

HB

169

<TARGET><BILL>HB 169</BILL><SUBJECT>HB
169</SUBJECT><COMM>HJUD27</COMM></TARGET>

Sent to Sen.
Wielachowski

HB169 fixes a loop-hole in the law of two minor problems with Legislative review of agency regulations. 4/12/12

Currently, those who can request a review of regulations from Legal Services and those whom Legal Services is allowed to notify of the results of the review are NOT the same.

- HB 169 allows those who request a review to receive the results.

Additionally, Legal Services can only notify if the regulations FAIL TO MEET the statutory standards.

- HB 169 allows Legal Services to notify the requester that the regulations MEET the statutory standards (A “no problems” phone call).

Finally, if regulations implement newly enacted legislation, HB 169 allows Legal Services to consult with and notify the Prime Sponsor (if still in the legislature).

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
REPRESENTATIVE CARL GATTO, CHAIR

COMMITTEE MEMBERS:
REP. STEVE THOMPSON, VICE CHAIR
REP. BOB LYNN
REP. WES KELLER
REP. LANCE PRUITT
REP. LINDSEY HOLMES
REP. MAX GRUENBERG



STATE CAPITOL BUILDING, RM 120
JUNEAU, AK 99801-1182
PHONE: 907-465-4990
FAX: 907-465-2381
HOUSE_JUDICIARY@LEGIS.STATE.AK.US

TO: Senator Johnny Ellis, Chairman
Senate Rules Committee

FROM: Representative Carl Gatto, Chair
House Judiciary Committee

*Melanie Lesh
for Rep. Gatto*

DATE: April 11, 2012

RE: Request for scheduling of HB 169

Enclosed is the packet for HB 169, "*an Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date*" also called "LAA Review of Proposed Regulations." This bill has made it through both bodies unamended. I have included a sponsor statement, the original version of the bill, and a memo from Legal Services. Senator Wielechowski will carry the bill for Rep. Gatto.

I would appreciate if you would schedule this bill, pending referral from the Senate State Affairs Committee, (the Senate Judiciary Committee waived the bill hearing), for a hearing in Senate Floor at your earliest convenience. I appreciate your time and look forward to passage.

Please contact my staff member, Melanie Lesh at 465-4990, with any questions or comments regarding this request.

Thank you for your consideration.

ALASKA STATE LEGISLATURE

HOUSE OF REPRESENTATIVES

COMMITTEE MEMBERS:
REP. STEVE THOMPSON, VICE CHAIR
REP. BOB LYNN
REP. WES KELLER
REP. LANCE PRUITT
REP. LINDSEY HOLMES
REP. MAX GRUENBERG



STATE CAPITOL BUILDING, RM 120
JUNEAU, AK 99801-1182
PHONE: 907-465-4990
FAX: 907-465-2381
HOUSE_JUDICIARY@LEGIS.STATE.AK.US

JUDICIARY COMMITTEE

REPRESENTATIVE CARL GATTO, CHAIR

HB 169 Sponsor Statement

"An Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date."

HB 169 closes gaps in the regulation review statutes. The Legislative Affairs Agency (LAA) attorneys review proposed regulations, including those from newly enacted legislation and at the request of a standing committee, the Administrative Regulations Review Committee, and the Legislative Council. However, if the attorney finds that the proposed regulations fail to meet statutory standards, the only legislative entities they are allowed to notify are the Administrative Regulation Review Committee, the Speaker of the House, and the President of the Senate. Additionally, LAA cannot currently notify anyone if the regulation meets statutory standards.

HB 169 allows LAA to notify the committee or council that requested the review that the regulations do not meet statutory standards. In addition, if the proposed regulation implements newly passed legislation, LAA would be able to consult with and notify the prime sponsor of that legislation, if the prime sponsor is still a sitting legislator. Finally, HB 169 allows LAA to notify the requester of the review if the attorney determines that the regulations meet statutory standards.

HB 169 is a simple fix to two minor problems in an otherwise functioning review system. It will give the benefits of the review process to those who need it most. If you have any questions, please contact Melanie Lesh, Judiciary Committee Aide, at 465-4990.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HB 169
 Fiscal Note Number 2
 (S) Publish Date 4/10/12

Identifier (file name) HB 169-LEG-COU-01-18-2012 Dept. Affected Legislature
 Title "LAA Review of Proposed Regulations" Appropriation Legislative Council
 Allocation Legal and Research Services
 Sponsor House Judiciary Committee
 Requester House Judiciary Committee OMB Component Number 2028

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES

--	--	--	--	--	--	--	--

Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version

Prepared by Jessica Geary, Finance Manager
 Division Legislative Affairs Agency
 Approved by Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
 Date/Time 1/18/12 10:31 AM
 Date 1/18/2012

FISCAL NOTE #2

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. HB 169

Analysis

This Legislation has zero fiscal impact on the Legislative Affairs Agency.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329


MEMORANDUM

February 18, 2011

SUBJECT: Review of Proposed Regulations by the Legislative Affairs Agency
(Work Order No. 27-LS0559\A)

TO: Representative Carl Gatto
Chair of the House Judiciary Committee

FROM: Terri Lauterbach
Legislative Counsel



Enclosed is a draft of a bill you requested to "fix some flaws" in AS 24.20.105, as we discussed after the meeting of the Administrative Regulation Review Committee (ARRC) on Tuesday.¹

Section 1. This section of the bill accomplishes several things:

(1) The new language on page 1 allows the reviewing attorney in LAA to consult with the prime sponsor of the relevant bill if the attorney is reviewing proposed regulations that implement newly enacted legislation. You only asked specifically for the prime sponsor to get copies of memos denoting possible legal flaws determined in these kinds of reviews, but I thought it was probably in keeping with your goal to also add this consultation aspect as well. Let me know if I erred in this regard and I can remove the language. Also, please note that I have limited this consultation requirement to situations when the prime sponsor is still a member of the legislature. In addition to the logistics that may be difficult when the prime sponsor is no longer a member, it seems to me in keeping with the confidential nature of these reviews that only sitting legislators be included in the review process under AS 24.20.105.

