

Original sponsor(s): REP. JACKO, Foster, Zawacki, C.Davis

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 426 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the notice requirements for
7 adopting, amending, or repealing a regulation."

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

9 * Section 1. AS 44.62.190(a) is amended to read:

10 (a) At least 30 days before the adoption, amendment, or repeal
11 of a regulation, notice of the proposed action shall be

12 (1) published in the newspaper of general circulation, or
13 trade or industry publication, that the state agency prescribes and in
14 the Alaska Administrative Journal; if the state agency proposing the
15 adoption, amendment, or repeal determines that the proposed action is
16 reasonably expected to have a significant effect on a community or on
17 a substantial number of the members of a community, and if there is a
18 regional newspaper that is distributed on a regular basis in the
19 community, the agency shall consider also publishing notice of the
20 proposed action in the regional newspaper; in this paragraph,

21 (A) "community" means

22 (i) a municipality; and

23 (ii) an area that is not a municipality and in
24 which 25 or more adult persons permanently reside within one
25 mile of a designated point or structure;

26 (B) "effect" includes an effect that may also be
27 experienced by other communities;

28 (2) mailed to every person who has filed a request for
29 notice of proposed action with the state agency;

1 (3) if the agency is within a department, mailed or de-
2 livered to the commissioner of the department;

3 (4) when appropriate in the judgment of the agency,

4 (A) mailed to a person or group of persons whom the
5 agency believes is interested in the proposed action, and

6 (B) published in the additional form and manner the
7 state agency prescribes;

8 (5) furnished the Department of Law together with a copy of
9 the proposed regulation, amendment, or order of repeal for the depart-
10 ment's use in preparing the opinion required after adoption and before
11 filing by AS 44.62.060;

12 (6) furnished to all incumbent State of Alaska legislators
13 and the Legislative Affairs Agency;

14 (7) furnished to the standing committee of each house of
15 the legislature having legislative jurisdiction over the subject
16 matter treated by the regulation under the Uniform Rules of the Alaska
17 State Legislature, together with a copy of the proposed regulation,
18 amendment, or order of repeal for the committee's use in conducting
19 the review authorized by AS 24.05.182;

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

22 * Sec. 2. AS 44.62.190 is amended by adding a new subsection to read:

23 (d) In addition to, and at the time of, distribution of notice
24 under (a) of this section, the state agency proposing the adoption,
25 amendment, or repeal of a regulation shall submit to the Department of
26 Administration on a form prescribed by that department a concise
27 statement of the following information for televising on the state
28 satellite television project (AS 44.21.320):

29 (1) the name of the state agency proposing the action;

- 1 (2) the subject of the proposed action;
- 2 (3) the time, place, and nature of the proceedings to adopt
- 3 the proposed action, including the deadline for submitting written
- 4 comments; and
- 5 (4) the name, address, and telephone number of a person to
- 6 contact for further information about the proposed action.

7 * Sec. 3. AS 44.62.250 is amended to read:

8 Sec. 44.62.250. EMERGENCY REGULATIONS. A regulation or order of

9 repeal may be adopted as an emergency regulation or order of repeal if

10 a state agency makes a written finding, including a statement of the

11 facts that constitute the emergency, that the adoption of the regu-

12 lation or order of repeal is necessary for the immediate preservation

13 of the public peace, health, safety, or general welfare. The require-

14 ments of AS 44.62.060 and 44.62.190 - 44.62.210 do not apply to the

15 initial adoption of emergency regulations; however, upon adoption of

16 an emergency regulation, the adopting agency shall immediately submit

17 a copy of it to the lieutenant governor for filing and for publication

18 in the Alaska Administrative Register, and within five days after

19 adoption, the agency shall give notice of the adoption in accordance

20 with AS 44.62.190(a) and (d). Failure to give the required notice by

21 the end of the 10th day automatically repeals the regulation.