

Hearing on

Reclamation

mining

Regulations

3/12/92

These are the
files used for the
Admin. Reg. Review
hearing on March 13th

The hearing on the
Reclamation Mining reg-
the information from
that has been sent
to Fairbanks.

Barbara
Sen. Craft's office
465-3834

ALASKA STATE LEGISLATURE

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Shirley Craft
Alaska State Senator

MEMORANDUM

To: Administrative Regulation Review Committee
From: Senator Shirley Craft, Chair *SC*
Date: March 12, 1992
Re: Proposed legislation

The legislature has delegated the authority of writing regulations to the executive branch i.e. agencies. One blatant example of misuse of this power is the mining reclamation regulations. The statutes specify that private lands are included, but the Department of Natural Resources does not agree with the mining reclamation law passed by the legislature in 1990. The department has adopted regulations that exclude private lands. They are not funding the implementation of the regulations on private lands, nor are they introducing legislation to amend the statutes so it would be legal to omit private lands.

I feel that the avenues currently available to the legislature to amend regulations that do not meet the intent of the statute, are slow and cumbersome. Therefore, I would like to throw a couple of ideas on the table for discussion. The purpose of these proposals is to increase the legislature's involvement in the regulatory process, and expedite the process of amending regulations that have gone astray.

Enclosed in your packets are 4 proposals designated as Exhibit A, B, C, and D. Each of them establishes a Regulatory Review Commission made up of 9 members: Lt. Governor, Attorney General, Commissioner of Administration, 3 members of the Senate, and 3 members of the House of Representatives.

Exhibits A and B, amend the Alaska State Constitution to create the Regulatory Review Commission. The commission will have the power to repeal regulations. The methods of appointing members of the legislature is the distinct difference between the two resolutions. Exhibit A: the presiding officer of each body appoints the legislative members. Exhibit B: from each house, 2 members are appointed by the largest political party, 1 member is appointed by the smallest political body.

Briefing memo to committee
March 12, 1992
Page 2

Exhibits C and D, amend the Administrative Procedures Act to create the Regulatory Review Commission; and repeal the Administrative Regulation Review Committee. The legislative members are appointed by the presiding officer of each body. Both proposals would challenge the Alaska Supreme Court decision made by State v. A.L.I.V.E. Voluntary, in 1980. This decision states that a member of the legislature cannot exercise the powers of the executive branch. The legislature has delegated the authority of writing regulations to the executive branch, therefore giving the legislature the power to annul regulations conflicts with the constitutional separation of powers doctrine. It doesn't seem right that agencies can get away with writing regulations that do not meet the intent of the law. We can introduce legislation to amend regulations, but the time involved in using this process is be tedious.

The differences between Exhibit C and D: with C the commission has the power to repeal regulations, with D the Lt. Governor has the power to repeal regulations and the Regulatory Review Commission only acts in an advisory capacity to the Lt. Governor.

I would appreciate any comments or recommendations from committee members on these proposals.

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Shirley Craft
Alaska State Senator

MEMORANDUM

To: The Administrative Regulation Review Committee
From: Senator Shirley Craft *Shirley*
Date: March 11, 1992
Re: Summary of proposed legislation Exhibit A

This measure creates a Regulation Review Commission within the office of the Lt. Governor. The commission consists of 9 members:

- (1) Lt. Governor serves as chair of the commission
- (2) Attorney General
- (3) Commissioner of Administration
- (4) 3 members of the Senate
- (5) 3 members of the House of Representatives

This will create a balanced commission, made up of members from the executive branch and the legislature. The legislative appointments will be done by the presiding officers of each body. They will appoint 2 members of the majority, and 1 member of the minority. In the circumstance that there are no minority members, 3 majority members will be appointed. The presiding officers have the power to remove members they appoint.

The Regulation Review Commission has the power to repeal any proposed or adopted regulations by an affirmative vote of at least 5 members. If a regulation is in effect, the regulation is repealed on a day set by the commission, which must be at least 30 days after they've disapproved it. A proposed regulation that is disapproved by the committee, will simply not take effect.

This resolution places a constitutional amendment on the ballot, before voters during the next general election.

Exhibit "A"

SENATE JOINT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

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

Introduced:

Referred:

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Alaska relating to the
2 Regulation Review Commission.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. Article III, sec. 7, Constitution of the State of Alaska, is amended to read:

5 SECTION 7. LIEUTENANT GOVERNOR DUTIES; REGULATION REVIEW

6 COMMISSION. (a) There shall be a lieutenant governor. He shall have the same
7 qualifications as the governor and serve for the same term. He shall perform such duties as may
8 be prescribed by law and as may be delegated to him by the governor.