(2) The first two lines on page 2 allow LAA review memos to be sent to a standing committee or to the Legislative Council if they have requested a review of some proposed regulations because of their "major policy implications." Under current law,

¹ Although I drafted the enclosed bill, Lisa Kirsch's name appears in the upper right-hand corner of page 1. This has been done so that, if you introduce the bill, legislators and staff will have a full-time attorney to call with questions or amendments related to the bill. As I mentioned at the ARRC meeting, I am only half-time. Lisa Kirsch reviewed proposed regulations under AS 24.20.105 for most of the past three years, and is knowledgeable about the issues addressed in this bill draft. Feel free to call either one of us about the draft.

these entities can request a review and that request is given priority status under AS 24.20.105(b)(2), but the law, through an oversight in the original legislation, does not allow them to get the memo that could result from the review. Current law allows these memos to go only to the Department of Law, the state agency proposing the regulations, the ARRC, the senate president, and the speaker of the house. (See AS 24.20.105(e) and the restriction on LAA's disclosure under AS 24.20.105(g).)

(3) Lines 3 - 7 on page 2 allow LAA review memos to be sent to the prime sponsor of the relevant legislation if a review of proposed regulations that implement newly enacted legislation shows legal problems of the type described in AS 24.20.105(d). As with the consultation requirement for prime sponsors described above in (1), I have limited this memo-sharing requirement to prime sponsors who are still sitting legislators.

(4) Lines 7 - 10 on page 2 require LAA to communicate to a standing committee or the Legislative Council the results of a review that was requested by either of them in situations where the reviewer has not found legal flaws. Currently, AS 24.20.105 only allows LAA to communicate with respect to reviews where legal flaws are perceived, and that makes sense with respect to the vast number of reviews, as the relevant entities would normally be interested only if the reviewing attorney sees problems. However, with respect to a review requested under AS 24.20.105(b)(2), it seems to me that it would make sense for LAA to be able to respond that a review has been completed but that no problems were found. I have deliberately not required this communication to be in writing so that a phone call could suffice; the requester, of course, could always request that the "no problems" response be in writing.

Sec. 2. This section clarifies that the new provisions of section 1 apply to any reviews ongoing in LAA at the time the bill takes effect even if the notice of proposed regulations was issued before the effective date of the bill.

Sec. 3. This section gives the bill an immediate effective date. There are no impediments I can think of that would keep LAA from immediately being able to implement any of the new provisions of section 1.

TML:LMK:ljw
11-115.ljw

Enclosure

Sec. 24.20.105. Review of proposed regulations.

(a) The Legislative Affairs Agency may review each proposed regulation that is subject to AS 44.62.010 - 44.62.300 (Administrative Procedure Act). A review of proposed regulations under this section must be conducted by an attorney employed by that agency.

(b) Reviews shall be conducted under (a) of this section in the following order of priority:

- (1) proposed regulations that would implement newly enacted legislation;
- (2) proposed regulations requested in writing to be reviewed by a standing committee, the Administrative Regulation Review Committee, or the legislative council as implicating major policy development.

(c) Under AS 44.62.190(a)(7), the notice of proposed action, along with a copy of the proposed regulation, shall be furnished electronically by the state agency to the

- (1) Legislative Affairs Agency;
- (2) chairs of the standing committees with jurisdiction over the subject of the proposed regulation;
- (3) Administrative Regulation Review Committee;
- (4) legislative council.

(d) Within available staff resources and priorities set by the legislative council, the Legislative Affairs Agency shall assign one or more attorneys to conduct a review of proposed regulations. The review shall evaluate

- (1) the legality and constitutionality of the proposed regulation;
- (2) whether the state agency has statutory authority to adopt the proposed regulation to implement, interpret, make specific, or otherwise carry out a statute; and
- (3) whether the proposed regulation is consistent with the applicable statutes.

(e) In conducting its review under this section, the assigned attorney may consult with the Department of Law, the committee or council that requests the review under (b)(2) of this section, and the state agency proposing the regulation change. If the assigned attorney determines that the proposed action fails to meet the standards set out in (d) of this section, the assigned attorney shall notify, in writing, the Department of Law, the state agency, the Administrative Regulation Review Committee, the president of the senate, and the speaker of the house of representatives.

(f) In addition to the review specified in (d) of this section, the assigned attorney shall notify the Administrative Regulation Review Committee, the president of the senate, and the speaker of the house of representatives of any provision of the proposed regulation that may be inconsistent with legislative intent and appropriate for additional legislative oversight as a result.

(g) Except as provided in this section, the Legislative Affairs Agency may not release any information regarding its review of a proposed regulation under this section.

(h) The process of review of a proposed regulation under this section does not affect a state agency's authority to complete its proposed action regarding the regulation. Suggestions for changes to a proposed regulation made by the Legislative Affairs Agency are not binding on a state agency.

(i) No action may be brought for the failure of the Legislative Affairs Agency to conduct a legal review under this section.

(j) The provisions of (b) - (i) of this section do not apply to proposed regulations of the Board of Game or the Board of Fisheries.

(k) In this section, "proposed regulation" means a proposed adoption, amendment, or repeal of a regulation.

History -

(Sec. 2 ch 164 SLA 2004)

Cross References -

For provision exempting written notification provided under (e) of this section from the general right to inspect public records, see AS 40.25.120(a)(11).

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version HB 169
 () Publish Date _____

Identifier (file name) HB169-LEG-COU-03-10-2011 Dept. Affected Legislature
 Title "LAA Review of Proposed Regulations" Appropriation Legislative Council
 Allocation Legal and Research Services
 Sponsor House Judiciary Committee
 Requester House State Affairs & House Judiciary Committees OMB Component Number 2028

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES							
---------------------------	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version

Initial Version

Prepared by Shane Miller, Finance Manager
 Division Administrative Services Division
 Approved by Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
 Date/Time 3/10/11 1:22 PM
 Date 3/10/2011

Analysis

This fiscal note has zero impact on the Legislative Affairs Agency.

