

Offered: 4/19/83
Referred: Judiciary

Original sponsor: Ray

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 48 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the adoption of regulations for
7 state retirement systems."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 14.25.022 is amended by adding new subsections to read:
10 (b) Notwithstanding (a) of this section, a regulation adopted
11 under this chapter shall be published in the Alaska Administrative
12 Register and Code for informational purposes. Each regulation adopted
13 under this chapter shall conform to the style and format requirements
14 of the drafting manual for administrative regulations that is pub-
15 lished under AS 44.62.050.
16 (c) At least 30 days before the adoption, amendment, or repeal
17 of a regulation under this chapter, the Alaska Teachers' Retirement
18 Board shall provide notice of the action that is being considered.
19 The notice shall be
20 (1) posted in public buildings throughout the state;
21 (2) published in one or more newspapers of general circu-
22 lation in the state;
23 (3) mailed to each person or group that has filed a request
24 for notice of proposed action with the Alaska Teachers' Retirement
25 Board; and
26 (4) furnished to each member of the legislature and to the
27 Legislative Affairs Agency.
28 (d) Failure to mail notice to a person as required under (c)(3)
29 of this section does not invalidate an action taken by the Alaska

1 Teachers' Retirement Board.

2 (e) The Alaska Teachers' Retirement Board may hold a hearing on
3 a proposed regulation.

4 (f) A regulation adopted under this chapter takes effect 30 days
5 after adoption by the Alaska Teachers' Retirement Board.

6 (g) Notwithstanding the other provisions of this section, a
7 regulation may be adopted, amended, or repealed, effective immedi-
8 ately, as an emergency regulation by the unanimous vote of a quorum of
9 the Alaska Teachers' Retirement Board. For an emergency regulation to
10 be effective the Alaska Teachers' Retirement Board must find that the
11 adoption, amendment, or repeal of the regulation is necessary for the
12 immediate preservation of the orderly operation of the system or the
13 business of the Alaska Teachers' Retirement Board. The Alaska
14 Teachers' Retirement Board shall, within 10 days after adoption of an
15 emergency regulation, give notice of the adoption under (c) of this
16 section. An emergency regulation adopted under this subsection may
17 not remain in effect past the date of the next regular meeting of the
18 Alaska Teachers' Retirement Board unless the board complies with the
19 procedures set out in this section and adopts the regulation as a
20 permanent regulation.

21 (h) In this section "regulation" has the same definition set out
22 in AS 44.62.640(a)(2).

23 * Sec. 2. AS 22.25.027 is amended by adding new subsections to read:

24 (b) Notwithstanding (a) of this section, a regulation adopted
25 under this chapter shall be published in the Alaska Administrative
26 Register and Code for informational purposes. Each regulation adopted
27 under this chapter shall conform to the style and format requirements
28 of the drafting manual for administrative regulations that is pub-
29 lished under AS 44.62.050.

1 (c) At least 30 days before the adoption, amendment, or repeal
2 of a regulation under this chapter, the commissioner of administration
3 shall provide notice of the action that is being considered. The
4 notice shall be

5 (1) posted in public buildings throughout the state;

6 (2) published in one or more newspapers of general circu-
7 lation in the state;

8 (3) mailed to each person or group that has filed a request
9 for notice of proposed action with the commissioner of administration;
10 and

11 (4) furnished to each member of the legislature and to the
12 Legislative Affairs Agency.

13 (d) Failure to mail notice to a person as required under (c)(3)
14 of this section does not invalidate an action taken by the commis-
15 sioner of administration.

16 (e) The commissioner may hold a public hearing on a proposed
17 regulation.

18 (f) A regulation adopted under this chapter takes effect 30 days
19 after adoption by the commissioner of administration.

20 (g) Notwithstanding the other provisions of this section, a
21 regulation may be adopted, amended, or repealed, effective immedi-
22 ately, as an emergency regulation by the commissioner of administra-
23 tion. For an emergency regulation to be effective the commissioner of
24 administration must find that the adoption, amendment, or repeal of
25 the regulation is necessary for the immediate preservation of the
26 orderly operation of the judicial retirement system. The commissioner
27 of administration shall, within 10 days after adoption of an emergency
28 regulation, give notice of the adoption under (c) of this section. An
29 emergency regulation adopted under this subsection may not remain in

1 effect more than 90 days unless the commissioner of administration
2 complies with the procedures set out in this section and adopts the
3 regulation as a permanent regulation.

4 (h) In this section "regulation" has the same definition set out
5 in AS 44.62.640(a)(2).

