

HB

168

<TARGET><BILL>HB 168</BILL><SUBJECT>HB
168</SUBJECT><COMM></COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 3/16/18

FURTHER: Rules

DATE TURNED
IN TO OFFICE: 4/3/18

State Affairs Committee considered HOUSE BILL NO. 168

HB 168-REPEAL ADMIN. REG. REVIEW COMMITTEE

"An Act relating to regulation notice and review by the legislature; and relating to the Administrative Regulation Review Committee."

and recommends:

- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
LEG			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Wilson			✓	
	Biessel	✓			
	EGAR	✓			
	Coghetti	✓			
CHAIR:	MEYER	✓			

HB 168 REPEAL ADMIN REG REVIEW/HCR 10 UNIFORM RULES: REGULATION REVIEW

Representative Mike Chenault

What does this bill do?

This bill and resolution would effectively eliminate the administrative regulation review board.

Potential Issues:

This bill will make Representative Reinbold upset.

Legislative History

Admin Reg Review was a committee under Senator McGuire, who expanded and expended its budget. Under Rep. Reinbold there was legislation passed that put it in statute and cost even more money. It was used as a platform for getting rid of common core. It never should have passed. It was eventually defunded and reassigned.

Fiscal Impact:

There is zero impact. This is essentially "on the books" but there is no person chairing the committee, no monies are allocated to it, and it isn't assigned anything.

QUESTIONS:

- Give Mike and Tom a hard time and then pass both the bill AND the resolution.

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REPRESENTATIVE MIKE CHENAULT HOUSE DISTRICT 29

SPONSOR STATEMENT

HOUSE BILL 168: "An Act relating to regulation notice and review by the legislature; and relating to the Administrative Regulation Review Committee."

The purpose of House Bill 168 is to repeal the statutes pertaining to the Administrative Regulation Review Committee. According to the analysis provided by Legislative Research, included in your packets, the ARRC has not overturned any regulations as a result of these committee hearings. Although AS 24.20.445 provides that the committee can suspend regulations for a "certain time period," the Alaska Supreme Court found in a 1980 case, that the Legislature has no implied power to veto agency regulations by informal legislative action and such actions would violate Article II of the state Constitution. The actions available to the ARRC are to introduce legislation to supersede or nullify regulations. However, Legislative Research was not able to find any effort to do so from 2003 to the present.

House Bill 168 repeals all references to the ARRC throughout the statutes. The sectional analysis references the statutes where the ARRC is repealed.

A uniform rule change, House Concurrent Resolution 10, is also being proposed that allows the jurisdiction of a standing committee to oversee proposed or adopted regulations to replace regulation oversight that are currently under the jurisdiction of ARRC.

The Administrative Regulation Review Committee has not been funded for this and the upcoming fiscal years.

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REPRESENTATIVE MIKE CHENAULT HOUSE DISTRICT 29

SECTIONAL ANALYSIS

HOUSE BILL 168: "An Act relating to regulation notice and review by the legislature; and relating to the Administrative Regulation Review Committee."

Section 1: Amends AS 16.43.120(b), Application of Administrative Procedures Act. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 2: Amends AS 18.56.088(a), (Housing, Public Buildings, Urban Renewal, and Regional Housing Authorities), Administrative procedure; regulations. Deletes language requiring submission of regulations to the chair of the Administrative Regulation Review Committee (ARRC).

Section 3: Amends AS 24.05.182(a), Review of administrative regulations by standing committees of the legislature. Allows a standing committee of jurisdiction, consistent with the Legislature's Uniform Rules, to review a proposed or adopted regulation, amendment of a regulation or repeal of a regulation. Repeals language stating before the date the regulation is scheduled by a department or agency to be adopted, amended or repealed.

Section 4: Amends AS 24.06.060(b), Introduction of bills. Conforming revision deleting references to the ARRC.

Section 5: Amends AS 26.27.110(b), (Alaska Aerospace Corporation), Regulations. Conforming revision deleting references to the ARRC.

Section 6: Amends AS 30.17.120, (Adak Reuse Authority), Administrative procedure. Conforming revision deleting references to the ARRC.

Section 7: Amends AS 31.25.130(a), (Alaska Gasline Development Corporation), Administrative procedure; regulation. Conforming revision deleting references to the ARRC.

Section 8: Amends AS 37.13.206(g), (Alaska Permanent Fund Corporation), Regulations. Conforming revision deleting references to the ARRC.

Section 9: Amends AS 38.35.190(a), (Public Land, right of Way Leasing Act), Application of the Administrative Procedure Act. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 10: Amends AS 42.40.920(b), (Alaska Railroad Corporation), Application of existing laws. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 11: Amends AS 44.62.020, (Administrative Procedure Act), Authority to adopt, administer, or enforce regulations. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 12: Amends 44.62.040(c), (Administrative Procedure Act), Submitting regulations. Deletes language referencing the ARRC.

