



LAWS OF ALASKA

1969

Source

Chapter No.

HB 21 am S

40

AN ACT

Relating to filing of regulations under the Administrative Procedure Act; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 44.62.040 is repealed and re-enacted to read:

Sec. 44.62.040. SUBMITTING REGULATIONS. (a) Every state agency which by statute possesses regulation-making authority shall submit to the secretary of state for filing a certified original and one duplicate copy of every regulation or order of repeal adopted by it, except one which

(1) establishes or fixes rates, prices or tariffs;

(2) relates to the use of public works, including streets and highways, under the jurisdiction of a state agency if the effect of the order is indicated to the public by means of signs or signals; or

(3) is directed to a specifically named person or to a group of persons and does not apply generally throughout the state.

(b) Citation of the general statutory authority under which a regulation is adopted, as well as citation of specific statutory sections being implemented, interpreted or made clear, shall follow the text of each regulation submitted under (a) of this section.

* Sec. 2. AS 44.62.070 is amended to read:

Sec. 44.62.070. FEES. No state officer or public official may charge a fee to perform an official act in

connection with the certification, submission or filing of regulations under secs. 40 - 120 of this chapter.

- * Sec. 3. AS 44.62.080 is amended to read:

Sec. 44.62.080. ENDORSEMENT AND FILE. The secretary of state shall (1) endorse on the certified copy of each regulation or order of repeal filed by him, the time and date of filing and (2) maintain a permanent file of the certified copies of regulations and orders of repeal for public inspection.

- * Sec. 4. AS 44.62.100(a) is amended to read:

(a) The filing of a certified copy of a regulation or an order of repeal by the secretary of state raises the rebuttable presumptions that

(1) it was duly adopted;

(2) it was duly filed and made available for public inspection at the day and hour endorsed on it;

(3) all requirements of this chapter and the regulations relative to the regulation have been complied with;

(4) the text of the certified copy of a regulation or order of repeal is the text of the regulation or order of repeal as adopted.

- * Sec. 5. AS 44.62.120 is amended to read:

Sec. 44.62.120. VOLUNTARY SUBMITTING AND PUBLICATION. With the approval of the secretary of state, a state agency may submit to the secretary of state for filing a regulation or order of repeal of a regulation not required by sec. 40 of this chapter to be submitted. If he accepts the regulation or order of repeal, the secretary of state shall endorse and file it as required in sec. 80 of this chapter, and may publish the regulation or order of repeal in the manner he considers proper.

- * Sec. 6. AS 44.62.130(a) is amended to read:

(a) The secretary of state shall provide for the continuing compilation, codification and publication, with periodic supplements, of all regulations filed by his office, or of appropriate references to any regulations the printing of which he finds to be impractical, such as detailed schedules or forms otherwise available to the public, or which are of limited or particular application. The publication of compiled regulations is the Alaska Administrative Code. The periodic supplements to it are the Alaska Administrative Register. The code and register shall contain appropriate annotations to judicial decisions and opinions of the Alaska attorney general.

- * Sec. 7. AS 44.62.180 is amended to read:

Sec. 44.62.180. EFFECTIVE DATE. A regulation or an order of repeal filed by the secretary of state becomes effective on the 30th day after the date of filing unless

(1) otherwise specifically provided by the statute under which the regulation or order of repeal is adopted, in which event it becomes effective on the day prescribed by the statute;

(2) it is a regulation prescribing the organization or procedure of an agency in which event it becomes effective upon filing by the secretary of state or upon a later date specified by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal;

(3) it is an emergency regulation or order of repeal adopted under sec. 250 of this chapter, in which case the finding and the statement of the facts constituting the emergency shall be submitted to the secretary of state, together with the emergency regulation or order of repeal, which, in that event only, becomes effective upon filing by the secretary of state or upon a later date specified by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal.

(4) a later date is prescribed by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal.

* Sec. 8. AS 44.62.290(a) is amended to read:

(a) Sections 180 - 290 of this chapter do not apply to a regulation not required to be submitted to the secretary of state under secs. 10 - 320 of this chapter.

* Sec. 9. AS 40.18.030(b) is amended to read:

(b) The Department of Administration shall, under the Administrative Procedure Act (AS 44.62), adopt and submit to the secretary of state for publication in the Alaska Administrative Code regulations governing the retention and disposal of original records by state agencies. These regulations shall establish disposal criteria for each agency.

* Sec. 10. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.