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March 15, 1991

Hon. Pat Rodey, Chair
Senate State Affairs Committee
P. O. Box V
Juneau, Alaska 99811

Re: SB 199 (Notice requirements
for regulations)

Dear Chairman Rodey:

Senate Bill 199, relating to the notice requirements for the adoption, amendment and repeal of regulations, is currently scheduled for hearing in the Senate State Affairs Committee on Wednesday, March 20. Because I will be in Anchorage in depositions on that day, I am submitting this letter in lieu of testimony on the bill at the hearing.

SB 199 proposes to amend AS 44.62.200(a) to require that the notice provided to the legislature include additional information not generally included in the public notice. Although we see no significant problem with a requirement that we provide the legislature with the additional information referenced in the bill, we do not believe that this information should be specifically included in the notice. The notice is a specific document that is published in the newspapers or otherwise disseminated to the public. The proposed language would require either that the current notice used and published by the adopting agency be much longer, with a corresponding increase in publication costs, or it would necessitate producing two formal notices, one for the legislature and another for all other purposes.

Presumably it is the intent of the sponsor only to make sure that this additional information be provided to the legislature at the time notice is given; it should not be necessary that this information actually be set out in the notice itself. To accomplish this, we recommend that, instead of amending AS

Hon. Patrick Rodey, Chair
Senate State Affairs Committee

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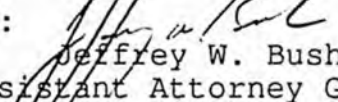
44.62.200(a), the bill amend AS 44.62.190 (a) (6) and (7) by adding the following to each of those paragraphs:

"along with a statement of the reason for the proposed action, the initial cost of implementation, the estimated annual costs of implementation, and the origin of the proposed action".

Thank you for your consideration of our comments.

Sincerely,

CHARLES E. COLE
ATTORNEY GENERAL

By: 
Jeffrey W. Bush
Assistant Attorney General

JWB:cl

cc: Hon. Richard Schultz
Senator, Alaska State Legislature

CS FOR SENATE BILL NO. 199 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR SHULTZ

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the notice requirements for the adoption, amendment, and repeal of
2 regulations."

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

4 * Section 1. AS 44.62.190 is amended by adding a new subsection to read to read:

5 (d) A notice furnished under (a)(2), (4)(A), (6), (7), or (8) of this section must include
6 the reason for the proposed action, the initial cost of implementation, the estimated annual costs
7 of implementation, and the origin of the proposed action.

7-LS0935G
Bannister
3/19/91

**CS FOR SENATE BILL NO. 199 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
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A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the notice requirements for the adoption, amendment, and repeal of
2 regulations."

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

4 * **Section 1.** AS 44.62.190 is amended by adding a new subsection to read to read:

5 (d) A notice furnished to the legislature under (a)(6) - (8) of this section must include
6 the reason for the proposed action, the initial cost of implementation, the estimated annual costs
7 of implementation, and the origin of the proposed action.

SENATE BILL NO. 199

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR SHULTZ

Introduced: 3/13/91
 Referred: State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the notice requirements for the adoption, amendment, and repeal of
 2 regulations."

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

4 * Section 1. AS 44.62.200(a) is amended to read:

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

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

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

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

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

14 (5) a summary of the fiscal information required to be prepared under

1
2
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AS 44.62.195; and

(6) for a notice furnished to the legislature under AS 44.62.190(a)(6) - (8), the reason for the proposed action, the initial cost of implementation, the estimated annual costs of implementation, and the origin of the proposed action.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSSB-199 (STA)

Revision Date: _____ Department Affected: All Departments
 Title: Relating to notice requirements for regulations BRU: _____
 Sponsor: _____ Component: _____
 Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0					

CAPITAL	0					
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REVENUE	0					
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS						
OTHER						
TOTAL	0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Senate State Affairs Phone: 465-4522
 Division: Legislature Date: March 20, 1991
 Approved by Chairman, (Rodey)
 Agency: _____ Date: _____

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