Section 13: Amends 44.62.190(a), (Administrative Procedure Act), Notice of proposed action. Deletes a portion of subsection 6 referencing furnishing the Legislative Affairs Agency and deletes subsection (7) referencing furnishing electronic copies required under AS 24.20.105(c), Review of proposed regulations.

Section 14: Amends AS 44.62.245(c), (Administrative Procedure Act), Material incorporated by reference. Deletes language referencing the ARRC.

Section 15: Amends AS 44.62.290(a), (Administrative Procedure Act), State policy. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 16: Amends AS 44.62.300(a), (Administrative Procedure Act), Judicial review of validity. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 17: Amends AS 44.62.240(a), (Administrative Procedure Act), Limitation on retroactive action. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 18: Amends AS 44.62.710(a), (Administrative Procedure Act), Purpose and applicability of AS 44.62.710 – 44.62.800. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 19: Amends 44.62.720(a), (Administrative Procedure Act), Determination of need for negotiated regulation making committee. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 20: Amends AS 44.62.740(c), (Administrative Procedure Act), Establishment, time line, support, and termination of committee. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 21: Amends AS 44.62.790, (Administrative Procedure Act), Relationship to other requirements. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 22: Amends AS 44.88.085(a), (Alaska Industrial Development and Export Authority), Administrative procedure. Conforming revision that deletes AS 44.62.320, Submittal for legislative review.

Section 23: Repealed statutes.

AS 24.05.182(b), (Legislature and Lobbying), Review of administrative regulations by standing committees of the legislature.

AS 24.05.182(c), (Legislature and Lobbying), Review of administrative regulations by standing committees of the legislature.

AS 24.05.182(d), (Legislature and Lobbying), Review of administrative regulations by standing committees of the legislature.

AS 24.08.035(f), (Legislature and Lobbying, Enactments), Fiscal notes on bills.

AS 24.20.105, (Legislature and Lobbying, Agencies and Permanent Committees), Review of proposed regulations.

AS 24.20.400, (Legislature and Lobbying, Agencies and Permanent Committees, Administrative Regulation Review Committee), Administrative Regulation Review Committee established.

AS 24.20.410, (Legislature and Lobbying, Agencies and Permanent Committees, (Legislature and Lobbying, Agencies and Permanent Committees, Administrative Regulation Review Committee), Membership.

AS 24.20.420, (Legislature and Lobbying, Agencies and Permanent Committees, (Legislature and Lobbying, Agencies and Permanent Committees, Administrative Regulation Review Committee), Term of membership.

AS 24.20.430, (Legislature and Lobbying, Agencies and Permanent Committees, (Legislature and Lobbying, Agencies and Permanent Committees, Administrative Regulation Review Committee), Vacancies.

AS 24.20.440, (Legislature and Lobbying, Agencies and Permanent Committees, (Legislature and Lobbying, Agencies and Permanent Committees, Administrative Regulation Review Committee), Meetings.

AS 24.20.445, (Legislature and Lobbying, Agencies and Permanent Committees, (Legislature and Lobbying, Agencies and Permanent Committees, Administrative Regulation Review Committee), Power of suspension.

AS 24.20.450, (Legislature and Lobbying, Agencies and Permanent Committees, (Legislature and Lobbying, Agencies and Permanent Committees, Administrative Regulation Review Committee), Staff.

AS 24.20.460, (Legislature and Lobbying, Agencies and Permanent Committees, (Legislature and Lobbying, Agencies and Permanent Committees, Administrative Regulation Review Committee), Powers.

AS 40.25.120(a)(11), (Public Records and Recorders, Public Record Disclosures), Public records, exceptions; certified copies.

AS 44.62.320, (State Government, Administrative Procedure Act), Submittal for legislative review.

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version:	HB 168
Fiscal Note Number:	2
(H) Publish Date:	3/2/2018

Identifier: HB168-LEG-COU-02-02-18
 Title: REPEAL ADMIN. REG. REVIEW COMMITTEE
 Sponsor: CHENAULT
 Requester: HOUSE STATE AFFAIRS

Department: Legislature
 Appropriation: Legislative Council
 Allocation: Council and Subcommittees
 OMB Component Number: 783

Expenditures/Revenues

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

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates					
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
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 (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

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/comments:

UPDATED NARRATIVE

Prepared By: SANTE LESH, BUDGET ANALYST
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 Approved By: JESSICA GEARY, EXECUTIVE DIRECTOR
 Agency: LEGISLATIVE AFFAIRS AGENCY

Phone: (907)465-4824
 Date: 02/26/2018 12:00 AM
 Date: 02/26/18

REPORTED OUT OF
HFC 03/01/2018

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

Analysis

HB168 OFFICIALLY REPEALS THE ADMINISTRATIVE REGULATION REVIEW COMMITTEE. THERE IS NO BUDGET FOR THIS COMMITTEE, THEREFORE REPEALING IT WILL HAVE ZERO FISCAL IMPACT ON THE LEGISLATURE. HCR10 IS A COMPANION TO THIS LEGISLATION.