

Offered: 4/26/83  
Referred: Rules

Original sponsor: Ray

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 48 (Judiciary)  
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 each judicial district of 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7 regulation may be adopted, amended, or repealed, effective immedi-  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 Teach-  
14 ers' 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 each judicial district of 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 each judicial district of 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 each judicial district of 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.