



LAWS OF ALASKA

1969

Source

Chapter No.

HB 18 am (effective date added)

58

AN ACT

Amending the Administrative Procedure Act and relating to the position of regulations attorney; and providing for an effective date.

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

* Section 1. AS 44.62.060 is repealed and re-enacted to read:

Sec. 44.62.060. PREPARATION AND FILING. (a) Every state agency which by statute possesses regulation-making authority shall work with the Department of Law, under sec. 125 of this chapter, in the preparation and revision of its regulations and shall adhere to the drafting manual for administrative regulations prepared by the Legislative Affairs Agency under sec. 50 of this chapter.

(b) In the performance of duties under sec. 125 of this chapter, the Department of Law shall advise the agencies on legal matters relevant to the promulgation of regulations and may advise the agencies on the need for and the policy involved in particular regulations. In addition, the department shall prepare a written statement of approval or disapproval after each regulation has been reviewed in order to determine

(1) its legality, constitutionality and consistency with other regulations;

(2) the existence of statutory authority and the correctness of the required citation of statutory authority following each section;

(3) its clarity, simplicity of expression, and absence of possibility of misapplication;

(4) compliance with the drafting manual for administrative regulations.

(c) The secretary of state may not accept for filing a regulation, amendment or order of repeal required by sec. 40 of this chapter unless it is accompanied by the written statement specified in (b) of this section and the statement approves the regulation, amendment or order of repeal.

* Sec. 2. AS 44.62 is amended by adding a new section in article 2 to read:

Sec. 44.62.125. REGULATIONS ATTORNEY. (a) In the Department of Law a particular attorney, called the regulations attorney, shall be assigned, as his primary responsibility, the functions relating to the handling of administrative regulations.

(b) The department shall

(1) advise all state administrative agencies of the nature and use of administrative regulations;

(2) alert the agencies to statutes that need to be implemented, interpreted or made clear by regulation;

(3) continually review the regulations, make recommendations to the respective agencies concerning deficiencies, conflicts and obsolete provisions in and the need for reorganization or revision of the regulations, and prepare regulations to be promulgated by the agencies, correcting or removing the deficiencies, conflicts and obsolete provisions;

(4) work with all administrative agencies possessing regulation-making power in drafting all new regulations, advising the agencies of legal problems encountered and ensuring compliance with the drafting manual for administrative regulations prepared by the Legislative Affairs Agency under sec. 50 of this chapter;

(5) assist the agencies in holding public hearings under sec. 210 of this chapter;

(6) to the extent necessary after regulations have been filed by the secretary of state, edit and revise them for consolidation into the Alaska Administrative Code in the manner provided for the revisor of statutes in AS 01.05.031;

(7) draft bills for consideration by the governor to transfer matter which should be statutory law from the Alaska Administrative Code to the Alaska Statutes and to clarify agency regulatory power when clarification is needed.

* Sec. 3. AS 44.62.160 is repealed and re-enacted to read:

Sec. 44.62.160. DATE AND CONTENT OF REGISTER. (a) The Alaska Administrative Register shall be published quarterly on the first day of the month, beginning in a month to be designated by the Department of Law, but not later than October 1969. All regulations required to be submitted under sec. 40 of this chapter which are filed by the first day of the month preceding publication shall

be published in the register for that quarter.

(b) If during a quarter no regulation, amendment or order of repeal has been filed the regular quarterly register shall be published reflecting that fact.

* Sec. 4. Until the revision of the Alaska Administrative Code under 1967 SCR No. 15 and sec. 2(a), ch. 70 SLA 1966 has been completed the regulations attorney shall assist the staff of the Legislative Affairs Agency on that project.

* Sec. 5. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.