

HB 328

Alaska State Legislature



House of Representatives
House Judiciary Committee
Chairman Dave Donley

State Capitol
Juneau, Alaska 99801-1182
(907) 465-4990

MEMORANDUM

TO: Representative Mike Navarre, Co-Chair
Representative Eileen MacLean, Co-Chair
House Finance Committee

FROM: Representative Dave Donley, Chair **DD**
House Judiciary Committee

RE: Request for hearing on HB 328, "relating to the
notice and public comment requirements for the
adoption, amendment and repeal of regulations."

DATE: March 3, 1992

On behalf of the House Judiciary Committee, I am requesting a hearing on CSHB 328(Jud). This bill would remedy a problem with existing provisions of the Administrative Procedure Act relating to notice of adoption, amendment, or repeal of regulations.

At the present time, an agency need only give initial public notice of the adoption, amendment, or repeal of regulations. If, after giving notice, the agency substantially rewrites the regulation, amendment or order of repeal, it need not give notice of what often amounts to major, substantive changes in that which was originally noticed.

This bill would require new public notice each time an agency substantially rewrites a proposed regulation, amendment, or order of repeal. We feel that this bill represents good public policy and will help prevent abuses of the regulatory process, without placing an onerous burden on an agency. HB 328 has received 11 "do passes" and 3 "no recommendations" in the committee process.

DD/hk

ALASKA STATE LEGISLATURE

Sen. Shirley Craft, Chair
Sen. Virginia Collins
Sen. Arliss Sturgulewski



Rep. Dave Donley, Vice-Chair
Rep. Kay Brown
Rep. Mark Hanley

Administrative Regulation Review Committee

March 24, 1992

Representative Dave Donley, Chair
The House Judiciary Committee
Room 122, State Capitol
Juneau, AK 99801

Dear Representative Donley:

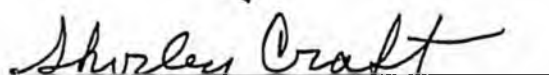
The Administrative Regulation Review Committee supports HB 328, "An Act relating to the notice and public comment requirements for the adoption, amendment, and repeal of regulations."

We commend your efforts to require that agencies provide public notice each time a substantial change in a regulation occurs after the initial public comment period.

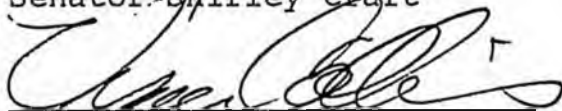
Regulations have the effect of law and a direct impact on the public. Therefore, it only seems sensible that the public be advised of significant changes from the original proposed draft of regulations, before they are adopted.

HB 328 is a positive step toward strengthening the citizen's role in the regulatory process.

Sincerely,



Senator Shirley Craft



Senator Virginia Collins



Senator Arliss Sturgulewski



Representative Kay Brown

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 328(JUD)

Revision Date: 3/6/92
 Title: An Act relating to the notice and public comment
for regulations
 Sponsor: Judiciary Committee
 Requestor: House State Affairs Committee

Department Affected: Revenue
 BRU: Department wide
 Component: See attached

Component Serial No.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	36.0	36.0	36.0	36.0	36.0	36.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	36.0	36.0	36.0	36.0	36.0	36.0

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	25.0	25.0	25.0	25.0	25.0	25.0
FEDERAL FUNDS	2.0	2.0	2.0	2.0	2.0	2.0
OTHER FUND SOURCE	9.0	9.0	9.0	9.0	9.0	9.0
TOTAL	36.0	36.0	36.0	36.0	36.0	36.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: See attached.

