

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 0072

9568 SENATE JUDICIARY

205

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
1997 REGULATION PROJECTS

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

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

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| MOBILE INTENSIVE CARE PARAMEDIC COURSE COORDINATORS & MOBILE INTENSIVE CARE COURSE APPROVAL | DPH           | Johnson    | O'Fallon 993 96-0081               | Low               | Out for Public Comment                               | Regulations based on additional responsibilities of department conferred by AS 18.08.080. Regulations will be added to Article 1 of EMS regulations.   | 2/11/98               |                   |                                |                         |                              |                      |                |          |
| EMT and EMT Instructor Certificates   | DPH           | Johnson    | Bomengen 993-97-0009               | Medium            | Drafted  | To the Department of Law for final review prior to public comment  |                       |                   |                                |                         |                              |                      |                |          |
| DO NOT RESUSCITATE ORDERS AND PROTOCOLS   | DPH           | Johnson    | 993-95-0047 Bomengen / Gardiner    | Medium            | To Lt. Governor                                      | Widespread public interest in seeing regulations promulgated.  | 11/30/95              |                   |                                | 8/15/96                 | 8/15/96                      | 9/6/96               |                |          |
| HANDICAPPED CHILDREN'S PROGRAM  | DPH           | Fox        |                                    | Low               | Drafted but on Hold                                  | Updates language, clarifies eligible conditions and outlines family financial contribution amounts. Current funding for program is insufficient and program may be changed or eliminated--eliminating need for regulations. Have used Dept. of Law for advice. |                       |                   |                                |                         |                              |                      |                |          |
| DISEASE REPORTING Phase II  | DPH           | Middaugh   | Bomengen                           | High              | On Hold  | Redrafted to address issues improperly noticed in Phase I.   |                       |                   |                                |                         |                              |                      |                |          |
| STATE MEDICAL EXAMINER  | DPH           | Propst     |                                    | High              | Draft Completed by contractor; under review by staff | Regulations to govern operation of Medical Examiner program under new legislation. Changes to Vital Statistics and related regulations to conform to operations under new law.   |                       |                   |                                |                         |                              |                      |                |          |
| INFANT LEARNING PROGRAM DUE PROCESS STANDARDS   | DPH           | Jones Fox  | O'Fallon                           | Medium            | On hold  | Incorporate federal regulations (34 CFR 303 & 300) into Infant Learning Program (coordinated with DOE). Failure of Omnibus streaming bill containing specific granting authority for grants makes it prudent to delay further action.                          |                       |                   |                                |                         |                              |                      |                |          |
| GRANTEE/CONTR. FEE SCHEDULES  | DPH           | Muth Fox   | O'Fallon                           | Medium            | In Drafting  | To implement a routine process whereby grantees/contractors may get approval for fees that vary from those set by the department.  |                       |                   |                                |                         |                              |                      |                |          |

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| DESIGN & CONSTRUCTION OF HEALTH FACILITIES     | DAS           | Lane                   | 993-95-0048<br>O'Fallon            | Low               | On Hold                        | Revises building standards references, provides for fees to defray cost of program and may include financial penalties.  |                         |                         |                                |                         |                              |                      |                |                                 |
| CON Operating Expenditures                     | DAS           | Streuber Pierce        | O'Fallon                           | High              | Contract Attorney Solicitation | Expand CON requirements to require review under most circumstances to include operating as well as capital costs.  |                         |                         |                                |                         |                              |                      |                |                                 |
| CON Long-Term Care Methodology                 | DAS           | Pierce                 |                                    | Medium            | Formulating Policy             | Adopt Long-term care methodology   |                         |                         |                                |                         |                              |                      |                |                                 |
| COMMUNITY CARE LICENSING Phase I               | DFYS          | O'Brien                | 993-95-0045<br>O'Fallon            | High              | Completed                      | To implement ch. 33 & ch. 144, SLA 1994. Licensing rules for children's facilities must be completed by 10/94 to implement 1/96 as required in statute             | 7/21/95                 | 8/21, 8/22, 8/23 & 8/26 | 8/31/95                        | 11/13/95<br>Readopt     | 10/28/95                     | 11/14/95             | 1/1/96         | Register 136<br>January<br>1996 |
| COMMUNITY CARE LICENSING Phase II              | DFYS          | O'Brien                | 993-95-0053<br>O'Fallon            | High              | Out for Public Comment         | To implement remaining items under Ch. 33, SLA 1994 including Child Placement Agencies, Maternity Homes and Treatment Homes  | 11/5/96                 | 12/7/96                 | 12/24/96                       |                         |                              |                      |                |                                 |
| YOUTH FACILITIES                               | DFYS          | Buhite                 |                                    | Medium            | Not Yet Drafted                | Complete rewrite of regulations relating to youth facilities   |                         |                         |                                |                         |                              |                      |                |                                 |
| CONFIDENTIALITY                                | DFYS          | Kinray                 |                                    | High              | Not Yet Drafted                | Rewrite of confidentiality regulations including adding material related to recently passed legislation  |                         |                         |                                |                         |                              |                      |                |                                 |
| GENERAL RELIEF ASSISTANCE                      | DPA           | Steele<br>Ashenbrenner | 993-95-0024<br>O'Fallon            | HIGH              | To Lt. Governor                | Establish recoupment for APA overpayments; bring APA protective payee and other policies into alignment with SSA; Eliminates GRA payments for 19 year old students | 8/31/95<br>Supplemental |                         | Supplement<br>10/13/95         | 9/4/96                  | 9/4/96                       | 9/6/96               |                |                                 |
| AFDC/APA GARNISH PFD                           | DPA           | Steele<br>Ashenbrenner |                                    | Medium            | In Draft                       | Incorporate garnishment of PFDs into AFDC and APA Recovery Regulations.  |                         |                         |                                |                         |                              |                      |                |                                 |
| WELFARE REFORM: ATAP Implementation Phase I    | DPA           | Ashenbrenner           | 993-97-0092                        | High              | In Drafting                    | Repeal of AFDC and begin ATAP program funded by federal TANF block grant effective July 1, 1997  |                         |                         |                                |                         |                              |                      |                |                                 |
| Energy Assistance Program Benefit Calculations | DPA           | Riggen-Ver             |                                    | Medium            | Pre-Proposal Development       | Change methodology for calculating Energy Assistance benefits to conform to federal requirements. Planned implementation date 10/1/97.                             |                         |                         |                                |                         |                              |                      |                |                                 |


