	60.0	60.0	60.0	60.0	60.0	60.0

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

CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	60.0	60.0	60.0	60.0	60.0	60.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	60.0	60.0	60.0	60.0	60.0	60.0

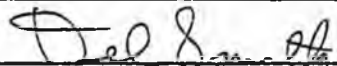
Estimate of current year (FY 96) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See Attached.

Prepared By: Kenneth E. Bischoff, Director Phone: 465-4336
 Division: Administrative Services Date: 3/15/95
 Approved by Commissioner:  Date: 3/15/95
 Agency: Ronald L. Otte, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: HB 163

Revision Date: _____ Dept. Affected: Public Safety

ANALYSIS CONTINUED:

HB 163 requires a state agency to provide a cost compliance estimate for private persons if the adoption, amendment, or repeal of a regulation will increase the cost for compliance for those persons. It also provides that the estimate must cover the year following the adoption, amendment, or repeal of the regulation and if compliance is anticipated to take longer than one year, the additional period of time needed for initial compliance.

The department proposes approximately four regulations projects annually. The fiscal impact is based on at least one comprehensive regulation project and three other projects which would require less detailed cost analysis.

While some regulation projects implemented by the department reflect housekeeping amendments to existing laws, others are complex and reflect mandated additions and changes to state and/or federal law. In some instances, actual quantitative cost compliance estimates would be difficult to define. For example, the Division of Fire Prevention typically adopts the Uniform Building Code, the Uniform Fire Code, the Uniform Mechanical Code and the Standards of the National Fire Protection Association on a three year cycle as the codes are amended. The codes impact every commercial building and the processes carried out within every commercial building in the State of Alaska. The following factors directly impact the cost of buildings: size, type of construction, height, occupancy, quality, and geographical location. The number of buildings constructed in any given year is not known in advance and may significantly fluctuate based on state capitol budget, interest rates, resource development, etc.

An amendment to the code, if used by a designer, provides new methods or materials not previously available. This impacts the cost of construction. Design decisions are based upon technical as well as aesthetic considerations.

Absent specific plans for every building which is to be built over the next five years (which encompasses an additional code cycle) with cost estimates for each building using current code as well as a code which may not yet have been written, it becomes impossible to provide a cost of code implementation in terms of a specific building or for all buildings which may be built in the following five years.

Estimates may be possible in general terms however, construction cost estimates are prepared by highly trained and experienced professionals. Such services are not currently available to the department.

Due to the diverse nature of programs housed within DPS, some programs would require the services of construction cost estimators. Other programs could use economic analysis to provide support to administer surveys, collect and compile the results. Accordingly, the Department of Public Safety request contractual funding to hire the specific type of expertise needed to fit the circumstances.

A L A S K A



February 23, 1995

Representative Pete Kott
State Capitol
Juneau, AK 99801-1182

Dear Representative Kott,

With nearly 4,590 Alaska members, the National Federation of Independent Business/Alaska is the state's largest small-business advocacy organization. The typical NFIB/Alaska member employs five workers and rings up gross sales of about \$181,000 per year. The organization's members employ more than 43,000 workers. On behalf of the Alaska membership I would like to express NFIB's support for HB 163, requiring regulation compliance cost estimates.

The most recent issue of the NFIB Education Foundation's monthly "Small Business Economic Trends" shows taxes and regulations are the biggest problem facing small business. Complying with regulations costs our economy dearly. The hidden tax of complying with regulation is no less a tax than any other government levy.

House Bill 163 addresses two major regulatory problems that: 1) agencies often overstep their delegated authority in developing and adopting rules and, 2) agencies do not consider the impact of these rules on those citizens forced to comply with them.

Each year, NFIB/Alaska polls its diverse membership on a variety of issues. The federation uses the poll results to form its legislative agenda. The 1995 ballot covered two questions on the requirement of a cost-benefit justification for environmental regulation. The Alaska membership strongly favors economic

consideration being part of the rulemaking process as indicated by the following poll results.

- Should the legislature require an independent analysis of the cost and benefits of all proposed state environmental regulations in order to determine the impacts on business and the state?

Yes 83%

No 10%

Undecided 7%

- Should state agencies have to provide a cost-benefit justification for adoption of environmental protection regulations that are more stringent than existing federal regulations on the same subject?

Yes 89%

No 7%

Undecided 4%

Enclosed is a research report from Florida entitled, "Strengthening Economic Considerations in Rulemaking." It includes sample statutory language on economic impact statements which may be of help to you.

I look forward to working with you on this and other issues of importance to the small and independent business members of NFIB/Alaska.

Sincerely,

A handwritten signature in black ink, appearing to read "Thyges Shaub". The signature is written in a cursive style with a large initial "T" and "S".

Thyges Shaub

RESEARCH REPORT

February 1994

Strengthening Economic Considerations in Rulemaking

One of the most important issues facing the 1994 Legislature is what to do about the Administrative Procedures Act (Chapter 120, Florida Statutes), which governs the state's rule making process. Select legislative committees were formed to address this issue -- the Senate Committee on Governmental Reform and the House Committee on Agency Rules and Administrative Procedures. These committees have heard a parade of representatives from the regulated public, the business community and local governments detail the problems with the current process. Both committees are developing proposed legislation.

The two major problems presented to the Legislature are that agencies often overstep their legislatively delegated authority in developing and adopting rules and do not adequately consider the impact of these rules on those citizens forced to comply with them.

