

Original sponsors: Metcalfe, Abood,
Barnes, et al

Offered: 1/25/82
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 339 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND 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 otherwise
13 carry out the provisions of the statute, no regulation adopted is valid
14 or effective unless consistent with the statute and there is a clearly
15 demonstrated need for the regulation [REASONABLY NECESSARY] to carry out
16 the purpose of the statute.

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

18 (b) In an action under (a) of this section brought on the ground
19 that there is no clearly demonstrated need for the regulation as
20 required by AS 44.62.030, the state has the burden of proving that

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

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