13 207

**MEMORANDUM**  
**ALASKA DEPARTMENT OF FISH AND GAME**

**Date:** February 14, 1997

**To:** Pat Pourchot, Legislative Director  
Office of the Governor

**File:** AFSREPRT.DOC

**From:** Robert Bosworth   
Deputy Commissioner  
Juneau

**Subject:** regulation review  
addition

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

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

*Habitat and Restoration Division*

TONY KNOWLES, GOVERNOR

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

### MEMORANDUM

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

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

DATE: February 13, 1997

SUBJECT: Regulation Review

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

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

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

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

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

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

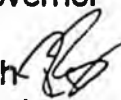
cc: Lance Trasky  
Lana Shea Flanders  
Al Ott  
Don McKay  
Wayne Dolezal  
Ed Weiss

**MEMORANDUM**  
**ALASKA DEPARTMENT OF FISH AND GAME**

**Date:** February 10, 1997

**To:** Pat Pourchot, Legislative Director  
Office of the Governor

**File:** regs

**From:** Robert Bosworth   
Deputy Commissioner  
Juneau

**Subject:** Regulations Review

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

**Sport Fishing Regulations:**

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

## **Commercial Fisheries Regulations:**

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

## **Wildlife Hunting Regulations**

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

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

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

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

cc:

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

# MEMORANDUM

STATE OF ALASKA  
COMMERCIAL FISHERIES ENTRY COMMISSION

TO: Pat Pourchot  
Legislative Director  
Mail Stop: 0101

DATE: February 12, 1997

FILE:

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

FROM: COMMERCIAL FISHERIES ENTRY  
COMMISSION

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

SUBJECT: Administrative Order 157  
- Status Report

## Internal Agency System for Maintaining Regulations

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

## Notice to the Public of Proposed Regulation Changes

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

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

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

## Status of Plan for Reviewing Existing Regulations

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

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska

# MEMORANDUM

STATE OF ALASKA  
COMMERCIAL FISHERIES ENTRY COMMISSION

TO: Pat Pourchot  
Legislative Director  
Mail Stop: 0101

DATE: February 12, 1997

FILE:

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

FROM: COMMERCIAL FISHERIES ENTRY  
COMMISSION

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

SUBJECT: Administrative Order 157  
- Status Report

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# MEMORANDUM

STATE OF ALASKA

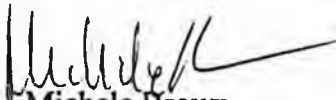
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
OFFICE OF THE COMMISSIONER

**TO:** Pat Pourchot  
Legislative Director  
Office of the Governor

**DATE:** February 13, 1997

**FILE NO.:**

**TELEPHONE:** 465-5066

  
**FROM:** Michele Brown  
Commissioner

**SUBJECT:** Administrative Order 157

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

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

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

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

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

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

**Attachments**

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

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

EXAMPLE OF DEC'S QUICK SUMMARY BOX FOR REGULATORY NOTICES

QUICK SUMMARY

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

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

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

**Comment Period Ends:** March 28, 1997.

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

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

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

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

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

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

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

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

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

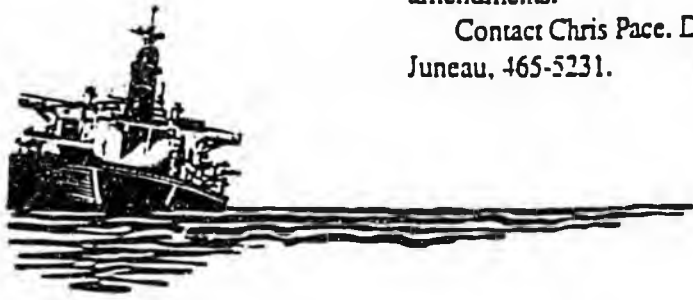
The registration program is designed to include only those contractors who agree to be listed in contingency plans and are prepared to assume a role in spill cleanup. Registration helps assure oil industry

operators that their RACs are responsible and prepared to respond.

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

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

Contact Chris Pace, DEC  
Juneau, 465-5231.



## Oil shippers examine risks of oil spills

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

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

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

The firm of Det Norske Veritas,

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

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

Contact Tom Chapple, DEC  
Anchorage, 271-4338

## The Palmer Laboratory

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

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

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

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

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

Contact Dick Barrett, DEC  
Palmer, 745-3236.

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

## ✱ How to simplify our writing

by Billie Wilson

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

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

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

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

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

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

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## PLAIN ENGLISH POLICY

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

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

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

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

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

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

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

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

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

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

### Performance Indicators, cont. from p. 1

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

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

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

## Water quality standards revisions highlight mixing zones

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

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

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

petition on the water quality standards regulations.

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

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

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### Solid waste fees

continued from p. 6

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

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

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

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

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



## PLAIN ENGLISH POLICY

### \* Keeping It Simple

by Billie Wilson

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

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

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

---

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

## Anchorage offices move

The department's Anchorage

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

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

An upgraded phone and computer system, more conference room space and improved grouping of DEC programs will improve DEC's work efficiency and response to public needs.

The main phone number for DEC may change; if so it will be published in the next issue of *ADEC Update*.

by Billie Wilson

## I ONLY HAVE IZE FOR YOU



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

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

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

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Commissioner, continued  
from p. 1

metal in the past 4 years: 17

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

ported by ARCO, BP, Alyeska, the Alliance, and the Anchorage

Chamber of Commerce) has saved users over \$368,000 since 1994.

Sealand and TOTE have also been instrumental in providing the

critical back haul services for recyclables.

