

HB

216

<TARGET><BILL>HB 216</BILL><SUBJECT>HB
216</SUBJECT><COMM>SJUD27</COMM></TARGET>



Official Business

Alaska State Legislature

Senate

Office of the Secretary

State Capitol, Room 211
Juneau, Alaska 99801-1182
Phone: (907) 465-3701
Fax: (907) 465-2832
Email:senate_secretary@legis.state.ak.us

FOR YOUR IMMEDIATE ATTENTION

DATE: April 12, 2012
TO: Judiciary Committee
(Cindy, Room 417)
FROM: Office of the Senate Secretary
SUBJ: Referral Change

The Chair of the Committee noted above has waived the referral(s) on the following bills(s):

RETRIEVE

CS FOR HOUSE BILL NO. 216(FIN)

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

HB 216-REGULATIONS: INFORMATIVE SUMMARY/BILLS

Please give the bill file(s) to the page delivering this message for forwarding to the next Committee of referral.

Thank you.

Alaska State Legislature

Senator Hollis French, Chair
State Capitol, Room 417
Juneau, Alaska 99801
Phone: (907) 465-3892
Fax: (907) 465-6595



Committee Members:
Senator Bill Wielechowski
Senator Lesil McGuire
Senator Joe Paskvan
Senator John Coghill

Senate Judiciary Committee

MEMORANDUM

Request to waive HB 216 from Senate Judiciary Committee

I move and ask unanimous consent that House Bill 216 Regulations: Informative Summary/Bills be waived from the Senate Judiciary Committee. I have the signatures of the committee and the bill has been heard by Senate State Affairs.

Handwritten signature of Senator Hollis French.

Senator Hollis French, Chair

Handwritten signature of Senator Bill Wielechowski.

Senator Bill Wielechowski

Handwritten signature of Senator Lesil McGuire.

Senator Lesil McGuire

Handwritten signature of Senator Joe Paskvan.

Senator Joe Paskvan

Handwritten signature of Senator John Coghill.

Senator John Coghill

ALASKA STATE LEGISLATURE

Interim:
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Wrangell, AK 99929
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Session:
State Capitol, Room 406
Juneau, AK 99801-1182
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REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

MEMORANDUM

Date: April 10, 2012

To: Senator Hollis French

From: Representative Peggy Wilson ^{GW}

RE: **Hearing Request for HB 216 "Regulations: Informative Summary/Bills"**

I respectfully request a hearing in the Senate Judiciary Committee for HB 216, "An Act relating to fiscal notes for bills directing or resulting in the adoption, amendment, or repeal of regulations, and to the notice required for the proposed adoption, amendment, or repeal of a regulation; and providing for an effective date

Attached are:

- HB 216 Request for Hearing
- HB 216 version L
- HB 216 Sponsor Statement
- HB 216 Fiscal Note
- HB 216 Support letters (2)

Steven Weaver, from Department of Law, will be available to answer questions.

The contact for HB 216 is Sheila Finkenbinder, 465-6887.

Thank you for considering this important piece of legislation.

SENATE CS FOR CS FOR HOUSE BILL NO. 216(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES PEGGY WILSON, Lynn, Costello, Kawasaki, Kerttula, Johnson

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

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, furnishes, or otherwise provides a
9 notice of the proposed adoption, amendment, or repeal of a regulation under
10 AS 44.62.190, a brief description of the changes made by the proposed adoption,
11 amendment, or repeal must accompany the notice. However, if, under
12 AS 44.62.190(a), the notice is published in a newspaper or trade or industry
13 publication or is broadcast, this subsection does not require that the brief description
14 otherwise required by this subsection accompany the publication or the broadcast. To
15 the extent practicable, the brief description shall be written in clear, easily readable
16 language that a person without a legal background is able to understand.
17 Notwithstanding AS 44.62.300, an action may not be brought for failure of the brief
18 description to comply with the requirements of this subsection relating to the
19 description of the changes or its clarity and readability.

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

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

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

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

ALASKA STATE LEGISLATURE



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REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

SPONSOR STATEMENT House Bill 216

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

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.

