

HB

216

<TARGET><BILL>HB 216</BILL><SUBJECT>HB
216</SUBJECT><COMM>HJUD27</COMM></TARGET>

27-LS0701VR
Bannister
2/9/12

CS FOR HOUSE BILL NO. 216()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES PEGGY WILSON, Lynn

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to fiscal notes for bills directing or resulting in the adoption,**
2 **amendment, or repeal of regulations, and to the notice required for the proposed**
3 **adoption, amendment, or repeal of a regulation; and providing for an effective date."**

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

5 *** Section 1.** AS 24.08.035 is amended by adding new subsections to read:

6 (f) In addition to the other requirements of this section, if a bill directs an
7 agency in the executive branch of state government to adopt, amend, or repeal a
8 regulation or will result in an agency's adopting, amending, or repealing a regulation,
9 the department affected shall include in the fiscal note for the bill a specific time by
10 which the agency shall adopt, amend, or repeal the regulation. If the agency is not able
11 to meet the deadline set in the fiscal note, the agency shall

12 (1) set a new deadline; and

13 (2) report to the Administrative Regulation Review Committee the
14 new deadline and the reasons for being unable to meet the deadline set in the fiscal

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note.

(g) In (f) of this section, "agency" includes the Alaska Housing Finance Corporation, the Alaska Industrial Development and Export Authority, the Alaska Public Offices Commission, and the Alaska Oil and Gas Conservation Commission, but does not include other boards or commissions.

AEA

* **Sec. 2.** AS 44.62.200 is amended by adding a new subsection to read:

(d) When a state agency, other than the Regulatory Commission of Alaska, the Board of Fisheries, or the Board of Game, posts a notice of the proposed adoption, amendment, or repeal of a regulation on the Alaska Online Public Notice System or furnishes the notice in an electronic format under AS 44.62.190(a), a brief description of the changes made by the proposed adoption, amendment, or repeal must accompany the notice that is posted on the Alaska Online Public Notice System or furnished in an electronic format under AS 44.62.190(a). The brief description shall be written in clear, easily readable language that a person without a legal background is able to understand. Notwithstanding AS 44.62.300, an action may not be brought for failure of the brief description to comply with the requirements of this subsection relating to the description of the changes or its clarity and readability.

* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 24.08.035(f) and (g), enacted by sec. 1 of this Act, apply to bills that are filed on or after the effective date of this Act.

(b) AS 44.62.200(d), enacted by sec. 2 of this Act, applies to the proposed adoption, amendment, or repeal of a regulation on or after the effective date of this Act.

* **Sec. 4.** This Act takes effect July 1, 2012.

will use
this or alternatively

27-LS0701\T.2
Bannister
2/8/12

a new
CS...

(same content)

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE PEGGY WILSON as

TO: CSHB 216(), Draft Version "T"

CS R

- 1 Page 1, line 3, following "regulation":
- 2 Insert "; and providing for an effective date"
- 3
- 4 Page 1, line 5:
- 5 Delete "new subsections"
- 6 Insert "a new subsection"
- 7
- 8 Page 1, line 9:
- 9 Delete "fiscal note for the bill must set a specific time by which the regulation must be
- 10 adopted, amended, or repealed"
- 11 Insert "department affected shall include in the fiscal note for the bill a specific time
- 12 by which the agency shall adopt, amend, or repeal the regulation"
- 13
- 14 Page 2, lines 2 - 6:
- 15 Delete all material.
- 16 Insert "(g) In (f) of this section, "agency" includes the Alaska Housing Finance
- 17 Corporation, the Alaska Industrial Development and Export Authority, the Alaska Public
- 18 Offices Commission, and the Alaska Oil and Gas Conservation Commission, but does not
- 19 include another board or commission."
- 20
- 21 Page 2, lines 2 - 6:
- 22 Delete all material.
- 23

- 1 Page 2, following line 25:
- 2 Insert a new bill section to read:
- 3 **** Sec. 4. This Act takes effect July 1, 2012.****

*C2 Rep. Greenberg check
this?*

ALASKA STATE LEGISLATURE

Interim:
P.O. Box 109
Wrangell, AK 99929
Phone: (907) 874-3088
Fax: (907) 874-3055

Session:
State Capitol, Room 406
Juneau, AK 99801-1182
Phone: (907) 465-3824
1-800-686-3824
Fax: (907) 465-3175

REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

SPONSOR STATEMENT
House Bill 216

*Carl -
Heard + held twice
1/31 & 2/3
New CS or amdt.*

“An Act relating to deadlines in bills directing the adoption of regulations and to the informative summary required for the proposed adoption, amendment, or repeal of a regulation.”