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

## PLAIN ENGLISH POLICY

### Old dogs, new tricks

by Billie Wilson

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

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

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

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

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

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# MEMORANDUM

STATE OF ALASKA

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
OFFICE OF THE COMMISSIONER

TO: Commissioner  
Deputy Commissioner  
Directors  
Regulation Contact Persons

DATE: January 29, 1997

TELEPHONE: 465-5061

FROM: Billie Wilson  
Paralegal

SUBJECT: Regulations Projects  
STATUS REPORT

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

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

## NEW EFFECTIVE DATES

18 AAC 50  
18 AAC 52  
18 AAC 72

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

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

## AWAITING LT. GOVERNOR'S ACTION

None

|                                  |
|----------------------------------|
| <b>AT LAW FOR FINAL APPROVAL</b> |
|----------------------------------|

**18 AAC 53**  
993-96-0014  
Marie Sansone

**OXYFUEL. [Barbara Shepherd, 465-5176] Part 2.**  
Clarify regulations based on implementation during winter of 1994-95.  
Adopted December 4. Incorporating Marie's concerns, ready for re-adoption soon.

**18 AAC 72**  
993-96-0102  
Mary Lundquist

**WASTEWATER DISPOSAL. [Alex Viteri, 465-5324]**  
Part 1 of 2. Adding certified installer regulations.  
Adopted 6/19/96. Readopted 1/17/97 to incorporate Mary's comments. Mary sent her approval memo to Deb Behr on 1/28/97 with request for expedited review so this program can be implemented before this year's construction season.

**18 AAC 75**  
993-97-0013  
Breck Tostevin

**OIL & HAZARDOUS SUBSTANCES. [Ken Rogowski, 269-7540]**  
Requiring best available technology (BAT) for c-planholders as mandated by AS 46.04.030. Adopted 1/10/97.

**18 AAC 76**  
993-97-0050  
Mary Lundquist

**ALASKA CLEAN WATER FUND. [Mike Burns, 465-5136]**  
Amended to reflect changes to underlying statutes and to respond to comments.  
Adopted 12/10/96.

|   |
|---|
| <b>PENDING ADOPTION BY COMMISSIONER</b> |
|---|

**18 AAC 31**  
993-96-0132  
Jim Cantor

**ALASKA UNIFORM FOOD CODE. [Nancy Napolilli, 451-2110]**  
Comprehensive rewrite. Comment period ended August 15, with further notice on fees (comment ended 11/15/96). ~~Jim has given us his revisions and they are being incorporated into a draft for adoption.~~

**18 AAC 70**  
993-96-0003  
Marie Sansone

**WATER QUALITY STANDARDS. [Earl Hubbard, 465-5216]**  
Site-specific criteria (Gold Creek). Comment period ended 9/1/95.  
Because proposed criteria are hinged to approval of mixing zones, and because the "one-year staleness rule" applies, renote is required before they can be adopted.

**18 AAC 70**  
993-96-0074  
Marie Sansone

**WATER QUALITY STANDARDS. [Pamela Grefsrud, 269-7568]**  
Mixing zones. First public notice, January 11. Extended to May 1, 1996.  
Third public comment period ended 12/12/96. Adoption planned soon

**18 AAC 70**  
993-96-0112  
Cam Leonard

**WATER QUALITY STANDARDS. [Joyce Beelman, 451-2141]**  
Reclassification of Red Dog Creek and Ikalukrock Creek; Red Dog Mine.  
Comment period ended May 14. Adoption planned this week!

**18 AAC 75**  
993-97-0033  
Jim Cantor

**OIL SPILL REGS. [Chris Pace, 465-5231]**  
Adjust financial responsibility requirements to CPI, as required by AS 46.94.045. Comment period ended 10/10/96.

**PUBLIC COMMENT DRAFTS**

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

**DRAFTS BEING PREPARED FOR PUBLIC NOTICE**

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

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

|                   |
|-------------------|
| PENDING PROPOSALS |
|-------------------|

**VARIOUS  
CHAPTERS**

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

18 AAC 30

**OVERNIGHT TOURIST ACCOMMODATIONS [Adair]**

Update basic sanitary requirements, establish recognition program for facilities that go beyond compliance. Industry work group established

18 AAC 32

**DAIRY, MEAT & POULTRY INSPECTION.**

Changes necessitated by amendments to federal law

18 AAC 50

**AIR QUALITY CONTROL [Bob Hyatt, 465-3222]**

Open Burning Ban For activities that do not require permit (emit less than 100 lbs per year)

18 AAC 50/52

**AIR QUALITY CONTROL (SIP) [Glenn Miller, 465-5153]**

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

18 AAC 55

**SMOKING IN PUBLIC PLACES. [Janice Adair, 269-7645]**

While this chapter was repealed to remove outdated rules, it needs to be updated to reflect changes to statutes. Anticipate public notice during FY97.

18 AAC 60

**SOLID WASTE [Glenn Miller, 465-5153]**

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

18 AAC 62

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

18 AAC 63

**SITING/HAZARDOUS WASTE** (Update federal requirements)

18 AAC 70

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

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

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

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

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

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

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

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

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

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





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

## MEMORANDUM

State of Alaska  
Department of EducationTo: Pat Pourchot  
Legislative Director  
Office of the Governor

Date: February 14, 1997

Phone: 465-8650

File: p:ess/regs2.doc

From: Shirley J. Holloway, Ph.D.  
CommissionerSubject: Administrative Order No. 157  
Status Report

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

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

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

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

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

Attachment

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

John Lindback, Chief of Staff  
Office of the Lieutenant Governor

Deborah Behr, Regulations Attorney  
Department of Law

Alaska Department of Education  
Regulation Review Schedule  
February, 1997

Regulations Under Review - Changes Required/Anticipated

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

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

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

**Regulations Reviewed - No Changes Needed At This Time**

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

**Regulations Reviewed - Pending**

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

**Regulations Reviewed - Board Action**

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

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

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

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

\*\* Board - Alaska State Board of Education

Correct 005 F-100-2000

STATE OF ALASKA  
DEPARTMENT OF CORRECTIONS  
Margaret Pugh, Commissioner



MEMORANDUM

To: Jim Ayers  
Chief of Staff

Thru: Margaret Pugh  
commissioner

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

From: Jerry Shriner  
Federal Funds Coordinator

Re: Regulations Review Project

Date: 1/8/97

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

The status of the project is as follows:

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

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

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

# MEMORANDUM

State of Alaska

TO: Pat Pourchot, Legislative Director  
Office of the Governor

DATE: February 27, 1997

FILE NO:

