

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

January 19, 2012
8:10 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Paul Seaton
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen
Representative Kyle Johansen

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 182

"An Act relating to distribution of annual reports by state agencies."

- MOVED CSHB 182(STA) OUT OF COMMITTEE

HOUSE BILL NO. 216

"An Act relating to deadlines in bills directing the adoption of regulations and to the informative summary required for the proposed adoption, amendment, or repeal of a regulation."

- MOVED CSHB 216(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 182

SHORT TITLE: ELECTRONIC DISTRIBUTION OF AGENCY REPORTS

SPONSOR(S): REPRESENTATIVE(S) JOHANSEN

03/09/11	(H)	READ THE FIRST TIME - REFERRALS
03/09/11	(H)	STA, FIN
03/29/11	(H)	STA AT 8:00 AM CAPITOL 106
03/29/11	(H)	Heard & Held
03/29/11	(H)	MINUTE(STA)
04/12/11	(H)	STA AT 8:00 AM CAPITOL 106
04/12/11	(H)	Heard & Held

04/12/11 (H) MINUTE(STA)
01/19/12 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 216

SHORT TITLE: REGULATIONS: INFORMATIVE SUMMARY/BILLS

SPONSOR(s): REPRESENTATIVE(s) P.WILSON

03/30/11 (H) READ THE FIRST TIME - REFERRALS
03/30/11 (H) STA, JUD
04/12/11 (H) STA AT 8:00 AM CAPITOL 106
04/12/11 (H) Heard & Held
04/12/11 (H) MINUTE(STA)
01/19/12 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

ALAN BIRNBAUM, Chief Assistant Attorney General - Statewide
Supervisor
Information and Project Section
Civil Division (Anchorage)
Department of Law (DOL)
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 182.

LINDA THIBODEAU, Director
Libraries, Archives & Museums
Department of Education & Early Development
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 182.

STEVE WEAVER, Assistant Attorney General (AG)
Legislation & Regulations Section
Civil Division (Juneau)
Department of Law (DOL)

POSITION STATEMENT: Explained the department's requests for amendments during the hearing on HB 216.

ACTION NARRATIVE

8:10:10 AM

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:10 a.m. Representatives Keller, P. Wilson, Seaton, Johansen, Gruenberg, Petersen, and Lynn were present at the call to order.

HB 182-ELECTRONIC DISTRIBUTION OF AGENCY REPORTS

8:10:51 AM

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 182, "An Act relating to distribution of annual reports by state agencies."

8:11:38 AM

REPRESENTATIVE JOHANSEN, as sponsor, offered a review of HB 182, which was previously heard and held by the committee on 4/12/11. He relayed that existing statute, which requires state agencies to publish an annual report on paper, not only creates piles of paper on legislators' desks, but also costs the State of Alaska an estimated \$1.5-\$2 million a year. Representative Johansen said he would like to amend the original bill version to strike the word "annual" from the bill, which would make it possible for other, non-annual reports required by law to be generated electronically. He said the commissioner of each department would be responsible for granting requests for money to pay for hard copy reports. He noted that state law requires four copies of everything be sent to the Alaska State Library; therefore, the public can request electronic or paper copies. In response to Chair Lynn, he confirmed that the next committee of referral was the House Finance Committee, and he said that committee would look at the numbers.

8:18:24 AM

REPRESENTATIVE SEATON said he likes the concept of the bill. He noted that Representative Johansen had said that under HB 182, a director of a division would have to seek the approval of the commissioner of that department in order to spend money to generate paper copies of reports. He directed attention to page 1, line 11, which read as follows:

An agency may not produce print copies of annual reports unless requested under AS 44.99.370.

REPRESENTATIVE SEATON said that seems to refer to an individual requesting a printed copy. He expressed concern that the revenue source book, which he said is published twice a year and is needed, would fall under the proposed legislation. He asked the bill sponsor if he foresees flexibility for the commissioner or department or if the aforementioned language would prohibit

distribution [of paper copies of reports] unless there is a request from an individual.

REPRESENTATIVE JOHANSEN replied that the intent is to allow flexibility while requiring accountability. He said he does not want agencies to request money from the legislature for printing costs solely because statute requires them to do so. He said he is open to amending the proposed legislation.

REPRESENTATIVE SEATON said he appreciates that, and he suggested that the language on page 1, line 11, may need amending.

