

Introduced: 2/10/78
Referred: Judiciary

1 IN THE SENATE

BY WILLIS AND HUBER

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 36

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND 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 any public hearing, and a de-
13 scription of 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 lieute-
21 nant governor, a copy of all documents will be filed with the Administra-
22 tive Regulation Review Committee in the offices of the Legislative
23 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
27 sec. 40 of this chapter unless it is accompanied by the [WRITTEN] state-
28 ment specified in (b) of this section and the statement approves the
29 regulation, amendment or order of repeal, as well as the documents

1 required by sec. 40(c) 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) At least 60 days before the expiration of the three-year
12 period, the lieutenant governor shall notify the adopting agency of any
13 regulation subject to review under this section which has not been
14 continued in force.

15 (d) All regulations subject to review under this section which
16 have not been continued in force by the adopting agency under (b) of
17 this section lapse.

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

19 (1) a statement of the time and place for any public hearing
20 or notice that a public hearing is available upon request under sec. 210
21 of this chapter; and of the time, place, and nature of proceedings for
22 adoption, amendment, or repeal of the regulation.

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 AS 44.62.210 is repealed and re-enacted to read:

24 Sec. 44.62.210. PUBLIC HEARINGS. (a) Upon written request of 10
25 or more persons, a public hearing shall be held before the adoption,
26 amendment, or repeal of a regulation which is required to be filed with
27 the lieutenant governor under sec. 40(a) of this chapter. A public
28 hearing under this chapter shall be held at a time that is convenient
29 for the public and at the place where the proposed action is likely to

1 have the most effect in the state or be of greatest interest to the
2 public.

3 (b) At each public hearing under this chapter the agency shall
4 give each interested person or his authorized representative, or both,
5 the opportunity to present statements, arguments, or contentions orally
6 and in writing. The state agency shall consider all relevant matter
7 presented to it before adopting, amending, or repealing a regulation.

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

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

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

16 * Sec. 7. This Act takes effect July 1, 1978.