9 (b) The Regulation Review Commission is established in the office of the lieutenant
10 governor. The lieutenant governor serves as a member and as chair of the commission.
11 Other members consist of the attorney general, the commissioner of administration, three
12 senators appointed by the presiding officer of the senate, and three representatives
13 appointed by the presiding officer of the house of representatives. Each presiding officer
14 shall appoint to the commission two members of the majority and one member of the
15 minority. If there are no minority members in the house, the presiding officer shall appoint
16 three majority members. The presiding officer of a house may remove members of that

1 house who serve on the commission.

2 (c) The Regulation Review Commission may consider any regulation adopted or
3 proposed for adoption by an agency of the executive branch. If the commission disapproves
4 a regulation that is in effect on the day of disapproval, the regulation is repealed on a day
5 set by the commission that is at least thirty days after the commission acts to disapprove
6 it. If the commission disapproves a proposed regulation or one that is not in effect at the
7 time of disapproval, the regulation does not take effect. The commission may only act to
8 disapprove a regulation or proposed regulation by affirmative vote of at least five members.

9 * Sec. 2. The amendment proposed by this resolution shall be placed before the voters of the state
10 at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and
11 the election laws of the state.

ALASKA STATE LEGISLATURE

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Shirley Craft
Alaska State Senator

MEMORANDUM

To: Administrative Regulation Review Committee
From: Senator Shirley Craft, Chair *Shirley*
Date: March 11, 1992
Re: Summary of proposed legislation Exhibit B

This measure creates a Regulation Review Commission within the office of the Lt. Governor that is made up of the same members as Exhibit A:

- (1) Lt. Governor serves as chair of the commission
- (2) Attorney General
- (3) Commissioner of Administration
- (4) 3 members of the Senate
- (5) 3 members of the House of Representatives

The same guidelines apply for the disapproval and repealing of regulations as cited in Exhibit A. This resolution is also an amendment to the constitution that will be placed on the ballot before voters during the next general election. The difference between the resolutions, is in the manner of appointment of the legislative members. Exhibit B provides for legislative appointments and removals to the commission, to be made by affirmative vote (50% + 1) of political parties.

Legislative Appointments

2 members will be appointed by the largest political party in the Senate.

1 member will be appointed by the second largest political party in the Senate.

2 members will be appointed by the largest political party in the House.

1 member will be appointed by the second largest political party in the House.

7-LS2163D ✓
Cook
3/6/92

Exhibit "B"

SENATE JOINT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

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

Introduced:
Referred:

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Alaska relating to the
2 Regulation Review Commission.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. Article III, sec. 7, Constitution of the State of Alaska, is amended to read:

5 SECTION 7. LIEUTENANT GOVERNOR DUTIES: REGULATION REVIEW
6 COMMISSION. (a) There shall be a lieutenant governor. He shall have the same
7 qualifications as the governor and serve for the same term. He shall perform such duties as may
8 be prescribed by law and as may be delegated to him by the governor.

9 (b) The Regulation Review Commission is established in the office of the lieutenant
10 governor. The lieutenant governor serves as a member and as chair of the commission.
11 Other members consist of the attorney general, the commissioner of administration, and six
12 legislators appointed under (c) of this section.

13 (c) By the tenth day of each first regular session three legislators shall be appointed
14 from each house to the Regulation Review Commission. Two members of a house shall be
15 appointed by affirmative vote of a majority of the members of the political party with the
16 largest membership in that house. One member shall be appointed by affirmative vote of

1 a majority of the members of the political party with the second largest membership in that
2 house. If the two political parties with the largest membership have an equal number of
3 members, the presiding officer of that house shall appoint three members to serve on the
4 commission. The appointing authority may remove commission members and fill
5 vacancies.

6 (d) The Regulation Review Commission may consider any regulation adopted or
7 proposed for adoption by an agency of the executive branch. If the commission disapproves
8 a regulation that is in effect on the day of disapproval, the regulation is repealed on a day
9 set by the commission that is at least thirty days after the commission acts to disapprove
10 it. If the commission disapproves a proposed regulation or one that is not in effect at the
11 time of disapproval, the regulation does not take effect. The commission may only act to
12 disapprove a regulation or proposed regulation by affirmative vote of at least five members.

13 * Sec. 2. The amendment proposed by this resolution shall be placed before the voters of the state
14 at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and
15 the election laws of the state.

