Kevin Meyer Lieutenant Governor State Capitol Juneau, Alaska 99811 907.465.3520 WWW,LTGOV.ALASKA.GOV



530 West 7<sup>th</sup> Ave, Suite 1700 Anchorage, Alaska 99501 907.269.7460 LT.GOVERNOR@ALASKA.GOV

## OFFICE OF THE LIEUTENANT GOVERNOR ALASKA

#### MEMORANDUM

TO:

Jolene Julian

Department of Transportation and Public Facilities

FROM:

April Simpson, Office of the Lieutenant Governor

465.4081

DATE:

January 23, 2019

RE:

Filed Permanent Regulations: Department of Transportation and Public Facilities

Department of Transportation and Public Facilities regulations re: landing fees at Sand

Point Airport (17 AAC 45.128)

Attorney General File:

2018200581

Regulation Filed:

1/22/2019

Effective Date:

2/21/2019

Print:

229, April 2019

cc with enclosures:

Linda Miller, Department of Law

Judy Herndon, LexisNexis

## ORDER ADOPTING CHANGES TO REGULATIONS OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The attached one page of regulations, dealing with Landing Fees at Sand Point Airport, is adopted and certified to be a correct copy of the regulation changes that the Alaska Department of Transportation and Public Facilities adopts under the authority of AS 02.15.020 (a), AS 02.15.060, and AS 02.15.090 (a), and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Alaska Department of Transportation and Public Facilities paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: December 1, 2018

John MacKinnon, Commissioner

#### FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

provisions of AS 44.62.040 - 44.62.120.

Kevin G. Meyer, Lleutenant Governor

Effective:

Teprvary 21,2019.

Register:

229, April 2019.

17 AAC 45 is amended by adding a new section to read:

(at Sand Point Airport) to a Local M

boverious M

17 AAC 45.128. Landing Fees. A

(a) An airport user shall pay a fee for each full-stop landing at the Sand Point Airport by an aircraft with a CMGTW of more than 6,000 pounds. The landing fee shall be \$5.50 per 1,000 pounds CMGTW, rounded to the next highest 1,000 pounds.

- (b) The following shall be exempt from the payment of landing fees:
- (1) Aircraft engaged in flights required for Federal Aviation Administration mandated maintenance; and

(2) Aircraft owned by a domestic governmental entity or the Civil Air Patrol.

(a) Aircraft owned by a domestic governmental entity or the Civil Air Patrol.

(b) Landing fees shall be paid to the department by the 15th day of the month following the series to the content of t month in which the landing occurred. Payments must be accompanied by a report on a form prescribed by the Department specifying the aircraft registration identifier number and CMGTW, and the dates of all landings during the reported month.

(Eff. 2 / 21 / 2019, Register 229)

AS 02.15.090 (a) AS 02.15.020 (a) Authority: AS 02.15.060

## **MEMORANDUM**

## State of Alaska

### Department of Law

To: The Honorable Kevin Meyer

Date: January 8, 2019

Lieutenant Governor

File No.: 2018200581

Susan R. Pollard Thru:

Tel. No.: 465-3600

Chief Assistant Attorney General

and Regulations Attorney

Legislation and Regulations Section

Steven C. Weaver Senior Assistant Attorney General and Assistant Regulations Attorney Legislation and Regulations Section

Re: Department of Transportation and Public Facilities regulations re: landing fees at Sand Point Airport

(17 AAC 45.128)

The Department of Law has reviewed the attached regulations of the Department of Transportation and Public Facilities against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Transportation and Public Facilities after the close of the public comment period. The regulations concern landing fees at Sand Point Airport for aircraft with a certified maximum gross takeoff weight (CMGTW) of more than 6,000 pounds.

