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Referred: State Affairs and
Judiciary

BY METCALFE, ABOOD, BARNES,
BEIRNE, BETTISWORTH, BYLSMA
AND RANDOLPH

1 IN THE HOUSE

2 HOUSE BILL NO. 340

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the review of regulations and
7 the cessation of effectiveness of regulations not
8 approved by law; and providing for an effective date."

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

10 * Section 1. FINDINGS. The legislature finds that (1) the authority
11 delegated to state departments and agencies to adopt regulations has been
12 abused through the adoption of regulations which impact the public in ways
13 and to a degree not contemplated or desired by the legislature; (2) this
14 abuse is the result of departments and agencies adopting regulations to
15 advance their own power, ideological imperatives, and administrative con-
16 venience, without regard to the impact of the regulation on the public or
17 the legislature's original intent when enacting the law authorizing the
18 regulation; (3) other causes of this abuse are the lack of accountability
19 inherent in the piecemeal manner in which the whole body of administrative
20 regulations has developed, as well as the lack of electoral accountability
21 to the public of those heads of departments and agencies adopting the regula-
22 tions; and (4) existing legislative and judicial mechanisms for the control
23 of regulations have proven inadequate. The result engendered by these
24 abuses is a pervasiveness of regulation and consequent interference with the
25 freedom of action of individuals which was quite unanticipated by the legis-
26 lature.

27 * Sec. 2. AS 44.62 is amended by adding a new section to read:

28 Sec. 44.62.185. LEGISLATIVE APPROVAL OF REGULATIONS REQUIRED. (a)

29 A regulation, amendment to a regulation, or repeal of a regulation,

1 adopted after the effective date of this Act, is not effective for more
2 than three years from its effective date unless the regulation, amend-
3 ment, or order of repeal is approved by law. Upon approval by law the
4 regulation continues in effect for five years unless another period is
5 specified. The regulation, amendment to a regulation, or repeal of a
6 regulation will cease to be effective unless approved by law at the end
7 of five years or other period, and at the end of each subsequent period
8 for which the regulation is continued in effect after being approved by
9 law. A regulation, amendment to a regulation, or repeal of a regulation
10 which is the same or substantially the same as a regulation, amendment
11 to to a regulation, or order of repeal which was not approved within a
12 three-year period or at the end of a subsequent five-year or other
13 period as required by this section may not be adopted within four years
14 of the expiration of the three-year, five-year, or other period.

15 (b) Regulations, amendments to regulations, and repeals of regula-
16 tions adopted on or before the effective date of this Act cease to be
17 effective upon the adjournment of the Fourteenth Legislature unless
18 approved by law. A regulation, amendment to a regulation, or repeal of
19 a regulation which is the same or substantially the same as a regula-
20 tion, amendment to a regulation, or order of repeal which was not
21 approved by the Fourteenth Legislature may not be adopted within four
22 years of the adjournment of the Fourteenth Legislature.

23 * Sec. 3. CITIZENS REGULATION REVIEW COMMISSION. The Citizens Regula-
24 tion Review Commission is established to study the entire body of regulations
25 adopted by state departments and agencies, and to recommend to the legisla-
26 ture which regulations should be extended, and which should be allowed to
27 expire.

28 * Sec. 4. DUTIES. (a) The commission shall study the Alaska Adminis-
29 trative Code, and periodic supplements made to it containing regulations

1 adopted before the effective date of this Act, to determine

2 (1) whether a regulation adopted by a state department or agency
3 is necessary to carry out the purposes of the law being interpreted or
4 implemented by the regulation; and

5 (2) if the regulation is found to be necessary, whether the
6 regulation accomplishes the purposes of the law in the manner which is least
7 intrusive to personal privacy, least restrictive on the freedom of action of
8 individuals, and least economically burdensome to the public.

9 (b) The commission shall recommend

10 (1) that regulations which it has found to be unnecessary to
11 carry out the purposes of the law, or which have purposes which could be
12 accomplished by means which are less intrusive to personal privacy, less
13 restrictive on the freedom of individuals, or less economically burdensome
14 to the public, be allowed to expire;

15 (2) that regulations which it has found necessary to carry out
16 the purposes of the law, and which accomplish their purpose with the least
17 possible intrusion of personal privacy, the least restriction on the freedom
18 of individuals, and the least economic burden on the public, be extended for
19 five years or another period specified;

20 (3) that regulations about which the commission was unable to
21 make a recommendation under (1) and (2) of this subsection be reviewed by
22 the legislature.

23 (c) The commission shall submit the recommendations required by (b) of
24 this section to the legislature within the first 20 days of the First Session
25 of the Fourteenth Legislature.

26 * Sec. 5. MEMBERSHIP AND OFFICERS. (a) The commission consists of
27 seven members appointed under this section.

28 (b) Three members of the commission shall be appointed by the
29 governor.

1 (c) Two members shall be appointed by the president of the senate, and
2 two members shall be appointed by the speaker of the house of representa-
3 tives.

4 (d) Persons appointed to the commission may not be employees of state
5 government.

6 (e) The presiding officer of the commission shall be elected by the
7 members of the commission.

8 * Sec. 6. TERM. The term of the members of the commission begins upon
9 appointment under sec. 5 of this Act and expires on submission of the final
10 recommendations by the commission under sec. 4 of this Act.

11 * Sec. 7. VACANCIES. A vacancy in the membership of the commission
12 shall be filled by the authority that made the vacated appointment.

13 * Sec. 8. POWERS. (a) The commission may employ professional, legal,
14 and other staff assistants and enter into contracts for goods and services.

15 (b) Members of the commission serve without compensation but are
16 entitled to expenses, travel, and per diem allowances provided by law for
17 members of boards and commissions under AS 39.20.180.

18 (c) Departments and agencies of the state shall provide the commission
19 with information requested by it.

20 * Sec. 9. DEFINITION. In secs. 3 - 8 of this Act "commission" means the
21 Citizens Regulation Review Commission.

22 * Sec. 10. Secs. 3 - 9 of this Act are repealed January 27, 1985.

23 * Sec. 11. This Act takes effect immediately in accordance with AS 01.10.
24 070(c).