

HB

291

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 18, 2000

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/8/00

The STATE AFFAIRS Committee considered:

HB 291

HOUSE BILL NO. 291

ADMINISTRATIVE PROCEDURE NOTICES

"An Act relating to the use of electronic format for certain state agency notices."

recommends it be replaced with the following committee substitute CS HB 291 (STA)

the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) GOV.

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	✓			
<i>John S. ...</i>	✓			
<i>Beth Kettala</i>	✓			
<i>Bill ...</i>	✓			
<i>M. ...</i>	✓			
<i>Scott ...</i>	✓			

CHAIR'S SIGNATURE Jeannette James

1-LS1244H
Bannister
2/7/00

CS passed, Am #1 passed.

CS FOR HOUSE BILL NO. 291()

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

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE KERTTULA

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the giving of certain state agency notices."

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

3 * Section 1. AS 44.62.190(a) is amended to read:

4 (a) At least 30 days before the adoption, amendment, or repeal of a regulation,
5 notice of the proposed action shall be

6 (1) published in the newspaper of general circulation or trade or
7 industry publication that the state agency prescribes and in the Alaska Administrative
8 Journal; in the discretion of the state agency giving the notice, the requirement of
9 publication in a newspaper or trade or industry publication may be satisfied by using
10 a combination of publication and broadcasting; when broadcasting the notice, an
11 agency may use an abbreviated form of the notice if the broadcast provides the name
12 and date of the newspaper or trade or industry journal where the full text of the notice
13 can be found;

14 (2) furnished [MAILED] to every person who has filed a request for
15 notice of proposed action with the state agency;

1 (3) if the agency is within a department, furnished [MAILED OR
2 DELIVERED] to the commissioner of the department;

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

4 (A) furnished [MAILED] to a person or group of persons
5 whom the agency believes is interested in the proposed action; and

6 (B) published in the additional form and manner the state
7 agency prescribes;

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

11 (6) furnished by electronic format, if the state agency has the
12 technological capability, to all incumbent State of Alaska legislators, and furnished
13 to the Legislative Affairs Agency; if the state agency does not have the
14 technological capability to furnish the notice by electronic format to the
15 legislators, the state agency shall furnish the notice to the legislators by other
16 means;

17 (7) furnished to the standing committee of each house of the legislature
18 having legislative jurisdiction over the subject matter treated by the regulation under
19 the Uniform Rules of the Alaska State Legislature, together with a copy of the
20 proposed regulation, amendment, or order of repeal for the committee's use in
21 conducting the review authorized by AS 24.05.182;

22 (8) furnished to the staff of the Administrative Regulation Review
23 Committee, together with a copy of the proposed regulation, amendment, or order of
24 repeal and, if preparation of an appropriation increase estimate is required by
25 AS 44.62.195, a copy of the estimate.

26 * Sec. 2. AS 44.62.190(b) is amended to read:

27 (b) If the form or manner of notice is prescribed by statute, in addition to the
28 requirements of filing and furnishing [MAILING] notice under AS 44.62.010 -
29 44.62.300, or in addition to the requirements of filing and mailing notice under
30 other sections of this chapter, the notice shall be published, posted, mailed, filed, or
31 otherwise publicized as prescribed by the statute.

1 * Sec. 3. AS 44.62.190(c) is amended to read:

2 (c) The failure to furnish [MAIL] notice to a person as provided in this
3 section does not invalidate an action taken by an agency under AS 44.62.180 -
4 44.62.290.

5 * Sec. 4. AS 44.62.190 is amended by adding a new subsection to read:

6 (e) Notwithstanding (a) of this section, if a person who is to receive a notice
7 under (a) of this section requests that the state agency mail the notice, the state agency
8 shall furnish the notice to the person by mail.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 291(), Draft Version "H"

1 Page 1, line 3:

2 Delete "AS 44.62.190(a) is amended to read:"

3 Insert "AS 44.62.190 is amended to read:

4 **Sec. 44.62.190. Notice of proposed action."**

5 Page 2, lines 16 - 25:

6 Delete ";

7 (7) furnished to the standing committee of each house of the
8 legislature having legislative jurisdiction over the subject matter treated by the
9 regulation under the Uniform Rules of the Alaska State Legislature, together with a
10 copy of the proposed regulation, amendment, or order of repeal for the committee's
11 use in conducting the review authorized by AS 24.05.182;

