

HB

140

<TARGET><BILL>HB 140</BILL><SUBJECT>HB
140</SUBJECT><COMM>HJUD28</COMM></TARGET>

28-LS0478\C
Bannister
3/26/13

CS FOR HOUSE BILL NO. 140()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES REINBOLD, Peggy Wilson, Hughes, Herron, LeDoux, Higgins, Thompson, Gara

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the information that must be included with certain notices provided**
2 **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. The uncodified law of the State of Alaska is amended by adding a new section**
5 **to read:**

6 **SHORT TITLE. This Act may be known as the Regulation Impact Transparency Act.**

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

8 **(d) Along with a notice furnished under (a)(2), (4)(A), or (6) of this section,**
9 **the state agency shall include**

10 **(1) the reason for the proposed action, including, if applicable, an**
11 **identification of the law, order, decision, or other action of the federal**
12 **government or a federal court that requires the proposed action, that is the basis**
13 **for the proposed action, or to which the proposed action is responding; in this**
14 **paragraph, "federal government" means a department, agency, corporation, or**

*Conceptual
Amendment #1
Pg. 1 line 12*

L

1 instrumentality of the United States government:

2 (2) the initial cost to the state agency of implementation;

3 (3) [,] the estimated annual costs, based on a good faith effort to
4 estimate the costs in the aggregate for each of the following categories using the
5 information available to the state agency, to

6 (A) private persons to comply with the proposed action;

7 (B) the state agency for [OF] implementation and to other
8 state agencies to comply with the proposed action; and

9 (C) municipalities to comply with the proposed action;

10 (4) [,] the name of the contact person for the state agency; [,] and

11 (5) the origin of the proposed action.

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

13 (f) Notwithstanding AS 44.62.300, a person may not bring an action in court
14 to challenge the adoption, repeal, or amendment of a regulation by a state agency for
15 inaccuracy of the cost estimates provided under (d)(3) of this section.


16 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 APPLICABILITY. AS 44.62.190(d), as amended by sec. 2 of this Act, and
19 AS 44.62.190(f), added by sec. 3 of this Act, apply to the proposed adoption, amendment, or
20 repeal of a regulation on or after the effective date of this Act.

Alaska State Capitol
Room 432
907-465-3822



**Representative Lora Reinbold
Alaska State Legislature**

TO: Rep. Wes Keller, Chairman, House Judiciary Committee
FROM: Rep. Lora Reinbold 
DATE: February 28, 2013
RE: Request for Hearing, House Bill 140

I respectfully request that the House Judiciary Committee schedule a hearing for House Bill 140, **“An Act relating to the information that must be included with certain notices provided for the proposed adoption, amendment, or repeal of a regulation.”**

House Bill 140, the “Regulation Impact Transparency Act,” will help ensure that Alaskans, and their Legislature, are more fully informed of the fiscal consequences of state regulations. If the regulations are the result of federal action, the bill will also require identification of that action.

Attachments:

House Bill 140 introduced version: 28-LS0478\N
Sponsor Statement
Sectional Analysis

Contact: Robert Pearson, 465-4906



**Representative Lora Reinbold
Alaska State Legislature**

Sponsor Statement House Bill 140

“An Act relating to the information that must be included with certain notices provided for the proposed adoption, amendment, or repeal of a regulation.”

Regulation Impact Transparency Act

Sponsored by Rep. Lora Reinbold

Co-sponsors: Rep. P. Wilson

Posted: 02/27/13

Bill Version: 28-LS0478\N

Status: (H)JUD

Contact: Robert Pearson, 465-4906

Under current law, state agencies that propose changes to the Alaska Administrative Code, our state regulations, are required to disclose certain information about the regulation, including the reason for the proposed action, costs of implementation of the regulation to the adopting agency and the origin of the proposed regulation.

To provide better information about regulations that may significantly affect private individuals and businesses, other state agencies and local governments, House Bill 140 requires that regulation notices include information about estimated costs beyond those to the agency. In view of the increasing reach of the Washington D.C. into Alaska’s affairs, the bill also requires that when the federal government is the reason for the regulation, the exact federal law, executive order or decision be identified in order for Alaskans to better understand government actions that affect their businesses and lives.

Open government is a great American and Alaskan tradition. I respectfully request your support for House Bill 140.



