

Introduced: 5/18/81
Referred: State Affairs

BY THE RULES COMMITTEE BY
REQUEST OF THE ADMINISTRATIVE
REGULATION REVIEW COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO. 580

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 administrative regulations."

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

8 * Section 1. STATEMENT OF INTENT CONCERNING AS 24.20.445(b). It is the
9 intent of the Twelfth Alaska Legislature that the power to suspend the
10 effectiveness of a regulation granted to the Administrative Regulation
11 Review Committee by AS 24.20.445(b) as amended in sec. 2 of this Act is to
12 prevent the public suffering harm before the full legislature has the
13 opportunity to annul the regulation by law.

14 * Sec. 2. AS 24.20.445(b) is amended to read:

15 (b) The effectiveness of an adoption or amendment of a regulation
16 is suspended on the date a resolution of the Administrative Regulation
17 Review Committee resolving that the regulation be suspended [COMMITTEE
18 REPORT PASSING IN FAVOR OF SUSPENSION] is filed with the lieutenant
19 governor. If an adoption of or amendment to a regulation is not effec-
20 tive on the date a resolution [REPORT] is filed with the lieutenant
21 governor, the effectiveness of the adoption or amendment which is the
22 subject of the committee's resolution [REPORT] is suspended from the
23 date the adoption or amendment would otherwise become effective under
24 AS 44.62.180.

25 * Sec. 3. AS 24.20.460 is amended by adding new paragraphs to read:

26 (7) to promote needed revision of regulations which have
27 been adopted by state departments and agencies;

28 (8) to investigate findings which are transmitted to the
29 committee by standing committees in accordance with AS 24.99.001 and,

1 as appropriate, either introduce a bill annulling the regulation or
2 exercise the committee's power to suspend the effectiveness of the
3 regulation in accordance with AS 24.20.445.

4 * Sec. 4. AS 24 is amended by adding a new chapter to read:

5 CHAPTER 99. MISCELLANEOUS PROVISIONS.

6 Sec. 24.99.001. REVIEW OF REGULATIONS BY STANDING COMMITTEES.

7 (a) Standing committees of the legislature furnished notice of a
8 proposed action under AS 44.62.190 shall review the proposed regula-
9 tion, amendment of a regulation, or repeal of a regulation before the
10 date the regulation can be adopted, amended, or repealed.

11 (b) Standing committees conducting a review of a regulation under
12 (a) of this section shall determine whether the regulation properly
13 implements legislative intent.

14 (c) Standing committees shall conduct preliminary reviews under
15 this section while the legislature is in session and during the interim
16 period between legislative sessions.

17 (d) If a standing committee determines that a regulation, amend-
18 ment to a regulation, or repeal of a regulation does not properly
19 implement legislative intent, the standing committee's findings shall
20 be transmitted to the Administrative Regulation Review Committee.

21 * Sec. 5. AS 44.62.190(a) is amended to read:

22 (a) At least 60 [30] days before the adoption, amendment, or
23 repeal of a regulation, notice of the proposed action shall be

24 (1) published in the newspaper of general circulation, or
25 trade or industry publication, which the state agency prescribes;

26 (2) mailed to every person who has filed a request for
27 notice of proposed action with the state agency;

28 (3) if the agency is within a department, mailed or de-
29 livered to the commissioner of the department;

1 (4) when appropriate in the judgment of the agency, (A)
2 mailed to a person or group of persons whom the agency believes is
3 interested in the proposed action, and (B) published in the additional
4 form and manner the state agency prescribes;

5 (5) furnished the Department of Law together with a copy of
6 the proposed regulation, amendment, or order of repeal for the depart-
7 ment's use in preparing the opinion required after adoption and before
8 filing by AS 44.62.060;

9 (6) furnished to all incumbent State of Alaska legislators
10 and the Legislative Affairs Agency;

11 (7) furnished to the standing committee of each house of the
12 legislature having legislative jurisdiction over the subject matter
13 treated by the regulation under the Uniform Rules of the Alaska State
14 Legislature, together with a copy of the proposed regulation, amend-
15 ment, or order of repeal for the committee's use in conducting the
16 review authorized by AS 24.99.001;

17 (8) furnished to the staff of the Administrative Regulation
18 Review Committee.