This report focuses on the latter issue -- the consideration of the economic impact of rules. This was also addressed in 1992 and legislation was passed that amended Chapter 120, Florida Statutes, with the intent of promoting cost-effective rulemaking. While the concepts were sound, in practice things have not improved and may have deteriorated.

There are numerous legislative proposals being considered this session. Some of the other areas being discussed include limiting rulemaking power delegated to agencies, the role of the Joint Administrative Procedures Committee, improving agency record keeping, and changing the time frames of the process. These all warrant serious consideration. One proposal would go as far as to repeal the Administrative Procedures Act as of October 1, 1996 and start over. While this idea may have some merit, there are three major areas of improvement that are needed now to ensure that government determines what regulation costs before putting it into effect. These are: 1) strengthen the economic impact statement and ensure that one is done whenever warranted; 2) provide the resources needed to produce detailed, reliable, consistent and independent economic impact statements; and 3) create a process by which economic considerations can impact the decision-making (including the legislative) process.

When Should an Economic Impact Statement Be Done?

The state promulgates thousands of rules every year. Many do not warrant in-depth analysis of economic impact. The 1992 law removed the requirement that an economic impact statement be

prepared for all rules and required them only under certain circumstances. The Senate committee is considering requiring that economic impact statements be done for every rule adopted, amended or repealed. This may be more extensive than necessary.

However, there are some economic questions that should be asked about all proposed rules. But true, detailed economic impact statements should be required only when needed (see below).

In addition to the information currently required in an agency's initial notice of its intended action, all rules should require a listing of the classes of persons and activities that would be materially affected by the rule and a brief fiscal note that includes:

1. An estimate of the cost to the agency, and to any other state or local government entities, of implementing and enforcing the proposed action, including the estimated amount of paperwork;
2. An estimate of the effect on state or local revenues;
3. An estimate of the transactional costs likely to be incurred by the regulated public in complying with the procedural requirements of the rule.

More detailed economic impact statements should be required of certain rules. Currently, an economic impact statement must be prepared if the agency determines one is needed or if one is requested.

The Legislature should determine, when granting authority to promulgate rules, whether the rules would have a significant economic impact requiring more detailed analysis. The Florida Chamber of Commerce has developed language that would create a typology for rules. Under this process, the Legislature could, prior to enactment of any law, designate rules by various types. Each type would be subject to a different set of requirements, including economic impact statements. The Legislature should consider this proposal. Short of that, prior to enactment of any law, the Legislature should designate rules that would require a detailed economic impact statement.

What Should Be Included in an Economic Impact Statement?

It is extremely difficult to write an appropriate model economic impact statement into law. Some latitude is necessary to allow economists to tailor the analysis to the rule being reviewed.

Still, the current statute listing the requirements of an economic impact statement should be improved (see sample statutory language at end of this report). The statement should include the benefits, both quantitative and qualitative, of the rule for comparison with costs.

The current language requires an estimate of the cost to government of implementing and enforcing the proposed action. This needs to include personnel costs, not just additional personnel needed, but an estimate of the time current staff must spend on activities related to the rule.

As for the impact on the regulated public, the first requirement should be an identification of who would be materially affected by the rule (including government entities). In addition to the current broad requirement to estimate the impact on competition and the open market for employment, the effect on prices, jobs and required employee qualifications should be estimated.

There also should be an analysis of the incremental costs and benefits of varying degrees of implementation of a proposed rule, acknowledging any diminishing returns. As regulation becomes more stringent, and therefore more costly, a point is reached where the payoff (added benefit) does not justify the cost.

To enhance the input of those being regulated, the economic impact statement should include estimates of the cost anticipated to be incurred by at least two actual persons or entities in complying with the proposed action. The two entities chosen as examples should be of varying size and, if applicable, geographic location. These estimates could be supplied by, or developed in conjunction with, the affected parties. Estimates supplied by the affected party would be verified/critiqued by those preparing the economic impact statement.

Any economic impact information that exists regarding an existing similar government program should also be included.

The language in the current law requiring a determination of whether less costly or intrusive methods exist for achieving the purpose of the proposed rule is very important and should be retained. Unfortunately, the requirement is often not given serious consideration.

What Impact Does an Economic Impact Statement Have?

The most important issue that needs to be addressed is how can the information from economic impact statements be used to impact intelligent and accountable decision-making. Early consideration of economic impact by agency rulemakers can help develop rules that minimize the negative impact while still achieving the goals the Legislature intended to achieve.

A very vital part of the current law concerning economic impact statements is the requirement that a determination be made of whether less costly or intrusive methods exist for achieving the purpose of the proposed rule which are not precluded by law. Other language in Chapter 120, Florida Statutes, also requires that when adopting rules, agencies must choose the approach that imposes the lowest net cost to society or provide a statement of the reasons for rejecting that approach. As mentioned above, this requirement is often not given due consideration.

Current law also states that this does not provide a basis for challenging a rule. This language should be removed. If a less costly or intrusive method that achieves the same or better results sought by the Legislature exists, that approach should be the one adopted. Authorizing hearing officers to invalidate a rule when they determine this is not done would give some teeth to this vital consideration.

Current law also limits the standing to challenge a rule, based on the economic impact statements, to persons that requested preparation of an economic impact statement and made the agency aware of their concerns. The law should be changed so that this limitation is applicable only if the agency provided meaningful opportunity for public input by providing notice of rule development and holding a public workshop.

