

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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 (1) be-
13 fore adoption and at the time notice of proposed action is
14 given, and (2) after adoption if the adopted regulation,
15 amendment, or order of repeal deviates from the proposed
16 action, submit regulations, amendments, or orders of repeal
17 to the Department of Law before transmitting them to the
18 Secretary of State for filing. Within 10 days after receipt
19 of the regulation, amendment, or order of repeal, the Depart-
20 ment of Law shall write an opinion to the agency advising it
21 on the validity of the regulation, amendment, or order of
22 repeal adopted, on the correctness of the citation of statu-
23 tory authority required by Sec. 1(4) of this Article, and on
24 the clarity of the regulation, amendment, or order of repeal
25 adopted. In the opinion, the Department of Law shall recom-
26 mend changes, if changes are needed, to make the regulation,
27 amendment, or order of repeal valid, or to increase its use-
28 fulness. The agency shall transmit to the Secretary of
29 State a copy of the opinion at the same time it submits a

1 copy of the affected regulation, amendment, or order of
2 repeal to him for filing. The Secretary of State shall not
3 file a regulation, amendment, or order of repeal until he
4 receives the relevant opinion and the copies of regulations,
5 amendments, or orders of repeal required by Sec. 1 of this
6 Article. The Secretary of State shall examine each regula-
7 tion, amendment, or order of repeal transmitted to him for
8 filing and determine whether or not it complies with the form
9 and style he has prescribed.

10 Sec. 2. Sec. 5, Art. IV, Ch. 1, Ch. 145, SLA 1959 is amended
11 by adding a new paragraph (5) to read:

12 (5) Furnished the Department of Law together with
13 a copy of the proposed regulation, amendment, or order of
14 repeal, or an informative summary of the proposed action, for
15 the department's use in preparing the opinion required after
16 adoption and before filing by Sec. 3, Art. II of this
17 Chapter.

18 Sec. 3. Sec. 1, Art. VII, Ch. 1, Ch. 143, SLA 1959 is
19 amended to read:

20 Section 1. The Legislature, by a concurrent resolution
21 adopted by a vote of both houses, shall have the power to
22 annul any agency or department rule or regulation. The
23 Legislative Council shall annually review all agency regula-
24 tions to determine if the legislative intent is being cor-
25 rectly followed. A comprehensive report of said annual re-
26 view with recommendations shall be submitted to the members
27 of the legislature at [FIFTEEN DAYS PRIOR TO] the start of
28 its regular session each January.

29 Sec. 4. This Act takes effect on the day after its passage

1 and approval or on the day it becomes law without such approval.

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