TELEPHONE NO: 465-2500

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

SUBJECT: AO 157

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

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

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

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

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

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

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

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

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

# MEMORANDUM

**State of Alaska**  
*Community and Regional Affairs*  
**Commissioner's Office**

**TO:** Pat Pourchot  
Legislative Director

**DATE:** February 28, 1997

**FROM:** Mike Irwin, Commissioner  
*Mike Irwin*

**PHONE:** 465-4700

**RE:** Administrative Order 157

---

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

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

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

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

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

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

Pat Pourchot  
February 28, 1997  
Page Two

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

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

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO: SB 101

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

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

| OPERATING              | FY 98      | FY 99      | FY 00      | FY 01      | FY 02      | FY 03      |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      |            |            |            |            |            |            |
| TRAVEL                 |            |            |            |            |            |            |
| CONTRACTUAL            | 8.1        | 8.1        | 8.1        | 8.1        | 8.1        | 8.1        |
| SUPPLIES               |            |            |            |            |            |            |
| EQUIPMENT              |            |            |            |            |            |            |
| LAND & STRUCTURES      |            |            |            |            |            |            |
| GRANTS, CLAIMS         |            |            |            |            |            |            |
| MISCELLANEOUS          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>8.1</b> | <b>8.1</b> | <b>8.1</b> | <b>8.1</b> | <b>8.1</b> | <b>8.1</b> |

|         |     |     |     |     |     |     |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

|  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|
| CHANGE IN REVENUES ( )<br>Revenue Code |  |  |  |  |  |  |
|--|--|--|--|--|--|--|

**FUNDING: (Thousands of Dollars)**

|                       |            |            |            |            |            |            |
|-----------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts |            |            |            |            |            |            |
| 1003 GF Match         |            |            |            |            |            |            |
| 1004 GF               | 8.1        | 8.1        | 8.1        | 8.1        | 8.1        | 8.1        |
| 1005 GF/Program       |            |            |            |            |            |            |
| 1006 GF/MHTIA         |            |            |            |            |            |            |
| Other                 |            |            |            |            |            |            |
| <b>TOTAL</b>          | <b>8.1</b> | <b>8.1</b> | <b>8.1</b> | <b>8.1</b> | <b>8.1</b> | <b>8.1</b> |

Estimate of current year (FY 97) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

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

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

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO: SB 101

Revision Date: 04/08/97

Dept. Affected: Public Safety

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

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

100 hours of contracted services X \$81 per hour = \$8,100

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

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



# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 101

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

**Expenditures/Revenues**

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 98       | FY 99       | FY 00       | FY 01       | FY 02       | FY 03       |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES      | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| TRAVEL                 | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| CONTRACTUAL            | 38.8        | 39.1        | 39.1        | 39.1        | 39.1        | 39.2        |
| SUPPLIES               | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| EQUIPMENT              | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| LAND & STRUCTURES      | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| GRANTS, CLAIMS         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| MISCELLANEOUS          |             |             |             |             |             |             |
| <b>TOTAL OPERATING</b> | <b>38.8</b> | <b>39.1</b> | <b>39.1</b> | <b>39.1</b> | <b>39.1</b> | <b>39.2</b> |

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

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

**FUND SOURCE**

(Thousands of Dollars)

|                          |             |             |             |             |             |             |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts    | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| 1003 GF Match            | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| 1004 GF                  | 38.8        | 39.1        | 39.1        | 39.1        | 39.1        | 39.2        |
| 1005 GF/Program Receipts | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| 1037 GF/Mental Health    | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| Other                    | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| <b>TOTAL</b>             | <b>38.8</b> | <b>39.1</b> | <b>39.1</b> | <b>39.1</b> | <b>39.1</b> | <b>39.2</b> |

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

**POSITIONS**

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

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

Section 5 of the proposed legislation (AS 44.62) would place new regulatory requirements on the Division of Governmental Coordination, including evaluation of the economic effects of the proposed regulatory change. The Division has determined the most efficient way to meet the new requirements would be to contract with an economic consultant. The consultant would prepare a cost-benefit analysis of the proposed regulatory change. The fiscal impact to the Division is based on the average of three regulatory projects per year that would require one month of a consultant's time per project and Section 8 regarding supplemental notice and public proceedings. The inflation rate is based on current revenue forecasts.

Prepared by: Diane E. Mayer, Director  
 Division: Governmental Coordination  
 Approved by Commissioner: Jim Ayers, Chief of Staff  
 Agency: Office of the Governor

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

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# FISCAL NOTE

STATE OF ALASKA

BILL NO. SB 101

**1997 LEGISLATIVE SESSION**

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

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

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

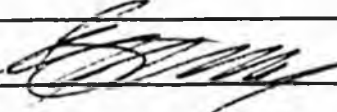
Estimate of any current year (FY97) cost: \$ 0.0

| POSITIONS |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME |   |   |   |   |   |   |
| PART-TIME | 1 | 1 | 1 | 1 | 1 | 1 |
| TEMPORARY |   |   |   |   |   |   |

ANALYSIS: (Attach a separate page if necessary.)

See attached document.

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

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

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**SB 101      Fiscal Note Analysis:**

CFEC regulates commercial fishing in Alaska in accordance with AS 16.43. All CFEC regulatory proposals are extensively reviewed by the public before a decision is made to adopt or not to adopt the proposals.

CFEC always considers the impact of a proposed regulation on the fishing industry, when adopting regulations that achieve the statute's purposes. Under the extensive requirements of HB 130, we would need to devote considerably more resources to estimating the benefits, costs, and economic impacts of each regulatory proposal. The work done on these analyses would have to withstand legal challenges.

Each year, CFEC must add or amend many regulations. Each proposed regulatory change requires a public review process. For example, CFEC is required by its statutes to adopt regulations to limit additional fisheries, to place moratoria on new entrants into fisheries, to develop hardship ranking systems to allocate permits in newly limited fisheries, and to establish application periods for permits in newly limited fisheries. Additionally, CFEC often needs to change regulations related to fishery definitions, permanent and emergency permit transfer requirements, other reporting requirements, administrative procedures, permit fees and user fees for sundry services. Moreover, new legislation and court decisions sometimes require extensive regulatory changes.