It is also important to allow the Legislature to consider the information in the economic impact statements. The paramount consideration in regulation should be if the benefit to society of regulation exceeds the cost of that regulation. True cost-benefit analysis can be difficult with government regulation because the public benefit derived from it is often quite difficult to quantify. Further, the courts have ruled in some areas of federal regulation, such as health, safety and the environment in which Congress has mandated a specific goal, cost-benefit analyses are not permitted, since Congress has already weighed the costs and benefits of its action.

It is the role of the Legislature to decide whether a specific regulation's benefit to society is worth the cost to society. The economic impact of regulation should be considered during the legislative process, but that is not always practical. The art of compromise during the process often results in essential details being left out. That is where rulemaking comes in. However, one consequence of this process is that regulation is often imposed that has unforeseen or unintended consequences and costs, some which may be more negative than the problem which the rule was intended to solve.

Rules of this nature require additional oversight. Rules with substantial economic impacts (unknown at the time of law passage) should be reviewed by the Legislature.

Under the typology approach discussed earlier in this report, additional legislative oversight is one of the additional requirements that may be imposed. One form of this oversight would require legislative ratification of certain adopted rules. These rules would be submitted in bill form to the Legislature and would become effective only upon approval by act of the Legislature. Some rules would require only legislative review. These rules would remain in effect unless rejected or modified by act of the Legislature.

This concept is a vital tool to interject economic considerations into regulation. In addition to increased oversight, the Legislature must do a better job of giving direction to agency rulemakers and defining whether a particular grant of rulemaking authority is narrow or broad in scope. If a rule will not be subject to legislative review or ratification, the agency needs to have a clear vision of, and adhere closely to, the intent of the Legislature.

Who Will Do the Economic Impact Statements?

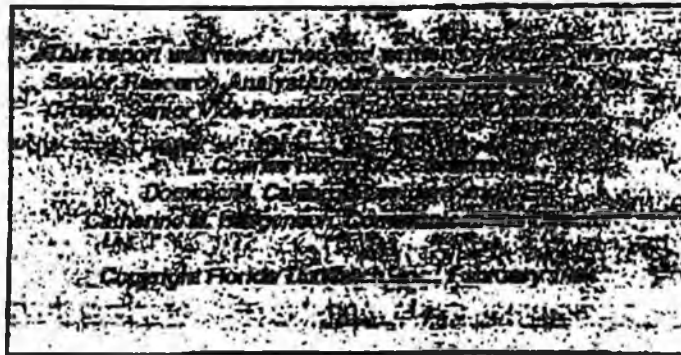
Once there is a mandate to do effective economic impact statements on proposed rules, the question is: "Who is going to do them?" One of the biggest current obstacles facing agencies is a lack of resources and qualified personnel to do the economic impact statements.

The governor included \$300,000 in his 1994-95 budget recommendations to be used in "collaborative efforts with the private sector to improve the communication of information related to the impacts of proposed administrative rules," including the preparation of economic impact statements. There is no defined plan for how to use this money, but contracting with private consultants is certainly a possibility. With the limited pot of money, this problem could only be addressed selectively, not comprehensively.

A central, well-equipped unit in state government is needed to perform this function. Several candidates for housing such a unit exist: the Division of Economic and Demographic Research

of the Joint Legislative Management Committee, the Governor's Office of Planning and Budgeting and the Joint Administrative Procedures Committee. This function should be put where independence is maximized to provide essential checks and balances. But where it is placed is not as important as providing the professional expertise and resources to do the job well.

While the appropriation in the governor's budget is a welcome acknowledgement that improvement in this area is needed, changes to the Administrative Procedures Act are even more important.



Sample Statutory Language for Section 120.54 (2)(c)

(c) The detailed economic impact statement must include:

1. The quantitative and qualitative benefits expected to be derived from proposed action;
2. An estimate of the cost to the agency, and to any other state or local government entities, of implementing and enforcing the proposed action, including the amount and cost of personnel hours required, the estimated amount of paperwork, and any anticipated effect on state or local revenues;
3. A listing of the classes of persons and activities that would be materially affected by the rule;
- ~~2.~~ 4. An estimate of the cost and of the economic benefit to all persons directly affected by the proposed action;
- ~~3.~~ 5. An estimate of the impact of the proposed action on prices and intrastate, interstate and international competition and the open market for employment if applicable;
6. An analysis of the impact on the open market for employment, the net gain or loss of jobs in Florida, and the change in required employee qualifications;
7. A analysis of the incremental costs and benefits resulting from varying degrees of implementation and different standards to be achieved.
- ~~4.~~ 8. An analysis of the impact on small business as defined in the Florida Small and Minority Business Assistance Act of 1985;
9. Estimates of the cost anticipated to be incurred by at least two actual persons or entities in complying with the proposed action. The two entities chosen as examples should be of varying size and, if applicable, geographic location. These estimates may include those provided by, or developed in conjunction with, persons affected by the intended action.
10. Economic impact information known about the federal, state or local program that most resembles the proposed rule, if applicable;
- ~~5.~~ A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule;
- ~~6.~~ 11. A determination of whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law;
- ~~7.~~ 12. A description of any alternative reasonable methods or less intrusive methods, where applicable, for achieving the purpose of the proposed rule which were considered by the agency, and a statement of the reasons for rejecting those alternatives in favor of the proposed rule; and
- ~~8.~~ 13. A detailed statement of the data and methodology used in making the statement;

