



Sean Parnell
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

August 26, 2013

ADMINISTRATIVE ORDER NO. 266

I, Sean Parnell, Governor of the State of Alaska, under the authority of Article III, Sections 1 and 24 of the Alaska Constitution, and to the maximum extent allowed by law, establish the following Regulatory Efficiency Guidelines (REGS) for State agencies in the executive branch to use in the review, oversight, adoption, amendment, and repeal of regulations and in the recommendation of improvements to the Alaska Statutes.

OBJECTIVES

This Order is intended to accomplish the following objectives:

- Minimize the cost, time, and burden to the affected public of complying with State regulations and encouraging State agencies to work with all stakeholders, to meet the objectives of Alaska Statutes;
- Reduce administrative cost and burden;
- Ensure that State regulations are consistent with Alaska Statutes and limited to carrying out the statutory purpose;
- Further the State's interest in preserving our State's rights in adopting regulations to implement federal programs and to receive federal funds.

BACKGROUND AND PURPOSE

For many years, State agencies responsible for implementing State statutes and federal mandates have not consistently

- Reviewed, overseen, amended, or repealed existing regulations to streamline program operations and create efficiencies;
- Considered and communicated with the affected public regarding the cost and impacts of proposed new regulations; nor
- Modified proposed regulations in response to concerns raised by the affected public.

The public is best served when State agencies operate under direction such as REGS to ensure that regulations are up-to-date, clearly and plainly written, carry out the statutory purpose, take into account the costs imposed on individual Alaskans and those doing business in the state, particularly small businesses, and allow State agencies to facilitate implementation of a law in the most reasonable and cost-effective manner possible.

AGENCY DIRECTIVES

1. Existing Regulations - Not later than October 15, 2013, and by September 15 in every succeeding year, each commissioner or agency head shall
 - Review, in consultation with the Department of Law, all existing regulations to ensure consistency with Alaska Statutes and the objectives of this Order and that costs of compliance to the public are minimized;
 - Identify regulations that should be repealed or amended to decrease the burden of fiscal and nonfiscal impacts on the affected public;
 - Discuss with members of the affected public, regulations that create an unnecessary burden; and
 - Advise the Governor and the Office of Management and Budget of the results of the review and recommendations for regulatory actions; any necessary State or federal statutory changes to implement the recommendations; and estimated costs and potential savings if the recommendations are implemented.
2. Proposed Regulations - Before proposed regulations are publicly noticed after the effective date of this Order, a State agency proposing the regulations shall
 - Assess the need for the regulations to avoid the adoption of unnecessary regulations;
 - Verify legal authority for the proposed regulations with the Department of Law, and verify that the regulatory language proposed is narrowly tailored to accomplish the statutory purpose;
 - Suggest to the Office of the Governor for consideration any changes to federal and State statutes to simplify and reduce costs of the newly proposed regulations;
 - Share ideas with members of the affected public to develop the proposed regulations through publicly noticed workshops or hearings, calls for written suggestions to improve the process, meetings with advisory boards to the State agency, or other similar means consistent with legal requirements;
 - Consider the use of a negotiated regulation-making process under AS 44.62.710 - 44.62.800;
 - Verify costs of implementation to the State agency and the affected public to ensure that the least costly alternatives are considered or enabled consistent with legal requirements; and
 - Coordinate with other State agencies that have overlapping responsibilities to avoid duplication while facilitating compliance with law.

Each commissioner or agency head shall review the comments from the public on

publicly-noticed regulations and evaluate the fiscal and nonfiscal impacts on the affected public. If the commissioner or agency head has concerns regarding the economic impact on the affected public, the commissioner or agency head shall consider regulatory alternatives to achieve the agency's statutory purpose while minimizing the impact, costs, and burden on the affected public. Consistent with legal requirements, regulations must be amended if it is possible to achieve the statutory purpose while reducing the impact, costs, and burden on the affected public

GENERAL PROVISIONS

Consistent with law and available appropriations, each affected State agency shall use existing personnel and monetary resources to comply with this Order.

DEFINITION

In this Order, "affected public" includes

1. Small and other businesses subject to regulation or conducting regulated activity;
2. State government;
3. Local governments;
4. Nonprofit organizations; and
5. Individuals.

This Order takes effect immediately.

DATED at Juneau, Alaska, this 26th day of August, 2013.

/s/Sean Parnell
Governor

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