REPRESENTATIVE JOHANSEN pointed out that a document that is slated for printing is often created on a computer; therefore, it is already in a format that can easily be accessed.

[8:21:55 AM](#)

REPRESENTATIVE PETERSEN suggested that an additional saving under HB 182 would be that the state would no longer have the expense of mailing the reports.

CHAIR LYNN noted that the state would also no longer have to pay the staff that sorts the mail.

[8:22:23 AM](#)

REPRESENTATIVE JOHANSEN shared that he received a report from a department with both a bulk mail permit printed on it and postage affixed to it. He surmised that the money saved under HB 182 could be better used by legislators for issues dear to them.

[8:23:44 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 1, [which was subsequently split into Amendments 1a through 1e, the text for which is provided as it correlates with the ensuing discussion].

REPRESENTATIVE GRUENBERG objected for the purpose of discussion.

[8:24:33 AM](#)

ALAN BIRNBAUM, Chief Assistant Attorney General - Statewide Supervisor, Information and Project Section, Civil Division (Anchorage), Department of Law (DOL), stated that his comments would be on the original bill version. He said electronically

submitted annual reports would be available to the public more quickly than reports printed on paper. He indicated that the five parts of Amendment 1 were recommended by the department.

REPRESENTATIVE GRUENBERG requested that the five parts of Amendment 1 be moved individually, and he suggested they be referred to as Amendments 1a, 1b, 1c, 1d, and 1e.

MR. BIRNBAUM referred to Amendment 1a, which read as follows [original punctuation provided]:

Page 1, line 12:

Delete "reports unless requested under AS
44.99.370"

Insert "reports, except as

(1) required

(A) under AS 14.56.120;

(B) by agreement; or

(C) by federal law; or

(2) requested under AS 44.99.370."

MR. BIRNBAUM emphasized that none of the exceptions would detract from the purpose of the bill, which is to provide annual reports to the public more quickly and to save the state resources. He said the exception for AS 14.56.120 recognizes that annual reports should continue to be treated the same as other state publications. Under AS 14.56.120, he said, state agencies are required to provide four copies of their state publications to the State Library distribution and data access center, and the center may request additional copies. He said state publications include state agencies' annual reports. Mr. Birnbaum indicated that Amendment 1a would ensure that in cases where an agreement or federal law requires printed copy, such as a pre-electronic agreement or federal law that has not been updated, a conflict between the proposed legislation and the agreement or federal law would be avoided.

[8:27:58 AM](#)

REPRESENTATIVE JOHANSEN stated his support of Amendment 1a.

REPRESENTATIVE GRUENBERG offered his understanding that a "list of inclusion" would be necessary, which he said would be cumbersome.

REPRESENTATIVE JOHANSEN emphasized his interest is not in the way the bill is drafted, but in its end result.

[8:31:07 AM](#)

REPRESENTATIVE GRUENBERG read an excerpt from a memorandum from Mr. Birnbaum, dated 1/18/12, which read as follows [original punctuation provided]:

This amendment would insure that the State Library Distribution and Data Access Center continues to receive copies for the public to review, as required by statute, as well as insure that there are no conflicts with federal law or agreements entered into by the state.

REPRESENTATIVE GRUENBERG noted that [Amendment 1a] does not include state law in its exceptions.

[8:32:13 AM](#)

MR. BIRNBAUM responded that [the department] would not want to undercut the focus of the bill to eliminate the mass printing of annual reports and the resulting substantial cost to the state. He said he does not know that language could not be drafted that would accommodate Representative Gruenberg's concern, but he said he does know that under AS 44.99.370, the public would be able to request free copies of the annual reports from the data access center.

[8:33:08 AM](#)

REPRESENTATIVE JOHANSEN said AS 14.56.120 refers to the Alaska State Library, which is where the reports are sent. In response to Representative Gruenberg's remarks about state law being part of exemptions, he remarked that including all state laws in the exemption would eviscerate the bill.

[8:33:45 AM](#)

REPRESENTATIVE P. WILSON echoed the bill sponsor's remarks about the effect of including state law in the exemption in Amendment 1a.

REPRESENTATIVE GRUENBERG suggested a separate section in the bill to direct the reviser to eliminate the requirements under state law that would conflict with the proposed legislation.

REPRESENTATIVE JOHANSEN said he thinks that is probably a good idea; however, he said he would like to move the bill along today and look to the House Finance Committee to deal with that.

CHAIR LYNN concurred.