ALASKA STATE LEGISLATURE

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Shirley Craft
Alaska State Senator

MEMORANDUM

To: The Administrative Regulation Review Committee
From: Senator Shirley Craft, Chair *Shirley*
Date: March 11, 1992
Re: Summary of proposed legislation Exhibit C

This measure amends the Administrative Procedures Act (APA) to create the Regulation Review Commission; and repeals the Administrative Regulation Review Committee. The commission would exist within the office of the Lt. Governor and consist of the same members as in Exhibit A & B.

- (1) Lt. Governor serves as chair of the commission
- (2) Attorney General
- (3) Commissioner of Administration
- (4) 3 members of the Senate
- (5) 3 members of the House of Representatives

Legislative members will be appointed by the presiding officer of each body. The presiding officers will also have the power to remove the members they appoint.

The commission has the power to repeal regulations proposed or adopted by an agency, only if they are subject to the APA. An agency must provide notice 30 days prior to the adoption, amendment, or repeal of a regulation, to the staff of the Regulation Review Commission. Within 45 days after the adoption of a regulation, the agency must submit the regulation to the chair of the commission. If the agency is not bound by the APA, the commission may only recommend changes to a regulation. (ex: the Alaska Railroad and Dept. of Administration "longevity bonus program" are not subject to the APA.)

If the commission disapproves of a regulation in effect, the regulation will be repealed on a day that is set by the commission, which must be at least 30 days after they have disapproved it. If they disapprove of a proposed regulation, it will simply not take effect.

Orders of disapproval of regulations by the commission, will be submitted to the Lt. Governor for filing and published in the Alaska Administrative Register.

Exhibit "C"

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

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

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the review and disapproval of certain regulations and proposed
2 regulations, establishing the Regulation Review Commission, and eliminating the
3 Administrative Regulation Review Committee."

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

5 * Section 1. AS 14.40.871(b) is amended to read:

6 (b) Except for AS 44.62.310 and 44.62.312 regarding public meetings, the provisions of
7 AS 44.62 (Administrative Procedure Act) regarding the adoption of regulations do not apply to
8 the corporation. The corporation shall make available to members of the public copies of the
9 regulations adopted under this section. Within 45 days after adoption of a regulation under this
10 section, the chair of the corporation shall submit the regulation adopted to the chair of the
11 Regulation Review Commission for consideration under AS 44.62.294(a)
12 [ADMINISTRATIVE REGULATION REVIEW COMMITTEE UNDER AS 24.20.400 -
13 24.20.460].

14 * Sec. 2. AS 18.56.088(a) is amended to read:

1 (a) Except for AS 44.62.310 and 44.62.312, regarding public meetings, [AND
2 AS 44.62.320(a) REGARDING LEGISLATIVE REVIEW OF REGULATIONS,] the
3 Administrative Procedure Act (AS 44.62) does not apply to this chapter. The corporation shall
4 make available to members of the public copies of the regulations adopted under (b) - (e) of this
5 section. Within 45 days after adoption, the chair [CHAIRMAN] of the board shall submit a
6 regulation adopted under (b) - (e) of this section to the chair [CHAIRMAN] of the Regulation
7 Review Commission for consideration under AS 44.62.294(a) [ADMINISTRATIVE
8 REGULATION REVIEW COMMITTEE UNDER AS 24.20.400 - 24.20.460. THE
9 PROVISIONS OF AS 44.62.320(a) APPLY TO REGULATIONS ADOPTED UNDER (b) - (e)
10 OF THIS SECTION].

11 * Sec. 3. AS 24.05.182(d) is amended to read:

12 (d) If a standing committee determines that a regulation, amendment to a regulation, or
13 repeal of a regulation does not properly implement legislative intent, the standing committee's
14 findings shall be transmitted to the Regulation Review Commission [ADMINISTRATIVE
15 REGULATION REVIEW COMMITTEE].

16 * Sec. 4. AS 24.08.060(b) is amended to read:

17 (b) Bills introduced by the legislative council shall be delivered with a letter of
18 explanation to the rules committee of either house and bear the inscription "Rules Committee by
19 Request of the Legislative Council"; [BILLS INTRODUCED BY THE ADMINISTRATIVE
20 REGULATION REVIEW COMMITTEE SHALL BE DELIVERED WITH A LETTER OF
21 EXPLANATION TO THE RULES COMMITTEE OF EITHER HOUSE AND BEAR THE
22 INSCRIPTION "RULES COMMITTEE BY REQUEST OF THE ADMINISTRATIVE
23 REGULATION REVIEW COMMITTEE";] bills introduced by the Legislative Budget and Audit
24 Committee shall be delivered with a letter of explanation to the rules committee of either house
25 and bear the inscription "Rules Committee by Request of the Legislative Budget and Audit
26 Committee." Bills presented by the governor shall be delivered with a letter to the rules
27 committee of either house and bear the inscription "Rules Committee by Request of the
28 Governor"; bills so presented and inscribed shall be received as bills carrying the approval of the
29 governor as to policy and budget impact. The governor may submit a statement of purpose and
30 effect with each bill and appear personally or through a representative before any committee
31 considering legislation.

