

Introduced: 3/13/79
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY GARDINER, ROGERS, COTTEN,
FREEMAN, HAYES, MILES AND PARR

2 HOUSE BILL NO. 378

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulations adopted by a state
7 agency."

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

9 * Section 1. AS 44.62 is amended by adding a new section to read:

10 Sec. 44.62.025. EXPIRATION OF REGULATIONS. (a) Except as pro-
11 vided in (b) of this section, each regulation adopted by a state agency
12 expires at the end of a period of five years from its effective date
13 unless the regulation specifies an earlier expiration date. An expired
14 regulation is not effective for any purpose, but all rights, penalties,
15 forfeitures or liability which had accrued under the regulation before
16 that date continue and the regulation shall be treated as remaining in
17 force for the purpose of sustaining any proper action or prosecution for
18 the enforcement of a right, penalty, forfeiture or liability which had
19 accrued. A new regulation may contain all or part of the provisions of
20 an expired regulation. If a new regulation containing provisions iden-
21 tical to an expired regulation is adopted before the expiration date,
22 the provisions are considered to have continuous effect.

23 (b) Each regulation adopted by a state agency before the effective
24 date of this Act expires at adjournment of the legislative session
25 convening in the month and year set out after each:

26 (1) regulations contained in Titles 4, 12, 16, and 17 of the
27 Alaska Administrative Code -- January 1981;

28 (2) regulations contained in Titles 1, 2, 3, 5, and 6 of the
29 Alaska Administrative Code and all uncodified regulations -- January

1 1982;

2 (3) regulations contained in Titles 7, 8, 10, 20 and 21 of
3 the Alaska Administrative Code -- January 1983;

4 (4) regulations contained in Titles 9, 11, 13 and 14 of the
5 Alaska Administrative Code -- January 1984;

6 (5) regulations contained in Titles 15, 18 and 19 of the
7 Alaska Administrative Code -- January 1985.

8 (c) A regulation expiring under this section may be continued in
9 effect by law for a period not to exceed five years.

10 (d) Before the expiration of a regulation under (b) of this sec-
11 tion, the Administrative Regulation Review Committee established under
12 AS 24.20.400 shall review the regulation and recommend to the legisla-
13 ture whether the regulation should be continued. The committee shall
14 present its report and recommendations to the legislature before the
15 30th legislative day of the session at the end of which the regulation
16 expires. The recommendation of the committee may be based on the fac-
17 tors the committee determines are relevant, including the extent the
18 committee determines the regulation conforms to legislative intent,
19 compliance with statutory authority, and whether the regulation serves
20 the public interest. Failure to comply with a requirement of this
21 section does not affect the expiration of a regulation nor the authority
22 to continue the regulation in effect.

23 * Sec. 2. AS 24.20.460(5) is amended to read:

24 (5) to make recommendations for legislative annulment or
25 continuation of administrative regulations under AS 44.62.025 and
26 AS 44.62.320;

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