Some of these regulatory changes can be classified as "housekeeping" and may have very little impact on anyone, while others are of a more significant nature and may have a substantial effect in terms of benefits, costs, and economic impacts. In the last two years our Law Specialist needed to devote about 40% of her time on different tasks related to the Commission's regulations and regulatory proposals. Many other staff persons can be involved in the development of proposed regulatory changes and/or the extensive public review process for such proposals.

Because our agency has lost 22% of its staff positions over the last 11 years, we are having serious difficulty meeting existing statutory requirements. Estimating the benefits and cost each regulatory change will impose an additional requirement on our agency. We believe we would need a part-time regulatory economist position to help make the estimates and prepare the supporting documents for our agency. Some regulations will require more detailed economic analysis than others. In some cases these analyses may need to be very extensive and complex.

**First Year Additional Cost of SB 101:**

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

**Subsequent Years Additional Cost of SB 101:**

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

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

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 98       | FY 99       | FY 00       | FY 01       | FY 02       | FY 03       |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES      |             |             |             |             |             |             |
| TRAVEL                 |             |             |             |             |             |             |
| CONTRACTUAL            | 72.9        | 72.9        | 72.9        | 72.9        | 72.9        | 72.9        |
| SUPPLIES               |             |             |             |             |             |             |
| EQUIPMENT              |             |             |             |             |             |             |
| LAND & STRUCTURES      |             |             |             |             |             |             |
| GRANTS, CLAIMS         |             |             |             |             |             |             |
| MISCELLANEOUS          |             |             |             |             |             |             |
| <b>TOTAL OPERATING</b> | <b>72.9</b> | <b>72.9</b> | <b>72.9</b> | <b>72.9</b> | <b>72.9</b> | <b>72.9</b> |
| CAPITAL EXPENDITURES   |             |             |             |             |             |             |
| CHANGE IN REVENUES     | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |

FUND SOURCE (Thousands of Dollars)

|                          |             |             |             |             |             |             |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts    |             |             |             |             |             |             |
| 1003 GF Match            |             |             |             |             |             |             |
| 1004 GF                  | 72.9        | 72.9        | 72.9        | 72.9        | 72.9        | 72.9        |
| 1005 GF/Program Receipts |             |             |             |             |             |             |
| 1037 GF/Mental Health    |             |             |             |             |             |             |
| Other                    |             |             |             |             |             |             |
| <b>TOTAL</b>             | <b>72.9</b> | <b>72.9</b> | <b>72.9</b> | <b>72.9</b> | <b>72.9</b> | <b>72.9</b> |

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

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

(see attached page for additional comments)

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

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**Alaska Department of Revenue**  
***Income and Excise Audit Division***

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

**Comments:**

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

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

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 101

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

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

COMPONENT SERIAL NO. 633

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 98        | FY 99        | FY 00        | FY 01        | FY 02        | FY 03        |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES      | 186.9        | 186.9        | 186.9        | 186.9        | 186.9        | 186.9        |
| TRAVEL                 | 18.0         | 18.0         | 18.0         | 18.0         | 18.0         | 18.0         |
| CONTRACTUAL            | 27.0         | 27.0         | 27.0         | 27.0         | 27.0         | 27.0         |
| SUPPLIES               | 4.0          | 4.0          | 4.0          | 4.0          | 4.0          | 4.0          |
| EQUIPMENT              | 18.0         | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          |
| LAND&STRUCTURES        | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          |
| GRANTS, CLAIMS         | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          |
| MISCELLANEOUS          | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          |
| <b>TOTAL OPERATING</b> | <b>253.9</b> | <b>235.9</b> | <b>235.9</b> | <b>235.9</b> | <b>235.9</b> | <b>235.9</b> |

|                      |     |     |     |     |     |     |
|----------------------|-----|-----|-----|-----|-----|-----|
| 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**

|                         |              |              |              |              |              |              |
|-------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts   | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          |
| 1003 GF Match           | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          |
| 1004 GF                 | 253.9        | 235.9        | 235.9        | 235.9        | 235.9        | 235.9        |
| 1005 GF/Program Receipt | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          |
| 1006 GF/MHTIA           | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          |
| Other                   | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          | 0.0          |
| <b>TOTAL</b>            | <b>253.9</b> | <b>235.9</b> | <b>235.9</b> | <b>235.9</b> | <b>235.9</b> | <b>235.9</b> |

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

**POSITIONS:**

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

**ANALYSIS:** (Attach a separate page if necessary.)

SEE ATTACHED

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

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

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

Date: 4/10/97

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

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

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

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

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

This Fiscal Note includes costs of:

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

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO. SB 101**

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

**Expenditures/Revenues (Thousands of Dollars)**

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

|                             |            |            |            |            |            |            |
|-----------------------------|------------|------------|------------|------------|------------|------------|
| <b>CAPITAL EXPENDITURES</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
|-----------------------------|------------|------------|------------|------------|------------|------------|

|                               |            |            |            |            |            |            |
|-------------------------------|------------|------------|------------|------------|------------|------------|
| <b>CHANGE IN REVENUES ( )</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
|-------------------------------|------------|------------|------------|------------|------------|------------|

**FUND SOURCE (Thousands of Dollars)**

|                          |             |             |             |             |             |             |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts    | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| 1003 GF Match            |             |             |             |             |             |             |
| 1004 GF                  | 35.0        | 35.0        | 35.0        | 35.0        | 35.0        | 35.0        |
| 1005 GF/Program Receipts |             |             |             |             |             |             |
| 1006 GF/MHTIA            |             |             |             |             |             |             |
| Other                    |             |             |             |             |             |             |
| <b>TOTAL</b>             | <b>35.0</b> | <b>35.0</b> | <b>35.0</b> | <b>35.0</b> | <b>35.0</b> | <b>35.0</b> |

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

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

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

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

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

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

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

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

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# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO.** SB 101

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

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

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

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

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|--|--|--|--|--|--|--|
| <b>CHANGE IN REVENUE<br/>FUND SOURCE #</b> |  |  |  |  |  |  |
|--|--|--|--|--|--|--|