HB 216 will accomplish two goals relating to changes to state regulations; increasing the speed with which regulations are written, and describing in plain, easy-to-understand language all regulations that are adopted, amended or repealed.

Legislators and the public have often been frustrated by the fact that months, or even years, sometimes pass between the time that a bill is passed by the legislature and the time the regulation is implemented. The result is, Alaska residents, businesses and legislators are confused about what the change means. As an example: as we were looking at the governor's House Bill 110, on oil taxes, we didn't have proof of what regulations were currently being enforced because the ACES regulations hadn't even been written - three years after we passed the legislation. The same confusion can impact individuals who are unclear about when, or if, new regulations concerning their business or recreational activities take effect. HB 216 states that any bill requiring creation or modification of any regulation must include a regulation completion deadline.

The other problem addressed by this bill is the confusion and lack of understanding of many proposed regulation changes or new additions. This confusion is caused by the legalese used to describe proposed regulations. This language, while accurately and legally describing proposed regulations, is difficult to understand by the average individual. HB 216 will require that all proposed regulation changes include descriptions, in plain English, of what the original regulation does and what the proposed change will do.

Passage of this legislation will encourage public participation in the regulation review process, as people find it easier to understand what the regulations mean to them. It will also help speed passed legislation to implementation when regulations are completed in a set, scheduled timeframe.

The State Affairs committee passed the bill with two amendments that clarified the informative summary language.

ALASKA STATE LEGISLATURE

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REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

MEMORANDUM

Date: February 3, 2012

To: Representative Carl Gatto, Chair, Judiciary Committee

From: Representative Peggy Wilson

RE: **HB 216 "Regulations: Informative Summary/Bills"**
February 3, 2012 meeting

Changes for HB216 from Version E to Version T for

House Judiciary Committee Meeting on February 3, 2012

Sponsor, Representative Peggy Wilson ~ Staff, Sheila Finkenbinder, 465-6887

Version T incorporates new language that responds to the issues that were brought up in this committee last Monday and subsequently by the Department of Law. Here is a summary of the changes.

The first thing you'll notice is that the long title of the bill has been changed to reflect that it is now about "Fiscal Notes for bills directing or resulting in the adoption, amendment or repeal of regulations".

Next, you will notice that Section 1 now amends AS 24.08.035 - Fiscal notes on bills rather than adding a section to **AS 24.08 - Enactments**

- Rep. Gruenberg – You had several questions and comments, which we have addressed in this new CS.
 - I agree with you that this bill should state that the timeline should be noted in the fiscal note. As stated earlier, this has been fixed with the changes noted above. In addition to that:

- In Section 1, (f), on line 6, you will notice it now states “**if a bill directs** an agency in the executive branch of state government to adopt, amend, or repeal a regulation **or will result in** an agency adopting, amending, or repealing a regulation, the fiscal note **must**”
- You asked about the advisability of requiring agencies to set a new deadline if they don’t meet the first one. Section 1 now takes care of that in: (f) (1) on line 12. P, \
- Rep. Holmes – You also had several questions.
 - You asked if we wanted to keep the word “must” in Section 1 or if it could be changed to “may”. I believe the answer is **Yes**, we want to use the word ‘must’. If we don’t say that agencies ‘must’ set deadlines and provide descriptive summaries of their regulations, some of them will do nothing, and we will see no improvements in this frustrating process. You will now find that ‘must’ on line 9.
 - Your suggestion to use the term “**cross-referencing**” in Section 2, on page 2, rather than “following Internet links”, **has been implemented**. You’ll find that change on page 2, line 16.
- After much consideration, I have decided to include some boards and commissions in the requirements of Section 1. On page 2, lines 4-6, you will see that “state boards and commissions” **does not include** the Alaska Housing Finance Corporation, the Alaska Industrial Development and Export Authority, the Alaska Public Offices Commission or the Alaska Oil and Gas Conservation Commission.
 - I am still open to adding the names of other boards and commissions that should also be expected to meet deadlines when adopting regulations or making changes.
- The Department of Law Attorney General’s office has made some suggestions for changes that respond to committee members’ concerns. I believe that all of them have been integrated into this CS.
 - Section 2, on page 2 now includes the words “brief description” several times, clarifying that this new subsection about ‘posted notices’ will not be confused as the formal ‘notice’ requirement.
 - Their other concern was the way in which the bill referred to the deadline for adopting regulations, amendments or repeals. The language now indicates that the agency is required to report if a deadline is not met, but this will not be stated in the fiscal note.