Representative Lora Reinbold Alaska State Legislature

Sectional Analysis: House Bill 140

Sec. 1 Short title: "Regulation Impact Transparency Act." House Bill 140 will require additional information in state agency notices of proposed regulations, specifically to increase transparency of the proposal's fiscal impacts, including to the private sector.

Sec. 2 Under current Alaska Statutes 44.62.190(d) the agency is required to provide a "reason for the proposed action." If the reason given is "federal," HB 140 will require identification of the federal action that is the reason for the proposed regulation. It also adds a requirement to estimate compliance costs to private persons (including private businesses), other state agencies and municipalities.

Sec. 3 Applicability: applies to regulations proposals noticed on or after the effective date of this act.

Dated: Feb. 28, 2013

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 140
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB140-OOG-OMB-03-15-2013
Title: NOTICE FOR REGULATION ADOPTION
Sponsor: REINBOLD
Requester: Judiciary

Department: Various
Appropriation: Various
Allocation: Various
OMB Component Number:

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES	FY 2014	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version of fiscal note.

Prepared By:	Arnold Liebelt, Policy Analyst	Phone:	(907)465-4676
Division	Office of Management and Budget	Date:	03/15/2013 05:00 PM
Approved By:	Karen Rehfeld, Director	Date:	03/15/13
	Office of Management and Budget		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB 140

Analysis

HB 140 amends AS 44.62.190. Notice of Proposed Action.

Section 2 of the bill proposes changes to the statute that governs the requirements pertaining to the adoption, amendment, or repeal of a state regulation. As part of the information included with certain notices of proposed regulations, state agencies would need to include, if applicable, an identification of the law, order, decision, or other action of the federal government or a federal court that requires the proposed action. This language is not expected to cause a fiscal impact to the state.

The bill would further require that a state agency include the estimated annual costs to:

- a) private persons to comply with the proposed action;
- b) other state agencies to comply with the proposed action; and
- c) municipalities to comply with the proposed action.

Without further detail as to this requirement, we cannot quantify with any level of accuracy the cost for implementing this requirement, and thus the cost impact to the state for this section is indeterminate.

As mentioned above, more detail is needed as to whether the estimate required is a general estimate of impacts for a group or set of municipalities or for each individual municipality, etc. Estimating costs to each municipality is not a function that agencies are staffed to perform. If estimates are for each individual entity, the estimated annual cost to provide this information to private persons and to municipalities could be a significant undertaking and would require additional staff and economic consultants.

For these reasons, the fiscal impact to the state cannot be quantified.

Grievance Procedures Relating to Juvenile Justice Services and Children's Services

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health and Social Services proposes to revise the grievance procedures relating to juvenile justice services and children's services.

The Department of Health and Social Services proposes to adopt regulation changes in Title 7, Chapter 54 of the Alaska Administrative Code, dealing with grievance procedures, resolution, and appeals relating to actions or inaction by the Division of Juvenile Justice or the Office of Children's Services, including the following:

1. 7 AAC 54.205 - 7 AAC 54.240 are proposed to be repealed. The content is being revised and relocated to 7 AAC 54.245 - 7 AAC 54.260.

2. 7 AAC 54.245, Juvenile Justice Grievance Procedures, is a proposed new section that outlines the grievance procedures for persons challenging an action or inaction by the Division of Juvenile Justice.

3. 7 AAC 54.250, Resolution and Appeals of Juvenile Justice Grievances, is a proposed new section that describes the departments role and the rights of the person filing the grievance in working towards finding a resolution or filing an appeal.

4. 7 AAC 54.255, Children's Services Grievance Procedures, is a proposed new section that outlines the grievance procedures for persons challenging an action or inaction by the Office of Children's Services.

5. 7 AAC 54.260, Resolution and Appeals of Children's Services Grievances, is a proposed new section that describes the departments role and the rights of the person filing the grievance in working towards finding a resolution or filing an appeal.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Natalie Powers, Social Services Program Administrator, Office of Children's Services, P.O. Box 110630, Juneau, AK 99811-0630. Comments may also be submitted to her by e-mail at natalie.powers@alaska.gov or by facsimile at (907) 465-3397.