12 (8) furnished to the staff of the Administrative Regulation Review
13 Committee, together with a copy of the proposed regulation, amendment, or order of
14 repeal and, if preparation of an appropriation increase estimate is required by
15 AS 44.62.195, a copy of the estimate"

16 Insert

17 "[(7) FURNISHED TO THE STANDING COMMITTEE OF EACH
18 HOUSE OF THE LEGISLATURE HAVING LEGISLATIVE JURISDICTION OVER
19 THE SUBJECT MATTER TREATED BY THE REGULATION UNDER THE
20 UNIFORM RULES OF THE ALASKA STATE LEGISLATURE, TOGETHER WITH
21 A COPY OF THE PROPOSED REGULATION, AMENDMENT, OR ORDER OF
22 REPEAL FOR THE COMMITTEE'S USE IN CONDUCTING THE REVIEW
23 AUTHORIZED BY AS 24.05.182;

24 (8) FURNISHED TO THE STAFF OF THE ADMINISTRATIVE

1 REGULATION REVIEW COMMITTEE, TOGETHER WITH A COPY OF THE
2 PROPOSED REGULATION, AMENDMENT, OR ORDER OF REPEAL AND, IF
3 PREPARATION OF AN APPROPRIATION INCREASE ESTIMATE IS REQUIRED
4 BY AS 44.62.195, A COPY OF THE ESTIMATE]"

5 Page 2, line 26:

6 Delete all material.

7 Page 3, line 1:

8 Delete all material.

9 Page 3, following line 4:

10 Insert a new subsection to read:

11 "(d) Along with a notice furnished under (a)(2), (4)(A), or (6) [, (7), OR (8)]
12 of this section, the state agency shall include the reason for the proposed action, the
13 initial cost to the state agency of implementation, the estimated annual costs to the
14 state agency of implementation, the name of the contact person for the state agency,
15 and the origin of the proposed action."

16 Page 3, line 5:

17 Delete "Sec. 4."

18 Insert "Sec. 2."

ALASKA STATE LEGISLATURE

REPRESENTATIVE
JEANNETTE JAMES
PO Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271



While in Juneau
State Capitol
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99801-1182
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House of Representatives
House District 34

DATE: 2/7/00
TO: State Affairs Committee members
RE: HB 291, Administrative Procedure Notices

There will be a CS and an amendment for HB 291.

Bill drafters are swamped today so the CS and amendments are unavailable at the time packets are being distributed.

They will be on your desk when the bill is heard Tuesday morning.

JCC

February 7, 2000

RE: HB 291

Terry Bannister is drafting two items which probably won't be ready until this afternoon so will have to be given to the committee during the meeting:

1. A CS which makes a few more technical changes, substituting "furnish" for "mail", etc.
2. A proposed amendment to that CS which totally removes Sections 7 and 8.

That way the committee can adopt the new CS to work from, and then debate whether to adopt the more radical changes proposed in the amendment.



Subject: fiscal note

Date: Thu, 03 Feb 2000 13:56:25 -0900

From: Barbara Cotting <Barbara_Cotting@legis.state.ak.us>

Organization: Alaska State Legislature

To: shari_kochman@gov.state.ak.us

I have scheduled the following bill for hearing in House State Affairs on Tuesday, February 8, and need a fiscal note:

HB 291, Administrative Procedure Notices (Admin)

Thanks,

Barbara

1-LS1244G
Bannister
2/2/00

CS FOR HOUSE BILL NO. 291(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE KERTTULA

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the use of electronic format for certain state agency notices."**

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

3 *** Section 1.** AS 44.62.190(a) is amended to read:

4 (a) At least 30 days before the adoption, amendment, or repeal of a regulation,
5 notice of the proposed action shall be

6 (1) published in the newspaper of general circulation or trade or
7 industry publication that the state agency prescribes and in the Alaska Administrative
8 Journal; in the discretion of the state agency giving the notice, the requirement of
9 publication in a newspaper or trade or industry publication may be satisfied by using
10 a combination of publication and broadcasting; when broadcasting the notice, an
11 agency may use an abbreviated form of the notice if the broadcast provides the name
12 and date of the newspaper or trade or industry journal where the full text of the notice
13 can be found;

14 (2) mailed to every person who has filed a request for notice of
15 proposed action with the state agency;

1 (3) if the agency is within a department, mailed or delivered to the
2 commissioner of the department;

