

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

1 IN THE SENATE

2 SENATE BILL NO. 384

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to adoption of regulations and the
7 presumption of validity of regulations."

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

9 *Section 1. AS 44.62.040(b) is amended to read:

10 (b) Citation of the general statutory authority under which a
11 regulation is adopted, as well as citation of specific statutory
12 sections being implemented, interpreted or made clear, shall follow
13 the text of each regulation submitted under (a) of this section. The
14 signature of the governor approving adoption of the regulation as
15 required by AS 44.62.065 must accompany the regulation.

16 * Sec. 2. AS 44.62.050 is amended to read:

17 Sec. 44.62.050. STYLE AND FORMS. The Department of Law shall
18 prepare and shall revise when necessary a drafting manual for adminis-
19 trative regulations which prescribes the style and forms for submit-
20 ting regulations under AS 44.62.040. The manual shall also provide
21 detailed instructions and examples of informative summaries of the
22 proposed actions required under AS 44.62.200(a)(3).

23 * Sec. 3. AS 44.62 is amended by adding a new section to read:

24 Sec. 44.62.065. GOVERNOR'S SIGNATURE. A regulation or order of
25 repeal is not valid unless the governor has approved its adoption in
26 writing. The lieutenant governor may not accept a regulation or order
27 of repeal for filing under AS 44.62.040 unless it is accompanied by
28 the governor's approval of adoption. This section also applies to
29 regulations exempted from submission to the lieutenant governor under

1 AS 44.62.040(a).

2 * Sec. 4. AS 44.62.100(a) is amended to read:

3 (a) Except as provided in (c) of this section, [THE] filing of a
4 certified copy of a regulation or an order of repeal by the lieutenant
5 governor raises the rebuttable presumptions that

6 (1) it was duly adopted;

7 (2) it was duly filed and made available for public in-
8 spection at the day and hour endorsed on it;

9 (3) all requirements of this chapter and the regulations
10 relative to the regulation have been complied with;

11 (4) the text of the certified copy of a regulation or order
12 of repeal is the text of the regulation or order of repeal as adopted.

13 * Sec. 5. AS 44.62.100 is amended by adding a new subsection to read:

14 (c) A presumption described under (a) of this section is not
15 applicable if the legislature has adopted a special concurrent resolu-
16 tion determining that a regulation is not within the procedural or
17 substantive authority delegated to the agency and disapproving its en-
18 forcement. The lieutenant governor shall include the resolution in
19 the permanent file of the certified copies of regulations and orders
20 of repeal under AS 44.62.080 and shall publish notice of the resolu-
21 tion in the administrative code and the administrative journal. After
22 the filing of a resolution disapproving a regulation, the burden is
23 upon the agency in any proceeding for judicial review or for enforce-
24 ment of the regulation to establish that the whole or portion of the
25 regulation objected to is within the procedural and substantive au-
26 thority delegated to the agency.

27 * Sec. 6. AS 44.62.200(a) is amended to read:

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

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

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

7 (3) an informative summary of the effect of the proposed
8 [SUBJECT OF] agency action on persons subject to or affected by the
9 proposed action; the summary must include a description of the
10 substance of each repealed regulation and a short analysis of the
11 effect of the repeal;

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

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

16 * Sec. 7. The amendments made to AS 44.62.040 by sec. 1 of this Act and
17 AS 44.62.065 enacted by sec. 3 of this Act apply to regulations adopted on
18 or after the effective date of this Act. The amendments made to AS 44.62.-
19 200 by sec. 6 of this Act apply to notices of proposed action published on
20 or after the effective date of this Act.