6 * Sec. 3. AS 39.35.042 is amended by adding new subsections to read:

7 (b) Notwithstanding (a) of this section, a regulation adopted
8 under this chapter shall be published in the Alaska Administrative
9 Register and Code for informational purposes. Each regulation adopted
10 under this chapter shall conform to the style and format requirements
11 of the drafting manual for administrative regulations that is pub-
12 lished under AS 44.62.050.

13 (c) At least 30 days before the adoption, amendment, or repeal
14 of a regulation under this chapter, the board shall provide notice of
15 the action that is being considered. The notice shall be

16 (1) posted in public buildings throughout the state;

17 (2) published in one or more newspapers of general circu-
18 lation in the state;

19 (3) mailed to each person or group that has filed a request
20 for notice of proposed action with the board; and

21 (4) furnished to each member of the legislature and to the
22 Legislative Affairs Agency.

23 (d) Failure to mail notice to a person as required under (c)(3)
24 of this section does not invalidate an action taken by the board.

25 (e) The board may hold a public hearing on a proposed regula-
26 tion.

27 (f) A regulation adopted under this chapter takes effect 30 days
28 after adoption by the board.

29 (g) Notwithstanding the other provisions of this section, a

1 regulation may be adopted, amended, or repealed, effective immedi-
2 ately, as an emergency regulation by the unanimous vote of a quorum of
3 the board. For an emergency regulation to be effective the board must
4 find that the adoption, amendment, or repeal of the regulation is
5 necessary for the immediate preservation of the orderly operation of
6 the system or the business of the board. The board shall, within 10
7 days after adoption of an emergency regulation, give notice of the
8 adoption under (c) of this section. An emergency regulation adopted
9 under this subsection may not remain in effect past the date of the
10 next regular board meeting unless the board complies with the proce-
11 dures set out in this section and adopts the regulation as a permanent
12 regulation.

13 (h) In this section "regulation" has the same definition set out
14 in AS 44.62.640(a)(2).

15 * Sec. 4. REGULATIONS RELATING TO PUBLIC OFFICERS RETIREMENT SYSTEM
16 (Former AS 39.37). (a) Regulations adopted by the commissioner of admin-
17 istration under former AS 39.37, Elected Public Officers Retirement System,
18 relate to the internal management of state agencies and their adoption is
19 not subject to the Administrative Procedure Act (AS 44.62).

20 (b) Notwithstanding (a) of this section, a regulation adopted under
21 former AS 39.37 shall be published in the Alaska Administrative Register
22 and Code for informational purposes. Each regulation adopted under former
23 AS 39.37 shall conform to the style and format requirements of the drafting
24 manual for administrative regulations that is published under AS 44.62.050.

25 (c) At least 30 days before the adoption, amendment, or repeal of a
26 regulation under former AS 39.37, the commissioner of administration shall
27 provide notice of the action that is being considered. The notice shall be

- 28 (1) posted in public buildings throughout the state;
29 (2) published in one or more newspapers of general circulation

1 in the state;

2 (3) mailed to each person or group that has filed a request for
3 notice of proposed action with the commissioner; and

4 (4) furnished to each member of the legislature and to the
5 Legislative Affairs Agency.

6 (d) Failure to mail notice to a person as required under (c)(3) of
7 this section does not invalidate an action taken by the commissioner of
8 administration.

9 (e) The commissioner of administration may hold a public hearing on a
10 proposed regulation.

11 (f) A regulation adopted under former AS 39.37 takes effect 30 days
12 after adoption by the commissioner of administration.

13 (g) Notwithstanding the other provisions of this section, a regula-
14 tion may be adopted, amended, or repealed, effective immediately, as an
15 emergency regulation by the commissioner of administration. For an emer-
16 gency regulation to be effective the commissioner of administration must
17 find that the adoption, amendment, or repeal of the regulation is necessary
18 for the immediate preservation of the orderly operation of the elected
19 public officials' retirement system. The commissioner of administration
20 shall, within 10 days after adoption of an emergency regulation, give
21 notice of the adoption under (c) of this section. An emergency regulation
22 adopted under this subsection may not remain in effect more than 90 days
23 unless the commissioner of administration complies with the procedures set
24 out in this section and adopts the regulation as a permanent regulation.

25 (h) In this section "regulation" has the same definition set out in
26 AS 44.62.640(a)(2).

27 * Sec. 5. A regulation that relates to a state retirement system re-
28 ferred to in this Act that is in effect on the effective date of this Act
29 shall be published in the Alaska Administrative Register and Code within

1 six months after the effective date of this Act.