

Sponsor Statement for CS for HB 158

Criteria for Regulations

An Act relating to the criteria for the adoption of regulations and to the relationship between a regulation and its enabling statute; and providing for an effective date.

Last Updated: April 19, 2001

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The Legislature is the branch of government charged with making law. This bill establishes a two-step process, by first requiring us to be specific when writing legislation to ensure that the true intent of the bill is easily understood. When the Legislature makes a law, it should specify if regulations are envisioned or not by first asking does the bill need regulations to fill in gaps or to clarify specifics. Second, when a regulation author prepares to promulgate supporting regulations, a thorough review of pertinent information relating to the bill must be completed before writing the regulations. This will result in regulations that complement rather than contradict the statute.

HB 158 limits the broad interpretation that is now applied during the regulation process by requiring that the regulation must be clearly authorized by statute. It further requires that the regulation be consistent with the statute and prevents the writing of regulations if they are not absolutely necessary to carry out the statute.

The public should find regulations easier to understand in the future as the legislation and regulations will clearly stem from the same intent and policy. This will ultimately result in a cost savings to the State, as it will greatly reduce the number of appeals at both the administrative and the civil levels.

CS for HB 158 is a modification of the original bill designed to correct some oversights dealing with two specific areas. It should be noted that Boards and Commissions and their regulatory authority are exempted as well as regulations that must be rewritten because of changes in Federal Regulations which the state agency must adopt or risk losing federal funds.

Easy to understand language in both legislation and regulation will lessen the burden on many of Alaska's people and businesses. Individuals will have direct access and input as to how the rules are written because they can contact their elected representatives in the legislature. When Alaskans have input, providing information and insight that is listened too and acted upon, we will have succeeded in returning a trusted government to the people.