27-LS0701VT
Bannister
2/2/12

CS FOR HOUSE BILL NO. 216()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES PEGGY WILSON, Lynn

*affects -> 1 agency
yet addresses only
1 agency*

A BILL

FOR AN ACT ENTITLED

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9 the fiscal note for the bill must set a specific time by which the regulation must be
10 adopted, amended, or repealed. If the agency is not able to meet the deadline set in the
11 fiscal note, the agency shall

12 (1) set a new deadline; and

13 (2) report to the Administrative Regulation Review Committee the
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*pt. 1 and 2
clearer
re: Admin. Inst.
of Depts.*

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note.

(g) The requirements in (f) of this section do not apply to the adoption, amendment, or repeal of regulations by a state board or commission. In this subsection, "state board or commission" does not include the Alaska Housing Finance Corporation, the Alaska Industrial Development and Export Authority, the Alaska Public Offices Commission, or the Alaska Oil and Gas Conservation Commission.

Pf. 2
Hh!

* Sec. 2. AS 44.62.200 is amended by adding a new subsection to read:

(d) When a state agency, other than the Regulatory Commission of Alaska, the Board of Fisheries, or the Board of Game, posts a notice of the proposed adoption, amendment, or repeal of a regulation on the Alaska Online Public Notice System or furnishes the notice in an electronic format under AS 44.62.190(a), a brief description of the changes made by the proposed adoption, amendment, or repeal must accompany the notice that is posted on the Alaska Online Public Notice System or furnished in an electronic format under AS 44.62.190(a). The brief description shall be written in clear, easily readable language that a person without a legal background is able to understand without cross-referencing the Alaska Administrative Code. Notwithstanding AS 44.62.300, an action may not be brought for failure of the brief description to comply with the requirements of this subsection relating to the description of the changes or its clarity and readability.

Carl -
Amdt. 1
passed
2/3/12

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(b) AS 44.62.200(d), enacted by sec. 2 of this Act, applies to the proposed adoption, amendment, or repeal of a regulation on or after the effective date of this Act.

Pf. 3

2/10/12 There will be a new amdt. (#2) to take care of the (g) language problem;

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HB 216
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) HB216-GOV-OMB-1-13-2012 Dept. Affected All
Title Deadlines in bills for the Adoption of Regulations Appropriation _____
Allocation _____
Sponsor P. Wilson
Requester House State Affairs OMB Component Number _____

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	***	***	***	***	***	***	***	***

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
178	temp code (UGF)							
TOTAL		***	***	***	***	***	***	***

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)

Updated for the 2012 legislative session.

Prepared by Arnold Liebelt, Policy Analyst
Division Office of Management and Budget
Approved by Karen Rehfeld, Director
Office of Management and Budget

Phone 907-465-4676
Date/Time 1/13/12 12:30 PM
Date 1/13/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB 216

Analysis

HB 216 sets out to accomplish two objectives.

1. Requires bills to include language that establishes a date when regulations must be implemented;
2. Requires that all proposed regulation changes include descriptions in plain English that is easily understood by the public, of what the existing regulation does and what the proposed change will do.

Based on the language of the bill, the extent of the fiscal impact cannot be quantified for every agency, but we do believe the impact would be extensive, and that it would be statewide. With regards to objective 1, fiscal notes for bills introduced will need to consider the cost associated with the time required to implement regulations. Depending on the nature and the complexity of the bill, the fiscal impact could include the need for additional staff or a consultant to assist with implementing the regulations within the time allowed. Departments such as Health & Social Services, Environmental Conservation, Fish & Game, Commerce Community and Economic Development, and Natural Resources have historically had more complex legislation than other departments and as such, could be impacted to a higher degree. Quantifying this impact is not possible.

