

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 giving notice of the proposed adoption, amendment, or repeal of**
2 **regulations; and relating to the presentation of oral comments on the proposed**
3 **adoption, amendment, or repeal of regulations."**

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

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

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

8 (1) published in the [NEWSPAPER OF GENERAL CIRCULATION
9 OR] trade or industry publication that the state agency prescribes and posted on the
10 Alaska Online Public Notice System and the state agency's Internet website; in the
11 discretion of the state agency giving the notice, the requirement of publication in a
12 [NEWSPAPER OR] trade or industry publication may be satisfied by using a
13 combination of publication and broadcasting; when broadcasting the notice, an agency
14 may use an abbreviated form of the notice if the broadcast provides the name and date

1 of the [NEWSPAPER OR] trade or industry journal, the Internet address of the state
2 agency's Internet website, and the Internet address of the Alaska Online Public
3 Notice System where the full text of the notice can be found;

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

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

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

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

11 (B) published in the additional form and manner the state
12 agency prescribes;

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

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

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

20 * **Sec. 2.** AS 44.62.200(d) is amended to read:

21 (d) When a state agency, other than the Regulatory Commission of Alaska, the
22 Board of Fisheries, or the Board of Game, posts, furnishes, or otherwise provides a
23 notice of the proposed adoption, amendment, or repeal of a regulation under
24 AS 44.62.190, a brief description of the changes made by the proposed adoption,
25 amendment, or repeal must accompany the notice. However, if, under
26 AS 44.62.190(a), the notice is published in a [NEWSPAPER OR] trade or industry
27 publication or is broadcast, this subsection does not require that the brief description
28 otherwise required by this subsection accompany the publication or the broadcast. To
29 the extent practicable, the brief description shall be written in clear, easily readable
30 language that a person without a legal background is able to understand.

31 * **Sec. 3.** AS 44.62.210(a) is amended to read:

1 (a) On the date and at the time and place designated in the notice, the agency
2 shall give each interested person or the person's authorized representative, or both, the
3 opportunity to present statements, arguments, or contentions in writing or [, WITH
4 OR WITHOUT OPPORTUNITY TO PRESENT THEM] orally. The state agency
5 may accept material presented by any form of communication authorized by this
6 chapter and shall consider all factual, substantive, and other relevant matter presented
7 to it before adopting, amending, or repealing a regulation. When considering the
8 factual, substantive, and other relevant matter, the agency shall pay special attention to
9 the cost to private persons of the proposed regulatory action.

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

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

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

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

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

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

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