

Introduced: 1/12/77

1 IN THE SENATE

BY WILLIS AND HUBER

2 SS SENATE BILL NO. 36
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to administrative regulations; and
7 providing for an effective date."

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

9 * Section 1. AS 44.62.040 is amended by adding new subsections to read:

10 (c) Each regulation required to be filed by this section shall be
11 accompanied by

12 (1) a copy of the notice of the public hearing, describing
13 where and when the notice was published;

14 (2) either a summary or a verbatim transcript of the pro-
15 ceedings at the public hearing held under sec. 210 of this chapter;

16 (3) a list of the objections to the proposed regulation which
17 were presented at the hearings;

18 (4) the legal opinion required by sec. 60(b) of this chapter.

19 (d) At the same time as the proposed regulation, amendment, or
20 order of repeal and the accompanying documents are filed with the
21 lieutenant governor, a copy of all documents will be filed with the
22 Administrative Regulation Review Committee in the offices of the Legis-
23 lative Affairs Agency.

24 * Sec. 2. AS 44.62.060(c) is amended to read:

25 (c) The lieutenant governor may not accept for filing a regula-
26 tion, amendment or order of repeal that is required to be filed by sec.
27 40 of this chapter unless it is accompanied by the [WRITTEN] statement
28 specified in (b) of this section and the statement approves the regula-
29 tion, amendment or order of repeal, and the documents required by sec.

1 40 of this chapter.

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

3 Sec. 44.62.128. PERIODIC REVIEW. (a) Each regulation adopted by
4 an agency and required to be filed with the lieutenant governor under
5 sec. 40(a) of this chapter shall be reviewed by the agency responsible
6 for its implementation or enforcement within the three-year period after
7 its adoption and thereafter within each succeeding three-year period.

8 (b) After the review required under (a) of this section, the
9 agency shall notify the lieutenant governor of the regulations reviewed
10 which the agency chooses to continue in force..

11 (c) All regulations subject to review under this section which
12 have not been continued in force by the adopting agency under (b) of
13 this section lapse.

14 * Sec. 4. AS 44.62.200(a)(1) is amended to read:

15 (1) a statement of the time and place for the public hearing
16 required under sec. 210 of this chapter; and of the time, place, and
17 nature of proceedings for adoption, amendment, or repeal of the regula-
18 tions;

19 * Sec. 5. AS 44.62.210 is repealed and re-enacted to read:

20 Sec. 44.62.210. PUBLIC HEARINGS. (a) A public hearing shall be
21 held before the adoption, amendment, or repeal of a regulation which is
22 required to be filed with the lieutenant governor under sec. 40(a) of
23 this chapter. A public hearing under this section shall be held at a
24 time that is convenient for the public and at the place where the
25 proposed action is likely to have the most effect in the state or be of
26 greatest interest to the public.

27 (b) At each public hearing under this section the agency shall
28 give each interested person or his authorized representative, or both,
29 the opportunity to present statements, arguments, or contentions orally

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and in writing. The state agency shall consider all relevant matter presented to it before adopting, amending, or repealing a regulation.

(c) At a hearing under this section the agency or its authorized representative may administer oaths or affirmations, and may continue or postpone the hearing to a time and place meeting the requirements of (a) of this section.

* Sec. 6. AS 24.20.460(4) is amended to read:

(4) to examine all administrative regulations to determine if they properly implement legislative intent and have been subjected to sufficient public scrutiny;

* Sec. 7. This Act takes effect July 1, 1977.

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