The second objective of this bill will raise the amount departments need to pay for public notices as they would be required to print a summary of the existing regulation as well as a summary of the proposed change. This will need to be written in clear, easily readable language that can be understood by those without a legal background. The additional amount of information that will need to be written will have a fiscal impact, and the cost of framing the regulation without legal language could also have an immediate fiscal impact and a long term fiscal impact if the language needs legal interpretation in the future.

CS FOR HOUSE BILL NO. 216(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES PEGGY WILSON, Lynn

A BILL

FOR AN ACT ENTITLED

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11 to meet the deadline set in the fiscal note, the agency shall

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14 new deadline and the reasons for being unable to meet the deadline set in the fiscal

1 note.

2 (g) In (f) of this section, "agency" includes the Alaska Housing Finance
3 Corporation, the Alaska Industrial Development and Export Authority, the Alaska
4 Energy Authority, the Alaska Public Offices Commission, and the Alaska Oil and Gas
5 Conservation Commission, but does not include other boards or commissions.

6 * **Sec. 2.** AS 44.62.200 is amended by adding a new subsection to read:

7 (d) When a state agency, other than the Regulatory Commission of Alaska, the
8 Board of Fisheries, or the Board of Game, posts a notice of the proposed adoption,
9 amendment, or repeal of a regulation on the Alaska Online Public Notice System or
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16 of the brief description to comply with the requirements of this subsection relating to
17 the description of the changes or its clarity and readability.

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19 read:

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21 bills that are filed on or after the effective date of this Act.

22 (b) AS 44.62.200(d), enacted by sec. 2 of this Act, applies to the proposed adoption,
23 amendment, or repeal of a regulation on or after the effective date of this Act.

24 * **Sec. 4.** This Act takes effect July 1, 2012.

WORK DRAFT

WORK DRAFT

WORK DRAFT

2/13/12
Leg. Legal final
reg.
(Lori)

27-LS0701R
Bannister
2/9/12

CS FOR HOUSE BILL NO. 216()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - SECOND SESSION**

Conceptually
Amnd

BY

**Offered:
Referred:**

Amnt. 1

Sponsor(s): REPRESENTATIVES PEGGY WILSON, Lynn

A BILL

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+aea

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23 amendment, or repeal of a regulation on or after the effective date of this Act.

24 * Sec. 4. This Act takes effect July 1, 2012.

Melanie Lesh

From: Apache <apache@wwwjnu02.legis.state.ak.us>
Sent: Thursday, February 09, 2012 1:49 PM
To: LIO Juneau; Melanie Lesh
Subject: Teleconference Order: February 13, 2012

Meeting: new

Sponsor and/or Committee Name: Judiciary Committee

Date of Teleconference: February 13, 2012

Start Time: 1:00 p.m.

End Time: 3:00 p.m.

Chairing Site: Juneau

Juneau Room: 120

Testimony: invite only

Testimony Time Limit: three min

Executive Session: no

Stream to AlaskaLegislature.tv: yes

Contact Person: Melanie Lesh

Telephone Number: 465-4990

Email Address: melanie.lesh@legis.state.ak.us

LIO Sites:

All LIOs

May other LIO's add: yes

Offnet Name(s):

none

Subject of meeting and/or Bills on Agenda:

SB 30

*amended
2/13/12*

27-LS0701VT
Bannister
2/2/12

CS FOR HOUSE BILL NO. 216()

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

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Amend
the agency shall set in

- 12 (1) set a new deadline; and
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(Conceptual)

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(double negative)

}
}

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OK
amend.

Rep
Keller

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effective date

L



January 30, 2012

Representative Peggy Wilson
State Capitol
Room 408
Juneau, Alaska 99801

Dear Representative Wilson,

I am writing to express the Alaska Municipal League's support for HB216, particularly the amendments to Section 2, Chapter 3 of AS 44.62.045.

It makes perfect sense to require the agencies to provide an informative summary of proposed regulations which describe how the amendments will change existing regulation "in clear, easily readable language that a person without a legal background is able to understand."

