

# Alaska State Legislature



## Representative Lora Reinbold

House District 26

### Explanation of Changes between HB 140 and HB 140(FIN) am

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

Section 2: \*NEW\* Amends AS 44.62.040(c) Submitting regulations – Currently, boards and commissions are exempted from the requirement of submitting a copy of every regulation or order of repeal adopted to the governor for review. This section removes that exemption. This section also provides for a 30 day review period for the governor to ensure the governor reviews regulation expeditiously and does not inadvertently slow down the regulation process.

Section 4: Adds a new subsection (g) that requires agencies to provide a title in the subject line of the public notice email that gives the reader a fair idea of the substance of the regulations.

Section 5: \*NEW\* Amends AS 44.62.200(c) Content of notice – Changes the word “assure” to “ensure” and states that when regulations are posted on the online public notice system all documentation, if feasible and not prohibited by copyright, shall also be posted for increased transparency.

Section 6: \*NEW\* Amends AS 44.62.200(d) Content of notice – Currently, the Regulatory Commission of Alaska, the Board of Fisheries, and the Board of Game are exempted from providing a brief description of the changes made by the proposed regulations. This section removes that exemption.

Section 7: \*NEW\* Adds a new section AS 44.62.213 Agency contact with the public – This language would allow an agency who is developing a regulatory action, prior to publicly noticing regulations, to contact persons about the development of the regulatory action and may answer questions relevant to the development of the regulatory action. It also allows for an agency to answer relevant questions posed by a person regarding proposed regulations after they have been publicly noticed, if the question is received in writing or asked at a public meeting at least 10 days before the end of the public comment period.

Section 8: \*NEW\* Amends AS 44.62.215 Record of public comment – Conforming language to remove the exemption for boards and commissions and also adds conforming language to require agencies to keep a record of electronic and oral public comments that are received.

Section 9: \*NEW\* Amends AS 44.62.245(c) Materials incorporated by reference – Currently, when amended versions of documents or other materials is posted online the agencies only send the notice

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to the interested parties list and the Department of Law. This language states that those notices also have to be sent to the Administrative Regulatory Review Committee.

Section 10: \*NEW\* Amends AS 44.62.320(b) Submittal for legislative review – Currently, when the lieutenant governor files the adopted regulations a filing notice is sent to the Administrative Regulatory Review Committee. With the new language, the regulations shall be sent to the committee at the same time they are sent to the lieutenant governor for filing.

Section 11: \*NEW\* Amends AS 44.62.320 Submittal for legislative review – Adds a new subsection (c) that allows the chair of the Administrative Regulatory Review Committee to submit comments to the lieutenant governor within ten days after receiving regulations for review.