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date: _____
 Title: Compliance Cost Estimates
Required
 Sponsor: Representative Kott
 Requirer: House State Affairs

Department Affected: Labor
 BRU: Commissioner's Office
 Component: _____
Commissioner's Office
 COMPONENT SERIAL NO. 340

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	60.0	62.6	65.4	68.2	71.2	74.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	60.0	62.6	65.4	68.2	71.2	74.3

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

CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	60.0	62.6	65.4	68.2	71.2	74.3
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	60.0	62.6	65.4	68.2	71.2	74.3

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Arbe Williams, Director Phone: 465-2720
 Division: Administrative Services Division Date: 2/27/95
 Approved by Commissioner: *Tom Cashen*
 Agency: Department of Labor Date: 2/27/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

Fiscal Note Analysis for HB 163
Compliance Cost Estimates Required

This bill requires agencies to provide an estimate of compliance costs to the private sector for regulatory actions. Estimates must cover the year following the adoption, amendment or repeal of the regulation and if compliance is anticipated to take longer than one year, the additional period of time needed for initial compliance.

Assumption: The department would be required to provide economic analyses of the effect of department regulations on employers.

Although it is difficult to estimate the overall economic cost associated with compliance with new regulations, much of this information could be derived from a special survey of employers directly affected by the regulations. For instance, if the department proposed adding hours worked to the employer contribution form, and this required a regulatory change, we could ask employers of different size categories to estimate the amount of time required to change their bookkeeping procedures or accounting software. A special survey, including mailout and analysis of the data would take less than one staff month per regulatory change (partial month of clerical support, partial month of analyst time) or approximately \$5,000 including mailing costs.

During calendar years 1993 and 1994 there were a total of twenty regulatory changes proposed by the department. Ten of those changes were Occupational Safety & Health (OSH) related, and as federally published cost compliance analyses are available for federal standards, it is assumed that the department would only be required to refine estimates for Alaskan employers. In addition, the department anticipates substantive statutory changes to the Alaska Workers' Compensation Act this legislative session which would require regulatory changes in FY 96.

Our fiscal note anticipates at least one substantive regulations package which would require a comprehensive survey each year and five other regulation changes which would require a less complex survey.

HB

173

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 173

Revision Date: _____ Dept. Affected: All Departments
 Title: An Act relating to reports by state agencies. BRU: _____
 federal statutes. _____ Component: _____
 Sponsor: G. Davis
 Requester: House State Affairs Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

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

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

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

FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would change the requirements for many state agency reports, so that agencies would notify the legislature that a report is available, rather than submitting the report to the legislature. The bill would not change the requirements to prepare the reports.

Because the bill does not change requirements for agencies to prepare reports, the fiscal impact of the bill is expected to be zero for all state departments.

Prepared by: Annalee McConnell, Director *Annalee McConnell* Phone: 465-4660
 Division: Office of Management and Budget Date: 2/22/95
 Approved by Commissioner: Jim Ayers, Chief of Staff *JA* Date: 2/22/95
 Agency: Office of the Governor

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

February 22, 1995

TO: House State Affairs Committee

FROM: Representative Gary Davis

RE: House Bill 173

A handwritten signature in black ink, appearing to be "Gary Davis", written over the "FROM:" line.

Attached are three pages of a report from February 1991 by the Office of Management and Budget. The report lists all of the publications that state law requires the state to publish.

The three pages attached are from a total of twenty-six pages. They will help indicate the number of reports in circulation, as well as cost and distribution information.

More information can be provided if needed.