AML was forced to hire legal counsel (at a cost of over \$8,000) to analyze sections of the new regulations proposed by APOC dealing with comprehensive revisions to Public Official and Legislative Finance Disclosure and Campaign Disclosure. It is AML's job to keep local elected officials and their municipal employees current on legislation, regulations and statutes that affect their local governments. When the agencies are unwilling to help us understand these regulations, we must do what we can to obtain the information.

In late 2010, the Alaska Public Offices Commission (APOC) published proposed revisions for public review and comment. AML requested from APOC, some explanation of what changes were encompassed in the new proposed regulations, as the document was approximately 125 pages long. APOC refused to provide any detailed explanation of the changes; in fact, the staff told us they had been instructed not to answer any questions about the proposed regulations. Without clarification of the new regulations, it makes it much more difficult to comment. We then hired legal counsel to perform a side-by-side examination of the old regulations and the new regulations. Only after enlisting the support from the Governor's office and many legislators were we able to secure additional information from APOC.

Most municipalities have numerous boards and commissions made up of community volunteers who are subject to APOC financial disclosure regulations. These private citizens are not equipped by training, nor do they have the time to understand and translate new regulations without the help from APOC. A plain, clear, easily readable explanation of the changes would have helped local officials understand and comment

on the new regulations. It appears to me that APOC, while drafting changes, could have done computerized "track" changes as the drafting process was taking place.

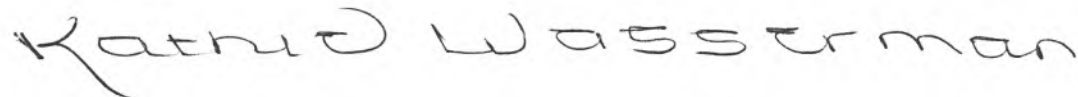
The opportunity for public comment on new regulations will not result in any substantive input if the adopting agency does not assist the public in understanding new regulatory changes. It also is quite ironic that the agency tasked with keeping government more transparent refuses to help the public understand proposed regulations.

It should not be difficult for an agency to comply with HB216, as they presumably understand what changes they are proposing and how they will affect the public. It is unreasonable to expect members of the public to read, translate, cross-reference and understand new regulation without some explanation from the authors.

Again, AML supports the adoption of HB216, as it will assist elected and volunteer municipal officials better understand how they are regulated by state agencies.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Kathie Wasserman". The signature is written in a cursive, slightly slanted style.

Kathie Wasserman
Executive Director

ALASKA STATE LEGISLATURE



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REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

MEMORANDUM

Date: February 3, 2012

To: Representative Carl Gatto, Chair, Judiciary Committee

From: Representative Peggy Wilson

RE: **HB 216 "Regulations: Informative Summary/Bills"**
February 3, 2012 meeting

Changes for HB216 from Version E to Version T for

House Judiciary Committee Meeting on February 3, 2012

Sponsor, Representative Peggy Wilson ~ Staff, Sheila Finkenbinder, 465-6887

Version T incorporates new language that responds to the issues that were brought up in this committee last Monday and subsequently by the Department of Law. Here is a summary of the changes.

The first thing you'll notice is that the long title of the bill has been changed to reflect that it is now about "Fiscal Notes for bills directing or resulting in the adoption, amendment or repeal of regulations".

Next, you will notice that Section 1 now amends AS 24.08.035 - Fiscal notes on bills rather than adding a section to AS 24.08 - Enactments

- Rep. Gruenberg – You had several questions and comments, which we have addressed in this new CS.
 - I agree with you that this bill should state that the timeline should be noted in the fiscal note. As stated earlier, this has been fixed with the changes noted above. In addition to that:

