

Introduced: 1/18/83  
Referred: State Affairs and Judiciary

1 IN THE HOUSE

BY FURNACE AND HAYES

2 HOUSE BILL NO. 54

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulations adopted under the  
7 Administrative Procedure Act (AS 44.62); and provid-  
8 ing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. PURPOSE AND INTENT. The purpose of this Act is to ensure  
11 that regulations adopted, revised or amended under the Administrative  
12 Procedure Act (AS 44.62) be simple, clear, understandable, and easily  
13 readable. In determining whether a regulation is simple, clear, under-  
14 standable, and easily readable, it is intended that this Act be strictly  
15 interpreted. The use of technical terms or words of art is not in and of  
16 itself a violation of this Act. It is intended that state orders and  
17 directives should also conform to this Act.

18 \* Sec. 2. AS 44.62.030 is amended to read:

19 Sec. 44.62.030. REQUIREMENTS FOR VALIDITY OF REGULATIONS [CON-  
20 SISTENCY BETWEEN REGULATION AND STATUTE]. If, by express or implied  
21 terms of a statute, a state agency has authority to adopt regulations  
22 to implement, interpret, make specific or otherwise carry out the  
23 provisions of the statute, the regulations are not [NO REGULATION  
24 ADOPTED IS] valid or effective unless they are

25 (1) consistent with the statute;

26 (2) in compliance with AS 44.62.055; and

27 (3) reasonably necessary to carry out the purpose of the  
28 statute.

29 \* Sec. 3. AS 44.62.050 is amended to read:

1           Sec. 44.62.050. STYLE AND FORMS. The Department of Law shall  
2           prepare and shall revise when necessary a drafting manual for adminis-  
3           trative regulations that [WHICH] prescribes the style and forms for  
4           submitting regulations under AS 44.62.040 and that considers the  
5           requirements of AS 44.62.055.

6           \* Sec. 4. AS 44.62 is amended by adding a new section to read:

7           Sec. 44.62.055. PLAIN LANGUAGE REQUIREMENT FOR REGULATIONS. (a)  
8           A regulation may not be adopted unless the text achieves a minimum  
9           score of 40 on the Flesch reading ease test, or an equivalent score on  
10          a comparable test.

11          (b) In this section a "Flesch reading ease test score" is a  
12          numerical score determined as follows:

13                 (1) The number of words and sentences in the text of a  
14                 regulation shall be counted and the total number of words shall be  
15                 divided by the total number of sentences. The figure obtained shall  
16                 be multiplied by a factor of 1.015.

17                 (2) The total number of syllables in the regulation shall  
18                 be counted and divided by the total number of words in the regulation.  
19                 The figure obtained shall be multiplied by a factor of 84.6.

20                 (3) The sum of the figures computed under (2) and (3) of  
21                 this subsection subtracted from 206.835 is the Flesch reading ease  
22                 score for the regulation.

23                 (4) In a regulation containing 10,000 words or less of  
24                 text, the entire regulation shall be analyzed. In a regulation con-  
25                 taining more than 10,000 words, the readability of two 200-word sam-  
26                 ples per page may be analyzed instead of the entire regulation. The  
27                 samples shall be separated by at least 20 printed lines.

28                 (5) The following procedures shall be used for computations  
29                 under this subsection:

1 (A) a contraction, hyphenated word, or numbers or  
2 letters when separated by spaces, shall be counted as one word;

3 (B) a unit of words ending with a period, semicolon,  
4 or colon, except for headings and captions, shall be counted as a  
5 sentence;

6 (C) a syllable is a unit of spoken language consisting  
7 of one or more letters of a word as divided by an accepted dic-  
8 tionary; if the dictionary shows more than one acceptable  
9 syllabification of a word, the syllabification with fewer sylla-  
10 bles may be used.

11 (6) In this subsection, "text" includes all printed matter,  
12 except (A) the name, number, or title of the regulation; (B) the table  
13 of contents or index; (C) captions and subcaptions; (D) specification  
14 pages; (E) schedules or tables; (F) language that is drafted to con-  
15 form to the requirements of a federal law, federal regulation, or  
16 federal agency interpretation; (G) medical terminology; and (H) words  
17 that are defined in the regulation; but the affected agency must  
18 identify the language or terminology that is excepted by (F) and (G)  
19 of this paragraph and must certify in writing that the language or  
20 terminology is entitled to be excepted.

21 (c) Another reading test may be approved by the commissioner of  
22 administration for use as an alternative to the Flesch reading ease  
23 test if it is comparable in result to the Flesch reading ease test.

24 (d) The commissioner of Administration may authorize acceptance  
25 of a lower score than is required by (a) of this section if the com-  
26 missioner certifies that the lower score is necessary to prevent  
27 substantive misinterpretation of the statute.

28 \* Sec. 5. AS 44.62.060(b)(3) is repealed and reenacted to read:

29 (3) its compliance with AS 44.62.055;

1     \* Sec. 6. AS 44.62.055 enacted by sec. 4 of this Act applies to regula-  
2 tions that are adopted, revised, or amended after the effective date of  
3 this Act.

4     \* Sec. 7. This Act takes effect July 1, 1983.