Prepared by: Tracy L. McGill
 Division: Administrative Services
 Approved by Commissioner: _____

Phone: 465-2313
 Date: 3/6/92
 _____ Darrel J. Rexwinkel

Agency: Revenue

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

HB 328 Fiscal Note Funding Analysis

Component	Component Number	Gen Fund	GF PGM	GF Match	Fed Funds	PFDF Funds	Total Funds
Child Support Enforcement	0111			1.0	2.0		3.0
Income and Excise Audit	0113	12.0					12.0
Oil and Gas Audit	0115	6.0					6.0
Alcohol Beverage Control	0100		3.0				3.0
Treasury Management	0121	3.0					3.0
Permanent Fund Dividend	0981					9.0	9.0
Total by Funding Source		21.0	3.0	1.0	2.0	9.0	36.0

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

Bill Version: CSHB 328 (JUD)

Revision Date: _____ Department Affected: Commerce & Economic Development
 Title: Relating to the notice and public comment requirements for the adoption, amendment & repeal of regs. BRU: Occupational Licensing
 Sponsor: House Judiciary Committee Component: Administration
 Requestor: House State Affairs COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	6.5	6.5	6.5	6.5	6.5	6.5
SUPPLIES	1.2	1.2	1.2	1.2	1.2	1.2
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	7.7	7.7	7.7	7.7	7.7	7.7

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER - GF/PR	7.7	7.7	7.7	7.7	7.7	7.7
TOTAL	7.7	7.7	7.7	7.7	7.7	7.7

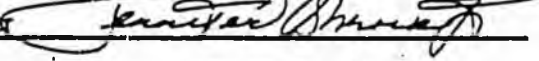
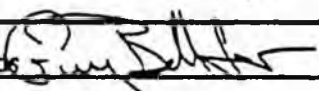
POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

HB 328 amends existing statutes (AS 44.62.200) to require that agencies provide additional notices for public comment if a regulation project is rewritten, amended or repealed and the content of the project varies from the subject matter that was originally provided in the first public notice.

Prepared By: Jennifer Strickler  Phone: 465-2144
 Division: Occupational Licensing Date: 01/29/92
 Approved by Commissioner: Glenn A. Olds 
 Agency: Department of Commerce & Economic Development Date: 1/29/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 328 (JUD)

No. 2.

2-13-92

The Division of Occupational Licensing produces an average of eighteen (18) new regulation projects each year. Regulation projects are often amended by licensing boards at meetings held during the year. Therefore, assuming that at least half of the regulation projects will fall under this bill, at least nine (9) projects will require a second public notice. An average of 400 notices in addition to publication in major newspapers, consisting of at least 15 pages per project, will also be necessary. This fiscal note addresses the following anticipated costs:

CONTRACTUAL:

Average cost of publishing a regulations notice
in three newspapers (\$620.00) x 9 projects per year: \$5,580.00

Postage for 400 notices on interested persons list: \$580.00

Copying costs of the regulation projects: \$360.00

Sub-total: \$6,520.00

SUPPLIES: Paper, envelopes, etc.: \$1,200.00

TOTAL COSTS: \$7,720.00

New revenues are not anticipated to be collected as a result of this bill.

Revision Date: _____ Department Affected: Department of Law
 Title: "...relating to the notice and public comment requirements...regulations." BRU: Legal Services
 Component: Operations
 Sponsor: House Judiciary Committee
 Requestor: House State Affairs Committee COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	****	****	****	****	****	****
CAPITAL						
REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	****	****	****	****	****	****
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	****	****	****	****	****	****
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: January 24, 1992
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: January 24, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Leg. Ctr., & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No.

CSHB 328(JUD)

This bill amends AS 44.62 to require that when an agency has proposed adoption, amendment, or repeal of a regulation, the agency must go through a second public review process if the agency made substantive changes in the regulation proposal as a result of the initial public review. We cannot predict how often this may occur if this bill is approved. To the extent that it cause extensive re-review by our legislation and regulations text editor, significant delays in the adoption of regulations changes will occur. At some point, this could result in the department having to increase its text editing staff. There will likewise be additional burdens for those departments that propose new regulations or regulations changes that could delay implementation of new legislation.

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

Bill Version: CSHB 328(JUD)

Revision Date: _____ Department Affected: Department of Corrections
 Title: "An Act relating to notice and comment for...regulations..." BRU: Administration and Support
 Component: Administrative Services
 Sponsor: House Judiciary
 Requestor: House State Affairs COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) The Department of Corrections generally adopts, amends, or appeals regulations less frequently than once per year. Public comments are generally requested in writing rather than at hearings. Therefore, anticipated fiscal impact is negligible.