The September 30, 2018 public notice, the November 16, 2018 supplemental public notice, and the December 7, 2018 adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required. Hon. Kevin Meyer, Lieutenant Governor

Our file: 2018200581

January 8, 2019

Page 2

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

**SCW** 

cc: Honorable John MacKinnon, Commissioner

Department of Transportation and Public Facilities

Jolene Julian, Regulations Contact Department of Transportation and Public Facilities

John R. Binder III, Deputy Commissioner Division of Statewide Aviation Department of Transportation and Public Facilities

Richard Sewell
Division of Statewide Aviation
Department of Transportation and Public Facilities

Jeff Stark, Chief Assistant Attorney General Transportation Section

Max Garner, Assistant Attorney General Transportation Section

### Notice of Proposed Changes on Landing Fees at Sand Point Airport in the Regulations of Alaska Department of Transportation and Public Facilities

#### **BRIEF DESCRIPTION**

The Alaska Department of Transportation and Public Facilities proposes to adopt regulations to implement landing fees at Sand Point Airport for aircraft weighing more than a defined certified maximum gross takeoff weight (CMGTW).

The Alaska Department of Transportation and Public Facilities proposes to adopt regulation changes in Title 17 of the Alaska Administrative Code, dealing with Chapter 45 Rural Airports, related to landing fees at Sand Point Airport, including the following:

(1) 17 AAC 45 is proposed to be changed as follows:

A new section, 17 AAC 45.128, will be added implementing landing fees at Sand Point Airport for aircraft weighing more than a defined certified maximum gross takeoff weight (CMGTW).

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Rich Sewell, Aviation Policy Planner, Alaska Department of Transportation and Public Facilities, P.O. Box 196900, Anchorage Alaska 99519-6900. Additionally, the Alaska Department of Transportation and Public Facilities will accept comments by facsimile at 907-269-0489 and by electronic mail at StatewideAviation@alaska.gov . The comments must be received no later than 5:00 pm AKDT on October 30, 2015.

Oral or written comments may also be submitted at a public hearing to be held on October 12, 2018 in the Central Region Main Conference Room, Alaska Department of Transportation and Public Facilities, 4111 Aviation Avenue, Anchorage Alaska. The public hearing will be held from 3:00 pm to 6:00 pm, and may be extended to accommodate those present before 6:00 pm who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action by U.S. mail to Rich Sewell, Aviation Policy Planner, Alaska Department of Transportation and Public Facilities, P.O. Box 196900, Anchorage Alaska 99519-6900, or by email to StatewideAviation@alaska.gov The questions must be received at least 10 days before the end of the public comment period, no later than 5:00 pm AKDT on October 20, 2018 to be included in the Department's responses. The Department will aggregate its responses to substantially similar questions and make the questions and responses available on Alaska Online Public Notice System. The Alaska Department of Transportation and Public Facilities may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Rich Sewell at (907) 269-0725 or by email at StatewideAviation@alaska.gov no later than 5:00 pm AKDT October 8, 2018 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Rich Sewell, at the U.S. mail address, email, or telephone number above. Or you may obtain an electronic copy of the proposed regulations by going to the webpage http://dot.alaska.gov/stwdav/documents/sand-point-proposed-regs.pdf

After the public comment period ends, the Alaska Department of Transportation and Public Facilities will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

**Statutory Authority:** AS 02.15.020; AS 44.42.030

Statutes Being Implemented, Interpreted, or Made Specific: AS 02.15.060; AS 02.15.090(a); AS 44.42.020(a)

Fiscal Information: The proposed Egulation changes are not expected to reque an increased appropriation.