1 * Sec. 5. AS 44.62.160 is amended to read:

2 Sec. 44.62.160. DATE AND CONTENT OF REGISTER. (a) The Alaska
3 Administrative Register shall be published quarterly on the first day of the month, beginning in
4 a month to be designated by the Department of Law, but not later than October 1969. All
5 regulations required to be submitted under AS 44.62.040 and all orders of disapproval required
6 to be submitted under AS 44.62.296 that [WHICH] are filed by the first day of the month
7 preceding publication shall be published in the register for that quarter.

8 (b) If during a quarter no regulation, amendment, order of repeal, or order of
9 disapproval [REPEAL] has been filed, the regular quarterly register shall be published reflecting
10 that fact.

11 * Sec. 6. AS 44.62.175(a) is amended to read:

12 (a) The lieutenant governor shall publish or contract for the publication of the Alaska
13 Administrative Journal. The journal shall be published weekly. The journal must include

14 (1) notices of proposed actions given under AS 44.62.190(a);

15 (2) notices of state agency meetings required under AS 44.62.310(e), even if the
16 meeting has been held;

17 (3) notices of solicitations to bid issued under AS 36.30.130;

18 (4) notices of state agency requests for proposals issued under AS 18.55.255,
19 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and AS 43.40.010;

20 (5) executive orders and administrative orders issued by the governor;

21 (6) written delegations of authority made by the governor or the head of a
22 principal department under AS 44.17.010;

23 (7) the text or a summary of the text of a regulation or order of repeal of a
24 regulation for which notice is given under AS 44.62.190(a), including an emergency regulation
25 or repeal whether or not it has taken effect;

26 (8) a summary of the text of recently issued formal opinions and memoranda of
27 advice of the attorney general; [AND]

28 (9) a list of vacancies on boards, commissions, and other bodies whose members
29 are appointed by the governor; [AND]

30 (10) under [IN ACCORDANCE WITH] AS 39.52.240(h), advisory opinions of
31 the attorney general; and

1 (11) orders of disapproval issued by the Regulation Review Commission
2 under AS 44.62.294(b).

3 * Sec. 7. AS 44.62.190(a) is amended to read:

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

6 (1) published in the newspaper of general circulation or trade or industry
7 publication that the state agency prescribes and in the Alaska Administrative Journal; in the
8 discretion of the state agency giving the notice, the requirement of publication in a newspaper
9 or trade or industry publication may be satisfied by using a combination of publication and
10 broadcasting; when broadcasting the notice, an agency may use an abbreviated form of the notice
11 if the broadcast provides the name and date of the newspaper or trade or industry journal where
12 the full text of the notice can be found;

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

15 (3) if the agency is within a department, mailed or delivered to the commissioner
16 of the department;

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

18 (A) mailed to a person or group of persons whom the agency believes is
19 interested in the proposed action; [,] and

20 (B) published in the additional form and manner the state agency
21 prescribes;

22 (5) furnished the Department of Law together with a copy of the proposed
23 regulation, amendment, or order of repeal for the department's use in preparing the opinion
24 required after adoption and before filing by AS 44.62.060;

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

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

31 (8) furnished to the staff of the Regulation Review Commission

1 [ADMINISTRATIVE REGULATION REVIEW COMMITTEE].

2 * Sec. 8. AS 44.62 is amended by adding new sections to read:

3 ARTICLE 4A. REVIEW OF REGULATIONS.

4 Sec. 44.62.292. REGULATION REVIEW COMMISSION. (a) The Regulation Review
5 Commission is established in the office of the lieutenant governor. The lieutenant governor
6 serves as a member and as chair of the commission. Other members consist of the attorney
7 general, the commissioner of administration, and six legislators appointed under (b) of this
8 section.

9 (b) The presiding officer of each house shall appoint to the commission two members
10 of the majority and one member of the minority. If there are no minority members in a house,
11 the presiding officer shall appoint three majority members. The presiding officer of a house may
12 remove members of that house who serve on the commission.

13 Sec. 44.62.294. POWERS. (a) Notwithstanding other provisions of law, the Regulation
14 Review Commission may consider any regulation adopted by a state agency and any proposed
15 adoption, amendment, or repeal of a regulation. The commission may submit recommendations
16 regarding the regulation or proposal to the agency.