No.	Statute Reference	Department	Division	Summary	To Whom	By	Produced/Received	Cost	Department Recommendation
82	44.88.140	DCED	AIDEA	The Authority shall submit a report describing the nature and extent of the tax exemption of the property, assets, income, receipts, project, development project and leasehold interests of the authority.	Legislature	By January 10	Yes, by January each year.	\$10,000, estimated hrs 157.5 Estimated cost \$3,728.00	Necessary, biennial acceptable
83	44.88.210	DCED	AIDEA	Alaska Industrial Development and Export Authority. Annual report including financial statement audited by an independent outside auditor.	Governor/ Legislature/ Public	By January 10	Yes, by January each year.	\$10,000 Six staff at various grades levels Est. hrs. 157.5 Est. Cost \$3,728.00	Necessary, biennial acceptable
85	18 AAC 062 0220	DEC		A person or firm that is a generator of hazardous waste who also ships such waste off-site shall prepare and submit an annual report for preceding calendar year.	DEC	By March 1	Yes, produced 1/1/91 according to 46.03.305	37.5 hrs, \$800 biennially	Department feels annual report is necessary. In odd numbered years EPA produces the report.
86	18 AAC 062 0320	DEC		A transporter of hazardous waste shall prepare and submit an annual report for the preceding calendar year.	DEC	By March 1	No, 12/90	150 copies, \$300 for printing, \$800 for 37.5 hrs staff time.	Department feels annual report is necessary.
87	18 AAC 062 0420	DEC		The owner or operator of a hazardous waste treatment, storage or disposal facility shall prepare and submit an annual report for the preceding calendar year.	DEC	By March 1	Yes, produced 1/1/91 according to 46.03.305	Printing \$1,200, 37.5 hrs /\$800 biennially	Department feels annual report is necessary State and federal gov't share every other year publication responsibility
88	18 AAC 075 0590	DEC		DEC will report to the legislature on all actions brought during the preceding calendar year under 46.03.758. That statute relates to the Civil Penalties for Discharge of Oil.	Legislature	Within 10 days of session	Report is currently under development.	\$15,100 printing \$100 + staff time \$15,000	Department feels annual report is necessary
89	46.03.020	DEC	Commissioner	Report annually to the legislature permits that have been included or deleted under 46.35 (Environmental Procedures Coordination).	Legislature	Not stated	No permits are being issued under 46.35; hence, nothing to report	N/A	Not reported
90	46.03.032	DEC		Alaska Clean Water Fund. Provide to the legislature an annual report on the clean water fund.	Legislature	On/before 1st day of session	Yes, produced 1/1/91	\$900, printing < \$500, staff time 20hrs, \$400	Necessary, biennial acceptable
91	46.08.060	DEC		Oil and Hazardous Substance Release Response Fund. Commissioner report annually on the the amount of money expended under 44.08.040, the amount and source of funds received under 44.08.020, & detailed summary of DEC activities.	Legislature	Within 1st 10 days of session	Yes, 1/30/90	Existing staff time	Necessary, biennial acceptable
92	46.03.363	DEC		The Board of Storage Tank Assistance and DEC are each to submit a report regarding storage tank damages, recommendations on regulations, and other information on availability of insurance and loans for tank assistance.	Legislature	by 10th day of each regular Legislative session	First due in Jan. 1991.	Cost \$3,000, printing \$200, 75 hours staff time	Department feels annual report is necessary
93	46.03.410	DEC		Commissioner is to report on Storage Tank Assistance Fund balance, income and expenses, projections of cleanup costs, and priority list of sites needing financial assistance.	Legislature	by 10th day of each regular Legislative session	First due in Jan. 1991.	Cost \$2,000, printing \$200, 50hrs staff time	Department feels annual report is necessary
94	46.04.200	DEC		DEC to prepare and annually review state master oil & hazardous substance discharge & prevention contingency plan.	Legislature	10th day of each regular session	Yes	\$3,000 printing	Department feels annual report is necessary

No.	Statute Reference	Department	Division	Summary	To Whom	By	Produced/Received	Cost	Department Recommendation
95	07 AAC 007 0105	DHSS	Administrative Services	Relation to Certificate of Need. Any person who submits a letter of intent regarding activity or who is granted a certificate of need shall file a written report every six months. The department will prepare and publish an annual report on the status of applications and review.	Public	Not stated	Yes	Existing staff time	Department feels annual report is necessary
96	07 AAC 027 0570	DHSS	Public Health	DHSS will appoint a committee to annually review the results of the newborn Infant metabolic disorder screening program and report to health care providers and public on these matters.	Health Care Providers	Not stated	Yes	Existing staff time	Department feels annual report is necessary
97	18.05.020	DHSS	Commissioner	The department will prepare an annual report to the legislature.	Legislature	Not later 10 days of session	Not reported	Not reported	Not reported
98	18.20.040	DHSS	Medical Assistance	Hospitals may renew their license without charge upon filing and approval by DHSS of an annual report containing the information prescribed by DHSS by regulation.	DHSS	Not stated	Yes	Existing staff time	Department feels annual report is necessary
99	18.20.100	DHSS	Medical Assistance	Regulation of Hospitals. DHSS shall prepare and publish an annual report of its activities and operations under 18.20.020 - 130.	Public	Not stated	No	N/A	Not reported
100	18.20.150	DHSS		DHSS shall make a statewide inventory of hospitals and medical facilities, community mental health centers, and facilities for the mentally retarded. Based on inventory develop a plan for construction. Annually review plan and submit changes to the Surgeon General.	Public/Federal Government	Not stated	No, was a requirement of defunct federal Hill-Burton hospital inventory	N/A	Report not necessary (department does not recommend statute change as it serves as a placeholder for a future, similar federal program)
101	18.25.110	DHSS	Public Health	DHSS shall submit a report of grants made under 18.25.070-110. These grants are assistance for community health facilities.	Legislature	Within 10 days of session	No	N/A	Department feels annual report is necessary
102	18.28.030	DHSS	Public Health	Community Health Aide Program, Community Health Aide Grant Account. DHSS shall determine the amount of money needed to fully fund grants (18.28.010) and contracts (18.28.020(3)) for the next year and report that to the legislature.	Legislature	Not stated	Yes	Existing staff time	Department feels annual report is necessary
103	18.50.040	DHSS	Vital Statistics	The Bureau of Vital Statistics shall prepare and publish reports. There is no mention of time frames or subjects.	Public	Not stated	Yes	Not reported	Not reported
104	47.07.040	DHSS	Medical Assistance	DHSS prepare a state plan accordance with 452 U.S.C. 1936-1936p and submit it to the federal government for approval. In addition the DHSS shall submit a report concerning the status of this program and recommendation as to changes in coverage of eligible persons.	Legislature	No later than March 15	No	N/A	Department feels annual report is necessary
105	47.07.071	DHSS	Medical Assistance	Each health facility receiving payments under this chapter shall submit to the commission a report of the facilities financial performance during the fiscal year. This report is due not later than 120 days from the end of the health facilities fiscal year.	DHSS	120 days end FY	Yes	Existing staff time	Department feels annual report is necessary
106	47.07.072	DHSS	Medical Assistance	The Commission shall submit to the Governor a report on the prospective payments made under this chapter during the current FY and an estimate of the payments that will be made during the remainder of the current FY and the next FY.	Governor	Not later than September 30	No, currently reported in DHSS budget	N/A	Report not necessary
107	47.10.300	DHSS	DFYS	DHSS report each year on programs for runaway minors in the state.	Governor/ Legislature	Each January	No	N/A	Not reported

