

Original sponsors: Fahrenkamp, Bennett,
Dankworth, et al

Offered: 6/19/81
Referred: Rules

1 IN THE SENATE BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 5 (Rules) am H

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; and
7 providing for an effective date."

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

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

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

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

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

27 (7) to promote needed revision or repeal of regulations that
28 have been adopted by state departments and agencies and, when the
29 committee determines a regulation should be repealed or amended,

1 introduce a bill that would enact a statute that would supersede or
2 nullify the regulations.

3 (8) to investigate findings which are transmitted to the
4 committee by standing committees in accordance with AS 24.99.001 and,
5 as appropriate, either introduce a bill annulling the regulation or
6 exercise the committee's power to suspend the effectiveness of the
7 regulation in accordance with AS 24.20.445.

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

9 CHAPTER 99. MISCELLANEOUS PROVISIONS.

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

11 (a) Standing committees of the legislature furnished notice of a
12 proposed action under AS 44.62.190 shall review the proposed regula-
13 tion, amendment of a regulation, or repeal of a regulation before the
14 date the regulation is scheduled by the department or agency to be
15 adopted, amended, or repealed.

16 (b) Standing committees conducting a review of a regulation under
17 (a) of this section shall determine whether the regulation properly
18 implements legislative intent.

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

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

26 * Sec. 5. AS 44.62.190(a) is amended by adding new paragraphs to read:

27 (7) furnished to the standing committee of each house of the
28 legislature having legislative jurisdiction over the subject matter
29 treated by the regulation under the Uniform Rules of the Alaska State

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Legislature, together with a copy of the proposed regulation, amend-
ment, or order of repeal for the committee's use in conducting the
review authorized by AS 24.99.001;

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

* Sec. 6. This Act takes effect July 1, 1981.