For the record
Mesta chairs Rep Gatto
to contrast with your last bill - HB 169 is unopposed and not controversial
HB 169

Mr. Chairman and members of the committee, thank you for hearing ~~this bill~~ today. This bill is a simple fix to two minor problems in an otherwise functioning review system. We have ~~Terry Lattinbach and/or~~ Lisa Kirsch, from Legal Services, online to answer the more technical questions. ~~Let me~~ give you an overview of the bill:

Here is a quick

- Statutes covering Legislative Legal Services' review of proposed agency regulations - AS 24.20.105 (e) ((those subject to the Administrative Procedures Act AS 44.62)) currently lists those who can request a review of regulations from Legal Services:
 - A standing committee
 - The Administrative Regulation Review Committee
 - Legislative Council
- Same statute also limits those who Legal Services is allowed to notify of the results of the review:
 - The Administrative Regulation Review Committee
 - President of the Senate
 - Speaker of the House
- These lists do not match.
- Additionally, Legal Services can only notify if the regulations FAIL TO MEET the statutory standards.

SSTA
4/3/12
had to leave
Carl-

What this bill does:

1. HB 169 adds "the committee or council that requested the review" to the list of those who can receive notice.
2. If the regulation implements newly enacted legislation, Legal Services may consult with and notify the Prime Sponsor (if still in the legislature)
3. Finally, it allows Legal Services to notify the requester that the regulations MEET the statutory standards.

Article 1. Legislative Council.

Section

- 10. Legislative council established
- 20. Membership
- 30. Term of membership
- 40. Vacancies
- 50. Executive director and staff
- 55. Information systems
- 60. Powers
- 61. Administrative services for legislature
- 62. Legislative internship program
- 65. Examination of regulations and opinions

Section

- 70. Revision of statutes
- 80. Intergovernmental cooperation
- 90. Assignment of projects
- 100. Research and drafting services for legislators
- 105. Review of proposed regulations
- 110. Meetings
- 120. Reports
- 130. Budgets
- 132. Legislative budget and expenses
- 140. Appropriations

Sec. 24.20.010. Legislative council established. The Alaska Legislative Council is established as a permanent interim committee and service agency of the legislature. The establishment of the council recognizes the need of the legislature for full-time technical assistance in accomplishing the research, reporting, bill drafting, and examination and revision of statutes, and general administrative services essential to the development of sound legislation in the public interest. (§ 1 ch 17 SLA 1960)

Cross references. — For related constitutional provisions, see Alaska Const., art. II, § 11.

NOTES TO DECISIONS

Named defendants. — Where neither the original nor the amended complaint gave any indication that the governor named the legislative council as a defendant in its limited capacity as a service agency, and where the complaints asserted no particular service-related acts or functions as a basis for proceeding against the council or its individual legislator-mem-

bers, the action came within the originally intended scope of Alaska Const., Art. 3, § 16's prohibition. *Legislative Council v. Knowles*, 988 P.2d 604 (Alaska 1999).

Cited in *State v. Haley*, 687 P.2d 305 (Alaska 1984); *Keller v. French*, 205 P.3d 299 (Alaska 2009).

Sec. 24.20.020. Membership. The legislative council is composed of the president of the senate and six other senators appointed by the president, and the speaker of the house of representatives and six other representatives appointed by the speaker. The membership from each house shall include at least one member from each of the two major political parties. The appointing authority in each house shall make and announce the appointment or reappointment of members of the council within 15 days after the convening of the first regular session of each legislature. (§ 2 ch 17 SLA 1960; am § 57 ch 69 SLA 1970; am § 1 ch 1 SLA 1973; am § 1 ch 1 SLA 1975)

Sec. 24.20.030. Term of membership. (a) Members serve for the duration of the legislature during which they are appointed.

(b) When a member of the council files a declaration of candidacy for an elective office other than that of member of either house of the legislature, and the member has not resigned from membership on the council, the member's council membership terminates on the date of filing. (§ 3 ch 17 SLA 1960; am § 1 ch 11 SLA 1975; am § 1 ch 146 SLA 1984)

Sec. 24.20.040. Vacancies. When a vacancy occurs in the statutory or appointive membership of the council, the presiding officer of the house incurring the vacancy shall fill the vacancy within 30 days. If the office of the president of the senate or speaker of the house of representatives becomes vacant and a vacancy occurs among the appointed members of the council, the remaining council members from the house incurring the vacancy shall appoint a new member. A legislator appointed to fill a vacancy shall be a member of the same political party as the member vacating the seat, when possible. (§ 4 ch 17 SLA 1960; am § 36 ch 53 SLA 1973; am § 2 ch 11 SLA 1975)

Sec. 24.20.065. Examination of regulations and opinions. (a) The legislative council shall annually examine administrative regulations, published opinions of state and federal courts and of the Department of Law, and final decisions adopted under AS 44.62 (Administrative Procedure Act) that rely on state statutes or the common law of the state to determine if

- (1) the courts and agencies are properly implementing legislative purposes;
- (2) there are court or agency expressions of dissatisfaction with state statutes or the common law of the state;
- (3) the opinions, decisions, or regulations indicate unclear or ambiguous statutes;
- (4) the courts have modified or revised the common law of the state.

(b) The legislative council shall prepare a comprehensive report of the annual examination with recommendations and, at the start of each regular session, notify the legislature that the report is available. (§ 1 ch 72 SLA 1963; am § 1 ch 19 SLA 1989; am § 46 ch 21 SLA 1995)

Sec. 24.20.070. Revision of statutes. (a) The legislature may direct the council to revise the laws of the state in the form of a bulk formal revision. At the direction of the legislature and within the limit of appropriations made, the council may enter into contracts for the printing, annotating, indexing, and distribution of a revision of the laws of the state. The council receives sufficient copies of a revision for exchange with other states and jurisdictions. A revision prepared by the council under authority of this section shall be referred to the legislature for enactment or adoption.