No.	Statute Reference	Department	Division	Summary	To Whom	By	Produced/Received	Cost	Department Recommendation
120	03.20.040	DNR	Agriculture	The Commissioner may collect and ship outside exhibits of Alaska produce, mining and manufacturing. The commissioner may not spend more than \$2,000 per year and shall account for and report the funds disbursed.	Not Stated	Not stated	No exhibits have been shipped. No reports have been completed.	N/A	Department feels annual report is necessary
121	03.22.060	DNR	Agriculture	Plant Material Section. The department must make a detailed report of the operations of the center. Report must include statement of receipts and disbursements.	Legislature	Not stated	Yes, every year in Jan.	Approx. \$2,000 per year	Department feels annual report is necessary
122	27.05.060	DNR	Division of Mining	DNR shall make an annual report on all essential matters with regard to mining in the state.	Governor/ Legislature	Not stated	Yes, about Mid year	Contained in 41.08.30 report	Note: This report is in the Geological & Geophysical Surveys annual report See AS 41.08.30 below
123	38.04.020	DNR	Land & Water	The commissioner shall establish a land disposal bank containing state land classified for disposal into private ownership. The commissioner shall report on the status of land in the land disposal bank.	Legislature	On January 15	Yes	Printing \$500, Staff cost for 2 staff @ 2 months each or approx. \$10-13,000/yr.	Necessary, biennial acceptable
124	38.04.022	DNR	Land & Water	The revenue from the sale of state land shall be deposited in a Special State Land Disposal Income Account. DNR report reflecting all money deposited in the fund.	Legislature	Within 30 days of session	Yes	Existing staff time	Department feels annual report is necessary
125	38.05.180	DNR	Oil & Gas	DNR prepare and submit 5 year leasing program. Unless provided elsewhere, no lease may be offered unless it is in the proposed program submitted to the legislature during the past two calendar years.	Legislature	Between 1st & 15th day	Yes, changed to biennial in 1990	Approx \$7,000 per year for printing, Staff cost for 7 wks \$4,576	Department feels biennial report is necessary
127	38.05.300	DNR	Land & Water	Written report which describes and shows the location of all classifications of state land made under this section during the preceding year.	Legislature	Not later than February 1	Yes, duplicates into in land bank report, 38.04.20	Included with land bank report under 38.04.20	Report not necessary
128	38.05.800	DNR		Mental Health Land Trust. Commissioner will report annually to the Alaska Mental Health Board (47.30.661) any actions taken to remove land from the corpus of the trust.	Alaska Mental Health Board	Not stated	New 1990 requirement, first report has not been done.	Unknown, expect xerox of 2 pages	Department feels annual report is necessary
129	41.08.030	DNR	Geological & Geophysical	State Geologist shall print and publish an annual report and other special and topical reports and maps as benefits the state. Reports and maps may be sold and money received paid to the general fund.	Public	Not stated	Yes, by mid-year per 27.05.060	Approx. \$26,000 Included in the DGGS budget each year for this report	Department feels annual report is necessary
130	41.15.240	DNR	Forestry	Fire Suppression Fund. DNR shall keep records showing income and expenditures of the fund and report to the governor and the legislature on the operation of the fund.	Governor/ Legislature	No later than 10th day	No, appropriate. no longer to fund, in Forestry's oper budget	N/A	Report not necessary
131	41.17.047	DNR	Forestry	Board of Forestry. Report to the legislature recommendations for changes in statutes, comments on regulations adopted by the commissioner. It may also review and advise the legislature on the activities of the division.	Legislature	Not stated	New requirement, likely to be included in annual report for 41.19.047(d)	Not yet known	Department feels annual report is necessary



Official Business

Alaska State Legislature


HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

February 13, 1995

TO: Representative Jeannette James, Chair
House State Affairs Committee

FROM: Representative Gary Davis 

RE: House Bill 173, "An Act relating to reports by state agencies."

I respectfully request that House Bill 173 be scheduled for a hearing before the State Affairs Committee at your earliest convenience.

Attached are the bill, sponsor statement, and a memo from Legal Services. I anticipate the bill will require zero fiscal notes, or perhaps negative fiscal notes resulting from the decreased number of reports being printed.

Thanks for considering this legislation.

Alaska State Legislature

Interim:
P.O. Box 1287
Soldotna, AK 99669
(907) 262-8414



Session:
State Capitol
Juneau, AK 99801
(907) 465-2693

Representative Gary L. Davis

SPONSOR STATEMENT

HOUSE BILL 173

"An Act relating to reports by state agencies."

House Bill 173 will provide a reduction in the material that flows through a legislators' office. Currently, the various state agencies are required by statute, to prepare over one-hundred annual, biannual, and other reports for automatic submission to every legislator -- whether or not they will be of concern to every legislator.

HB 173 will require state agencies to notify the legislature when reports are available. Legislators can then request copies of the reports most beneficial to them.

The intent of this legislation is to promote efficiency. This may result in a second benefit of HB 173 -- minor cost savings to the State resulting from the decreased circulation of hundreds of reports.