**FUNDING:** (Thousands of Dollars)

|                         |             |            |             |            |             |            |
|-------------------------|-------------|------------|-------------|------------|-------------|------------|
| 1002 Federal Receipts   |             |            |             |            |             |            |
| 1003 GF Match           |             |            |             |            |             |            |
| 1004 GF                 | 20.0        |            | 20.0        |            | 20.0        |            |
| 1005 GF/Program Receipt |             |            |             |            |             |            |
| 1006 GF/MHTIA           |             |            |             |            |             |            |
| Other                   |             |            |             |            |             |            |
| <b>TOTAL</b>            | <b>20.0</b> | <b>0.0</b> | <b>20.0</b> | <b>0.0</b> | <b>20.0</b> | <b>0.0</b> |

**POSITIONS:**

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

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

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

See Attached

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

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

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

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

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO. SB 101**

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

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

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

| OPERATING              | FY 98      | FY 99      | FY 00      | FY 01      | FY 02      | FY 03      |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      |            |            |            |            |            |            |
| TRAVEL                 |            |            |            |            |            |            |
| CONTRACTUAL            |            |            |            |            |            |            |
| SUPPLIES               |            |            |            |            |            |            |
| EQUIPMENT              |            |            |            |            |            |            |
| LAND & STRUCTURES      |            |            |            |            |            |            |
| GRANTS, CLAIMS         |            |            |            |            |            |            |
| MISCELLANEOUS          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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| CHANGE IN REVENUE<br>FUND SOURCE # |  |  |  |  |  |  |
|------------------------------------|--|--|--|--|--|--|

**FUNDING: (Thousands of Dollars)**

|                         |            |            |            |            |            |            |
|-------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts   |            |            |            |            |            |            |
| 1003 GF Match           |            |            |            |            |            |            |
| 1004 GF                 |            |            |            |            |            |            |
| 1005 GF/Program Receipt |            |            |            |            |            |            |
| 1006 GF/MHTIA           |            |            |            |            |            |            |
| Other                   |            |            |            |            |            |            |
| <b>TOTAL</b>            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**POSITIONS:**

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

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

**ANALYSIS:**

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

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

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Attachment  
Fiscal Note for SB 101

ALASKA DEPARTMENT OF LABOR  
Employment Security Division

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

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

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

Mandatory cost-benefit analysis

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

Supplemental notice

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

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

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO.** SB 101

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

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

**COMPONENT SERIAL NO.** 1200

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

| OPERATING              | FY 98      | FY 99      | FY 00      | FY 01      | FY 02      | FY 03      |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      |            |            |            |            |            |            |
| TRAVEL                 |            |            |            |            |            |            |
| CONTRACTUAL            | 0.6        | 0.6        | 0.6        | 0.6        | 0.6        | 0.6        |
| SUPPLIES               |            |            |            |            |            |            |
| EQUIPMENT              |            |            |            |            |            |            |
| LAND & STRUCTURES      |            |            |            |            |            |            |
| GRANTS, CLAIMS         |            |            |            |            |            |            |
| MISCELLANEOUS          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.6</b> | <b>0.6</b> | <b>0.6</b> | <b>0.6</b> | <b>0.6</b> | <b>0.6</b> |

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| <b>CHANGE IN REVENUE</b> |  |  |  |  |  |  |
| <b>FUND SOURCE #</b>     |  |  |  |  |  |  |

**FUNDING:** (Thousands of Dollars)

|                         |            |            |            |            |            |            |
|-------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts   |            |            |            |            |            |            |
| 1003 GF Match           |            |            |            |            |            |            |
| 1004 GF                 | 0.6        | 0.6        | 0.6        | 0.6        | 0.6        | 0.6        |
| 1005 GF/Program Receipt |            |            |            |            |            |            |
| 1006 GF/MHTIA           |            |            |            |            |            |            |
| Other                   |            |            |            |            |            |            |
| <b>TOTAL</b>            | <b>0.6</b> | <b>0.6</b> | <b>0.6</b> | <b>0.6</b> | <b>0.6</b> | <b>0.6</b> |

**POSITIONS:**

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

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

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

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

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

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# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO.** SB 101

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

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

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

| OPERATING              | FY 98      | FY 99      | FY 00      | FY 01      | FY 02      | FY 03      |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      |            |            |            |            |            |            |
| TRAVEL                 |            |            |            |            |            |            |
| CONTRACTUAL            | 8.0        | 8.0        | 8.0        | 8.0        | 8.0        | 8.0        |
| SUPPLIES               |            |            |            |            |            |            |
| EQUIPMENT              |            |            |            |            |            |            |
| LAND & STRUCTURES      |            |            |            |            |            |            |
| GRANTS, CLAIMS         |            |            |            |            |            |            |
| MISCELLANEOUS          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>8.0</b> | <b>8.0</b> | <b>8.0</b> | <b>8.0</b> | <b>8.0</b> | <b>8.0</b> |

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| <b>CHANGE IN REVENUE FUND SOURCE #</b> |  |  |  |  |  |  |
|--|--|--|--|--|--|--|

**FUNDING:** (Thousands of Dollars)

|                         |            |            |            |            |            |            |
|-------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts   |            |            |            |            |            |            |
| 1003 GF Match           |            |            |            |            |            |            |
| 1004 GF                 | 8.0        | 8.0        | 8.0        | 8.0        | 8.0        | 8.0        |
| 1005 GF/Program Receipt |            |            |            |            |            |            |
| 1006 GF/MHTIA           |            |            |            |            |            |            |
| 1007 I/A Receipts       |            |            |            |            |            |            |
| <b>TOTAL</b>            | <b>8.0</b> | <b>8.0</b> | <b>8.0</b> | <b>8.0</b> | <b>8.0</b> | <b>8.0</b> |

**POSITIONS:**

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

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

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

SEE ATTACHED

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

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

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

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

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO.** SB 101

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

Department Affected: Labor

Title: Regulations: Adcption & Judicial  
Review

BRU: Labor Standards & Safety

Component: Mechanical Inspection

Sponsor: Senator Donley

Requestor: Senate JUD

COMPONENT SERIAL NO. 346

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

| OPERATING              | FY 98       | FY 99       | FY 00       | FY 01       | FY 02       | FY 03       |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES      |             |             |             |             |             |             |
| TRAVEL                 |             |             |             |             |             |             |
| CONTRACTUAL            | 16.0        | 16.0        | 16.0        | 16.0        | 16.0        | 16.0        |
| SUPPLIES               |             |             |             |             |             |             |
| EQUIPMENT              |             |             |             |             |             |             |
| LAND & STRUCTURES      |             |             |             |             |             |             |
| GRANTS, CLAIMS         |             |             |             |             |             |             |
| MISCELLANEOUS          |             |             |             |             |             |             |
| <b>TOTAL OPERATING</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> |