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

4 (A) mailed to a person or group of persons whom the agency
5 believes is interested in the proposed action; and

6 (B) published in the additional form and manner the state
7 agency prescribes;

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

11 (6) furnished by electronic format, if the state agency has the
12 technological capability, to all incumbent State of Alaska legislators, and furnished
13 to the Legislative Affairs Agency; if the state agency does not have the
14 technological capability to furnish the notice by electronic format to the
15 legislators, the state agency shall furnish the notice to the legislators by other
16 means;

17 (7) furnished to the standing committee of each house of the legislature
18 having legislative jurisdiction over the subject matter treated by the regulation under
19 the Uniform Rules of the Alaska State Legislature, together with a copy of the
20 proposed regulation, amendment, or order of repeal for the committee's use in
21 conducting the review authorized by AS 24.05.182;

22 (8) furnished to the staff of the Administrative Regulation Review
23 Committee, together with a copy of the proposed regulation, amendment, or order of
24 repeal and, if preparation of an appropriation increase estimate is required by
25 AS 44.62.195, a copy of the estimate.

26 * Sec. 2. AS 44.62.190 is amended by adding a new subsection to read:

27 (e) In (a) of this section, when a notice is required to be mailed, the agency
28 may use an electronic format to provide the notice.



Representative Beth Kerttula

Alaska State Legislature, District 3
State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4766 • Fax (907) 465-4748
E-mail: Representative_Beth_Kerttula@legis.state.ak.us • <http://www.kerttula.net>

Memorandum

Date: January 26, 2000

To: Representative Jeanette James, Chair
House State Affairs Committee

From: Beth Kerttula, Representative, District 3 *Beth Kerttula*

Re: HB 291 – Electronic Notices under Administrative Procedure Act

I respectfully request that you schedule a hearing in the House State Affairs Committee for this bill. Attached you will find a copy of the bill and a sponsor statement

Thank you.

1-LS1244D ✓
Bannister
1/29/00

CS FOR HOUSE BILL NO. 291(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE KERTTULA

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9 publication in a newspaper or trade or industry publication may be satisfied by using
10 a combination of publication and broadcasting; when broadcasting the notice, an
11 agency may use an abbreviated form of the notice if the broadcast provides the name
12 and date of the newspaper or trade or industry journal where the full text of the notice
13 can be found;

14 (2) mailed to every person who has filed a request for notice of
15 proposed action with the state agency;

1 (3) if the agency is within a department, mailed or delivered to the
2 commissioner of the department;

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

4 (A) mailed to a person or group of persons whom the agency
5 believes is interested in the proposed action; and

6 (B) published in the additional form and manner the state
7 agency prescribes;

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

11 (6) provided by electronic format, if the state agency has the
12 technological capability, [FURNISHED] to all incumbent State of Alaska legislators,
13 and furnished to the Legislative Affairs Agency; if the state agency does not have
14 the technological capability to provide the notice by electronic format to the
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16 means;

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20 proposed regulation, amendment, or order of repeal for the committee's use in
21 conducting the review authorized by AS 24.05.182;

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23 Committee, together with a copy of the proposed regulation, amendment, or order of
24 repeal and, if preparation of an appropriation increase estimate is required by
25 AS 44.62.195, a copy of the estimate.

26 * Sec. 2. AS 44.62.190(d) is amended to read:

27 (d) Along with a notice furnished under (a)(2), (4)(A), (6), (7), or (8) of this
28 section or provided by electronic format under (a)(6) of this section, the state
29 agency shall include the reason for the proposed action, the initial cost to the state
30 agency of implementation, the estimated annual costs to the state agency of
31 implementation, the name of the contact person for the state agency, and the origin of

1 the proposed action.

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4 may use an electronic format to provide the notice.

1-LS1244D
Bannister
1/29/00

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CS FOR HOUSE BILL NO. 291(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE KERTTULA

A BILL

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(3) if the agency is within a department, mailed or delivered to the commissioner of the department;

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

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

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

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

(6) ^{FURNISHED} ~~provided~~ by electronic format, if the state agency has the technological capability, ~~[FURNISHED]~~ to all incumbent State of Alaska legislators, and furnished to the Legislative Affairs Agency; if the state agency does not have the technological capability to provide the notice by electronic format to the legislators, the state agency shall furnish the notice to the legislators by other means:

(7) furnished to the standing committee of each house of the legislature having legislative jurisdiction over the subject matter treated by the regulation under the Uniform Rules of the Alaska State Legislature, together with a copy of the proposed regulation, amendment, or order of repeal for the committee's use in conducting the review authorized by AS 24.05.182;

(8) furnished to the staff of the Administrative Regulation Review Committee, together with a copy of the proposed regulation, amendment, or order of repeal and, if preparation of an appropriation increase estimate is required by AS 44.62.195, a copy of the estimate.

