A BILL

FOR AN ACT ENTITLED

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

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

* Section 1. The uncodified law of the State of Alaska is amended by adding a new section to read:

   SHORT TITLE. This Act may be known as the Alaska Regulations Reform Act.

* Sec. 2. AS 44.62.190(a) is amended to read:

   (a) At least 30 days before the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be

   (1) published in the newspaper of general circulation or trade or industry publication that the state agency prescribes and in the Alaska Administrative Journal; in the discretion of the state agency giving the notice, the requirement of publication in a newspaper or trade or industry publication may be satisfied by using a combination of publication and broadcasting; [WHEN BROADCASTING THE NOTICE, AN AGENCY MAY USE AN ABBREVIATED FORM OF THE NOTICE IF THE BROADCAST PROVIDES THE NAME AND DATE OF THE NEWSPAPER
OR TRADE OR INDUSTRY JOURNAL WHERE THE FULL TEXT OF THE
NOTICE CAN BE FOUND;]

(2) furnished [MAILED] to every person who has filed a request for
notice of proposed action with the state agency;

(3) if the agency is within a department, furnished [MAILED OR
DELIVERED ] to the commissioner of the department;

(4) when appropriate in the judgment of the agency,

(A) furnished [MAILED] to a person or group of persons who
[WHOM] the agency believes is interested in the proposed action; and

(B) provided [PUBLISHED] in the additional form and manner
the state agency prescribes;

(5) furnished to the Department of Law together with a copy of the
proposed regulation, amendment, or order of repeal for the department's use in
preparing the opinion required after adoption and before filing by AS 44.62.060;

(6) furnished to all incumbent State of Alaska legislators and the
Legislative Affairs Agency;

(7) furnished to the standing committee of each house of the legislature
having legislative jurisdiction over the subject matter treated by the regulation under
the Uniform Rules of the Alaska State Legislature, together with a copy of the
proposed regulation, amendment, or order of repeal for the committee's use in
conducting the review authorized by AS 24.05.182;

(8) furnished to the staff of the Administrative Regulation Review
Committee, together with a copy of the proposed regulation, amendment, or order of
repeal and, if preparation of an appropriation increase estimate is required by
AS 44.62.195, a copy of the estimate.

* Sec. 3. AS 44.62.190(c) is amended to read:

(c) The failure to furnish [MAIL] notice to a person as provided in this
section does not invalidate an action taken by an agency under AS 44.62.180 -
44.62.290.

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

Sec. 44.62.213. Additional procedural requirements for certain state
agencies. (a) The provisions of this section apply to regulations of the Department of Environmental Conservation, but do not apply to regulations of

(1) a board or commission located in the Department of Environmental Conservation; or

(2) any other organizational entity located in the Department of Environmental Conservation if the organizational entity is governed by a board whose members are subject to confirmation by the legislature.

(b) In addition to complying with the notice requirements of AS 44.62.190, a state agency to which this section applies shall

(1) furnish notice to persons who have provided comment to the state agency under AS 44.62.210 on earlier versions of the proposed adoption, amendment, or repeal of the regulation; and

(2) publish the notice on the Internet.

(c) Notwithstanding the variance in content authorized by AS 44.62.200(b), and except as provided in (d) of this section, a regulation that is adopted, amended, or repealed by a state agency to which this section applies may vary in content from the summary specified in AS 44.62.200(a)(3) if the subject matter of the regulation remains the same and the notice was written so as to assure that members of the public are reasonably notified of the proposed subject of agency action in order for them to determine whether their interests could be affected by agency action on that subject.

(d) If a state agency to which this section applies rewrites a proposed regulation, an amendment of a regulation, or an order of repeal after it has complied with AS 44.62.190, 44.62.200, and 44.62.210, and if the rewriting substantially changes the substance of the regulation, amendment, or order, the state agency shall, before adoption, provide notice and opportunity for public comment under AS 44.62.190(a)(2) - (8), 44.62.200, 44.62.210, and (b) of this section for the rewritten regulation, amendment, or order of repeal.

(e) If the state agency does not provide the notice and opportunity for public comment under (d) of this section for a rewritten proposed regulation, amendment, or order of repeal because it believes the rewriting did not substantially change the substance,
(1) the state agency shall prepare a written explanation of the reasons why the requirement of (d) of this section does not apply; and

(2) when the adopted regulation, amendment, or order of repeal is published in the Alaska Administrative Journal, the lieutenant governor shall include the state agency's explanation provided under (1) of this subsection with the text or a summary of the text of the regulation, amendment, or order of repeal.

(f) The provisions of (d) and (e) of this section do not apply to regulations

(1) adopted under AS 44.62.260 to make emergency regulations permanent; or

(2) that are necessary to meet federal requirements, to obtain an exemption for a person, program, or situation in the state from federal requirements, or to revise, in a manner that reduces any burden imposed by a federal requirement, how the federal requirement will apply to a person, program, or situation in the state.

(g) If a statute is enacted or amended relating to a state agency to which this section applies, the state agency shall, within 90 days after the effective date of the statute or amendment, publish notice in the manner required under AS 44.62.190(a)(1) that the commissioner of the agency does or does not find regulations presently necessary to implement, interpret, or make specific the statute or amendment or to govern applicable procedures.

(h) If a state agency to which this section applies publishes notice under (g) of this section that the commissioner does not find regulations presently necessary, and the commissioner subsequently finds that regulations are necessary to implement, interpret, or make specific the statute or amendment or to govern applicable procedures, the agency shall, within 90 days after the commissioner's revised finding, publish notice of the revised finding in the manner required under AS 44.62.190(a)(1).

(i) A state agency to which this section applies may not take more than two years to adopt regulations that the commissioner of the agency finds are necessary under (g) or (h) of this section unless the agency complies with (j) of this section. The two-year period begins on the date of the commissioner's finding that regulations are necessary under (g) or (h) of this section. However, the requirement of this subsection is not intended to prohibit the agency from amending a regulation after the regulation
has been adopted.

(j) If 21 months of the two-year time limit established under (i) of this section for the adoption of regulations elapse without the agency adopting the regulations, and if the agency determines that adopting the regulations will occur later than the two-year time limit, the agency shall prepare a written report containing the reasons for the failure and submit the report before expiration of the two-year time limit to the governor, the president of the senate, the speaker of the house, and the chair of the Administrative Regulation Review Committee established under AS 24.20.400.

(k) Notwithstanding AS 44.62.300, a court may not hold a regulation invalid for failure to comply with (g) - (j) of this section.

* Sec. 5. AS 44.62.190(d) is repealed.
* Sec. 6. AS 44.62.213, enacted by sec. 4 of this Act, is repealed.
* Sec. 7. Sections 1, 8, and 9 of this Act are repealed.
* Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY OF AS 44.62.213(g) - (k). AS 44.62.213(g) - (k), added by sec. 4 of this Act, apply to the adoption of regulations under a statute or amendment if the effective date of the Act enacting the statute or amendment is the same as or after the effective date of sec. 4 of this Act.

* Sec. 9. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY OF OTHER NEW PROVISIONS. Except as provided by sec. 8, secs. 1 - 5 of this Act apply to the adoption, amendment, or repeal of a regulation if the original notice under AS 44.62.190 of the adoption, amendment, or repeal is given on or after the effective date of secs. 1 - 5 of this Act.

* Sec. 10. Sections 1 - 5, 8, and 9 of this Act take effect July 1, 2000.
* Sec. 11. Sections 6 and 7 of this Act take effect July 1, 2005.