

CS FOR HOUSE BILL NO. 190()

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES TALERICO, Gara, Reinbold

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the adoption, amendment, or repeal of regulations; relating to giving**
2 **notice of the proposed adoption, amendment, or repeal of regulations; relating to the**
3 **presentation of oral comments on the proposed adoption, amendment, or repeal of**
4 **regulations; relating to the identification of a person who comments on the proposed**
5 **adoption, amendment, or repeal of regulations; and relating to the consideration of the**
6 **cost to the state of the proposed adoption, amendment, or repeal of regulations."**

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

8 *** Section 1.** AS 44.62.190(a) is amended to read:

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

11 (1) published in the newspaper of general circulation or trade or
12 industry publication that the state agency prescribes and posted on the Alaska Online
13 Public Notice System and the state agency's Internet website; in the discretion of

1 the state agency giving the notice, the requirement of publication in a newspaper or
 2 trade or industry publication may be satisfied by using a combination of publication
 3 and broadcasting; when broadcasting the notice, an agency may use an abbreviated
 4 form of the notice if the broadcast provides the name and date of the newspaper or
 5 trade or industry journal, the Internet address of the state agency's Internet
 6 website, and the Internet address of the Alaska Online Public Notice System where
 7 the full text of the notice can be found;

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

10 (3) if the agency is within a department, furnished to the commissioner
 11 of the department;

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

13 (A) furnished to a person or group of persons whom the agency
 14 believes is interested in the proposed action; and

15 (B) published in the additional form and manner the state
 16 agency prescribes;

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

20 (6) furnished by electronic format to all incumbent State of Alaska
 21 legislators, and furnished to the Legislative Affairs Agency;

22 (7) furnished by electronic format, along with a copy of the proposed
 23 regulation, amendment, or order of repeal, as required by AS 24.20.105(c).

24 * **Sec. 2.** AS 44.62.210(a) is amended to read:

25 (a) On the date and at the time and place designated in the notice, the agency
 26 shall give each interested person or the person's authorized representative, or both, the
 27 opportunity to present statements, arguments, or contentions in writing or [, WITH
 28 OR WITHOUT OPPORTUNITY TO PRESENT THEM] orally. **The agency shall**
 29 **require a person who presents a statement, argument, or contention in writing or**
 30 **orally to give the person's name and, unless acting on the person's own behalf,**
 31 **the person's affiliation.** The state agency may accept material presented by any form

1 of communication authorized by this chapter and shall consider all factual,
2 substantive, and other relevant matter presented to it before adopting, amending, or
3 repealing a regulation. When considering the factual, substantive, and other relevant
4 matter, the agency shall pay special attention to the cost to private persons **and to the**
5 **state** of the proposed regulatory action.

6 * **Sec. 3.** AS 44.62.210 is amended by adding a new subsection to read:

7 (c) If an agency has taken both written and oral testimony under this section,
8 the agency may give notice of the regulatory action only one additional time after
9 closure of the first comment period, and the comment period under the supplemental
10 notice must be completed within 45 days after the closure of the first comment period.

11 * **Sec. 4.** AS 44.62.245(b) is amended to read:

12 (b) When the amended version of a document or other material incorporated
13 by reference in a regulation as described in (a) of this section becomes available, the
14 state agency shall

15 (1) make the amended version of the document or other material
16 available to the public for review; and

17 (2) post on the Alaska Online Public Notice System, **post on the**
18 **agency's Internet website,** and publish in a newspaper of general circulation or trade
19 or industry publication or in a regularly published agency newsletter or similar printed
20 publication, not later than 15 days after the amended version of the document or other
21 material becomes available, a notice that describes the affected regulation, the
22 effective date of the amended version of the document or other material, and how a
23 copy of the amended version may be obtained or reviewed.

24 * **Sec. 5.** AS 41.21.123(b) is repealed.

25 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 APPLICABILITY. This Act applies to a proposed adoption, amendment, or repeal of
28 a regulation if notice of the proposed adoption, amendment, or repeal is first given under
29 AS 44.62.190 on or after the effective date of this Act.