REPRESENTATIVE GRUENBERG said that would satisfy him.

[8:35:53 AM](#)

REPRESENTATIVE SEATON recommended adding "or specifically approved by the commissioner of the department", which he said would give the commissioner the flexibility to take ownership and responsibility to approve distribution when it was important to do so.

REPRESENTATIVE JOHANSEN said he supports that.

[8:37:04 AM](#)

REPRESENTATIVE SEATON moved to adopt a conceptual amendment to Amendment 1a, to insert "or specifically approved by the commissioner of the department", following AS 44.99.370. There being no objection, it was so ordered.

[8:37:53 AM](#)

REPRESENTATIVE GRUENBERG removed his objection to Amendment 1a, as amended. There being no further objection, Amendment 1a, as amended, was adopted.

[8:38:17 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 1b, which read as follows [original punctuation provided]:

Page 1, line 13:

Delete "(b) Notwithstanding conflicting provisions of law"

Insert "(b) Except as provided in (a) of this section"

There being no objection, Amendment 1b was adopted.

[8:38:29 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 1c, which read as follows [original punctuation provided]:

Page 1, line 14:

Following "obligation in":

Insert "state"

REPRESENTATIVE GRUENBERG objected for the purpose of discussion. He questioned whether "in law" means in state law.

[8:39:15 AM](#)

MR. BIRNBAUM explained that the department wanted "law" to be clarified as meaning state law.

REPRESENTATIVE GRUENBERG removed his objection. There being no further objection, Amendment 1c was adopted.

[8:40:10 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 1d, which read as follows [original punctuation provided]:

Page 2, lines 1-5:

Delete all material and insert:

"Sec. 44.99.370. Print copy requests. A person may obtain a print copy of an annual report from the state library distribution and data access center under AS 14.56.170."

REPRESENTATIVE GRUENBERG objected for the purpose of discussion.

MR. BIRNBAUM explained that Amendment 1d would simplify statute, by providing a central agency from which anyone could obtain a report. Anyone without access to the Internet would be able to get copies of reports.

[8:42:00 AM](#)

REPRESENTATIVE GRUENBERG removed his objection.

[8:42:10 AM](#)

REPRESENTATIVE SEATON asked if, under Amendment 1d, there would be a fee charged for copies of reports.

MR. BIRNBAUM relayed that regulation 4 AAC 57.910(a)(4) covers requests for services, and there is typically a fee: 10 cents per page for self service and 10 cents per page, plus \$20 per hour for photo copying by division personnel. The same regulation allows the director of the Division of Libraries, Archives, and Museums to waive fees if he/she determines that doing so would be in the public's interest.

[8:43:51 AM](#)

REPRESENTATIVE SEATON said he has a problem shifting production costs from the agencies to the general public. He then emphasized the importance of using a color printer for certain reports, such as those with multi-colored pie charts, and he said many people do not have color printers. He expressed concern that the library would have to use color printers to make copies of those reports.

[8:47:11 AM](#)

REPRESENTATIVE JOHANSEN suggested that there are alternatives to using color, and he said he has faith that any state agency could generate reports that would be readable from a black and white printer.

[8:49:30 AM](#)

REPRESENTATIVE PETERSEN offered his understanding that the manner by which the public can attain copies of reports is not going to be changed.

[8:50:03 AM](#)

LINDA THIBODEAU, Director, Libraries, Archives & Museums, Department of Education & Early Development, concurred with Representative Petersen that the bill will not change how the library currently accepts and distributes documents. She said Libraries, Archives & Museums is required by statute to receive four copies, but often requests eight copies for each of the eight depository libraries around the state. She said in addition to being available at the Alaska State Library, reports are also available at the University of Alaska Fairbanks, the University of Alaska Anchorage, the Anchorage Public Library, and the Library of Congress.

MS. THIBODEAU said electronic copies are saved by Libraries, Archives & Museums; therefore, a patron whose local library did

not have a copy of a report could ask for an electronic copy to be sent. She said black and white copies are affordable for the library, which in most cases provides them at no cost, unless the job is extensive. She said color copies are expensive, and currently there is no color copier on site; however, Libraries, Archives & Museums has a color scanner. She stated, "The idea that ... things would be reproducible in black and white and still be sensible is really attractive to us."

[8:52:50 AM](#)

REPRESENTATIVE GRUENBERG suggested a delayed effective date on the bill to allow agencies to change their formatting. He asked Ms. Thibodeau for feedback.

