**Sectional Analysis for House Bill 140**

*"An Act relating to the information that must be included with certain notices provided for the proposed adoption, amendment, or repeal of a regulation."*

In this summary, “RCA” refers to the Regulatory Commission of Alaska, “BOF” refers to the Board of Fisheries, “BOG’ refers to the Board of Game, and “AOGCC” refers to the Alaska Oil and Gas Conservation Commission.

**Bill section 1.** Gives the Act a short title.

**Bill section 2.** Amends AS 44.62.040(c) to remove the general exemption for boards and commissions. Retains exemptions for the RCA, BOF, BOG, and AOGCC. Allows the governor 30 days to return regulations to the adopting agency if there is an inconsistency with state law or specific concerns raised by the Administrative Regulation Review Committee.

**Bill section 3.** Amends AS 44.62.190(d) to identify additional information to include, if applicable, about the reason for the proposed action, including federal or state action requiring the proposed action. Adds information that is to be provided for the estimated annual costs of the proposed action, including the costs to private persons, other state agencies, and municipalities. States that the estimated annual costs are to be based on a good faith effort to estimate the costs using information available to the state agency.

Exempts the RCA, BOF, BOG, and AOGCC from this subsection.

**Bill section 4.** Adds new subsections to the notice statute, AS 44.62.190. The first,

sec. 44.62.190(f), requires, as feasible, that the subject lines of electronic mail and titles of written publications providing the information required by AS 44.62.190(d) give the reader a fair idea of the substance of the proposed regulation, amended regulation, or repealed regulation. The second, sec. 44.62.190(g), requires the RCA, BOF, BOG, and AOGCC to include certain information along with a notice furnished under specific provisions of AS 44.62.190. This language is basically taken from the current language of AS 44.62.190(d).

**Bill section 5.** Amends AS 44.62.200(c) to require that a complete copy of each regulatory action, and, if feasible, the material incorporated by reference, be made available on the Alaska Online Public Notice System by providing an electronic attachment or link.

Exempts the RCA, BOF, BOG, and AOGCC from these new requirements.

**Bill section 6.** Amends AS 44.62.200(d) to add back in the exemptions for the RCA, BOF, and BOG from the requirement to provide a brief description of the changes made by the proposed regulation, amended regulation, or repealed regulation. Removes the language (now appearing in bill sec. 10) that prohibits an action for failure of the brief description to comply with certain description, clarity, and readability requirements.

**Bill section 7.** Adds sec. 44.62.213(a) to authorize contact between agencies and the public when developing regulations. Adds sec. 44.62.213(b), which directs agencies to make a good faith effort to answer written or at-meeting questions before the public comment period ends. After that, allows an agency to answer the questions. Requires an answer to be written and that the question and answer be made available to the public. Allows an agency to post answers to frequently asked questions on the Alaska Online Public Notice System, to aggregate substantially similar questions and responses, and to provide a single consolidated response to similar questions.

In sec. 44.62.213(c), exempts the RCA, BOF, BOG, and AOGCC from sec. 44.62.213.

**Bill section 8.** Amends AS 44.62.215, which requires an agency to keep a record of public comment when adopting a regulation, to delete the general exemption for boards and Commissions, and to require that an agency keep a record of public comment received electronically or orally as well as in writing.

Exempts the RCA, BOF, BOG, and AOGCC.

**Bill section 9.** Amends AS 44.62.245(c) to require an agency to send certain notices to the members of the Administrative Regulation Review Committee.

**Bill section 10.** Adds a new subsection to the section that provides for judicial review of the validity of regulations. The new subsection prohibits actions to challenge the validity of regulations for certain failures related to certain new requirements of the bill.

**Bill section 11.** Amends AS 44.62.320 to add two new subsections. The first, sec. 44.62.320(c), directs a state agency to submit its proposed regulations (and fiscal information) to the Administrative Regulation Review Committee for review when the regulations are submitted to the governor under AS 44,62.040(c). The second, sec. 44.62.320(d), allows the Administrative Regulation Review Committee chair to submit comments on a regulation to the governor within 10 days after receiving the regulation from the agency under (c) of the section.

**Bill section 12.** Provides applicability provisions for the sections of the bill.