

HOUSE BILL NO. 205

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES RAMRAS, McGuire, Anderson

Introduced: 3/7/05

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to review of proposed regulatory actions and regulations, fiscal effect**
2 **of proposed regulatory actions, and suspension of regulations."**

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

4 *** Section 1.** AS 24.20.105(c) is amended to read:

5 (c) Under AS 44.62.190(a)(7), the notice of proposed action, along with a
6 copy of the proposed regulation, shall be furnished electronically by the state agency
7 to the

8 (1) Legislative Affairs Agency;

9 (2) chairs of the standing committees with jurisdiction over the subject
10 of the proposed regulation **for review under AS 24.05.182**;

11 (3) Administrative Regulation Review Committee;

12 (4) legislative council.

13 *** Sec. 2.** AS 24.20.445(a) is amended to read:

14 (a) **The** [WHEN THE LEGISLATURE IS NOT IN SESSION, THE]

1 Administrative Regulation Review Committee may by an affirmative vote of **a**
 2 **majority** [NOT LESS THAN TWO-THIRDS] of the members of the committee
 3 suspend the effectiveness of the adoption, [OF OR] amendment, **or repeal of** [TO] a
 4 regulation. **The suspension is effective until the adjournment of the first regular**
 5 **session of the legislature that convenes after the date the notice of the suspension**
 6 **is filed with the lieutenant governor under (b) of this section or until the**
 7 **suspended regulatory action is annulled or invalidated by law, whichever is**
 8 **earlier** [ADOPTED AFTER ADJOURNMENT OF THE PREVIOUS REGULAR
 9 SESSION OF THE LEGISLATURE, UNTIL 30 DAYS AFTER THE
 10 LEGISLATURE RECONVENES].

11 * **Sec. 3.** AS 24.20.445(b) is amended to read:

12 (b) The effectiveness of an adoption, [OR] amendment, **or repeal** of a
 13 regulation is suspended on the date a resolution of the Administrative Regulation
 14 Review Committee resolving that the regulation be suspended is filed with the
 15 lieutenant governor. If **the regulatory action** [AN ADOPTION OF OR
 16 AMENDMENT TO A REGULATION] is not effective on the date a resolution is
 17 filed with the lieutenant governor, the effectiveness of the **regulatory action**
 18 [ADOPTION OR AMENDMENT] that is the subject of the committee's resolution is
 19 suspended from the date the **regulatory action** [ADOPTION OR AMENDMENT]
 20 would otherwise become effective under AS 44.62.180.

21 * **Sec. 4.** AS 24.20.460 is amended to read:

22 **Sec. 24.20.460. Powers and duties. (a)** The Administrative Regulation
 23 Review Committee **shall review all proposed regulatory actions submitted to the**
 24 **committee under AS 44.62.190(a)(7) and (8), and, if the committee disapproves a**
 25 **proposed action, give notice to the agency of the disapproval and basis for the**
 26 **disapproval within 35 days after receipt of the proposed action. The committee**
 27 **may include recommended changes with a notice of disapproval of the proposed**
 28 **action. If a notice of disapproval is not received by the agency within the 35-day**
 29 **deadline, the proposed action is deemed approved by the committee. In**
 30 **reviewing a proposed action the committee may consider any factor and shall**
 31 **consider whether**

1 **(1) the public health, safety, or welfare would be significantly**
 2 **harmed or endangered if the action is not adopted;**

3 **(2) the action reasonably protects the public health, safety, or**
 4 **welfare;**

5 **(3) another, less restrictive method could adequately protect the**
 6 **public;**

7 **(4) the action has the effect of directly or indirectly increasing the**
 8 **costs of goods or services and, if so, to what degree;**

9 **(5) any increase in cost resulting from the action is more harmful**
 10 **than the harm that would result if the action is not adopted.**

11 **(b) The committee** has the following powers:

12 (1) to organize and adopt rules for the conduct of its business;

13 (2) to hold public hearings;

14 (3) to require all state officials and agencies of state government to
 15 give full cooperation to the committee or its staff in assembling and furnishing
 16 requested information;

17 (4) to examine all administrative regulations, including proposed
 18 regulations, amendments, and orders of repeal, to determine if they properly
 19 implement legislative intent and to provide comments on them to the governor and
 20 state agencies;

