

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

IN THE HOUSE BY THE JUDICIARY COMMITTEE
CS FOR HOUSE BILL NO. 297
IN THE LEGISLATURE OF THE STATE OF ALASKA
SECOND LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act amending the Administrative Procedure Act of 1959, Ch. 143, SLA 1959; and providing for an effective date."

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

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

Sec. 3. [APPROVAL AND] FILING. Agencies shall (1) before adoption and at the time notice of proposed action is given, and (2) after adoption if the adopted regulation, amendment, or order of repeal deviates from the proposed action, submit regulations, amendments, or orders of repeal to the Department of Law before transmitting them to the Secretary of State for filing. Within 10 days after receipt of the regulation, amendment, or order of repeal, the Department of Law shall write an opinion to the agency advising it on the validity of the regulation, amendment, or order of repeal adopted, on the correctness of the citation of statutory authority required by Sec. 1(4) of this Article, and on the clarity of the regulation, amendment, or order of repeal adopted. In the opinion, the Department of Law shall recommend changes, if changes are needed, to make the regulation, amendment, or order of repeal valid, or to increase its usefulness. The agency shall transmit to the Secretary of 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. This section shall not pertain
10 to emergency regulations.

11 Sec. 2. Sec. 5, Art. IV, Ch. 1, Ch. 143, SLA 1959 is amended
12 by adding a new paragraph (5) to read:

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

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29