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Referred: State Affairs and
Judiciary

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1 IN THE HOUSE

2 HOUSE BILL NO. 339

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the judicial review of adminis-
7 trative regulations."

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

9 * Section 1. AS 44.62.030 is amended to read:

10 Sec. 44.62.030. CONSISTENCY BETWEEN REGULATION AND STATUTE. If,
11 by express or implied terms of a statute, a state agency has authority
12 to adopt regulations to implement, interpret, make specific or other-
13 wise carry out the provisions of the statute, no regulation adopted is
14 valid or effective unless consistent with the statute and absolutely
15 [REASONABLY] necessary to carry out the purpose of the statute.

16 * Sec. 2. AS 44.62.300 is amended by adding a new subsection to read:

17 (b) In an action under (a) of this section brought on the ground
18 that a regulation is not absolutely necessary as required by AS 44.62.-
19 030, the state has the burden of proving that

20 (1) the burdens imposed on the public by the regulation are
21 outweighed by the benefits accruing to the public from the regulation;
22 and

23 (2) there is no less restrictive means available to achieve
24 the purpose of the regulation.
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