(b) Statute revision is a continuing responsibility of the council. The general and permanent acts of each regular and special session of the legislature shall be integrated with and published as annual supplements to or replacement pamphlets for the Alaska Statutes. (§ 7 ch 17 SLA 1960; am § 5 ch 100 SLA 1963)

NOTES TO DECISIONS

Cited in Employment Sec. Comm'n v. Wilson, 461 P.2d 425 (Alaska 1969).

Sec. 24.20.075. Alaska Code Revision Commission. [Repealed, § 33 ch 23 SLA 1995.]

Sec. 24.20.080. Intergovernmental cooperation. The council may encourage and arrange conferences with officials of other states and nations and of other units of government and propose cooperation between this state and other states and nations. The council constitutes the Alaska Commission on Interstate Cooperation in participating in and carrying out the programs of the Council of State Governments as they apply to Alaska. The chairman of the council serves as chairman of the commission. (§ 8 ch 17 SLA 1960; am § 6 ch 126 SLA 1966; am § 1 ch 6 SLA 1972)

Sec. 24.20.090. Assignment of projects. The council may be assigned projects or subjects for study, reporting, or drafting. Assignment shall be by resolution. The council may determine a schedule of priorities for these and other assignments or requests based on feasibility, time, and the availability of funds and staff. (§ 9 ch 17 SLA 1960)

Sec. 24.20.100. Research and drafting services for legislators. Members of the legislature may utilize the research and bill drafting services of the Legislative Affairs Agency. Requests by members of the legislature are confidential. Staff services for members of the legislature shall be accomplished subject only to the priority of assignments determined by the council. (§ 10 ch 17 SLA 1960)

Sec. 24.20.105. Review of proposed regulations. (a) The Legislative Affairs Agency may review each proposed regulation that is subject to AS 44.62.010 — 44.62.300

(Administrative Procedure Act). A review of proposed regulations under this section must be conducted by an attorney employed by that agency.

(b) Reviews shall be conducted under (a) of this section in the following order of priority:

- (1) proposed regulations that would implement newly enacted legislation;
- (2) proposed regulations requested in writing to be reviewed by a standing committee, the Administrative Regulation Review Committee, or the legislative council as implicating major policy development.

(c) Under AS 44.62.190(a)(7), the notice of proposed action, along with a copy of the proposed regulation, shall be furnished electronically by the state agency to the

- (1) Legislative Affairs Agency;
- (2) chairs of the standing committees with jurisdiction over the subject of the proposed regulation;

(3) Administrative Regulation Review Committee;

(4) legislative council.

(d) Within available staff resources and priorities set by the legislative council, the Legislative Affairs Agency shall assign one or more attorneys to conduct a review of proposed regulations. The review shall evaluate

- (1) the legality and constitutionality of the proposed regulation;
- (2) whether the state agency has statutory authority to adopt the proposed regulation to implement, interpret, make specific, or otherwise carry out a statute; and
- (3) whether the proposed regulation is consistent with the applicable statutes.

(e) In conducting its review under this section, the assigned attorney may consult with the Department of Law, the committee or council that requests the review under (b)(2) of this section, and the state agency proposing the regulation change. If the assigned attorney determines that the proposed action fails to meet the standards set out in (d) of this section, the assigned attorney shall notify, in writing, the Department of Law, the state agency, the Administrative Regulation Review Committee, the president of the senate, and the speaker of the house of representatives.

(f) In addition to the review specified in (d) of this section, the assigned attorney shall notify the Administrative Regulation Review Committee, the president of the senate, and the speaker of the house of representatives of any provision of the proposed regulation that may be inconsistent with legislative intent and appropriate for additional legislative oversight as a result.

(g) Except as provided in this section, the Legislative Affairs Agency may not release any information regarding its review of a proposed regulation under this section.

(h) The process of review of a proposed regulation under this section does not affect a state agency's authority to complete its proposed action regarding the regulation. Suggestions for changes to a proposed regulation made by the Legislative Affairs Agency are not binding on a state agency.

(i) No action may be brought for the failure of the Legislative Affairs Agency to conduct a legal review under this section.

(j) The provisions of (b) — (i) of this section do not apply to proposed regulations of the Board of Game or the Board of Fisheries.

(k) In this section, "proposed regulation" means a proposed adoption, amendment, or repeal of a regulation. (§ 2 ch 164 SLA 2004)

Cross references. — For provision exempting from the general right to inspect public records, see written notification provided under (e) of this section AS 40.25.120(a)(11).

Sec. 24.20.110. Meetings. The legislative council may meet during sessions of the legislature and during intervals between sessions at such times and places inside the state as the chairman may determine. The council shall meet immediately after the appointment of its membership at the first regular session of each legislature for

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
REPRESENTATIVE CARL GATTO, CHAIR

copy

COMMITTEE MEMBERS:
REP. STEVE THOMPSON, VICE CHAIR
REP. BOB LYNN
REP. WES KELLER
REP. LANCE PRUITT
REP. LINDSEY HOLMES
REP. MAX GRUENBERG



STATE CAPITOL BUILDING, RM 120
JUNEAU, AK 99801-1182
PHONE: 907-465-4990
FAX: 907-465-2381
HOUSE_JUDICIARY@LEGIS.STATE.AK.US

TO: Senator Hollis French, Chair
Senate Judiciary Committee

FROM: Representative Carl Gatto, Chair
House Judiciary Committee

DATE: April 5, 2012

RE: Request for scheduling of HB 169

Enclosed is the packet for HB 169, "*an Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date*" also called "LAA Review of Proposed Regulations." I have included a sponsor statement, the original version of the bill, and a memo from Legal Services.