Based on input from committee members and the Department of Law, several amendments were passed in the State Affairs and Judiciary committees that help to clarify the language used in the bill. No substantive changes have been made to the original intent of the bill.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

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

Identifier (file name) HB216CS(JUD)-GOV-OMB-2-17-2012 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 | | | | |
|-------------------------------|------------------------------------|--|-------------------------|-------------|-------------|-------------|-------------|
| | | | FY14 | FY15 | FY16 | FY17 | FY18 |
| OPERATING EXPENDITURES | FY13 | FY13 | FY14 | FY15 | FY16 | FY17 | FY18 |
| 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 |

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)

Updated to reflect the change in the CS. Fiscal note is now a zero.

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 2/17/12 5:30 PM
 Date 2/17/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSHB 216

Analysis

"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."

If a proposed bill will require regulations or result in a change to existing regulations, Section 1 would require agencies to state in the fiscal note for the bill a time by which the agency is to adopt, amend, or repeal the regulation. If the agency does not meet the deadline, it would set a new deadline and report to the Administrative Regulation Review Committee the new deadline and the reasons for not meeting the deadline that was established in the fiscal note.

Section 2 would require for a notice, posted on the Online Public Notice site or furnished electronically by a state agency, proposing adoption, amendment, or repeal of existing regulations, that a brief description accompany the notice and be written in clear, easily readable language that a person without a legal background is able to understand. The Regulatory Commission of Alaska, the Board of Fisheries, and the Board of Game would be exempt from Section 2.

No fiscal impact is expected as a result of Section 1. The fiscal impact resulting from Section 2 for future legislation is expected to be minimal. If the cost cannot be absorbed within an agency's budget, agencies will reflect this in the note for future legislation.



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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.

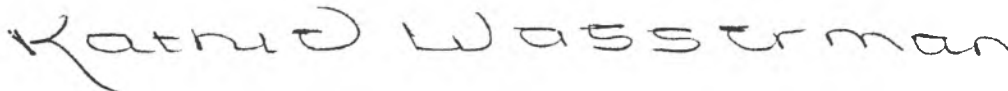
The opportunity for public comment on new regulations will not result in any substantive input if the adopting agency does not assist the public in understanding new regulatory changes. It also is quite ironic that the agency tasked with keeping government more transparent refuses to help the public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



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
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March 14, 2012

Senator Bill Wielechowski, Chairman
Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 3
Juneau AK 99801

RE: Support for CS FOR HOUSE BILL NO. 216

Dear Chairman Wielechowski and Committee Members,

United Fishermen of Alaska is the largest statewide commercial fishing trade association, representing 37 commercial fishing organizations participating in fisheries throughout the state and its offshore federal waters. The UFA Board of Directors recently met and discussed HB 216 which calls for specific time for adoption to be included in fiscal notes on proposed legislation, and also calls for "a brief description of the changes made by the proposed adoption, amendment, or repeal..." in public notices on regulatory changes, other than by the Board of Fisheries, Board of Game, or Regulatory Commission of Alaska.

The bill continues, "...This brief description shall be written in clear, easily readable language that a person without a legal background is able to understand."

UFA supports the passage of CSHB 216. Commercial fisheries participants are directly affected by numerous regulations within the Departments of Labor, Environmental Conservation, Revenue, and Commerce, Community and Economic Development. We observe that regulatory changes posted for public comment are often very confusing to the target audience of individuals that will be affected. When asked for clarification, State agency officials have been reticent on clarification of the intent and effects on proposed regulations once these are posted for public comment, leaving confusion in the minds of those who comment. This leaves the public in the position of attempting to pose clarifying questions within their comment letters, and lacking the answers to those questions to inform their comments. It also causes frustration and wasted time for the public.

We feel that HB 216 will help reduce confusion in regulatory changes in the future as an important improvement in the public process, and should save time in the long run for the agencies involved, and for the public.

Thank you for your consideration,

Mark Vinsel
Executive Director

→ Cc: Representative Peggy Wilson