Prepared By: Carl Nickel, Director *Carl Nickel* Phone: 465-3376
 Division: Administrative Services Date: 1-24-92
 Approved by Commissioner: Lloyd Hames, Commissioner *Lloyd Hames*
 Agency: Department of Corrections Date: 1-24-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: CSHB 328 (JUD)

Revision Date: 24-Jan-92 Department Affected: Natural Resources
 Title: Notice & Public Comment BRU: Management & Administration
Requirements Components: Commissioner's Office
 Sponsor: Judiciary
 Requestor: House State Affairs COMPONENT SERIAL NO. 423

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS.CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
Funding Source:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
Funding Source:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS:	(Attach a separate page if necessary)

Prepared by: Carol Wilson Phone: 465-2400
 Division: Commissioner's Office Date: 24-Jan-92

Approved by Commissioner: Harold C. Heinze Date: 24-Jan-92
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Version: CSHB 328 (JUD)

Revision Date: _____
 Title: "An Act relating to the notice and public comment requirements for... regulations."
 Sponsor: House Judiciary Committee
 Requestor: House State Affairs

Department Affected: Labor
 BRU: All
 Component: All

COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Arbe Williams, Special Assistant *AW* Phone: 465-2700
 Division: Commissioner's Office Date: 1/24/92
 Approved by Commissioner: John Abshire, Acting Commissioner
 Agency: Department of Labor Date: 1/24/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version CSHB 328(JUD.)

Revision Date: _____ Department Affected: Public Safety

Title: An Act relating to public BRU: DPS Statewide Support

notice of proposed regulations Component: Commissioner's Office

Sponsor: House Judiciary

Requestor: House State Affairs COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

It is impossible to predict how often substantive changes requiring "re-notice" of regulations under this bill would be made.

Prepared By: Gayle A. Horetski Phone: 465-4322

Division: Commissioner's Office Date: 1/28/92

Approved by Commissioner: *G. Horetski* for Richard L. Burton

Agency: Department of Public Safety Date: 1/28/92

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STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: CSHB 328(JUD)

Revision Date: _____ Department Affected: Environmental Conservation
 Title: Notice and Public Comment BRU: Administration
Requirements for Regulations Component: Office of the Commissioner
 Sponsor: (H) Judiciary
 Requestor: (H) State Affairs COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Janice Adair Phone: 465-5050
 Division: Commissioner's Office Date: 1/27/92
 Approved by Commissioner: Janice Adair for John Sender
 Agency: Environmental Conservation Date: 1/28/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: CSHB 328 (JUD.)

Revision Date: _____
 Title: Public Comment on Proposed
Regulations.
 Sponsor: House Judiciary Committee
 Requestor: (H) State Affairs

Department Affected: Community and Regional Affairs
 BRU: _____
 Component: _____

COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Richard Henderson
 Division: Administrative Services Division

Phone: 465-4708
 Date: 1/27/92

Approved by Commissioner: Sen Bethy
 Agency: Department of Community and Regional Affairs

Date: 1/27/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).
 v 10/7/91

COMMITTEE COPY

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

Bill Version: CSHB 328 (JUD)

Revision Date: _____ Department Affected: Education
 Title: An Act relating to the notice and public comment requirements for the adoption, amendment, and repeal of regulations. BRU: Executive Administration
 Component: Executive Administration

Sponsor: _____
 Requestor: Judiciary Committee
State Affairs

COMPONENT SERIAL N().

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.) The Department currently confers with the Attorney General's Office to determine if rewriting changed the "substance" of regulations. If the answer is yes, the public notice process renewed.

Prepared By: Mike Maher Phone: 465-2800
 Division: Commissioner's Office Date: 1/24/92
 Approved by Commissioner: *Jerry Covey* Jerry Covey
 Agency: Education Date: 1/24/92