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

|                          |  |  |  |  |  |  |
|--------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUE</b> |  |  |  |  |  |  |
| <b>FUND SOURCE #</b>     |  |  |  |  |  |  |

**FUNDING:** (Thousands of Dollars)

|                         |             |             |             |             |             |             |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Recelpts   |             |             |             |             |             |             |
| 1003 GF Match           |             |             |             |             |             |             |
| 1004 GF                 | 16.0        | 16.0        | 16.0        | 16.0        | 16.0        | 16.0        |
| 1005 GF/Program Receipt |             |             |             |             |             |             |
| 1006 GF/MHTIA           |             |             |             |             |             |             |
| 1007 I/A Receipts       |             |             |             |             |             |             |
| <b>TOTAL</b>            | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> |

**POSITIONS:**

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

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

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

SEE ATTACHED

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

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

Approved by Commissioner: Tom Cashen, Commissioner

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

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

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

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

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

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO.** SB 101

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

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

**COMPONENT SERIAL NO.** 970

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

| OPERATING              | FY 98       | FY 99       | FY 00       | FY 01       | FY 02       | FY 03       |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES      |             |             |             |             |             |             |
| TRAVEL                 |             |             |             |             |             |             |
| CONTRACTUAL            | 16.0        | 16.0        | 16.0        | 16.0        | 16.0        | 16.0        |
| SUPPLIES               |             |             |             |             |             |             |
| EQUIPMENT              |             |             |             |             |             |             |
| LAND & STRUCTURES      |             |             |             |             |             |             |
| GRANTS, CLAIMS         |             |             |             |             |             |             |
| MISCELLANEOUS          |             |             |             |             |             |             |
| <b>TOTAL OPERATING</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> |

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

|                          |  |  |  |  |  |  |
|--------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUE</b> |  |  |  |  |  |  |
| <b>FUND SOURCE #</b>     |  |  |  |  |  |  |

**FUNDING:** (Thousands of Dollars)

|                         |             |             |             |             |             |             |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts   |             |             |             |             |             |             |
| 1003 GF Match           |             |             |             |             |             |             |
| 1004 GF                 | 16.0        | 16.0        | 16.0        | 16.0        | 16.0        | 16.0        |
| 1005 GF/Program Receipt |             |             |             |             |             |             |
| 1006 GF/MHTIA           |             |             |             |             |             |             |
| Other                   |             |             |             |             |             |             |
| <b>TOTAL</b>            | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> | <b>16.0</b> |

**POSITIONS:**

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

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

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

SEE ATTACHED

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

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

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

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

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

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

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

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

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

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO.** SB 101

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

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

**COMPONENT SERIAL NO.** 344

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

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

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>CAPITAL</b> |  |  |  |  |  |  |
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|                          |  |  |  |  |  |  |
|--------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUE</b> |  |  |  |  |  |  |
| <b>FUND SOURCE #</b>     |  |  |  |  |  |  |

**FUNDING:**

(Thousands of Dollars)

|                         |             |             |             |             |             |             |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts   |             |             |             |             |             |             |
| 1003 GF Match           |             |             |             |             |             |             |
| 1004 GF                 | 17.2        | 17.2        | 17.2        | 17.2        | 17.2        | 17.2        |
| 1005 GF/Program Receipt |             |             |             |             |             |             |
| 1006 GF/MHTIA           |             |             |             |             |             |             |
| Other                   |             |             |             |             |             |             |
| <b>TOTAL</b>            | <b>17.2</b> | <b>17.2</b> | <b>17.2</b> | <b>17.2</b> | <b>17.2</b> | <b>17.2</b> |

**POSITIONS:**

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

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

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

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

Prepared by: Paul Grossi, Director Phone: 465-2790  
 Division: Worker's Compensation Date: 4/8/97

Approved by Commissioner: Tom Cashen, Commissioner  
 Agency: Department of Labor Date: 4/8/97

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## **SB101 Analysis**

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

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

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

### **Line 200 Travel**

|  |     |
|--|-----|
| Board Members/Hearing Officers<br>Travel | 7.1 |
|--|-----|

### **Line 300 Contractual Cost Benefit Analysis**

|                                |     |
|--------------------------------|-----|
| Professional Services Contract | 8.0 |
|--------------------------------|-----|

|   |     |
|---|-----|
| Advertising<br>(Proposed Changes/Public Meetings) | 2.1 |
|---|-----|

|       |      |
|-------|------|
| Total | 17.2 |
|-------|------|

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB101

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

Expenditures/Revenues: (Thousands of Dollars)

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

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

|                     |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

|                          |             |             |             |             |             |             |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts    |             |             |             |             |             |             |
| 1003 GF Match            |             |             |             |             |             |             |
| 1004 GF                  | 70.3        | 65.6        | 67.7        | 69.6        | 71.7        | 74.0        |
| 1005 GF/Program Receipts |             |             |             |             |             |             |
| Other:                   |             |             |             |             |             |             |
| <b>TOTAL</b>             | <b>70.3</b> | <b>65.6</b> | <b>67.7</b> | <b>69.6</b> | <b>71.7</b> | <b>74.0</b> |

Estimate of current year (FY97) cost: \$

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

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

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

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

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# FISCAL NOTE

**STATE OF ALASKA  
1997 LEGISLATIVE SESSION**

**BILL NO. SB101**

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

**Expenditures/Revenues (Thousands of Dollars)**

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

**FUND SOURCE (Thousands of Dollars)**

|                          |             |            |             |            |             |            |
|--------------------------|-------------|------------|-------------|------------|-------------|------------|
| 1002 Federal Receipts    |             |            |             |            |             |            |
| 1003 GF Match            |             |            |             |            |             |            |
| 1004 GF                  | 20.2        | 0.0        | 20.2        | 0.0        | 20.2        | 0.0        |
| 1005 GF/Program Receipts |             |            |             |            |             |            |
| 1037 GF/Mental Health    |             |            |             |            |             |            |
| Other                    |             |            |             |            |             |            |
| <b>TOTAL</b>             | <b>20.2</b> | <b>0.0</b> | <b>20.2</b> | <b>0.0</b> | <b>20.2</b> | <b>0.0</b> |


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

**POSITIONS**

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

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

The Commission periodically enacts regulations. Section 44.62.035 and Section 44.62.200(a)6) will require the agency to reach a determination on issues for which it does not have the expertise. The Commission would need the contractual services of an accountant, survey taker, and/ or economist for two weeks to assist in providing the cost-benefit analysis required in these subsections.



