

1 IN THE HOUSE

BY BETTISWORTH AND LISKA

2

HOUSE BILL NO. 480

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to adoption and expiration of a

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regulation; and providing for an effective date."

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

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* Section 1. AS 44.62.200(a) is amended to read:

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(a) The notice of proposed adoption, amendment, or repeal of a
regulation shall include

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(1) a statement of the time, place, and nature of proceed-
ings for adoption, amendment, or repeal of the regulation;

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(2) reference to the authority under which the regulation
is proposed and a reference to the particular code section or other
provisions of law which are being implemented, interpreted, or made
specific;

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(3) an informative summary of the proposed subject of
agency action;

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(4) other matters prescribed by a statute applicable to the
specific agency or to the specific regulation or class of regulations;

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(5) a summary of the fiscal information required to be
prepared under AS 44.62.195;

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(6) the reasons for the proposed regulation;

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(7) a general statement of anticipated impacts regarding
costs of compliance by the persons, industries, and businesses
directly affected by the proposed regulation.

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

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Sec. 44.62.025. EXPIRATION OF A REGULATION. (a) A regulation

1 adopted by a state agency that is not continued as provided in (b) of
2 this section expires at the end of a period of three years from its
3 effective date unless the regulation specifies an earlier expiration
4 date. An expired regulation is not effective for any purpose, but all
5 rights, penalties, forfeitures or liability that had accrued under the
6 regulation before that date continue and the regulation shall be
7 treated as remaining in force for the purpose of sustaining any proper
8 action or prosecution for the enforcement of a right, penalty, forfei-
9 ture or liability that had accrued. A new regulation may contain all
10 or part of the provisions of an expired regulation.

11 (b) An agency adopting a regulation after the effective date of
12 this Act shall review the regulation within three years after its
13 adoption and at three-year intervals after the initial review. An
14 agency regulation adopted before the effective date of this Act shall
15 be reviewed by the agency within three years after the effective date
16 of this Act and at three-year intervals after the initial review. At
17 the conclusion of its review, the agency shall either continue, amend,
18 or repeal the regulation. If the agency amends or repeals the regula-
19 tion, it shall comply with the requirements of this chapter. If the
20 agency continues the regulation, it shall file with the lieutenant
21 governor a notice that the agency will continue the regulation and a
22 statement of an adequate supporting reason for the continuation of the
23 regulation, which shall be available for public inspection. The
24 supporting reason must include:

- 25 (1) a reasoned justification of the regulation;
- 26 (2) a summary of comments received after adoption of the
27 regulation from parties interested in it, showing the name of the
28 person commenting on the regulation;
- 29 (3) a statement of the regulation's factual bases;

1 (4) the reasons the agency disagrees with comments that
2 oppose the regulation; and

3 (5) a statement of the statutory provisions under which the
4 regulation was adopted and a concise statement of the reasons the
5 provisions authorize the regulation.

6 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
7 10.070(c).