




STATE OF ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT <b>POLICY AND PROCEDURES</b>		P & P No. <b>DOL-19</b>	Page <b>1</b> OF <b>3</b>
SUBJECT <b>BOARD/COMMISSION ACTION ON REGULATIONS</b>		Effective Date <b>December 1995</b>	
		Supersedes P & P No. <b>DOL-19</b>	Dated <b>10/95</b>
DIVISION <b>OCCUPATIONAL LICENSING</b>		SECTION	
APPROVED BY 			

**REQUEST FOR REGULATIONS:** When a board/commission requests a change in its regulations, the board/commission should explain, on the record during a properly noticed public meeting, the reason for the change and give detailed information on the change requested. The staff person responsible for the meeting minutes is also responsible for relaying the board/commission's request to the regulations specialist through a draft copy of the minutes, plus any other information that explains the board/commission's request.

The regulations specialist will provide a draft copy of the requested changes in the regulations. It may be necessary to consult with the Department of Law on the board/commission's authority to make the changes requested. It may also be necessary for the board/commission to provide additional information on its intent before the regulations changes are drafted.

**PUBLIC NOTICE OF REGULATIONS CHANGES:** Once a board/commission has reviewed the draft of proposed regulations and agreed on the wording of the proposed changes, the board/commission must pass a motion approving the regulations for public notice. The board/commission should state on the record whether it intends to hold a public hearing on the regulations. The responsible staff should give a draft copy of the minutes to the regulations specialist and provide the date, location, and time of the public hearing, if applicable.

The regulations specialist will prepare and distribute the public notice, including providing a copy of the notice and regulations to all board/commission members and the affected staff.

**PUBLIC COMMENTS ON REGULATIONS:** All notices of proposed regulations include an opportunity for the public to give written comments on the regulations and a specific invitation for comments on the cost of the proposed regulatory action. The board/commission is obligated to seriously consider all written comments, and oral comments if a hearing is held, before taking final action on the regulations. To be considered, written or oral comments must be submitted as instructed in the public notice.

The public notice also includes a deadline for submitting written comments. This deadline is strictly enforced, and letters received after the deadline will not be forwarded to a board/commission for its consideration. Written comments must be received at the address given in the public notice by the deadline date; the postmark date is not considered.

Comments received by phone will not be considered as written comments. The division will accept faxed comments. Staff should inform anyone submitting oral comments outside of the public hearing that the comments will not become a part of the record of the regulations project.

Comment letters should be addressed to the regulations specialist. **If a staff member other than the regulations specialist receives a letter commenting on proposed regulations, the letter should be given to the regulations specialist immediately.**

STATE OF ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT <b>POLICY AND PROCEDURES</b>		P & P No. <b>DOL-19</b>	Page <b>2 OF 3</b>
		Effective Date <b>December 1995</b>	
SUBJECT <b>BOARD/COMMISSION ACTION ON REGULATIONS</b>		Supersedes P & P No. <b>DOL-19</b>	Dated <b>10/95</b>
		APPROVED BY	
DIVISION <b>OCCUPATIONAL LICENSING</b>	SECTION		
<p>At the close of the public comment period, the regulations specialist will compile the written comments and provide them to staff for distribution to board/commission members. The board/commission chair should ensure that all members have carefully considered the public comment letters before the board/commission takes action on the regulations.</p> <p><b>REGULATION HEARINGS:</b> If a board/commission chooses to hold a hearing on proposed regulations, the information about the public hearing must be included in the original or a supplemental notice of the proposed regulations. Hearings are usually held in conjunction with a regularly-scheduled meeting of the board/commission, and are always recorded. A board/commission may choose to use teleconferencing sites for the regulations hearing.</p> <p>If a board/commission has not given notice of a public hearing, the board/commission may not accept any oral comments on the regulations. If the board/commission accepts oral comments without having given notice of a public hearing, the board/commission is required to give supplemental notice and hold a hearing at a later date to allow other interested parties to give oral comments.</p> <p>The board/commission chair often presides over the hearing. The general principle for conducting a regulations hearing is fairness. The board/commission may impose a time limit on commenters, but each commenter must be treated equally.</p> <p>Staff should provide a sign-up sheet at the beginning of the hearing for those who plan to give oral comments.</p> <p><b>FINAL ACTION BY THE BOARD/COMMISSION ON PROPOSED REGULATIONS:</b> After carefully considering the written comments, any oral comments if a hearing was held, and discussing the costs of the proposal, the board/commission may take final action on proposed regulations. The board/commission's final action must be taken during a properly-noticed public meeting.</p> <p>The board/commission may adopt the regulations as proposed, amend and adopt the regulations, or take no action on the regulations. If the board/commission amends the regulations beyond the summary of proposed changes it has given during the public notice process, the board/commission must give additional notice before adopting the regulations. It is important for the board/commission to explain the reason for its actions on the record. This is not only helpful in the preparation of the final draft of the regulations, but it is also important during the review of the regulations by the Department of Law and in case of a legal challenge to the regulations.</p> <p>The record of the meeting should include how the board/commission considered the public comment in its deliberations. Also, the board/commission chair or other board/commission member must make a statement on the record indicating how the board/commission gave special consideration to the cost to private persons. The board/commission must discuss the costs to private persons on the record, even if no comments on costs were submitted or if there are no apparent costs.</p> <p>The board/commission's final action must be in the form of a motion that is passed.</p>			

STATE OF ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT <b>POLICY AND PROCEDURES</b>		P & P No. <b>DOL-19</b>	Page <b>3 OF 3</b>
SUBJECT  <b>BOARD/COMMISSION ACTION ON REGULATIONS</b>		Effective Date <b>December 1995</b>	
		Supersedes P & P No. <b>DOL-19</b>	Dated <b>10/95</b>
		APPROVED BY	

DIVISION <b>OCCUPATIONAL LICENSING</b>	SECTION
---	---------

The staff person responsible for the minutes of the meeting is also responsible for giving a draft copy of the minutes to the regulations specialist as soon as possible after the meeting.

**FINAL REVIEW OF ADOPTED REGULATIONS:** After a board/commission has adopted regulations, the regulations specialist will prepare the proper paperwork and submit the project to the Department of Law for final review. If approved by the Department of Law, the project is sent to the Lieutenant Governor's office for filing.

The regulations specialist will notify board/commission members and affected staff of the effective date of approved regulations.