

HOUSE BILL NO. 158

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MCGUIRE, Dyson, Fate, Rokeberg, Ogan, Murkowski, Wilson, Lancaster, Kohring

Introduced: 2/28/01

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

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

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

4 * **Section 1.** AS 44.62.020 is amended to read:

5 **Sec. 44.62.020. Authority to adopt, administer, or enforce regulations.**

6 Except for the authority conferred upon the lieutenant governor in AS 44.62.130 -
7 44.62.170, AS 44.62.010 - 44.62.320 do not confer authority upon or augment the
8 authority of a state agency to adopt, administer, or enforce a regulation. To be
9 effective, each regulation adopted must be within the scope of authority conferred **by**
10 **the statute under which the regulation is adopted** and in accordance with standards
11 prescribed by other provisions of law.

12 * **Sec. 2.** AS 44.62.030 is amended to read:

13 **Sec. 44.62.030. Relationship [CONSISTENCY] between regulation and**
14 **statute. The authority to adopt a regulation must be clearly and expressly**

1 **conferred by statute.** If, by express [OR IMPLIED] terms of a statute, a state agency
 2 has authority to adopt regulations to implement, interpret, make specific, or otherwise
 3 carry out the provisions of the statute, a regulation adopted is not valid or effective
 4 unless

5 **(1) the subject of the regulation and the treatment of the subject of**
 6 **the regulation are clearly authorized and not just implied by the statute;**

7 **(2) the regulation is** consistent with the statute **that the regulation**
 8 **purports to implement, interpret, make specific, or otherwise carry out;** and

9 **(3) the regulation is** reasonably necessary to carry out the purpose of
 10 the statute.

11 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 12 read:

13 APPLICABILITY. This Act applies to the adoption or amendment of a regulation if
 14 the original notice under AS 44.62.190 of the adoption or amendment of the regulation is
 15 given on or after the effective date of this Act.

16 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).