

Introduced: 1/31/69
Referred: State Affairs
and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

2 HOUSE BILL NO. 21

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to filing of regulations under the
7 Administrative Procedure Act; and providing for an
8 effective date."

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

10 * Section 1. AS 44.62.040 is repealed and re-enacted to read:

11 Sec. 44.62.040. SUBMITTING REGULATIONS. (a) Every state agency
12 which by statute possesses regulation-making authority shall submit to
13 the secretary of state for filing a certified original and one dupli-
14 cate copy of every regulation or order of repeal adopted by it, except
15 one which

16 (1) establishes or fixes rates, prices or tariffs;

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

21 (3) is directed to a specifically named person or to a group
22 of persons and does not apply generally throughout the state.

23 (b) Citation of the general statutory authority under which a regu-
24 lation is adopted, as well as citation of specific statutory sections
25 being implemented, interpreted or made clear, shall follow the text of
26 each regulation submitted under (a) of this section.

27 * Sec. 2. AS 44.62.070 is amended to read:

28 Sec. 44.62.070. FEES. No state officer or public official may
29 charge a fee to perform an official act in connection with the certi-

1 fication, submission or filing of regulations under secs. 40 - 120 of
2 this chapter.

3 * Sec. 3. AS 44.62.080 is amended to read:

4 Sec. 44.62.080. ENDORSEMENT AND FILE. The Secretary of state
5 shall (1) endorse on the certified copy of each regulation or order
6 of repeal filed by [WITH] him, the time and date of filing and (2)
7 maintain a permanent file of the certified copies of regulations and
8 orders of repeal for public inspection.

9 * Sec. 4. AS 44.62.100(a) is amended to read:

10 (a) The filing of a certified copy of a regulation or an order
11 of repeal by [WITH] the secretary of state raises the rebuttable
12 presumptions that

13 (1) it was duly adopted;

14 (2) it was duly filed and made available for public inspec-
15 tion at the day and hour endorsed on it;

16 (3) all requirements of this chapter and the regulations
17 relative to the regulation have been complied with;

18 (4) the text of the certified copy of a regulation or order
19 of repeal is the text of the regulation or order of repeal as adopted.

20 * Sec. 5. AS 44.62.120 is amended to read:

21 Sec. 44.62.120. VOLUNTARY SUBMITTING [FILING] AND PUBLICATION.
22 With the approval of the secretary of state, a state agency may submit
23 to [FILE WITH] the secretary of state for filing a regulation or order
24 of repeal of a regulation not required by sec. 40 [SECS. 40 - 120] of
25 this chapter to be submitted [FILED]. If he accepts the regulation
26 or order of repeal, the [THE] secretary of state shall endorse and
27 file it as required in sec. 80 of this chapter, and may publish the
28 regulation or order of repeal in the manner he considers proper.

29 * Sec. 6. AS 44.62.130(a) is amended to read:

1 (a) The secretary of state shall provide for the continuing
2 compilation, codification and publication, with periodic supplements,
3 of all regulations [REQUIRED TO BE] filed by [WITH] his office, or of
4 appropriate references to any regulations the printing of which he
5 finds to be impractical, such as detailed schedules or forms otherwise
6 available to the public, or which are of limited or particular appli-
7 cation. The publication of compiled regulations is the Alaska Adminis-
8 trative Code. The periodic supplements to it are the Alaska Adminis-
9 trative Register; the code and register shall contain appropriate anno-
10 tations to judicial decisions and opinions of the Alaska attorney
11 general.

12 * Sec. 7. AS 44.62.180 is amended to read:

13 Sec. 44.62.180. EFFECTIVE DATE. A regulation or an order of
14 repeal [REQUIRED TO BE] filed by [WITH] the secretary of state becomes
15 effective on the 30th day after the date of filing unless

16 (1) otherwise specifically provided by the statute under
17 which the regulation or order of repeal is adopted, in which event it
18 becomes effective on the day prescribed by the statute;

19 (2) it is a regulation prescribing the organization or pro-
20 cedure of an agency in which event it becomes effective upon filing by
21 the secretary of state or upon a later date specified by the state
22 agency in a written instrument submitted [FILED] with, or as part of,
23 the regulation or order of repeal;

24 (3) it is an emergency regulation or order of repeal adopted
25 under sec. 250 of this chapter, in which case the finding and the state-
26 ment of the facts constituting the emergency shall be submitted to
27 [FILED WITH] the secretary of state, together with the emergency regula-
28 tion or order of repeal, which, in that event only, becomes effective
29 upon filing by the secretary of state or upon a later date specified by

1 the state agency in a written instrument submitted [FILED] with, or as
2 part of, the regulation or order of repeal;

3 (4) a later date is prescribed by the state agency in a
4 written instrument submitted [FILED] with, or as part of, the regula-
5 tion or order of repeal.

6 * Sec. 8. AS 44.62.290(a) is amended to read:

7 (a) Sections 180 - 290 of this chapter do not apply to a regu-
8 lation not required to be submitted to [FILED WITH] the secretary of
9 state under secs. 10 - 320 of this chapter.

10 * Sec. 9. AS 40.18.030(b) is amended to read:

11 (b) The Department of Administration shall, under the Administra-
12 tive Procedure Act (AS 44.62), adopt and submit to [FILE WITH] the
13 secretary of state for publication in the Alaska Administrative Code
14 regulations governing the retention and disposal of original records
15 by state agencies. These regulations shall establish disposal cri-
16 teria for each agency.

17 * Sec. 10. This Act takes effect on the day after its passage and
18 approval or on the day it becomes law without approval.