21 (5) [REPEALED

22 (6)] to prepare and distribute reports, memoranda, or other materials;

23 **(6) [(7)]** to promote needed revision or repeal of regulations that have
 24 been adopted by state departments and agencies and, when the committee determines a
 25 regulation should be repealed or amended, to introduce a bill that would enact a statute
 26 that would supersede, [OR] nullify, **or require amendment of** the regulation;

27 **(7) [(8)]** to investigate findings that are transmitted to the committee
 28 by a standing committee in accordance with AS 24.05.182 [AND, AS
 29 APPROPRIATE, TO EITHER INTRODUCE A BILL ANNULING THE
 30 REGULATION OR EXERCISE THE COMMITTEE'S POWER TO SUSPEND THE
 31 EFFECTIVENESS OF THE REGULATION IN ACCORDANCE WITH

1 AS 24.20.445];

2 **(8) review regulations submitted by the lieutenant governor under**
 3 **AS 44.62.320 to determine whether the regulations should be suspended under**
 4 **AS 24.20.445.**

5 * **Sec. 5.** 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 or trade or
 9 industry publication that the state agency prescribes and posted on the Alaska Online
 10 Public Notice System; in the discretion of the state agency giving the notice, the
 11 requirement of publication in a newspaper or trade or industry publication may be
 12 satisfied by using a combination of publication and broadcasting; when broadcasting
 13 the notice, an agency may use an abbreviated form of the notice if the broadcast
 14 provides the name and date of the newspaper or trade or industry journal and the
 15 Internet address of the Alaska Online Public Notice System where the full text of the
 16 notice can be found;

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

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

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

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

24 (B) published in the additional form and manner the state
 25 agency prescribes;

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

29 (6) furnished by electronic format, if the state agency has the
 30 technological capability, to all incumbent State of Alaska legislators, and furnished to
 31 the Legislative Affairs Agency; if the state agency does not have the technological

1 capability to furnish the notice by electronic format to the legislators, the state agency
2 shall furnish the notice to the legislators by other means;

3 (7) furnished by electronic format, along with a copy of the proposed
4 regulation, amendment, or order of repeal, as required by AS 24.20.105(c), **and along**
5 **with the fiscal note prepared under AS 44.62.195;**

6 **(8) if the proposed action is not subject to AS 24.20.105(c),**
7 **furnished to the Administrative Regulation Review Committee by electronic**
8 **format, along with a copy of the proposed regulation, amendment, or order of**
9 **repeal and a copy of the fiscal note prepared under AS 44.62.195.**

10 * **Sec. 6.** AS 44.62.195 is repealed and reenacted to read:

11 **Sec. 44.62.195. Fiscal notes on proposed actions.** A fiscal note shall be prepared for
12 each proposed regulatory action submitted to the Administrative Regulation Review
13 Committee under AS 44.62.190(a)(7) or (8). The fiscal note must include at least the
14 following information:

15 (1) an explanation of the purpose of the action and the expected benefit
16 of the action;

17 (2) an explanation of the costs associated with the action and why the
18 action is considered to be the most cost effective, efficient, and feasible approach for
19 achieving the stated purpose;

20 (3) a description of the anticipated effect of the action on market
21 competition;

22 (4) a description of the anticipated effect of the regulation on the cost
23 of living and doing business in the geographical area that will be affected by the
24 action;

25 (5) a description of the anticipated effect of the action on employment
26 in the geographical area that will be affected by the action;

27 (6) the source of revenue to be used for implementing the action;

28 (7) a description of the anticipated short-term and long-term economic
29 effect the action will have, including an analysis of which persons will bear the costs
30 of the action and which persons will benefit directly and indirectly from the action;

31 (8) a description of the benefits and burdens of the action, qualitatively

1 and quantitatively, together with a description of the uncertainties associated with the
2 estimate of benefits and burdens of the action, and the difficulties of comparing,
3 qualitatively and quantitatively, dissimilar benefits and burdens;

4 (9) an analysis of the effect of the action on the environment and
5 public health, including identification of the possible detrimental effect on the
6 environment and public health if the action is not adopted.

7 * **Sec. 7.** AS 24.20.445(c) and (d) are repealed.