

Original sponsor: Rules Committee by
request of the Legislative Council

Offered: 3/25/68
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 662

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the Administrative Procedure Act and
7 relating to the office of regulations attorney."

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

9 * Section 1. AS 44.62.040 is amended to read:

10 Sec. 44.62.040. FILING REGULATIONS. Every state agency possessing
11 regulation-making authority shall

12 (1) send to the secretary of state for filing a certified
13 copy of every regulation adopted by it except one which

14 (A) establishes or fixes rates, prices or tariffs,

15 (B) relates to the use of public works, including
16 streets and highways, under the jurisdiction of a state agency
17 if the effect of the order is indicated to the public by means of
18 signs or signals,

19 (C) is directed to a specifically named person or to a
20 group of persons and does not apply generally throughout the
21 state;

22 (2) send to the secretary of state for filing a certified
23 copy of every order of repeal of a regulation required to be filed
24 under (1) of this section;

25 (3) deliver to the secretary of state at the time of filing
26 two duplicate copies of the regulation or order of repeal together with
27 a citation of the authority under which it or any part of it is adopted.

28 * Sec. 2. AS 44.62.050 is repealed and re-enacted to read:

29 Sec. 44.62.050. STYLE OF AND FORMS FOR FILING. The Legislative

1 Affairs Agency shall prepare and shall revise when necessary a drafting
2 manual for administrative regulations which prescribes the style of and
3 forms for filing regulations under sec. 40 of this chapter.

4 * Sec. 3. AS 44.62 is amended by adding a new section to read:

5 Sec. 44.62.061. PREPARATION AND FILING. (a) Every state agency
6 possessing regulation-making authority shall work with the regulations
7 attorney, under sec. 128 of this chapter, in the preparation and re-
8 vision of its regulations and shall adhere to the drafting manual for
9 administrative regulations prepared by the Legislative Affairs Agency
10 under sec. 50 of this chapter.

11 (b) In the performance of his duties under sec. 128 of this
12 chapter, the regulations attorney shall advise the agencies on legal
13 matters relevant to the promulgation of regulations and may advise the
14 agencies on the need for and the policy involved in particular regula-
15 tions.

16 (c) After adoption of a regulation required under sec. 40 of this
17 chapter an agency shall, and after adoption of a regulation not required
18 by that section an agency may, submit it to the secretary of state;
19 however, he may not accept it for filing unless it conforms to the
20 drafting manual for administrative regulations.

21 (d) If an agency decides to adopt and file a regulation despite
22 the disapproval of the regulations attorney it may do so, but he is
23 authorized to bring an action for declaratory judgment under sec. 300
24 of this chapter. The regulations attorney's expression of disapproval
25 before a regulation is filed is not a prerequisite to his bringing
26 this action.

27 * Sec. 4. AS 44.62 is amended by adding a new section to article 3
28 to read:

29 Sec. 44.62.128. REGULATIONS ATTORNEY. There is in the Department
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1 of Law an attorney responsible for the regulations of all state ad-
2 ministrative agencies. He shall

3 (1) advise all state administrative agencies of the nature
4 and use of administrative regulations;

5 (2) alert the agencies to statutes that need to be imple-
6 mented, interpreted or made clear by regulations;

7 (3) continually review the regulations, make recommendations
8 to the respective agencies concerning deficiencies, conflicts and
9 obsolete provisions in and the need for reorganization or revision of
10 the regulations, and prepare regulations to be promulgated by the
11 agencies, correcting or removing the deficiencies, conflicts and obso-
12 lete provisions;

13 (4) draft all new regulations for all administrative agencies
14 possessing regulation-making power, advising the agencies of legal
15 problems encountered and ensuring compliance with the drafting manual
16 for administrative regulations prepared by the Legislative Affairs
17 Agency under sec. 50 of this chapter;

18 (5) assist the agencies in holding public hearings under
19 sec. 210 of this chapter; and

20 (6) draft bills to be introduced by request of the governor
21 to transfer matter which should be statutory law from the Alaska Admin-
22 istrative Code to the Alaska Statutes and to clarify agency regulatory
23 power when clarification is needed.

24 * Sec. 5. AS 44.62.150(a) is amended to read:

25 (a) Until the revision of the code under 1967 SCR No. 15 and sec.
26 2(a), ch. 70 SLA 1966 is completed and a contract with the publisher of
27 the new code is executed the [THE] secretary of state shall sell to the
28 public the Alaska Administrative Register and the Alaska Administrative
29 Code at prices which as nearly as practical will reimburse the state for

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all costs incurred for printing, publication and distribution.

* Sec. 6. AS 44.62.160 is repealed and re-enacted to read:

Sec. 44.16.160. DATE AND CONTENT OF REGISTER. (a) The Alaska Administrative Register shall be published quarterly on the first day of the month, beginning in a month to be designated by the regulations attorney, but not later than October 1968. All regulations required to be filed under sec. 40 of this chapter which are filed by the first day of the month preceding publication shall be published.

(b) If during a quarter no regulation, amendment or order of repeal has been filed the regular quarterly register shall be published reflecting that fact.

* Sec. 7. AS 44.62.060, 44.62.090, 44.62.170, 44.62.190(a)(5) are repealed.

* Sec. 8. Until the revision of the Alaska Administrative Code under 1967 SCR No. 15 and sec. 2(a), ch. 70 SLA 1966 has been completed the regulations attorney shall work with the staff of the Legislative Affairs Agency on that project.

* Sec. 9. Upon consideration of the factors which prompted 1967 SCR 15 and ch. 70 SLA 1966, it is the intent of the legislature that the regulation attorney devote his full working time to the duties set out in AS 44.62.128 and that he work on other matters handled by the Department of Law only when absolutely necessary in the opinion of the attorney general.