

CS FOR HOUSE BILL NO. 163(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/22/95
Referred: Finance

Sponsor(s): REPRESENTATIVES KOTT, Toohey, Kelly, MacLean

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to agency compliance cost estimates for proposed regulations,
2 amendments, and repeals of regulations."

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

4 * **Section 1.** AS 44.62.190(d) is amended to read:

5 (d) Along with a notice furnished under (a)(2), (4)(A), (6), (7), or (8) of this
6 section, the state agency shall include the reason for the proposed action, the initial
7 cost to the state agency of implementation, the estimated annual costs to the state
8 agency of implementation, **the compliance cost estimate required by AS 44.62.197,**
9 the name of the contact person for the state agency, and the origin of the proposed
10 action.

11 * **Sec. 2.** AS 44.62 is amended by adding a new section to read:

12 Sec. 44.62.197. COMPLIANCE COST ESTIMATES. (a) If the adoption,
13 amendment, or repeal of a regulation will increase the costs for compliance by private
14 persons, the agency proposing the regulatory action shall prepare an estimate of the

1 anticipated increased compliance costs for those persons. The estimate must cover the
2 year following the adoption, amendment, or repeal of the regulation plus, if initial
3 compliance will take longer than one year, the additional period of time needed for
4 initial compliance.

5 (b) If an agency prepares the estimate required by (a) of this section and
6 demonstrates that it has made a good faith effort to prepare a reasonable estimate, a
7 person may not challenge in a court action the resulting regulation, amended
8 regulation, or repeal of a regulation, if the basis of the challenge is that the agency did
9 not comply with (a) of this section.

10 * **Sec. 3.** AS 44.62.200(a) is amended to read:

11 (a) The notice of proposed adoption, amendment, or repeal of a regulation
12 must include

13 (1) a statement of the time, place, and nature of proceedings for
14 adoption, amendment, or repeal of the regulation;

15 (2) reference to the authority under which the regulation is proposed
16 and a reference to the particular code section or other provisions of law that are being
17 implemented, interpreted, or made specific;

18 (3) an informative summary of the proposed subject of agency action;

19 (4) other matters prescribed by a statute applicable to the specific
20 agency or to the specific regulation or class of regulations;

21 (5) a summary of the fiscal information required to be prepared under
22 AS 44.62.195 and 44.62.197.

23 * **Sec. 4.** AS 44.62.320(b) is amended to read:

24 (b) At the same time a regulation is filed by the lieutenant governor, the
25 lieutenant governor shall submit the regulation to the **chair** [CHAIRMAN] and all
26 members of the Administrative Regulation Review Committee for review under
27 AS 24.20.400 - 24.20.460 together with the fiscal information required to be prepared
28 under AS 44.62.195 and 44.62.197.