

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

2 HOUSE BILL NO. 18

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 * Section 1. AS 44.62.060 is repealed and re-enacted to read:

10 Sec. 44.62.060. PREPARATION AND FILING. (a) Every state
11 agency which by statute possesses regulation-making authority shall
12 work with the Department of Law, under sec. 125 of this chapter,
13 in the preparation and revision of its regulations and shall adhere
14 to the drafting manual for administrative regulations prepared by
15 the Legislative Affairs Agency under sec. 50 of this chapter.

16 (b) In the performance of duties under sec. 125 of this chapter,
17 the Department of Law shall advise the agencies on legal matters
18 relevant to the promulgation of regulations and may advise the
19 agencies on the need for and the policy involved in particular regu-
20 lations. In addition, the department shall prepare a written state-
21 ment of approval or disapproval after each regulation has been
22 reviewed in order to determine

23 (1) its legality, constitutionality and consistency with
24 other regulations;

25 (2) the existence of statutory authority and the correct-
26 ness of the required citation of statutory authority following each
27 section;

28 (3) its clarity, simplicity of expression, and absence of
29 possibility of misapplication;

1 (4) compliance with the drafting manual for administrative
2 regulations.

3 (c) The secretary of state may not accept for filing a regula-
4 tion, amendment or order of repeal required by sec. 40 of this
5 chapter unless it is accompanied by the written statement specified
6 in (b) of this section and the statement approves the regulation,
7 amendment or order of repeal.

8 * Sec. 2. AS 44.62 is amended by adding a new section in article 2 to
9 read:

10 Sec. 44.62.125. REGULATIONS ATTORNEY. (a) In the Department
11 of Law a particular attorney, called the regulations attorney, shall
12 be assigned, as his primary responsibility, the functions relating to
13 the handling of administrative regulations.

14 (b) The department shall

15 (1) advise all state administrative agencies of the nature
16 and use of administrative regulations;

17 (2) alert the agencies to statutes that need to be imple-
18 mented, interpreted or made clear by regulation;

19 (3) continually review the regulations, make recommenda-
20 tions to the respective agencies concerning deficiencies, conflicts
21 and obsolete provisions in and the need for reorganization or re-
22 vision of the regulations, and prepare regulations to be promulgated
23 by the agencies, correcting or removing the deficiencies, conflicts
24 and obsolete provisions;

25 (4) work with all administrative agencies possessing
26 regulation-making power in drafting all new regulations, advising
27 the agencies of legal problems encountered and ensuring compliance
28 with the drafting manual for administrative regulations prepared by
29 the Legislative Affairs Agency under sec. 50 of this chapter;

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

(6) to the extent necessary after regulations have been filed by the secretary of state, edit and revise them for consolidation into the Alaska Administrative Code in the manner provided for the revisor of statutes in AS 01.05.031;

(7) draft bills for consideration by the governor to transfer matter which should be statutory law from the Alaska Administrative Code to the Alaska Statutes and to clarify agency regulatory power when clarification is needed.

* Sec. 3. AS 44.62.160 is repealed and re-enacted to read:

Sec. 44.62.160. 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 Department of Law, but not later than October 1969. All regulations required to be submitted under sec. 40 of this chapter which are filed by the first day of the month preceding publication shall be published in the register for that quarter.

(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. 4. 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 assist the staff of the Legislative Affairs Agency on that project.