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Nauman
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CS FOR HOUSE BILL NO. 34()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES TAMMIE WILSON, Peggy Wilson

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the implementation of laws, regulations, and executive orders;
2 relating to reporting required before implementation of laws, regulations, and executive
3 orders; making state acceptance of certain federal funds contingent on the creation and
4 transmittal to the legislature of certain written economic analyses; making compliance
5 with state laws, regulations, and executive orders contingent on the creation and
6 transmittal to the legislature of certain written economic analyses; and relating to the
7 information that must be included with certain notices provided for the proposed
8 adoption, amendment, or repeal of a regulation."

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

10 * Section 1. AS 01.10 is amended by adding a new section to read:

11 **Article 5. Laws of the United States.**

12 **Sec. 01.10.200. Compliance with federal law. (a) Before complying with a**

1 federal law, regulation, or presidential executive order, the department of the state
2 responsible for implementing the federal law, regulation, or executive order shall
3 request from the appropriate branch or agency of the federal government a written
4 report on the economic effect the federal law, regulation, or presidential executive
5 order will have on the state and each community, industry, and local government in
6 the state affected by the federal law, regulation, or presidential executive order.

7 (b) If, after 90 days, the appropriate branch or agency of the federal
8 government has not supplied the department of the state responsible for implementing
9 the federal law, regulation, or executive order with the report described in (a) of this
10 section, the department of the state responsible for implementing the federal law,
11 regulation, or executive order shall prepare the report described in (a) of this section.
12 The department of the state responsible for implementing the federal law, regulation,
13 or executive order may not accept funding from the federal government to implement
14 a federal law, regulation, or executive order until the department has transmitted to the
15 legislature the report described in (a) of this section, produced by either the federal
16 government or the applicable state agency.

17 (c) Before complying with a state law, regulation, or executive order, the
18 department of the state responsible for implementing the state law, regulation, or
19 executive order shall complete a written report of the economic effect the state law,
20 regulation, or executive order will have on the state and each community, industry,
21 and local government in the state affected by the federal law, regulation, or executive
22 order.

23 (d) Federal funding related to disasters, disaster emergencies, major disasters,
24 and temporary housing, as defined in AS 26.23.900, are exempt from the requirements
25 in (a) and (b) of this section.

26 (e) A department of the state responsible for completing a written report
27 described in (a) - (c) of this section has the authority to adopt regulations necessary to
28 carry out the purposes of this section.

29 (f) A person may not bring an action in court to challenge the accuracy of a
30 written report prepared under of this section.

31 (g) In this section,

(1) "community" means an incorporated municipality, organized borough, city, town, or unincorporated village;

(2) "industry" means a branch of commercial enterprise concerned with the output of a specific product or service.

* Sec. 2. AS 24.20.400 is amended to read:

Sec. 24.20.400. Administrative Regulation Review Committee established.

The Administrative Regulation Review Committee is established as a permanent interim committee of the legislature. The establishment of the committee recognizes the need for prompt legislative review of administrative regulations before the regulations are filed by the lieutenant governor.

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

(d) Along with a notice furnished under (a)(2), (4)(A), or (6) of this section, the state agency shall include

(1) the reason for the proposed action, including, if applicable, an identification of the law, order, decision, or other action of the federal government or a federal court that requires the proposed action, that is the basis for the proposed action, or to which the proposed action is responding; in this paragraph, "federal government" means a department, agency, corporation, or instrumentality of the United States government;

(2) the initial cost to the state agency of implementation;

(3) [.] the estimated annual costs, based on a good faith effort to estimate the costs in the aggregate for each of the following categories using the information available to the state agency, to

(A) private persons to comply with the proposed action;

(B) the state agency for [OF] implementation and to other state agencies to comply with the proposed action; and

(C) municipalities to comply with the proposed action;

(4) [.] the name of the contact person for the state agency;

(5) a narrative description of the history of the proposed action;

and

(6) a summary of known opposition to the action and any agency

1 responses to the opposition [, AND THE ORIGIN OF THE PROPOSED ACTION].

2 * Sec. 4. AS 44.62.190 is amended by adding a new subsection to read:

3 (f) Notwithstanding AS 44.62.300, a person may not bring an action in court
4 to challenge the adoption, repeal, or amendment of a regulation by a state agency for
5 inaccuracy of a cost estimate provided under (d)(3) of this section.

6 * Sec. 5. AS 44.62.320(b) is amended to read:

7 (b) At the same time a regulation is submitted to [FILED BY] the lieutenant
8 governor, the lieutenant governor shall submit the regulation to the chair
9 [CHAIRMAN] and all members of the Administrative Regulation Review Committee
10 for review under AS 24.20.400 - 24.20.460 together with public comment and the
11 fiscal information required to be prepared under AS 44.62.195. The chair of the
12 Administrative Regulation Review Committee shall review the regulation to
13 determine whether it complies with and is a correct interpretation of the cited
14 statute. The chair shall also identify any potential effects on the public. The chair
15 may, within seven working days after the submission of a regulation to the
16 Administrative Regulation Review Committee, submit to the lieutenant governor
17 comments, and the comments shall become part of the public record. If the chair
18 does not provide comments within seven working days after the submission, the
19 Administrative Regulation Review Committee shall consider the absence of
20 comments as no objection to the proposed regulation.

21 * Sec. 6. AS 44.62.320 is amended by adding a new subsection to read:

22 (c) The lieutenant governor shall review the comments of the Administrative
23 Regulation Review Committee and the public comments submitted under (b) of this
24 section and may return the proposed regulations to the department for additional
25 consideration.

26 * Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 APPLICABILITY. (a) AS 01.10.200, added by sec. 1 of this Act, applies to a law,
29 regulation, or executive order enacted after January 1, 2014.

30 (b) AS 44.62.190(d), as amended by sec. 3 of this Act, and AS 44.62.190(f), added by
31 sec. 4 of this Act, apply to the proposed adoption, amendment, or repeal of a regulation on or

1 after the effective date of this Act.