

1 IN THE HOUSE

RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

2 HOUSE BILL NO. 297

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the Administrative Pro-
7 cedure Act of 1959 (Ch. 143, SLA 1959); and
8 providing for an effective date."

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

10 Section 1. Sec. 3, Art. II, Ch. 1, Ch. 143, SLA 1959, is
11 amended to read:

12 Sec. 3. [APPROVAL AND] FILING. Agencies shall submit
13 regulations, amendments, or orders of repeal to the Depart-
14 ment of Law before transmitting them to the Secretary of
15 State for filing. Upon receipt of a regulation, amendment,
16 or order of repeal, the Department of Law shall write an
17 opinion to the agency advising it on the validity of the
18 regulation, amendment, or order of repeal adopted, on the
19 correctness of the citation of statutory authority required
20 by Sec. 1(4) of this Article, and on the clarity of the
21 regulation, amendment, or order of repeal adopted. In the
22 opinion, the Department of Law shall recommend changes, if
23 changes are needed, to make the regulation, amendment, or
24 order of repeal valid, or to increase its usefulness. The
25 agency shall transmit to the Secretary of State a copy of
26 the opinion at the same time it submits a copy of the affect-
27 ed regulation, amendment, or order of repeal to him for fil-
28 ing. The Secretary of State shall not file a regulation,
29 amendment, or order of repeal until he receives the relevant

1 opinion and the copies of regulations, amendments, or orders
2 of repeal required by Sec. 1 of this Article. The Secretary
3 of State shall examine each regulation, amendment, or order
4 of repeal transmitted to him for filing and determine whether
5 or not it complies with the form and style he has prescribed.
6 Sec. 2. Sec. 1, Art. VII, Ch. 1, Ch. 143, SLA 1959, is
7 amended to read:

8 Section 1. The Legislature, by a concurrent resolution
9 adopted by a vote of both houses, shall have the power to
10 annul any agency or department rule or regulation. The
11 Legislative Council shall annually review all agency regu-
12 lations to determine if the legislative intent is being
13 correctly followed. A comprehensive report of said annual
14 review with recommendations shall be submitted to the
15 members of the legislature at [FIFTEEN DAYS PRIOR TO] the
16 start of its regular session each January.

17 Sec. 3. This Act takes effect on the day after its passage
18 and approval or on the day it becomes law without such approval.
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