

**CS FOR HOUSE BILL NO. 328 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/13/92

Referred: Judiciary, Finance

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the notice and public comment requirements for the adoption,
2 amendment, and repeal of regulations."

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

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

5 (b) A regulation that is adopted, amended, or repealed may vary in content from the
6 summary specified in (a)(3) of this section if the subject matter of the regulation remains the
7 same and the [ORIGINAL] notice was written so as to assure that members of the public are
8 reasonably notified of the proposed subject of agency action in order for them to determine
9 whether their interests could be affected by agency action on that subject.

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

11 **Sec. 44.62.215. SUPPLEMENTAL NOTICE AND PUBLIC PROCEEDINGS.** (a)
12 Notwithstanding AS 44.62.200(b), if a state agency rewrites a proposed regulation, amendment
13 of a regulation, or order of repeal after the agency has complied with AS 44.62.190, 44.62.200,
14 and 44.62.210, and if the rewriting is a significant change in the substance of the regulation,

1 amendment, or order, before adoption the agency shall provide notice and opportunity for public
2 comment under AS 44.62.190, 44.62.200, and 44.62.210 for the rewritten regulation, amendment,
3 or order of repeal.

4 (b) If a state agency does not provide the notice and opportunity for public comment
5 under (a) of this section for a rewritten proposed regulation, amendment, or order of repeal, the
6 agency shall prepare a written explanation of the reasons why the requirement of (a) of this
7 section does not apply. When the final regulation, amendment, or order of repeal is published
8 in the Alaska Administrative Journal, the lieutenant governor shall include the agency explanation
9 with the text of the regulation, amendment, or order of repeal.

10 (c) Notwithstanding AS 44.62.300, if a court determines that notice and an opportunity
11 for public comment was required under (a) of this section for the rewriting of a proposed
12 regulation, amendment, or order of repeal, and if the state agency did not provide the notice and
13 opportunity for public comment, the court may order the relief that is appropriate under the
14 circumstances, including the invalidation of the regulation, amendment, or order of repeal.

15 (d) This section does not apply to regulations

- 16 (1) adopted by the Board of Fisheries or the Board of Game;
17 (2) adopted under AS 44.62.260 to make emergency regulations permanent; or
18 (3) that are necessary to meet federal requirements.

19 * Sec. 3. This Act applies to the adoption, amendment, or repeal of a regulation if the initial notice
20 under AS 44.62.190 of the adoption, amendment, or repeal is given on or after the effective date of this
21 Act.