I would appreciate if you would schedule this bill, pending referral from the Senate State Affairs Committee, for a hearing in Senate Judiciary Committee at your earliest convenience. I appreciate your time and look forward to a hearing.

Please contact my staff member, Melanie Lesh at 465-4990, with any questions or comments regarding this request.

Thank you for your consideration.

1. HB169 Bill Packet Contents
2. HB169 Sponsor Statement 03-08-11
3. HB169 Version A 02-23-11
4. HB169 Relevant Statutes 24.20.105
5. HB169 Fiscal Note-LEG-COU 03-10-2011
6. HB169 Supporting Documents-Memo Legal Services 02-18-11

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
REPRESENTATIVE CARL GATTO, CHAIR

COMMITTEE MEMBERS:
REP. STEVE THOMPSON, VICE CHAIR
REP. BOB LYNN
REP. WES KELLER
REP. LANCE PRUITT
REP. LINDSEY HOLMES
REP. MAX GRUENBERG



STATE CAPITOL BUILDING, RM 120
JUNEAU, AK 99801-1182
PHONE: 907-465-4990
FAX: 907-465-2381
HOUSE_JUDICIARY@LEGIS.STATE.AK.US

TO: Senator Bill Wielechowski, Chair
Senate State Affairs Committee

A handwritten signature in black ink that reads "Carl Gatto".

FROM: Representative Carl Gatto, Chair
House Judiciary Committee

DATE: January 18, 2012

RE: Request for a hearing of HB 169

Enclosed is the committee packet for HB 169, "*an Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date*" also called "LAA Review of Proposed Regulations." I have included a sponsor statement, the original version of the bill, and a memo from Legal Services.

I would appreciate a hearing before the State Affairs Committee at your earliest convenience. I appreciate your time and look forward to your reply.

Please contact my staff member, Melanie Lesh at 465-4990, with any questions or comments regarding this request.

Thank you for your consideration.

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
REPRESENTATIVE CARL GATTO, CHAIR

COMMITTEE MEMBERS:
REP. STEVE THOMPSON, VICE CHAIR
REP. BOB LYNN
REP. WES KELLER
REP. LANCE PRUITT
REP. LINDSEY HOLMES
REP. MAX GRUENBERG



STATE CAPITOL BUILDING, RM 120
JUNEAU, AK 99801-1182
PHONE: 907-465-4990
FAX: 907-465-2381
HOUSE_JUDICIARY@LEGIS.STATE.AK.US

Sponsor Statement
HB 169

"An Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date."

HB 169 closes gaps in the regulation review statutes. The Legislative Affairs Agency (LAA) attorneys review proposed regulations, including those from newly enacted legislation and at the request of a standing committee, the Administrative Regulations Review Committee, and the Legislative Council. However, if the attorney finds that the proposed regulations fail to meet statutory standards, the only legislative entities they are allowed to notify are the Administrative Regulation Review Committee, the Speaker of the House, and the President of the Senate. Additionally, LAA cannot currently notify anyone if the regulation meets statutory standards.

HB 169 allows LAA to notify the committee or council that requested the review that the regulations do not meet statutory standards. In addition, if the proposed regulation implements newly passed legislation, LAA would be able to consult with and notify the prime sponsor of that legislation, if the prime sponsor is still a sitting legislator. Finally, HB 169 allows LAA to notify the requester of the review if the attorney determines that the regulations meet statutory standards.

HB 169 is a simple fix to two minor problems in an otherwise functioning review system. It will give the benefits of the review process to those who need it most.

Sarah Munson
(907) 465-4990
27-LS0559\A
03/08/11

HOUSE BILL NO. 169

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 2/23/11
Referred: State Affairs, Judiciary

MB Sundry draft

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the review of proposed regulations by the Legislative Affairs
2 Agency; and providing for an effective date."

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

4 * Section 1. AS 24.20.105(e) is amended to read:

5 (e) In conducting its review under this section, the assigned attorney may
6 consult with the Department of Law, the committee or council that requests the review
7 under (b)(2) of this section, and the state agency proposing the regulation change.

8 With respect to proposed regulations that implement newly enacted legislation as
9 described in (b)(1) of this section, the assigned attorney may also consult with ^{each} [the

10 prime sponsor of the legislation ^{who} [if the prime sponsor] is a member of the
11 legislature at the time of the review. If the assigned attorney determines that the

12 proposed regulations fail [ACTION FAILS] to meet the standards set out in (d) of
13 this section, the assigned attorney shall notify, in writing, the Department of Law, the
14 state agency, the Administrative Regulation Review Committee, the president of the

1 senate, [AND] the speaker of the house of representatives, and the committee or
 2 council, if any, that requested the review under (b)(2) of this section. If the review
 3 involves proposed regulations that implement newly enacted legislation as
 4 described in (b)(1) of this section and ~~the~~^{any} prime sponsor of that legislation is a
 5 member of the legislature at the time of the review, the assigned attorney shall
 6 also notify ~~the~~^{the} prime sponsor, in writing, if the proposed regulations fail to meet
 7 the standards set out in (d) of this section. If, after performing a review requested
 8 under (b)(2) of this section, the assigned attorney determines that the proposed
 9 regulations meet the standards set out in (d) of this section, the assigned attorney
 10 shall communicate that determination to the requester.

11 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
 12 read:

13 APPLICABILITY. This Act applies to review of proposed regulations under
 14 AS 24.20.105 pending with the Legislative Affairs Agency on the effective date of this Act
 15 for which the public comment period has not expired, regardless of when the notice of
 16 proposed regulations was received by the Legislative Affairs Agency.

17 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

Sec. 24.20.065. Examination of regulations and opinions. (a) The legislative council shall annually examine administrative regulations, published opinions of state and federal courts and of the Department of Law, and final decisions adopted under AS 44.62 (Administrative Procedure Act) that rely on state statutes or the common law of the state to determine if

- (1) the courts and agencies are properly implementing legislative purposes;
- (2) there are court or agency expressions of dissatisfaction with state statutes or the common law of the state;
- (3) the opinions, decisions, or regulations indicate unclear or ambiguous statutes;
- (4) the courts have modified or revised the common law of the state.

