

1 IN THE SENATE

BY SENATOR COOPER

2 SENATE BILL NO. 114

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act requiring notice and, in certain
7 instances, hearing, prior to the promulga-
8 tion of any rules or regulations by any
9 agency of the Territorial government; and
10 providing for the filing of all rules or
11 regulations; and declaring an effective
12 date."

13 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA;

14 Section 1. DEFINITIONS. For the purposes of this Act, the
15 following terms shall have the meanings set forth herein, unless
16 the context clearly requires otherwise:

17 (1) "Agency", "Department" or like terms mean all
18 Executive and Administrative departments, offices, institutions,
19 boards, commissions, bureaus, divisions or other administrative
20 units from the Territorial government of Alaska. For purposes
21 of this Act, the Pioneers' Home and the University of Alaska are
22 included in the term "Agency".

23 (2) "Regulation" for the purpose of this Act includes
24 the plural thereof, and means any rule or directive, or the plural
25 forms thereof, promulgated by the issuing authority in accordance
26 with the law empowering the issuing authority to promulgate such
27 a regulation, which is to be applied uniformly to a class of per-
28 sons.

29 Sec. 2. NOTICE OF INTENT TO PROMULGATE REGULATION; HEARING;

SB #114

1 FINDING. Prior to the promulgation, revision, modification or
2 amendment of any regulation proposed to be adopted by any Ter-
3 ritorial agency, the head of such agency shall cause notice of
4 such regulation to be filed in two public places in all munici-
5 palities having a population of 5,000 or more according to the
6 last decennial census. The notice shall contain the name of the
7 agency proposing to promulgate the regulation, a complete text
8 of the regulation and an invitation to any member of the public
9 affected by such proposed regulation to request in writing that a
10 hearing be held to determine the reasonableness thereof.

11 In the event a request for a hearing is filed, the head of
12 the agency shall arrange a time and place for such hearing and
13 shall permit the introduction of any evidence or other data which
14 may assist the agency in determining the necessity and propriety
15 of issuing the proposed regulation. At the conclusion of the
16 hearing the issuing authority shall set forth its findings in
17 writing and declare its intention as to whether or not it shall
18 promulgate such regulation.

19 Sec. 3. PROMULGATION; FILING OF REGULATION. In the event
20 no objection is made to the proposed regulation, revision, modi-
21 fication or amendment or following a hearing as above provided for,
22 the issuing authority may promulgate such regulation by filing
23 copies thereof in the offices of the Governor of Alaska and the
24 Attorney General. No such regulation shall take effect until ten
25 days after it has been properly filed as provided in this Section.

26 Sec. 4. SUBMISSION OF REGULATIONS TO LEGISLATURE. All regu-
27 lations, revisions, modifications or amendments thereof promul-
28 gated after the adjournment of a regular Legislative Session shall
29 be submitted to the next Legislature convening in regular session.

1 Sec. 5. ACTION BY LEGISLATURE. The Legislature may disap-
2 prove any regulation, revision, modification or amendment thereof,
3 which it determines to be unnecessary, improper or in contraven-
4 tion of Territorial law or policy. Such disapproval shall be made
5 by joint resolution, duly passed by each House of the Legislature,
6 and upon adoption of the joint resolution such regulation shall
7 be null and void and of no effect.

8 Sec. 6. REGULATIONS EXISTING PRIOR TO EFFECTIVE DATE OF THIS
9 ACT. All existing and current regulations, revisions, modifica-
10 tions or amendments thereof, promulgated prior to the effective
11 date of this Act by any agency shall be filed in accordance with
12 Section 3 herein within 120 days of the effective date of this
13 Act or shall otherwise be declared null and void and of no effect.

14 Sec. 7. EMERGENCY CLAUSE. An emergency is hereby declared
15 to exist and this Act shall be in full force and effect from and
16 after the date of its passage and approval.

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