Sec. 2. AS 44.62.190(d) is amended to read:

~~(d) Along with a notice furnished under (a)(2), (4)(A), (6), (7), or (8) of this section or provided by electronic format under (a)(6) of this section, the state agency shall include the reason for the proposed action, the initial cost to the state agency of implementation, the estimated annual costs to the state agency of implementation, the name of the contact person for the state agency, and the origin of~~

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~~the proposed action.~~

* Sec. 3. AS 44.62.190 is amended by adding a new subsection to read:

(e) In (a) of this section, when a notice is required to be mailed, the agency may use an electronic format to provide the notice.



Representative Beth Kerttula

Alaska State Legislature, District 3
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Memorandum

Date: January 27, 2000
To: Barbara Cotting, Committee Aide
House State Affairs Committee
From: Gretchen Keiser, Aide *GKeiser*
Re: Proposed Language for Committee Substitute for HB 291

As we discussed yesterday, this memorandum provides suggested language to improve on House Bill 291 in a committee substitute.

We suggest the following language on Page 2, beginning line 11:

“...(6) **provided by electronic format if the state agency has the technological capability** {FURNISHED} to all incumbent State of Alaska legislators, and **furnished to** the Legislative Affairs Agency;

This proposed language addresses two issues:

- 1) It provides a caveat about technological capability to address the comment we received from the Department of Law that there are apparently a few state agencies that do not have email capability at this time. As suggested by the Department of Law, we used language addressing a similar issue in CSSB 24(FIN) am (Page 5, lines 2-4: attached).
- 2) It removes the “legislator’s designated staff member” text that could create confusion with staff changes during the interim or between sessions. If the email is simply sent to a legislator’s address, that individual or their staff will read the message.

Thank you for your attention to this bill.

Attachment



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AS 44.62.195, a copy of the estimate;
(9) published on the Internet by a designated state agency proposing the action if the designated state agency has the technological capability to publish on the Internet.

* Sec. 6. AS 44.62.200(a) is amended to read:

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

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

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

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

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

(5) a summary of the fiscal information required to be prepared under AS 44.62.195;

(6) a statement that a copy of the cost-benefit analysis is available from the designated state agency proposing the regulatory action if the cost-benefit analysis is required under AS 44.62.035, or if a cost-benefit analysis is not required due to the operation of AS 44.62.035(b), that a copy of the fiscal note identified in AS 44.62.035(b) is available from the designated state agency proposing the regulatory action.

* Sec. 7. AS 44.62.200(b) is amended to read:

(b) Except for designated state agencies, a [A] regulation that is adopted, amended, or repealed may vary in content from the summary specified in (a)(3) of this section if the subject matter of the regulation remains the same and the original notice was ~~was~~ to assure that members of the public are reasonably notified of the of agency action in order for them to determine whether their affected by agency action on that subject.

Why was this attached?

s amended by adding a new subsection to read:

CSSB 24(FIN) am

what is this?



Representative Beth Kerttula

Sponsor Statement

House Bill 291

Electronic Notices under Administrative Procedure Act

This bill changes the public notice procedures used by state agencies for adopting regulations. HB 291 requires state agencies to provide legislators' offices a notice of their proposed regulations via email, rather than the traditional paper copy. HB 291 also clarifies that a state agency may use an electronic format when it is required to "mail" a notice to other parties under AS 44.62.190(a).

HB 291 utilizes today's technology to streamline government processes. By using an electronic format, HB 291 simplifies the production, handling and delivery of notices. Substituting one email message for 60 letters mailed to legislators' offices reduces agency staff time, printing, and mailing costs. At the receiving end, legislative staff time handling the regulatory paperwork will be reduced. To the extent that State agencies increase their electronic transmission of regulatory notices to other parties, HB 291 also facilitates more efficient and timely delivery of notices statewide to individuals, organization and business, where appropriate.