- In Section 1, (f), on line 6, you will notice it now states “**if a bill directs** an agency in the executive branch of state government to adopt, amend, or repeal a regulation **or will result in** an agency adopting, amending, or repealing a regulation, the fiscal note must”
- You asked about the advisability of requiring agencies to set a new deadline if they don’t meet the first one. Section 1 now takes care of that in: (f) (1) on line 12.
- Rep. Holmes – You also had several questions.
 - You asked if we wanted to keep the word “must” in Section 1 or if it could be changed to “may”. I believe the answer is **Yes**, we want to use the word ‘must’. If we don’t say that agencies ‘must’ set deadlines and provide descriptive summaries of their regulations, some of them will do nothing, and we will see no improvements in this frustrating process. You will now find that ‘must’ on line 9.
 - Your suggestion to use the term “cross-referencing” in Section 2, on page 2, rather than “following Internet links”, has been implemented. You’ll find that change on page 2, line 16.
- After much consideration, I have decided to include some boards and commissions in the requirements of Section 1. On page 2, lines 4-6, you will see that “state boards and commissions” **does not include** the Alaska Housing Finance Corporation, the Alaska Industrial Development and Export Authority, the Alaska Public Offices Commission or the Alaska Oil and Gas Conservation Commission.
 - I am still open to adding the names of other boards and commissions that should also be expected to meet deadlines when adopting regulations or making changes.
- The Department of Law Attorney General’s office has made some suggestions for changes that respond to committee members’ concerns. I believe that all of them have been integrated into this CS.
 - Section 2, on page 2 now includes the words “brief description” several times, clarifying that this new subsection about ‘posted notices’ will not be confused as the formal ‘notice’ requirement.
 - Their other concern was the way in which the bill referred to the deadline for adopting regulations, amendments or repeals. The language now indicates that the agency is required to report if a deadline is not met, but this will not be stated in the fiscal note.

Melanie Lesh

From: Apache <apache@wwwjnu02.legis.state.ak.us>
Sent: Thursday, February 02, 2012 2:56 PM
To: LIO Juneau; Melanie Lesh
Subject: Teleconference Order: 02/03/12

Meeting: new

Sponsor and/or Committee Name: House Judiciary Committee

Date of Teleconference: 02/03/12

FRIDAY

Start Time: 1:00 p.m.

End Time: 3:00

Chairing Site: Juneau

Juneau Room: Room 120

Testimony: invite only

Testimony Time Limit: three min

Executive Session: no

Stream to AlaskaLegislature.tv: yes

Contact Person: Melanie Lesh

Telephone Number: 465-4990

Email Address: melanie.lesh@legis.state.ak.us

LIO Sites:

All LIOs

May other LIO's add: yes

Offnet Name(s):

None

Subject of meeting and/or Bills on Agenda:

BILL: HB 216

☆ HB 56 - Rep Gatto
talk to Bill in lounge

HB 292
Thompson's (Jane)
Trust - Paul
23,10,441

Kathie Wasserman

From: Ray Gillespie [raygillespie@ak.net]
Sent: Wednesday, December 22, 2010 8:29 AM
To: 'Ware, Patricia A (DOA)'; 'Anderson, Jerry D (DOA)'
Cc: Kathie Wasserman; Nizich, Michael A (GOV); randall.ruaro@alaska.gov; John.Cramer@alaska.gov; Heather.Brakes@alaska.gov; senator_Hollis_French@legis.state.ak.us; Rep_Kurt_Olson@legis.state.ak.us; Rep_Bill_Stoltze@legis.state.ak.us; Rep. Anna Fairclough; Paul_Richards@gci.net; Chris Hladick; mayor
Subject: RE: Commission decision not to provide info

Patty and Jerry:

I received a report yesterday's commission meeting wherein it decide not to respond to the request for more information about the proposed regulations.

It is difficult to fathom why the APOC doesn't feel some obligation to fully disclose what new material is being added in the proposed regulations.

The discussion about disadvantaging some folks misses the point. Simply providing a marked up or highlighted version showing the changes and giving it the same distribution as the original draft would solve the perceived problem.

The more information provide the public the better. APOC seems to be saying the "less information provided the public the better". This position is entirely inconsistent with the mission of the APOC to seek full disclosure on public policy matters.

The net result of the decision is that the citizen has to hire an attorney to find the changes or they have to possess the time and skills to conduct their own line by line review of the 126 pages of new regulations. The APOC attorney admitted in the Commission hearing that it would take 6 hours to do a comparison of the old and new regulations. How likely is it that a layperson such as a local elected or volunteer board member is going to find the time to do this independently? APOC has an obligation to HELP the public understand rather than frustrating that objective.

It certainly can't be too much to ask that the drafter of the new regulations bracket the deletions and underline the additions similar to what the legislature does with new legislation. Helping the public understand what the agency is doing rather than hiding it ought to be the goal.

Will you be responding to the question about whether or not you will enforce the new "ethics" code using the Commission regulatory authority?

