

Introduced: 1/14/80  
Referred: Judiciary

1 IN THE SENATE

BY HACKNEY AND STIMSON

2

SENATE BILL NO. 308

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act shifting to the state the burden of proving  
7 that a challenged regulation is valid."

7

8

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

9

\* Section 1. AS 44.62.300 is amended to read:

10

Sec. 44.62.300. COURT REVIEW. An interested person may get a  
11 judicial declaration on the validity of a regulation by bringing an  
12 action for declaratory relief in the superior court. In addition to any  
13 other ground the court may declare the regulation invalid (1) for a  
14 substantial failure to comply with AS 44.62.010 - 44.62.320, or (2) in  
15 the case of an emergency regulation or order of repeal, upon the ground  
16 that the facts recited in the statement do not constitute an emergency  
17 under AS 44.62.250. In any such action, the state has the burden of  
18 proving that the facts alleged in support of the grounds upon which the  
19 action for invalidity is based are untrue, or that the facts alleged,  
20 even if true, do not constitute grounds upon which the regulation may be  
21 invalidated.

22

23

24

25

26

27

28

29