[8:53:56 AM](#)

MS. THIBODEAU said the State Library has a program for delivering materials to those places that don't have libraries, through a regional services program. She mentioned an interlibrary loan system, which can be used to get materials from one library to another across the state.

REPRESENTATIVE JOHANSEN indicated that a librarian from Ketchikan had expressed concern about the color printing, but not about distribution, and Representative Johansen reiterated that he thinks the agencies will be able to present material that will be acceptable for distribution through the existing network.

[8:56:36 AM](#)

REPRESENTATIVE P. WILSON said she does not see a need for a delayed timeline.

[8:57:11 AM](#)

REPRESENTATIVE SEATON expressed concern that agencies are not as responsive as desired, and he recommended that the committee include a requirement in the bill that agencies make their reports discernible when printed in black and white.

[8:59:11 AM](#)

REPRESENTATIVE JOHANSEN said he understands what Representative Seaton is saying, but has more faith that the departments will adjust.

[8:59:55 AM](#)

REPRESENTATIVE GRUENBERG confirmed that he had removed his objection to the motion to adopt Amendment 1d. There being no further objection, it was so ordered.

[9:00:50 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 1e, which read as follows [original punctuation provided]:

Page 2, line 6:

Delete "sections 44.99.360 - 44.99.390,"

Insert "AS 44.99.360 - 44.99.390,"

There being no objection, Conceptual Amendment 1e was adopted.

[9:01:14 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 2, to delete Section 1 of HB 182.

REPRESENTATIVE JOHANSEN stated an objection for the purpose of discussion.

[9:01:32 AM](#)

REPRESENTATIVE KELLER requested an explanation of the adopted Amendment 1b from Mr. Birnbaum.

MR. BIRNMAUM clarified that Amendment 1b would not bring about a substantive change.

[9:03:06 AM](#)

REPRESENTATIVE JOHANSEN restated his motion to adopt Amendment 2 and his subsequent objection for the purpose of discussion. He said Amendment 2 would delete Section 1 of HB 182, which would remove the short title of the bill. He offered his understanding that Representative Gruenberg does not like short titles. He removed his objection. There being no further objection, Amendment 2 was adopted.

[9:03:30 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Conceptual Amendment 3, to delete the word "annual" everywhere it appears in HB 182.

REPRESENTATIVE KELLER noted that Conceptual Amendment 3 would also change the adopted Amendment 1d.

CHAIR LYNN asked if there was any objection to the motion to adopt Conceptual Amendment 3. There being none, it was so ordered.

[9:03:55 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Conceptual Amendment 4, to include the Alaska Permanent Fund and the Alaska Housing Finance Corporation on page 2, line 9.

REPRESENTATIVE JOHANSEN objected for the purpose of discussion. He said Representative Gruenberg requested the addition of the Permanent Fund Corporation and the Alaska Housing Finance Corporation to the list of state agencies.

REPRESENTATIVE JOHANSEN removed his objection. There being no further objection, Conceptual Amendment 4 was adopted.

[9:05:10 AM](#)

REPRESENTATIVE JOHANSEN said he made a commitment to Representative Gruenberg to consider the time it will take lawyers to revise the language throughout statute. He said he does not want to downplay Representative Seaton's previous comments, and will look for ways to improve the bill, but said he would like to see the bill move out of committee today.

[9:06:09 AM](#)

REPRESENTATIVE SEATON clarified that he had no intention of holding the bill up, but said he would like some language added on page 1, line 11, clarifying that "accessible to the public" means legible in black and white print.

REPRESENTATIVE JOHANSEN said he will work on that.

[9:07:52 AM](#)

REPRESENTATIVE JOHANSEN, in response to Representative Gruenberg, said he is willing to consider adding an extended effective date.

[9:08:58 AM](#)

REPRESENTATIVE KELLER said he believes the bill sponsor wants to enhance reporting, not minimize it. He acknowledged that paper copies of reports take up space. He said he would like to see a comprehensive list of all available reports shown on the Alaska State Legislature's BASIS web site. He said he does not want agencies to slack off on reporting.

[9:10:12 AM](#)

REPRESENTATIVE KELLER moved to report HB 182, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE JOHANSEN objected to comment. He questioned if the library has the ability to have a single repository.

[9:10:54 AM](#)

MS. THIBODEAU said the Alaska State Library catalog does a "beautiful job" of those listings, by year.