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

Phone: 276-7474  
 Date: 4/8/97  
 Date: \_\_\_\_\_

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB101

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

**Expenditures/Revenues** (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 98      | FY 99      | FY 00      | FY 01      | FY 02      | FY 03      |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      |            |            |            |            |            |            |
| TRAVEL                 |            |            |            |            |            |            |
| CONTRACTUAL            |            |            |            |            |            |            |
| SUPPLIES               |            |            |            |            |            |            |
| EQUIPMENT              |            |            |            |            |            |            |
| LAND & STRUCTURES      |            |            |            |            |            |            |
| GRANTS, CLAIMS         |            |            |            |            |            |            |
| MISCELLANEOUS          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                          |            |            |            |            |            |            |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts    |            |            |            |            |            |            |
| 1003 GF Match            |            |            |            |            |            |            |
| 1004 GF                  |            |            |            |            |            |            |
| 1005 GF/Program Receipts |            |            |            |            |            |            |
| 1037 GF/Mental Health    |            |            |            |            |            |            |
| Other                    |            |            |            |            |            |            |
| <b>TOTAL</b>             | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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

**POSITIONS**

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

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

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

Prepared by: John Lindback, Chief of Staff Phone: 465-3520  
 Division: Office of the Lt. Governor Date: 4/8/97  
 Approved by Commissioner: [Signature] Lieutenant Governor Fran Ulmer Date: \_\_\_\_\_  
 Agency: Office of the Lt. Governor

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# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO. SB 101**

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

**Expenditures/Revenues (Thousands of Dollars)**

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

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE (Thousands of Dollars)**

|                          |             |             |             |             |             |             |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts    |             |             |             |             |             |             |
| 1003 GF Match            |             |             |             |             |             |             |
| 1004 GF                  | 26.8        | 26.8        | 26.8        | 26.8        | 26.8        | 26.8        |
| 1005 GF/Program Receipts |             |             |             |             |             |             |
| 1037 GF/Mental Health    |             |             |             |             |             |             |
| Other                    |             |             |             |             |             |             |
| <b>Total</b>             | <b>26.8</b> | <b>26.8</b> | <b>26.8</b> | <b>26.8</b> | <b>26.8</b> | <b>26.8</b> |

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

**POSITIONS:**

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

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

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

**Assumptions:**

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

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

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**ANALYSIS: (continued)**

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

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 101

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

**Expenditures/Revenues** (Thousands of Dollars)

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

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

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

**FUND SOURCE** (Thousands of Dollars)

|                          |              |              |              |              |              |              |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts    |              |              |              |              |              |              |
| 1003 GF Match            |              |              |              |              |              |              |
| 1004 GF                  | 308.5        | 289.0        | 289.0        | 289.0        | 289.0        | 289.0        |
| 1005 GF/Program Receipts |              |              |              |              |              |              |
| 1006 GF/MHTIA            |              |              |              |              |              |              |
| Other                    |              |              |              |              |              |              |
| <b>TOTAL</b>             | <b>308.5</b> | <b>289.0</b> | <b>289.0</b> | <b>289.0</b> | <b>289.0</b> | <b>289.0</b> |

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

**POSITIONS**

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

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

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

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

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

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ANALYSIS CONTINUATION:

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

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

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

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

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

NO. \_\_\_\_\_  
BILL VERSION: SB 101  
PUBLISH DATE: \_\_\_\_\_

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

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

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING              | FY 98    | FY 99    | FY 00    | FY 01    | FY 02    | FY 03    |
|------------------------|----------|----------|----------|----------|----------|----------|
| PERSONAL SERVICES      | 0        | 0        | 0        | 0        | 0        | 0        |
| TRAVEL                 | 0        | 0        | 0        | 0        | 0        | 0        |
| CONTRACTUAL            | 0        | 0        | 0        | 0        | 0        | 0        |
| SUPPLIES               | 0        | 0        | 0        | 0        | 0        | 0        |
| EQUIPMENT              | 0        | 0        | 0        | 0        | 0        | 0        |
| LAND & STRUCTURES      |          |          |          |          |          |          |
| GRANTS, CLAIMS         |          |          |          |          |          |          |
| MISCELLANEOUS          |          |          |          |          |          |          |
| <b>TOTAL OPERATING</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |

|                |   |   |   |   |   |   |
|----------------|---|---|---|---|---|---|
| <b>CAPITAL</b> | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------|---|---|---|---|---|---|

|                            |   |   |   |   |   |   |
|----------------------------|---|---|---|---|---|---|
| <b>REVENUE FUND SOURCE</b> | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------------------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

|                   |          |          |          |          |          |          |
|-------------------|----------|----------|----------|----------|----------|----------|
| GENERAL FUND      | 0        | 0        | 0        | 0        | 0        | 0        |
| FEDERAL FUNDS     |          |          |          |          |          |          |
| OTHER FUND SOURCE |          |          |          |          |          |          |
| <b>TOTAL</b>      | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

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

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



## ADMINISTRATIVE ORDER NO. 157

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

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

### AGENCY DIRECTIVES

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

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

2. In public notices regarding regulation changes:

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

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

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

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

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

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

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

**ADMINISTRATIVE ORDER NO. 157**

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

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- make the regulation-adoption process more accessible and understandable to the general public;
- minimize the cost to the public of complying with state regulations; and
- encourage state agencies to work with the regulated public to meet the objectives of agency regulations.

**AGENCY DIRECTIVES**

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

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

2. In public notices regarding regulation changes:

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

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

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

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

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

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

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