#### **Attachments, History, Details**

#### **Attachments**

NOTICE OF PROPOSED NEW REGULATIONS OF LANDING FEES Non-Newspaper v. 1.1.pdf

#### **Revision History**

Created 9/28/2018 11:35:56 AM by mlbyrd Modified 9/28/2018 11:39:38 AM by mlbyrd

#### **Details**

Department:

Transportation and Public

**Facilities** 

Category:

Regulations

**Sub-Category:** 

**Notice of Proposed** 

Regulations

Location(s):

Statewide

Project/Regulation #:

Publish Date:

9/30/2018

Archive Date:

11/30/2018

Events/Deadlines:

## Supplemental Notice of Proposed Changes on Landing Fees at Sand Point Airport in the Regulations of the Department of Transportation and Public Facilities

The Department of Transportation and Public Facilities proposes to adopt regulation changes in 17 AAC 45 of the Alaska Administrative Code, dealing with the establishment of landing fees at Sand Point Airport for aircraft weighing more than a defined certified maximum gross takeoff weight (CMGTW). This is a SUPPLEMENTAL NOTICE incorporating the contents of the original public notice of September 30, 2018. This SUPPLEMENTAL NOTICE is being issued so that the department may furnish additional regulations notice information under AS 44.62.190(d), and to extend the public comment period on the proposed regulations.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Rich Sewell, Aviation Policy Planner, Department of Transportation and Public Facilities, P.O. Box 196900, Anchorage Alaska 99519-6900. Additionally, the Department of Transportation and Public Facilities will accept comments by facsimile at 907-269-0489 and by electronic mail at StatewideAviation@alaska.gov . The comments must be received no later than 5:00 pm AKST on December 3, 2018.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Rich Sewell at (907) 269-0725 or by email at StatewideAviation@alaska.gov no later than 5:00 pm AKST November 21, 2018 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Rich Sewell, at the U.S. mail address, email, or telephone number above. Or you may obtain an electronic copy of the proposed regulations by going to the webpage http://dot.alaska.gov/stwdav/documents/sand-point-proposed-regs.pdf

After the public comment period ends, the Department of Transportation and Public Facilities will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 02.15.020; AS 44.42.030

Statutes Being Implemented, Interpreted, or Made Specific: AS 02.15.060; AS 02.15.090(a); AS 44.42.020(a)

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: November 16, 2018

/S/

John R. Binder, III, Deputy Commissioner

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#### Attachments, History, Details

#### **Attachments**

Additional Regulation Notice Information, Landing Fees at Sand Point Airport 17 AAC 45.128.pdf

Landing Fees at Sand Point Airport FAQs v. 1.4.pdf

#### **Revision History**

Created 11/16/2018 12:33:37 PM by mlbyrd Modified 11/16/2018 12:34:04 PM by mlbyrd Modified 12/7/2018 12:09:44 PM by mlbyrd

#### **Details**

Department:

Transportation and Public Facilities

Category:

Regulations

Sub-Category: Location(s):

Notice of Proposed Regulations

Statewide

Project/Regulation #:

Publish Date: Archive Date: 11/18/2018

12/15/2018

Events/Deadlines:

#### Help Alaska Admin Journal Contact

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# ADDITIONAL REGULATION NOTICE INFORMATION (AS 44.62.190(d))

1. =	Adopting agency: Department of Transportation & Public Facilities				
2.	General subject of regulation: Implement Landing Fees at Sand Point Airport				
3.	Citation of regulation (may be grouped): 17 AAC 45.128				
4.	Department of Law file nur	nber, if any:2	2018200581		
5.	Reason for the proposed action:				
	( ) Compliance with federal law or action (identify):				
	( ) Compliance with new or changed state statute				
	( ) Compliance with federal or state court decision (identify):				
	( ) Development of program standards				
	(X) Other (identify): City of Sand Point (by resolution) and PenAir Inc. requested				
	higher safety standards (Federal Aviation Administration Part 139) to accommodate				
	larger aircraft and landing fees to pay for the related new annual expenses.				
6.	Appropriation/Allocation:_	None			
7.	Estimated annual cost to comply with the proposed action to:				
	pounds, for each full-stop	landing at the S on the aircraft u ersons in the ag	ands, rounded to the next highest 1,000 and Point Airport, so actual annual cost to any sed and the number of landings. Estimated gregate is \$65,000.		
	A municipality: None				
8.	Cost of implementation to the state agency and available funding (in thousands of dollars):				
			Subsequent		
		FY <u>2018</u>	Years		
	Operating Cost	\$ <u>0</u>	\$ <u>0</u>		
	Capital Cost	\$_0	\$ <u>0</u>		
	1002 Federal receipts	\$	\$		
	1003 General fund match	\$	\$		
	1004 General fund	\$	\$		
	1005 General fund/				
	program	\$	\$		
	Other (identify)	\$	\$		