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

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


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

MEMORANDUM

February 6, 1995

SUBJECT: Agency Reports (Work Order No. 9-LS0607A)

TO: Representative Gary Davis
Attn: Darin

FROM: Terri Lauterbach
Legislative Counsel 

Enclosed is a bill draft that relates to agency reports. You requested that, instead of having the agencies present various annual reports to the legislature, the agencies should just notify the legislature that the reports are available. For the most part, this is what the enclosed draft does. However, in a few cases, I have also included the same sort of change with respect to biennial or other reports. Also, in a number of sections it was not clear to me whether the agency or the governor should be notifying the legislature that the reports are available. The uncertainty arises in those situations where the agency, in current law, presents the report to the legislature "through the governor." In most cases, the draft provides for the agency to give the proper notice to the legislature, but in a couple of cases, the draft provides that the governor, upon receiving the agency report, will notify the legislature that the report is available. Neither way is right or wrong; it's just a question of what you want to see happen.

Please be sure to check each section of the work draft to ensure that the policy you want is being implemented by the draft. Let me know if I can be of further assistance.

TML:lmb:klb
95-110.lmb

Enclosure

HEB

183

8-LS0296M
Chenoweth
4/8/94

SENATE CS FOR CS FOR HOUSE BILL NO. 183(TRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JAMES, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act directing the identification and delineation of a transportation and utility
2 corridor between Fairbanks and the Seward Peninsula; and providing for an
3 effective date."

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

5 * Section 1. AS 19.25 is amended by adding a new section to read:

6 Sec. 19.25.123. FAIRBANKS - SEWARD PENINSULA TRANSPORTATION
7 AND UTILITY CORRIDOR. (a) Subject to legislative appropriation, the department
8 shall identify and delineate a proposed transportation and utility corridor between
9 Fairbanks and the western end of the Seward Peninsula.

10 (b) In performing the work required by (a) of this section,

11 (1) the railroad alignment and identification of a railroad right-of-way
12 of not less than 500 feet, together with adjacent sites that can be developed for
13 necessary construction materials, shall guide the identification and delineation of the
14 corridor; and

1 (2) the department shall consider the following factors:

2 (A) grade and alignment standards that are commensurate with
3 rail and road construction standards;

4 (B) availability of construction materials;

5 (C) safety;

6 (D) impacts on and service to adjacent communities;

7 (E) environmental concerns;

8 (F) use of public land to the maximum degree possible;

9 (G) minimization of probable construction costs; and

10 (H) the location of, and the opportunity to obtain access to,
11 identified natural resources that could contribute significantly to the state's
12 economic development.

13 (c) Within 90 days after receiving a report transmitting the work of the
14 department under (a) of this section, the commissioner shall, in conformity with
15 AS 44.62 (Administrative Procedure Act), if necessary, adopt a regulation approving,
16 modifying, or rejecting the proposed corridor.

17 (d) If the commissioner approves or modifies the proposed corridor when
18 presented under (c) of this section,

19 (1) the Department of Natural Resources shall promptly classify, or
20 reclassify, and reserve any state land within the corridor and at adjacent sites that can
21 be developed for necessary construction materials for use as a corridor; and

22 (2) the department shall

23 (A) subject to legislative appropriation, exercise its authority
24 under AS 19.05.040 to acquire rights-of-way across land within the corridor
25 that is subject to the state's power of condemnation; and

26 (B) work with federal officials to secure reclassification and
27 withdrawal of federal land in the corridor for reservations and rights-of-way
28 across the federal land for use as a corridor.

29 (e) The requirements of AS 38.05 (Alaska Land Act) relating to classification
30 and reclassification of land are inapplicable to actions taken under this section.

31 (f) To complete the work required by this section, the commissioner may

1 accept any legal gifts and grants and may enter into contracts or other transactions or
2 agreements relating to it with the federal government, an agency or instrumentality of
3 the state, a municipality, or a private organization.

4 (g) In this section, "corridor" means the transportation and utility corridor
5 required to be identified and delineated by (a) of this section.

6 * Sec. 2. AS 19.25.123, added by sec. 1 of this Act, is repealed July 1, 2055.

7 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

8-LS0296U
Chenoweth
1/18/94

CS FOR HOUSE BILL NO. 183()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JAMES, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act directing the identification and delineation of a transportation and utility
2 corridor between Fairbanks and the Seward Peninsula for ~~road, rail, pipeline, and~~
3 ~~electrical transmission purposes,~~ and providing for an effective date."

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

5 * Section 1. AS 19.25 is amended by adding a new section to read:

6 Sec. 19.25.123. FAIRBANKS - SEWARD PENINSULA TRANSPORTATION
7 AND UTILITY CORRIDOR. ^{Sub to leg app.} (a) The department shall identify and delineate a
8 proposed transportation and utility corridor between Fairbanks and the western end of
9 the Seward Peninsula. ~~The corridor shall be sufficient to accommodate construction~~
10 of

- 11 (1) a road;
- 12 (2) ~~an~~ extension of the Alaska Railroad;
- 13 (3) oil, natural gas, or coal slurry pipelines, or any of them; and
- 14 (4) an electrical transmission line.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(b) In performing the work required by (a) of this section,

(1) the railroad alignment and identification of a railroad right-of-way of not less than 500 feet shall guide the identification and delineation of the corridor, and 600

(2) the department shall consider the following factors:

(A) grade and alignment standards that are commensurate with rail and road construction standards;

(B) availability of construction materials;

(C) safety;

(D) service to adjacent communities;

(E) significant environmental concerns;

(F) use of public land to the maximum degree possible; and

(G) minimization of probable construction costs.