(b) The legislative council shall prepare a comprehensive report of the annual examination with recommendations and, at the start of each regular session, notify the legislature that the report is available. (§ 1 ch 72 SLA 1963; am § 1 ch 19 SLA 1989; am § 46 ch 21 SLA 1995)

Sec. 24.20.070. Revision of statutes. (a) The legislature may direct the council to revise the laws of the state in the form of a bulk formal revision. At the direction of the legislature and within the limit of appropriations made, the council may enter into contracts for the printing, annotating, indexing, and distribution of a revision of the laws of the state. The council receives sufficient copies of a revision for exchange with other states and jurisdictions. A revision prepared by the council under authority of this section shall be referred to the legislature for enactment or adoption.

(b) Statute revision is a continuing responsibility of the council. The general and permanent acts of each regular and special session of the legislature shall be integrated with and published as annual supplements to or replacement pamphlets for the Alaska Statutes. (§ 7 ch 17 SLA 1960; am § 5 ch 100 SLA 1963)

NOTES TO DECISIONS

Cited in *Employment Sec. Comm'n v. Wilson*, 461 P.2d 425 (Alaska 1969).

Sec. 24.20.075. Alaska Code Revision Commission. [Repealed, § 33 ch 23 SLA 1995.]

Sec. 24.20.080. Intergovernmental cooperation. The council may encourage and arrange conferences with officials of other states and nations and of other units of government and propose cooperation between this state and other states and nations. The council constitutes the Alaska Commission on Interstate Cooperation in participating in and carrying out the programs of the Council of State Governments as they apply to Alaska. The chairman of the council serves as chairman of the commission. (§ 8 ch 17 SLA 1960; am § 6 ch 126 SLA 1966; am § 1 ch 6 SLA 1972)

Sec. 24.20.090. Assignment of projects. The council may be assigned projects or subjects for study, reporting, or drafting. Assignment shall be by resolution. The council may determine a schedule of priorities for these and other assignments or requests based on feasibility, time, and the availability of funds and staff. (§ 9 ch 17 SLA 1960)

Sec. 24.20.100. Research and drafting services for legislators. Members of the legislature may utilize the research and bill drafting services of the Legislative Affairs Agency. Requests by members of the legislature are confidential. Staff services for members of the legislature shall be accomplished subject only to the priority of assignments determined by the council. (§ 10 ch 17 SLA 1960)

Sec. 24.20.105. Review of proposed regulations. (a) The Legislative Affairs Agency may review each proposed regulation that is subject to AS 44.62.010 — 44.62.30

(Administrative Procedure Act) shall be conducted by an attorney. (b) Reviews shall be on priority:

- (1) proposed regulations;
 - (2) proposed regulations that the Administrative Regulations Board is reviewing major policy development.
- (c) Under AS 44.62.190

(1) Legislative Affairs Agency chairs of the standing regulation;

- (3) Administrative Regulations legislative council.

(d) Within available staff, Legislative Affairs Agency proposed regulations. The

- (1) the legality and constitutionality of the proposed regulation;
- (2) whether the state agency is implementing, interpreting, or
- (3) whether the proposed regulation is

(e) In conducting its review of the Department of Law, the attorney determines that this section, and the state attorney determines that this section, the assigned state agency, the Administrative Affairs, and the speaker of

(f) In addition to the review, the Administrative Affairs notify the speaker of the house that may be inconsistent with oversight as a result.

(g) Except as provided in any information regarding

(h) The process of review of a state agency's authority. Suggestions for changes that are not binding on a state

(i) No action may be brought for a legal review under this

(j) The provisions of (b) of the Board of Game or the Board

(k) In this section, "proposed regulation" means a proposed repeal of a regulation. (§

Cross references. — For written notification provided under

Sec. 24.20.110. Meetings. The legislature and during its session the chairman and members of the legislature shall be appointed of its members

n 90 consecutive calendar
ular session. (§ 15 ch 157

enor. The lieutenant governor
of the 2006 general election on
reby giving 2006 General Elec-
No. 1 an actual effective date of
ossible, however, that § 2, 2006
ot Measure No. 1 will be inter-
ility section, in which case sub-
pply until the first day of the
ion of the 25th Alaska State

ces. — 72 Am. Jur. 2d, States,
ndencies, § 58.
§ 50.

; new members. On the
gislature, the lieutenant
roll of its districts and the
d from each district. The
oath of office of each new
mination of a temporary
the temporary presiding
each house shall proceed
le to perform the duties
hall act in the lieutenant

ces. — 72 Am. Jur. 2d, States,
ndencies, §§ 37, 38.
§ 41.

ssions; new members.
or a special session of the
sion shall administer the
f the house in accordance
1 ch 100 SLA 1963)

is sworn in as a member of the
to this section. 1959 Op. Att'y

standing committees to
es of the legislature. The
needed, by the presiding
se of joint committees to

959; am § 1 ch 143 SLA

Article 4. Committees.

Section

182. Review of administrative regulations by stand-
ing committees of the legislature
184. Termination of interim committee membership

Sec. 24.05.182. Review of administrative regulations by standing committees of the legislature. (a) A standing committee of the legislature furnished notice of a proposed action under AS 44.62.190 shall review the proposed regulation, amendment of a regulation, or repeal of a regulation before the date the regulation is scheduled by the department or agency to be adopted, amended, or repealed.

(b) A standing committee conducting a review of a regulation under (a) of this section shall determine whether the regulation properly implements legislative intent.

(c) A standing committee shall conduct preliminary reviews under this section while the legislature is in session and during the interim between legislative sessions.