The comments must be received no later than 5:00 p.m. on March 11, 2013.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Powers at the address above or by phone at (907) 465-2104 no later than March 4, 2013 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Natalie Powers at the address above or go to the Department of Health and Social Services public notice website at: <http://hss.state.ak.us/apps/publicnotice/regulations.aspx>

After the public comment period ends, the Department of Health and Social Services will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

WHAT DOES
HB 140 DO?
SEE PAGE 2 ↪

Statutory Authority: AS 47.05.010, AS 47.10.098, AS 47.14.010.
Statutes Being Implemented, Interpreted, or Made Specific: AS 47.05.010, AS 47.10.098, AS 47.14.010.
Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 2/1/2013

/s/William J. Streur, Commissioner
Department of Health and Social Services

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

- 1. Adopting agency: Department of Health and Social Services
- 2. General subject of regulation: Grievance Procedures for Juvenile Justice and Children's Services.
- 3. Citation of regulation: 7 AAC 54 **SEC. 2**
- 4. Reason for the proposed action:
 - compliance with federal law **(1)**
 - compliance with new or changed state statute
 - compliance with court order
 - development of program standards
 - other: (please list)
- 5. RDU/component affected: Division of Juvenile Justice and Office of Children's Services

6. Cost of implementation to the state agency and available funding (in thousands of dollars):
Initial Year FY 13 - \$0
Subsequent Years - \$0 **(3) (A), (B), (C)**

7. The name of the contact person for the regulations:

Natalie Powers, Social Services Program Administrator
Office of Children's Services
P.O. Box 110630
Juneau, AK 99811-0630
Email: natalie.powers@alaska.gov

8. The origin of the proposed action:

- staff of state agency
- federal government
- general public
- petition for regulation change
- other (please list) _____ Ombudsman _____

9. Date: 2/1/2013
Prepared by: Kurt West, Project Coordinator

Attachments, History, Details

Attachments

GrievanceProceduresPublicReviewDraft.pdf

Revision History

Created 2/1/2013 2:42:10 AM by kdwest
Modified 2/1/2013 11:42:10 AM by kdwest
Modified 2/1/2013 11:44:06 AM by kdwest

Details

Department:	Health and Social Services
Category:	Regulations
Sub-Category:	Notice of Proposed Regulations
Location(s):	Statewide
Project/Regulation #:	

Publish Date: 2/1/2013
Archive Date: 3/12/2013



Comments on HB140: Notice for Regulation Adoption

Council of Alaska Producers

March 15, 2013

The Honorable Representative Lora Reinbold
House of Representatives
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Reinbold,

The Council of Alaska Producers (CAP) would like to thank you for introducing HB140, the Regulation Impact Transparency Act.

CAP is a non-profit trade association formed in 1992 and serves as a spokesperson for the large metal mines and major metal developmental projects in the state. The Council brings together mining companies with interest in Alaska to represent and inform members on legislative and regulatory issues, to support and advance the mining industry, to provide education to members, the media, and the general public on mining related issues, and to promote economic opportunity and environmentally sound mining practices.

CAP supports a regulatory framework that is rigorous, science based, transparent and predictable and we support HB140 as it provides transparency to proposed regulation changes in the State of Alaska.

It does this by ensuring that details of their provenance, including any federal action that may have resulted in their proposal, are available to the public. It also requires an accounting of the costs to private persons and municipalities that would be required to comply with any proposed regulation change.

By providing additional transparency to the process, this bill will allow all Alaskans to fully understand the impact of regulatory changes to their businesses and their daily lives.

We thank you for your support of the Alaska mining industry and we look forward to providing additional support to this bill as it moves through the legislative process.

Sincerely,

Michael Satre, Executive Director
PO Box 33499
Juneau, Alaska 99803
907-957-2149

NFIB

The Voice of Small Business®

ALASKA

March 14, 2013

The Honorable Lora Reinbold
State Capitol Building
Juneau, Alaska 99801-1182

RE: House Bill 140

Dear Representative Reinbold:

On behalf of the National Federation of Independent Business/Alaska, I wish to respectfully share our support for House Bill 140. The National Federation of Independent Business is the largest small-business advocacy group in Alaska.

Regulations promulgated by the administrative branch continue to add costs to the operation of small businesses in Alaska. All too often, those involved in writing regulations fail to realize the cost their actions have on private individuals and businesses that are not reimbursed by government. We are happy to see legislation recognizing this fact and requiring that it be recognized by administrative agencies as they consider new regulations.