REPRESENTATIVE KELLER said he also would like such a listing in BASIS, perhaps just a link to the Alaska State Library catalog.

REPRESENTATIVE JOHANSEN said the legislature has the capability of including anything on BASIS that it wants there.

REPRESENTATIVE JOHANSEN removed his objection to the motion to move HB 182, as amended, out of committee. There being no further objection, CSHB 182(STA) was reported out of the House State Affairs Standing Committee.

[9:12:25 AM](#)

The committee took an at-ease from 9:12 a.m. to 9:18 a.m.

HB 216-REGULATIONS: INFORMATIVE SUMMARY/BILLS

[9:18:57 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 216, "An Act relating to deadlines in bills directing the adoption of regulations and to the informative summary

required for the proposed adoption, amendment, or repeal of a regulation."

[9:19:09 AM](#)

REPRESENTATIVE P. WILSON, as sponsor, offered a review of HB 216, which the committee previously heard on 4/12/11. In response to the chair, she said attached to HB 216 is an undetermined fiscal note. She said the bill would do two things: direct the legislature to set a time by which agencies must put regulations in place, and require understandable explanations of new or amended regulations. Representative P. Wilson said those two changes would help the legislature and the public to know what is going to happen and to have time to respond. She said the descriptive summaries provided by agencies are not meant to be lengthy or legally binding, and an amendment would take care of that concern. She posited that although the bottom line cost is yet unknown, the proposed legislation is still worthwhile.

[9:25:36 AM](#)

REPRESENTATIVE P. WILSON said the Office of the Attorney General recommended an amendment to exempt boards and commissions from the strict time limit, because they typically meet only once or twice a year, and an amendment that would protect agencies from being sued if they published summaries deemed inadequate by a citizen. She said another issue to consider is the cost to some agencies, which are required to pay by the line for summaries in the newspaper.

[9:26:53 AM](#)

REPRESENTATIVE P. WILSON moved to adopt Amendment 1, which read as follows [original punctuation provided]:

Page 2, lines 4 - 5:

Delete "include a summary of the existing regulation as well as a summary of the change proposed by the amendment or repeal"

Insert "also describe how the amendment or repeal will change the existing regulation"

REPRESENTATIVE KELLER objected for the purpose of discussion.

REPRESENTATIVE P. WILSON reiterated that Amendment 1 was recommended by the Office of the Attorney General.

[9:28:25 AM](#)

REPRESENTATIVE KELLER removed his objection. There being no further objection, Amendment 1 was adopted.

[9:28:32 AM](#)

REPRESENTATIVE P. WILSON moved to adopt Amendment 2, which read as follows:

Page 2, line 7, following "understand":
Insert "without following Internet links to the
Alaska Administrative Code"

REPRESENTATIVE KELLER objected for the purpose of discussion.

REPRESENTATIVE P. WILSON spoke to the amendment. She offered her understanding that Amendment 2 addresses a concern that Representative Seaton had once had.

[9:29:40 AM](#)

REPRESENTATIVE KELLER removed his objection. There being no further objection, Amendment 2 was adopted.

[9:29:53 AM](#)

REPRESENTATIVE P. WILSON moved to adopt Conceptual Amendment 3, to exempt boards and commissions from the strict time limit.

REPRESENTATIVE SEATON questioned the need for Conceptual Amendment 3, because he offered his understanding that the time frames would be set on a case by case basis.

REPRESENTATIVE P. WILSON said Conceptual Amendment 3 was requested by the Office of the Attorney General, but she added that she can see Representative Seaton's point. She ventured it would be up to the committee to decide.

REPRESENTATIVE SEATON said he objects to the exemption, because he thinks the legislature will make the consideration as to what is a reasonable time frame.

[9:33:28 AM](#)

REPRESENTATIVE GRUENBERG noted that three House State Affairs Standing Committee members are on the House Judiciary Standing Committee, and he suggested that the issue can be addressed there.

REPRESENTATIVE SEATON said that would be fine, but said he would like to hear from someone from the Department of Law, if possible.