(d) If a standing committee determines that a regulation, amendment to a regulation, or repeal of a regulation does not properly implement legislative intent, the standing committee's findings shall be transmitted to the Administrative Regulation Review Committee. (§ 4 ch 1 SLA 1982)

Revisor's notes. — Enacted as AS 24.99.001. Re-
numbered as AS 24.37.010 in 1982. Renumbered
again in 1985.

Cross references. — For provisions related to the
Administrative Regulation Review Committee, see AS
24.20.400 — 24.20.460.

Sec. 24.05.184. Termination of interim committee membership. When a member of the legislature who serves on a committee created during a between-session interim by either house or its presiding officers, the legislative council or the Legislative Budget and Audit Committee, files a declaration of candidacy for an elective office other than that of member of either house of the legislature, and the member has not resigned from membership on the interim committee, the member's interim committee membership terminates on the date of filing. (§ 5 ch 11 SLA 1975)

Revisor's notes. — Formerly AS 24.05.087. Re-
numbered in 1985.

Article 5. Legislative Space.

Section

190. Control of legislative space

Sec. 24.05.190. Control of legislative space. (a) The state capitol, with the exception of the capitol space now occupied by the Office of the Governor, and space occupied in any other state building by the legislature or its agencies is under the control of and subject to assignment by the Legislative Affairs Agency as directed by the legislature. The Legislative Affairs Agency is responsible for the equitable allocation of parking spaces at the capitol according to the needs of the legislature and other agencies occupying capitol offices.

(b) Access to legislative space during sessions is generally governed by the uniform rules of the legislature and by (a) of this section. During a session of the legislature a person not a member or an authorized employee of the legislature or its agencies may not, without the invitation of the presiding officer or the house, enter upon the floor of either house while it is sitting, or enter upon the floor of either house during a recess or when adjourned for the day, without the invitation of a member of that house. (§ 21 ch 157 SLA 1959; am § 5 ch 47 SLA 1961; am § 3 ch 126 SLA 1966; am § 1 ch 10 SLA 1976)

Sec. 24.05.200. [Renumbered as AS 24.20.061.]

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 23, 2011

SUBJECT: Confidential memos and the Alaska Rules of Professional Conduct (HB 169; Work Order No. 27-LS0559\A)

TO: Representative Max Gruenberg

FROM: Lisa Moritz Kirsch 
Legislative Counsel

At the hearing in the House State Affairs Committee yesterday, you requested a legal opinion on the effect of the changes proposed in HB 169 on attorney-client confidentiality required by the Alaska Rules of Court. After reviewing the Rules of Professional Conduct contained in the Alaska Rules of Court, I continue to hold the opinion I expressed at the hearing, that the passage of HB 169 would not require a court rule change.

HB 169 adds new recipients to the list of legislators who may receive certain confidential written analyses of proposed regulations from legislative legal. This list currently appears in AS 24.20.105(e), the existing statute governing review of proposed regulations by legislative counsel.¹ The new recipients would be legislators who sponsored recently enacted legislation being implemented by the proposed regulations or members of a standing committee or the Legislative Council if that committee or council requested a review of proposed regulations.² In the bill, the amended subsection AS 24.20.105(e) reads:

(e) In conducting its review under this section, the assigned attorney may consult with the Department of Law, the committee or

¹ The legislators and executive agencies currently on the list of recipients for these regulation review memos are: the Department of Law, the agency that proposed the regulations, the members of the Administrative Regulations Review Committee, the President of the Senate, and the Speaker of the House.

² These new recipients would only receive a memo if the review was conducted under AS 24.20.105. In the situation Representative Johansen raised yesterday, where an individual legislator made a request for an opinion on proposed regulations under AS 24.20.100, the resulting opinion would only go to the legislator who requested it, and the fact that a particular legislator requested an opinion would remain confidential and legislative legal could not alert the sponsor of any newly enacted statute.

council that requests the review under (b)(2) of this section, and the state agency proposing the regulation change. **With respect to proposed regulations that implement newly enacted legislation as described in (b)(1) of this section, the assigned attorney may also consult with the prime sponsor of the legislation if the prime sponsor is a member of the legislature at the time of the review.** If the assigned attorney determines that the proposed **regulations fail** [ACTION FAILS] to meet the standards set out in (d) of this section, the assigned attorney shall notify, in writing, the Department of Law, the state agency, the Administrative Regulation Review Committee, the president of the senate, [AND] the speaker of the house of representatives, **and the committee or council, if any, that requested the review under (b)(2) of this section.** **If the review involves proposed regulations that implement newly enacted legislation as described in (b)(1) of this section and the prime sponsor of that legislation is a member of the legislature at the time of the review, the assigned attorney shall also notify the prime sponsor, in writing, if the proposed regulations fail to meet the standards set out in (d) of this section. If, after performing a review requested under (b)(2) of this section, the assigned attorney determines that the proposed regulations meet the standards set out in (d) of this section, the assigned attorney shall communicate that determination to the requester.**

The applicable court rule that applies to the keeping of confidences by attorneys appears in the Rules of Professional Conduct. It reads:

Rule 1.6. Confidentiality of Information.

(a) A lawyer shall not reveal a client's confidence or secret unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation and disclosures permitted by paragraph (b) below or Rule 3.3. For purposes of this rule, "confidence" means information protected by the attorney-client privilege under applicable law, and "secret" means other information gained in the professional relationship if the client has requested it be held confidential or if it is reasonably foreseeable that disclosure of the information would be embarrassing or detrimental to the client. In determining whether information relating to representation of a client is protected from disclosure under this rule, the lawyer shall resolve any uncertainty about whether such information can be revealed against revealing the information.