(c) Within 90 days after receiving a report transmitting the work of the department under (a) of this section, the commissioner shall, in conformity with AS 44.62 (Administrative Procedure Act), if necessary, adopt a regulation approving, modifying, or rejecting the proposed corridor.

(d) If the commissioner approves or modifies the proposed corridor when presented under (c) of this section,

(1) the Department of Natural Resources shall promptly classify, or reclassify, and reserve any state land within the corridor for use as a corridor; and

(2) the department shall

(A) exercise its authority under AS 19.05.040 to acquire rights-of-way across land within the corridor that is subject to the state's power of condemnation; and

(B) work with federal officials to secure reclassification and withdrawal of federal land in the corridor for reservations and rights-of-way across the federal land for use as a corridor.

~~(c)~~ The requirements of AS 38.05 (Alaska Land Act) relating to classification and reclassification of land are inapplicable to actions taken under this section.

(f) To complete the work required by this section, the commissioner may

Clyde Hopkins

-38.05
945.916

1 accept any legal gifts and grants and may enter into contracts or other transactions or
2 agreements relating to it with the federal government, an agency or instrumentality of
3 the state, a municipality, or a private organization. *Subject to log approval*

4 (g) In this section, "corridor" means the transportation and utility corridor
5 required to be identified and delineated by (a) of this section.

6 * Sec. 2. AS 19.25.123, added by sec. 1 of this Act, is repealed July 1, 2055.

7 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

PROPOSED AMENDMENT TC HB 183

DELETE:

Entire subsection (2):

On Page 2, beginning on Line 30 thru Page 3, ending on Line 2:

[(2) except for contracts necessary under (1) of this subsection, may not contract for surveying, mapping, and engineering and design services; the northern region of the Department of Transportation and Public Facilities shall perform all work using personnel employed by that department.]

adjust legislation accordingly

FISCAL NOTE

REQUEST:

Revision Date: Dept. Affected DOT&PF
Title: Transportation Corridor: Fairbanks Nome
Sponsor: James BRU: Planning
Requestor: House Finance Committee Components: #542

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)

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

ESTIMATE OF ANY CURRENT YEAR (FY 94) COST \$

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By:

Rep. Ron Larson, Co-Chair *R.L.*
Rep. Eileen MacLean, Co-Chair *EM*
House Finance Committee

465-3878
Phone: 465-4833
Date: 3/15/94

Division:

Approved By:

Agency:

FISCAL NOTE

Revision Date: 04/19/93
Title: Transportation Corridor: Fairbanks-Nome

Department Affected: DOT&PF
BRU:

Sponsor: James
Requestor: James

Component: Planning
Component Serial Number: #542

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

CAPITAL	4,090.0	3,210.0	0	0	0	0
---------	---------	---------	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	4,090.0	3,210.0		0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	4,090.0	3,210.0	0	0	0	0

POSITIONS

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

Estimate of current year (FY94) impact: \$0

ANALYSIS: (Attach a separate page if necessary)

Funding amount is based on an estimate by DOT&PF (included in HB 182). Work would require hiring several survey crews, substantial air charter, and extensive GPS program.

Prepared by: Mike McKinnon, Director

Phone: 465-4070

Division: Plans, Programs and Budget

Date: November 23, 1993

Approved by Commissioner: *B.A. Campbell*

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: January 18, 1994

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

STATE OF ALASKA
1993 LEGISLATIVE SESSION

update note for 1994

No. 1
Version: CSHB 183 (TRA)
Publish Date: 3/31/93

FISCAL NOTE

Revision Date:
Title: Transportation Corridor: Fairbanks-Nome

Department Affected: DOT&PF
BRU:

Spon Requestor: James James

Component:
Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

CAPITAL	4,090.0	3,210.0	0	0	0	0
---------	---------	---------	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	4,090.0	3,210.0		0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	4,090.0	3,210.0	0	0	0	0

POSITIONS

FULL-TIME	25	25	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)
Funding amount is based on an estimate by DOT&PF (included in HB 182). Work would require hiring several survey crews, substantial air charter, and extensive GPS program.

Prepared by: Norm Piispanen

Phone: 451-2381

Division: Northern Region Planning

Date: March 3, 1993

Approved by Commissioner: *Frank G. Turpin*
Frank G. Turpin

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: March 3, 1993

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

COMMITTEE COPY

FISCAL NOTE

Revision Date:
Title: Transportation Corridor: Fairbanks-Nome

Department Affected: DOT&PF
BRU:

Sponsor: James
Requestor: James

Component:
Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

CAPITAL	4,090.0	3,210.0	0	0	0	0
---------	---------	---------	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	4,090.0	3,210.0		0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	4,090.0	3,210.0	0	0	0	0

POSITIONS

FULL-TIME	25	25	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)
Funding amount is based on an estimate by DOT&PF (included in HB 182). Work would require hiring several survey crews, substantial air charter, and extensive GPS program.

Prepared by: Norm Piispanen

Phone: 451-2381

Division: Northern Region Planning

Date: March 3, 1993

Approved by Commissioner: 
Frank G. Carpin

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: March 3, 1993

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office