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Original sponsors: Metcalfe, Abood,
Barnes, et al

Offered: 1/25/82
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 339 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the judicial review of adminis-
7 trative regulations."

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

9 * Section 1, AS 44.62.030 is amended to read:

10 Sec. 44.62.030. CONSISTENCY BETWEEN REGULATION AND STATUTE. If,
11 by express or implied terms of a statute, a state agency has authority
12 to adopt regulations to implement, interpret, make specific or otherwise
13 carry out the provisions of the statute, no regulation adopted is valid
14 or effective unless consistent with the statute and there is a clearly
15 demonstrated need for the regulation [REASONABLY (NECESSARY)] to carry out
16 the purpose of the statute.

17 * Sec. 2. AS 44.62.300 is amended by adding a new subsection to read:

18 (b) In an action under (a) of this section brought on the ground
19 that there is no clearly demonstrated need for the regulation as
20 required by AS 44.62.030, the state has the burden of proving that

21 (1) the burdens imposed on the public by the regulation are
22 outweighed by the benefits accruing to the public from the regulation;
23 and

24 Petersen (2) there is no less restrictive means available to achieve
25 the purpose of the regulation.

26 Act Petersen - AG. ~~AG~~

alaska
state
hospital
association

319 Seward St., Juneau, Alaska 99801 • (907) 586-1790
REPRESENTING ACUTE, LONG TERM AND OUTPATIENT FACILITIES

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Fairbanks Memorial
Hospital
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Hospital
Anchorage

Alternate Trustee Delegate
to American Hospital
Association
Robert Jensen
Central Peninsula Hospital
Soldotna

President
Dennis L. DeWitt
Juneau

January 26, 1982

The Honorable Ramona L. Barnes
State Capitol
Pouch V
Juneau, AK 99811

Dear Representative Barnes:

SUBJECT: CSHB 339

The Alaska State Hospital Association wishes to indicate its support for CSHB 339 which is before the Judiciary Committee for consideration.

We believe that regulations are an important and justifiable activity and do in most cases protect the public. As an industry which as institutions must abide by licensure regulations developed by the Department of Health and Social Services, as employers must respond to the Department of Labor, as employers of nurses must abide by regulations promulgated by the Department of Commerce and Economic Development, and so forth, we believe we have some feeling for interaction with the regulatory process. We are finding, however, that regulators are beginning to regulate, not because of a public need, but because the regulator believes the regulation is a nice idea. One supported by the regulator and not precluded by law.

This Association believes that CSHB 339 will return regulation to its proper role, that of protecting the public by responding to demonstrated need. It will preclude the use of regulation to foster the ideology of the regulator.

In this time of concern about health care costs it is important that government not unnecessarily increase costs through unnecessary regulation. We believe CSHB 339 will help achieve that goal.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis L. DeWitt", with a long horizontal flourish extending to the right.

Dennis L. DeWitt
President

DLD:jp

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 339

Title "An act relating to the judicial review of administrative regulations."

Requested by Rep. Barnes, House Judiciary Date 2/5/82

II. FISCAL DETAIL

Agency Affected Department of Law

Program Category Affected General Government

BRU, Program, Or Subprogram(s) Affected Legal Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	Ø	Ø	Ø	Ø	Ø	Ø

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	Ø	Ø	Ø	Ø	Ø	Ø
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	Ø	Ø	Ø	Ø	Ø	Ø
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No fiscal impact is anticipated by the department through the enactment of this bill.

IV. DATE February 8, 1982

PREPARED BY Richard I. Peques, (Director, Admin. Svcs.)

AGENCY Department of Law

Original: Legislative Finance

PHONE 465-3672

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Richard I. Peques

FISCAL NOTE

I. REQUEST HB 339
 Bill/Resolution No. _____
 Title RELATING TO JUDICIAL REVIEW OF ADMINISTRATIVE REGULATIONS
 Requested by Representative Barnes Date February 5, 1982

II. FISCAL DETAIL
 Agency Affected Administration
 Program Category Affected _____
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
 HB 339 will have no fiscal impact on the Department of Administration

IV. DATE 2/5/82 PREPARED BY Robert L. Rehfeld
 AGENCY Administration
 PHONE 465-2200
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Metcalfe, Abood, Barnes et al
 33-001 (Rev. 11/78) of the Governor: Keith Specking

I. REQUEST
 Bill/Resolution No. CS for HB 339
 Title Judicial Review of Administrative Regulations
 Requested by House Judiciary Date 2/5/82

II. FISCAL DETAIL
 Agency Affected Alaska Court System
 Program Category Affected Administration of Justice
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 2/9/82 PREPARED BY Richard P. Barrier
 AGENCY Alaska Court System
 PHONE 264-0546
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

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Bill/Resolution No. CS for HB 339
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 Requested by House Judiciary Date 2/5/82

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OTHER (Specify Source)						

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FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 2/9/82 PREPARED BY Richard P. Barrier
 AGENCY Alaska Court System
 Original: Legislative Finance PHONE 264-0546
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

Ramona

*this Bill has undergone
extensive hearings
it is now in your
committee, same what I by a*

Original sponsors: Metcalfe, Abood,
Barnes, et al

Offered: 1/25/82
Referred: Judiciary *Miss assignment*

I would appreciate a waiver.

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE *Ray*

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