(b) A lawyer may reveal a client's confidence or secret to the extent the lawyer reasonably believes necessary:

(1) to prevent reasonably certain:

(A) death;

(B) substantial bodily harm; or

- (C) wrongful execution or incarceration of another;
 - (2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;
 - (3) to prevent, mitigate, or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;
 - (4) to secure legal advice about the lawyer's compliance with these Rules;
 - (5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client; or
 - (6) to comply with other law or a court order.
- (c) A lawyer must act competently to safeguard a client's confidences and secrets against inadvertent or unauthorized disclosure by the lawyer, by other persons who are participating in the representation of the client, or by any other persons who are subject to the lawyer's supervision. See Rules 1.1, 5.1, and 5.3. When transmitting a communication that includes a client's confidence or secret, the lawyer must take reasonable precautions to prevent this information from coming into the hands of unintended recipients.

Under existing AS 24.20.105(g), legislative legal is generally required to keep review information confidential. It reads:

- (g) Except as provided in this section, the Legislative Affairs Agency may not release any information regarding its review of a proposed regulation under this section.

The specific exceptions to this general rule of confidentiality in the existing and proposed statute do two things. First, the exceptions in AS 24.20.105(e) trigger the exception in Rule 1.6 of the Rules of Professional Conduct. Under Rule 1.6(b)(6), an attorney may release a document to comply with other law or a court order. Second, the exceptions of AS 24.20.105(e) act as a narrowly defined waiver of the attorney-client confidentiality between legislative legal counsel and the legislators. For these reasons, HB 169 does not conflict with the Rules of Professional Conduct in the Alaska Rules of Court, and the bill will not necessitate a court rule change.

I contacted Steve Van Goor, Bar Counsel at the Alaska Bar Association, and he concurred with my analysis of this issue. He added that the rule on organizations as clients, Rule 1.13 of the Rules of Professional Responsibility, also supports this position. He argued that the legislature is analogous to an organization, and legislators could be

Representative Max Gruenberg

March 23, 2011

Page 4

considered the duly authorized officers of the legislative body with authority to waive confidentiality by legislation.

If you have further questions, feel free to contact us.

LMK:ljw
11-188.ljw

Mr. Chairman and members of the committee, thank you for hearing this bill today. This bill is a simple fix to two minor problems in an otherwise functioning review system. We have Lisa Kirsch, from Legal Services, here to answer the more technical questions. Let me give you an overview of the bill:

- The statute currently enumerates those who can request a review of regulations from Legal Services:
 - A standing committee
 - The Administrative Regulation Review Committee
 - Legislative Council
- The statute also enumerates those whom Legal Services is allowed to notify of the results of the review:
 - The Administrative Regulation Review Committee
 - President of the Senate
 - Speaker of the House
- These lists do not match.
- Additionally, Legal Services can only notify if the regulations FAIL TO MEET the statutory standards.

What this bill does:

1. HB 169 adds “the committee or council that requested the review” to the list of those who can receive notice.
2. If the regulation implements newly enacted legislation, Legal Services may consult with and notify the Prime Sponsor (if still in the legislature)
3. Finally, it allows Legal Services to notify the requester that the regulations MEET the statutory standards.

27-LS0559\A
Kirsch
2/15/11

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the review of proposed regulations by the Legislative Affairs
2 Agency; and providing for an effective date."

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

4 * **Section 1.** AS 24.20.105(e) is amended to read:

5 (e) In conducting its review under this section, the assigned attorney may
6 consult with the Department of Law, the committee or council that requests the review
7 under (b)(2) of this section, and the state agency proposing the regulation change.

8 With respect to proposed regulations that implement newly enacted legislation as
9 described in (b)(1) of this section, the assigned attorney may also consult with the
10 prime sponsor of the legislation if the prime sponsor is a member of the
11 legislature at the time of the review. If the assigned attorney determines that the

12 proposed regulations fail [ACTION FAILS] to meet the standards set out in (d) of
13 this section, the assigned attorney shall notify, in writing, the Department of Law, the
14 state agency, the Administrative Regulation Review Committee, the president of the

1 senate, [AND] the speaker of the house of representatives, and the committee or
2 council, if any, that requested the review under (b)(2) of this section. If the review
3 involves proposed regulations that implement newly enacted legislation as
4 described in (b)(1) of this section and the prime sponsor of that legislation is a
5 member of the legislature at the time of the review, the assigned attorney shall
6 also notify the prime sponsor, in writing, if the proposed regulations fail to meet
7 the standards set out in (d) of this section. If, after performing a review requested
8 under (b)(2) of this section, the assigned attorney determines that the proposed
9 regulations meet the standards set out in (d) of this section, the assigned attorney
10 shall communicate that determination to the requester.

11 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 APPLICABILITY. This Act applies to review of proposed regulations under
14 AS 24.20.105 pending with the Legislative Affairs Agency on the effective date of this Act
15 for which the public comment period has not expired, regardless of when the notice of
16 proposed regulations was received by the Legislative Affairs Agency.

17 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
REPRESENTATIVE CARL GATTO, CHAIR

COMMITTEE MEMBERS:
REP. STEVE THOMPSON, VICE CHAIR
REP. BOB LYNN
REP. WES KELLER
REP. LANCE PRUITT
REP. LINDSEY HOLMES
REP. MAX GRUENBERG



STATE CAPITOL BUILDING, RM 120
JUNEAU, AK 99801-1182
PHONE: 907-465-4990
FAX: 907-465-2381
HOUSE_JUDICIARY@LEGIS.STATE.AK.US

TO: Representative Bob Lynn, Chair
House State Affairs Committee

A handwritten signature in black ink that reads "Carl Gatto".

FROM: Representative Carl Gatto, Chair
House Judiciary Committee

DATE: March 8, 2011

RE: Request for a hearing of HB 169

Enclosed is the committee packet for HB 169, "*an Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date*" also called "LAA Review of Proposed Regulations." I have included a sponsor statement, the original version of the bill, and a memo from Legal Services.

I would appreciate a hearing before the State Affairs Committee at your earliest convenience. I appreciate your time and look forward to your reply.

Please contact my staff member, Sarah Munson at 465-4990, with any questions or comments regarding this request.

Thank you for your consideration.

Steps in the Regulation Adoption Process

