

LEGAL SERVICES

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MEMORANDUM

April 1, 2014

SUBJECT: Sectional summary of CSHB 140(FIN) am relating to regulations
(Work Order 28-LS0478\G.A)

TO: Representative Lora Reinbold
Attn: Crystal Koeneman

FROM:  Terry Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Bill section 1. Gives the Act a short title.

Bill section 2. Amends AS 44.62.040(c) to remove the exemption for boards and commissions. Adds language to accommodate those agencies that have different rules for the adoption of regulations. Allows the governor 30 days to return regulations to the adopting agency.

Bill section 3. Amends AS 44.62.190(d) to identify additional information that may be included, 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.

Bill section 4. Adds new subsections to the notice statute, AS 44.62.190. The first, sec. 44.62.190(f), prohibits court actions to challenge a regulatory action for the inaccuracy or insufficiency of the cost estimates. The second, sec. 44.62.190(g), 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by AS 44.62.190(d) give the reader a fair idea of the substance of the proposed regulation, amended regulation, or repealed regulation.

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 posted on the Alaska Online Public Notice System.

Bill section 6. Amends AS 44.62.200(d) to remove the exemptions for the Regulatory Commission of Alaska, the Board of Fisheries, and the Board of Game, from the requirement to provide a brief description of the changes made by the proposed regulation, amended regulation, or repealed regulation.

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. In sec. 44.62.213(c), prohibits court actions to challenge a regulatory action for the inaccuracy or insufficiency of answers provided under 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 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.

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. Amends AS 44.62.320(b) to tie the submission of regulations by the lieutenant governor to the Administrative Regulation Review Committee for review to the time the regulation is submitted to the lieutenant governor for filing.

Bill section 11. Amends AS 44.62.320 to allow the Administrative Regulation Review Committee chair to submit comment on a regulation to the lieutenant governor within 10 days after receiving the regulation from the agency under (b) of the section.

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

If I may be of further assistance, please advise.