[9:34:22 AM](#)

STEVE WEAVER, Assistant Attorney General (AG), Legislation & Regulations Section, Civil Division (Juneau), explained that the thought behind the boards and commissions exemption was to address situations where certain boards that meet infrequently might find themselves with insufficient time to adopt regulations in the time frame suggested by the legislature. He said beyond that the department does not really have a position on the proposed legislation. He related that if the committee would like to consider Representative Seaton's point or another direction, the department is willing to work with the bill sponsor. In response to a question from Representative Keller, Mr. Weaver said in some cases it might not be difficult for DOL, the agencies, and the legislature to ascertain the amount of time it will take to adopt regulations; however, sometimes the amount of time may vary, for example, if there is a comprehensive bill involving more interaction between the legislature, the agencies, and DOL.

[9:38:26 AM](#)

REPRESENTATIVE P. WILSON said she will work with DOL.

[9:41:19 AM](#)

REPRESENTATIVE GRUENBERG directed attention to the word "must", on page 1, line 7, and he questioned whether it would be problematic if each time the legislature passes a bill "they" have to figure out how long it will take to generate the regulations. He then mentioned that there are statutes that address the issue of fiscal notes - not only regarding how much money is needed to implement the bill, but also how the bill will be implemented by the agency - and he questioned whether there should be a conforming amendment to the fiscal note statute that would require the agency submitting the fiscal note to recommend how much time it will need to come up with the

regulation. He said he thinks that would help provide the evidentiary basis and the record for the legislature.

[9:43:54 AM](#)

REPRESENTATIVE PETERSEN noted that many laws passed have effective dates in them, and he asked if, under HB 216, the legislature would have to assign regulation deadline dates.

REPRESENTATIVE P. WILSON replied that she prefers the idea to have the specification made in the fiscal note, because it would be an expectation rather than a law.

MR. WEAVER, in response to Representative Petersen, said all regulations originate through the agencies.

[9:45:33 AM](#)

REPRESENTATIVE P. WILSON withdrew Conceptual Amendment 3.

REPRESENTATIVE P. WILSON moved to adopt Conceptual Amendment 4, to insert the following language where appropriate [original punctuation provided]:

"an action may not be brought for failure of the notice to comply with requirements of this paragraph relating to the description in or the clarity and readability of the summary;"

REPRESENTATIVE KELLER objected for the purpose of discussion.

REPRESENTATIVE P. WILSON said the language of Conceptual Amendment 4 was suggested by DOL. She described the language as a disclaimer.

[9:48:10 AM](#)

REPRESENTATIVE GRUENBERG objected to Conceptual Amendment 4. He said there were a series of cases relating to the attorney general's summaries of initiatives. He said in some cases the courts have struck those down as inaccurate. He said, "This would provide a blanket immunity in all those cases." He emphasized that this issue should be considered by the House Judiciary Standing Committee, and he requested that Representative P. Wilson withdraw Conceptual Amendment 4.

REPRESENTATIVE P. WILSON withdrew Conceptual Amendment 4.

[9:49:09 AM](#)

REPRESENTATIVE GRUENBERG expressed concern regarding language on page 2, lines 3-7, which read as follows:

if the proposed agency action is to amend or repeal an existing regulation, the informative summary must include a summary of the existing regulation as well as a summary of the change proposed by the amendment or repeal; the informative summary shall be written in clear, easily readable language that a person without a legal background is able to understand;

REPRESENTATIVE GRUENBERG suggested that an amendment may be necessary to include regulation that is adopted in response to legislation, as well as just changing regulation.

REPRESENTATIVE P. WILSON pointed out that the adopted Amendment 1 changed that language, but noted that the word "if" is still in there.

REPRESENTATIVE GRUENBERG responded that he thinks "we should include the other possibility in there."

[9:51:07 AM](#)

REPRESENTATIVE SEATON said one of the largest problems legislators face in receiving e-mail notices of bills is that the change effected by the bill is not made clear. He said he would like the bill to require a notice that clearly outlines the change being made through the legislation.

CHAIR LYNN asked the bill sponsor if that is acceptable to her.

REPRESENTATIVE P. WILSON responded yes.

[9:53:03 AM](#)

REPRESENTATIVE KELLER opined that HB 216 is a good bill. He said as former chair of the regulation review committee, he appreciates the time it takes to get to the crux of legislation. He expressed his willingness to work with the bill sponsor to improve the proposed legislation. He said agencies have been improving their notification of regulations, but the legislature really needs to "get on the stick and pay attention."

9:54:11 AM

REPRESENTATIVE KELLER moved to report HB 216, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 216(STA) was reported out of the House State Affairs Standing Committee.

9:55:20 AM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:55 a.m.