This is not intended as a criticism of any staff or individual employed at the Commission. This is directed at the unfortunate process employed by the Commission in adopting new regulations.

Regards,
Ray Gillespie

From: Ware, Patricia A (DOA) [<mailto:patricia.ware@alaska.gov>]
Sent: Thursday, December 16, 2010 3:30 PM
To: Ray Gillespie
Cc: Anderson, Jerry D (DOA)
Subject:

27-LS0701\E
Bannister
1/28/12

CS FOR HOUSE BILL NO. 216()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES PEGGY WILSON, Lynn

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to deadlines in bills directing the adoption of regulations and to the**
2 **notice required for the proposed adoption, amendment, or repeal of a regulation."**

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

4 *** Section 1.** AS 24.08 is amended by adding a new section to read:

5 **Sec. 24.08.045. Bills authorizing regulations.** (a) A bill that directs an agency
6 in the executive branch of state government to adopt regulations must *Q2?*

7 (1) set a specific time by which the regulations must be adopted; and

8 *to be question* (2) provide that, if the agency is not able to meet the deadline set in the
9 bill, the agency shall report to the Administrative Regulation Review Committee the
10 reasons for being unable to meet the specific time set in the bill.

11 (b) This section does not apply to the adoption of regulations by a state board
12 or commission.

13 *** Sec. 2.** AS 44.62.200 is amended by adding a new subsection to read:

14 (d) When a state agency, other than the Regulatory Commission of Alaska, the

44.62.640 definition of Sec. 14 -

*Openberg:
should this
be deleted
+ check w/
others?*

1 Board of Fisheries, or the Board of Game, posts a notice of the proposed adoption,
2 amendment, or repeal of a regulation on the Alaska Online Public Notice System or
3 furnishes the notice in an electronic format under AS 44.62.190(a), the notice must
4 include a brief description of the changes made by the proposed adoption, amendment,
5 or repeal and shall be written in clear, easily readable language that a person without a
6 legal background is able to understand without following Internet links to the Alaska
7 Administrative Code. Notwithstanding AS 44.62.300, an action may not be brought
8 for failure of the notice to comply with the requirements of this subsection relating to
9 the description of the changes or the clarity and readability of the notice.

10 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 APPLICABILITY. (a) AS 24.08.045, enacted by sec. 1 of this Act, applies to bills that
13 are filed on or after the effective date of this Act.

14 (b) AS 42.62.200(d), enacted by sec. 2 of this Act, applies to the proposed adoption,
15 amendment, or repeal of a regulation on or after the effective date of this Act.

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REPRESENTATIVE PEGGY WILSON HOUSE DISTRICT 2

SPONSOR STATEMENT House Bill 216

“An Act relating to deadlines in bills directing the adoption of regulations and to the informative summary required for the proposed adoption, amendment, or repeal of a regulation.”

HB 216 will accomplish two goals relating to changes to state regulations; increasing the speed with which regulations are written, and describing in plain, easy-to-understand language all regulations that are adopted, amended or repealed.

Legislators and the public have often been frustrated by the fact that months, or even years, sometimes pass between the time that a bill is passed by the legislature and the time the regulation is implemented. The result is, Alaska residents, businesses and legislators are confused about what the change means. As an example: as we were looking at the governor's House Bill 110, on oil taxes, we didn't have proof of what regulations were currently being enforced because the ACES regulations hadn't even been written - three years after we passed the legislation. The same confusion can impact individuals who are unclear about when, or if, new regulations concerning their business or recreational activities take effect. HB 216 states that any bill requiring creation or modification of any regulation must include a regulation completion deadline.

time frame

The other problem addressed by this bill is the confusion and lack of understanding of many proposed regulation changes or new additions. This confusion is caused by the legalese used to describe proposed regulations. This language, while accurately and legally describing proposed regulations, is difficult to understand by the average individual. HB 216 will require that all proposed regulation changes include descriptions, in plain English, of what the original regulation does and what the proposed change will do.

Passage of this legislation will encourage public participation in the regulation review process, as people find it easier to understand what the regulations mean to them. It will also help speed passed legislation to implementation when regulations are completed in a set, scheduled timeframe.

The State Affairs committee passed the bill with two amendments that clarified the informative summary language.