The National Federation of Independent Businesses/Alaska polled its members asking if legislation or regulation that pertain to business require a cost-benefit analysis before implementation. Our members voted 71% in favor of such a requirement. While this is not specifically addressed in the legislation, HB 140 is a substantive step towards recognizing the cost of regulations to the private sector and municipalities.

If we want Alaska to be welcoming to small business, it is important the state begin to recognize the costs it mandates on those small businesses. Until we require those costs be officially recognized, it is difficult to reduce regulatory costs for small businesses.

Sincerely yours,



Dennis L. DeWitt
Alaska State Director

Cc: NFIB/AK Leadership Council
House Judiciary Committee



217 Second Street, Suite 200 • Juneau, Alaska 99801

Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

March 25, 2013

Honorable Representative Lora Reinbold
Alaska State Capitol
Juneau, Alaska

RE: HB 140

Dear Representative Reinbold,

The Alaska Municipal League would like relay to you our support for HB 140.

While most regulations at the state level and more than a few at the federal level impact municipalities, it is always helpful to have some idea of how that impact will affect our bottom line; for planning and budgetary considerations.

I believe that having this information available to Legislators will also help to identify legislation that might be forthcoming in order to save individuals and/or municipalities money. While the cost of implementation to the agency may be minimal, the costs that will be required of individuals and municipalities may impose more damage than the regulation is worth.

We applaud your attempt to encourage all involved to look at broader impacts of regulation changes.

Sincerely,

Kathie Wasserman
Executive Director



WASILLA AREA SENIORS INC.

ROOTED IN DIGNITY | SERVING WITH RESPECT

March 20, 2013

The Honorable Representative Lora Reinbold
House of Representatives
Alaska State Capitol
Juneau, AK 99801-1182

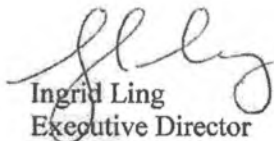
Dear Representative Reinbold,

On behalf of Wasilla Area Seniors, Inc., I would like to offer support for House Bill 140, the "Regulation Transparency Act." Regulations which are passed impact our daily lives in many ways and often have unintended consequences and huge costs to organizations and individuals. It is vital that the consequences and financial burden of these regulations be considered carefully prior to implementation.

House Bill 140 will work to ensure that agencies thoughtfully take into consideration the many outer costs that these regulations will initiate. As well as create an awareness of these potential costs that these regulations will pose, both to private individuals and to organizations such as ours.

We feel that this "Regulation Impact Transparency Act" is an important step in creating an open and thoughtful regulation process.

Sincerely,



Ingrid Ling
Executive Director
Wasilla Area Seniors, Inc.

PHONE 907.376.3104 | FAX 907.373.5170

1301 CENTURY CIRCLE | WASILLA, ALASKA 99654

WASILLASENIORS.COM

April 5, 2013

The Honorable Lora Reinbold
Alaska House of Representatives
Capitol Room 432
Juneau, AK 99801

Re: House Bill 140

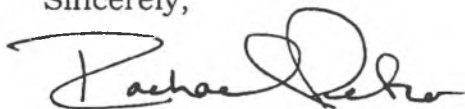
Dear Representative Reinbold,

The Alaska State Chamber of Commerce (Alaska Chamber) is an organization dedicated to improving the business climate in Alaska. The Alaska Chamber represents hundreds of statewide businesses from Ketchikan to Barrow that share a common goal: to make Alaska a viable and competitive place to do business. Today, I write in support of House Bill (HB) 140 – Notice for Regulation Adoption.

The Alaska Chamber supports legislation that updates and clarifies laws as they relate to doing business in Alaska and generally improves our business climate. HB 140 recognizes that administrative code and regulations often can add to the cost of doing business in Alaska. HB 140 requires costs to businesses and other governments be estimated during the adoption process.

Alaska has unique characteristics and challenges when it comes to being competitive in the marketplace – like our Arctic conditions, lack of economies of scale, etc. Promulgation of code and regulations by the State of Alaska should not add to our challenges with being competitive. By requiring cost estimates for businesses and government, HB 140 is an important first step to protect against the State of Alaska reducing Alaska's competitiveness for business investment.

Sincerely,



Rachael Petro
President/CEO



ALASKA STATE
CHAMBER
OF COMMERCE

*The Voice of
Alaska Business*

Headquarters

471 W 36th Ave
Suite 201
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AK 99503
(907) 278-2722

Regional Office

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