9.	The name of the contact person for the regulation:			
	Name: Richard Sewell			
	Title: Aviation Policy Planner			
	Address: PO Box 196900, Anchorage AK 99519			
	Telephone: 907-269-0725			
	E-mail address: rich.sewell@alaska.gov			
10.	The origin of the proposed action:			
	Staff of state agency Federal government General public Petition for regulation change <sup>7</sup> X Other (identify): City of Sand Point and PenAir, Inc.			
11.	Date: November 15, 2018 Prepared by:			
	Name: Richard Sewell			
	Title: Aviation Policy Planner			
	Telephone: 907-269-0725			
	1 cicpilolic. 707-207-0725			

## AFFIDAVIT OF NOTICE OF PROPOSED REGULATION AND FURNISHING OF ADDITIONAL INFORMATION

I, Richard E. Sewell, Transportation Planner I, of the department of Transportation and Public Facilities, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 17 AAC 45.128, landing fees at Sand Point Airport, has been given by being

- (1) published in the Anchorage Daily News;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: November 19, 2018

Richard E. Sewell, Transportation Planner I

Subscribed and sworn to before me at Anchorage, Alaska on November 19, 2018.

State of Alaska
NOTARY PUBLIC
Robert Holbrook
My Commission Expires With Carlos

Notary Public in and for the State of Alaska

STATE OF ALASKA	)	
	)	SS.
THIRD JUDICIAL DISTRICT	)	

#### <u>AFFIDAVIT OF ORAL HEARING</u>

I, Troy LaRue, Division Operations Manager of the Division of Statewide Aviation in the Department of Transportation and Public Facilities, being sworn, state the following:

On the 12<sup>th</sup> of October 2018, at 3:00 p.m. to 6:00 p.m., in the Main Conference Room, Central Region, Department of Transportation and Public Facilities, 4111 Aviation Avenue, Anchorage Alaska 99502, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 17 AAC 45.128 Landing Fees at Sand Point Airport.

Date: October 29, 2018

Troy LaRue, Division Operations Manager

Subscribed and sworn to before me at Anchorage, Alaska in the Third Judicial District on October 29, 2018.

State of Alaska
NOTARY PUBLIC
Robert Holbrook
My Commission Expires With Office

Notary Public in and for the State of Alaska

#### AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Richard E. Sewell, Transportation Planner I for the Department of Transportation and Public Facilities, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Transportation and Public Facilities has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Transportation and Public Facilities regulation on Landing Fees at Sand Point Airport.

Date: December 7, 2018

Richard E. Sewell, Transportation Planner I

Subscribed and sworn to before me at Anchorage, Alaska on December 7, 2018.

State of Alaska
NOTARY PUBLIC
Robert Holbrook

My Gemmission Expires With Office

Robert Holbrook

Notary Public in and for the State of Alaska

# ANCHORAGE DAILY NEWS

### AFFIDAVIT OF PUBLICATION

Account #: 270223

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ADN-Anchorage Daily News

**Placement** 

0300

Position

0301

#### STATE OF ALASKA THIRD JUDICIAL DISTRICT

#### Sarah Jennett

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

September 30, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Sarah Jennett

Subscribed and sworn to before me this 1st day of October, 2018

Notary Public in and for The State of Alaska.

Third Division Anchorage, Alaska

, morrorago, , maona

VIT COMMISSION EXPIRES

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES ON LANDING FEES AT SAND POINT AIRPORT IN THE REGULATIONS OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The Alaska Department of Transportation and Public Facilities proposes to adopt regulation changes in Title 17 of the Alaska Administrative Code, dealing with Chapter 45 Rural Airports, related to landing fees at Sand Point Airport, including the following:

(1) 17 AAC 45 is proposed to be changed as follows:

A new section, 17 AAC 45.128, will be added implementing landing fees at Sand Point Airport for aircraft weighing more than a defined certified maximum gross takeoff weight (CMGTW).

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Rich Sewell, Aviation Policy Planner, Alaska Department of Transportation and Public Facilities, P.O. Box 196900, Anchorage Alaska 99519-6900. Additionally, the Alaska Department of Transportation and Public Facilities will accept comments by facsimile at 907-269-0489 and by electronic mail at StatewideAviation@alaska.gov The comments must be received no later than 5:00 p.m. AKDT on October 30, 2018.

Oral or written comments also may be submitted at a public hearing to be held on October 12, 2018 in the Central Region Main Conference Room, Alaska Department of Transportation and Public Facilities, 4111 Aviation Avenue, Anchorage Alaska. The public hearing will be held from 3:00 pm to 6:00 pm, and may be extended to accommodate those present before 6:00 pm who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action by U.S. mail to Rich Sewell, Aviation Policy Planner, Alaska Department of Transportation and Public Facilities, P.O. Box 196900, Anchorage Alaska 99519-6900, or by email to StatewideAviation@alaska.gov The questions must be received at least 10 days before the end of the public comment period, no later than 5:00 pm AKDT on October 20, 2018 to be included in the Department's responses. The Department will aggregate its responses to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System. The Alaska Department of Transportation and Public Facilities may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Rich Sewell at (907) 269-0725 or by email at StatewideAviation@alaska.gov no later than 5:00 pm AKDT October 8, 2018 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Rich Sewell, at the U.S. mail address, email, or telephone number above. Or you may obtain an electronic copy of the proposed regulations by going to the webpage http://dot.alaska.gov/stwdav/documents/sand-point-proposed-regs.pdf

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# ANCHORAGE DAILY NEWS

### AFFIDAVIT OF PUBLICATION

Account #: 292219

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Order# Cost 0001430658

\$313.76

Product

**Position** 

ADN-Anchorage Daily News

Placement

0300 0301

#### STATE OF ALASKA THIRD JUDICIAL DISTRICT

#### Sarah Jennett

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

November 18, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Sarah Jennett

Subscribed and sworn to before me this 19th day of November 2018

Notary Public in and for

The State of Alaska.

Third Division Anchorage, Alaska

MY COMMISSION EXPIRES

Notary Public
BRITNEY L. THOMPSON
State of Alaska
Commission Expires Feb 23, 2019

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON LANDING FEES AT SAND POINT AIRPORT IN THE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The Department of Transportation and Public Facilities proposes to adopt regulation changes in 17 AAC 45 of the Alaska Administrative Code, dealing with the establishment of landing fees at Sand Point Airport for aircraft weighing more than a defined certified maximum gross takeoff weight (CMGTW). This is a SUPPLEMENTAL NOTICE incorporating the contents of the original public notice of September 30, 2018. This SUPPLEMENTAL NOTICE is being issued so that the department may furnish additional regulations notice information under AS 44.62.190(d), and to extend the public comment period on the proposed regulations.

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After the public comment period ends, the Department of Transportation and Public Facilities will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

**Statutory Authority:** AS 02.15.020; AS 44.42.030

Statutes Being Implemented, Interpreted, or Made Specific: AS 02.15.060; AS 02.15.090(a); AS 44.42.020(a)

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

Date: November 16, 2018

/S/ John R. Binder, III, Deputy Commissioner

Published: November 18, 2018