17 (b) Except as provided in AS 44.62.290(b), the Regulation Review Commission may
18 consider and disapprove any regulation required to be submitted to the lieutenant governor under
19 AS 44.62.010 - 44.62.312 or any proposed adoption, amendment, or repeal of a regulation for
20 which notice is required under AS 44.62.190. If the commission disapproves a regulation that
21 is in effect on the day of disapproval, the regulation is repealed on a day set by the commission
22 that is at least 30 days after the commission acts to disapprove it. If the commission disapproves
23 a proposed adoption, amendment or repeal of a regulation, the proposal does not take effect. The
24 commission may act to disapprove a regulation or proposed regulation only by affirmative vote
25 of at least five members.

26 Sec. 44.62.296. FILING ORDERS. An order of disapproval adopted by the Regulation
27 Review Commission under AS 44.62.294(b) shall be submitted to the lieutenant governor for
28 filing.

29 * Sec. 9. AS 44.88.085(a) is amended to read:

30 (a) Except for AS 44.62.310 and 44.62.312 regarding public meetings, [AND EXCEPT
31 FOR AS 44.62.320(a) REGARDING LEGISLATIVE REVIEW OF REGULATIONS,] the

1 provisions of the Administrative Procedure Act regarding the adoption of regulations,
2 AS 44.62.040 - 44.62.312, [(AS 44.62.040 - 44.62.320)] do not apply to the authority. The
3 authority shall make available to members of the public copies of the regulations adopted under
4 this section. Within 45 days after adoption of a regulation under this section, the chair
5 [CHAIRMAN] of the authority shall submit the regulation adopted to the chair [CHAIRMAN]
6 of the Regulation Review Commission for consideration under AS 44.62.294(a)
7 [ADMINISTRATIVE REGULATION REVIEW COMMITTEE UNDER AS 24.20.400 -
8 24.20.460].

9 * Sec. 10. AS 24.20.400, 24.20.410, 24.20.420, 24.20.430, 24.20.440, 24.20.445, 24.20.450,
10 24.20.460, and AS 44.62.320 are repealed.

ALASKA STATE LEGISLATURE

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Shirley Craft
Alaska State Senator

To: The Administrative Regulation Review Commission
From: Senator Shirley Craft, *Shirley Craft*
Date: March 11, 1992
Re: Summary of proposed legislation Exhibit D

This measure amends the Administrative Procedures Act (APA) to create the Regulation Review Commission; and repeals the Administrative Regulation Review Committee. The commission would exist within the office of the Lt. Governor and consist of the same members as in Exhibit A, B & C.

- (1) Lt. Governor serves as chair of the commission
- (2) Attorney General
- (3) Commissioner of Administration
- (4) 3 members of the Senate
- (5) 3 members of the House of Representatives

Legislative members will be appointed by the presiding officer of each body. The presiding officers will also have the power to remove the members they appoint.

The distinct difference in this measure from Exhibit C is that the commission only acts in an advisory capacity to the Lt. Governor. The Lt. Governor holds the power to repeal regulations.

The Lt. Governor has the power to repeal regulations proposed or adopted by an agency, only if they are subject to the APA. An agency must provide notice 30 days prior to the adoption, amendment, or repeal of a regulation, to the staff of the Regulation Review Commission. Within 45 days after the adoption of a regulation, the agency must submit the regulation to the chair of the commission. If the agency is not bound by the APA, the Lt. Governor may only recommend changes to a regulation. For example, the Alaska Railroad and Department of Administration's "longevity bonus program", are not subject to the APA.

If the Lt. Governor disapproves of a regulation in effect, the regulation will be repealed on a day that is set by the Lt. Governor, which must be at least 30 days after he has disapproved it. If he disapproves of a proposed regulation, it will simply not take effect.

The Lt. Governor will publish orders of disapproval in the Alaska Administrative Register and then file them.

Exhibit "D"

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

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

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the review and disapproval of certain regulations and proposed
2 regulations, establishing the Regulation Review Commission, and eliminating the
3 Administrative Regulation Review Committee."

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

5 * Section 1. AS 14.40.871(b) is amended to read:

6 (b) Except for AS 44.62.310 and 44.62.312 regarding public meetings, the provisions of
7 AS 44.62 (Administrative Procedure Act) regarding the adoption of regulations do not apply to
8 the corporation. The corporation shall make available to members of the public copies of the
9 regulations adopted under this section. Within 45 days after adoption of a regulation under this
10 section, the chair of the corporation shall submit the regulation adopted to the chair of the
11 Regulation Review Commission for consideration under AS 44.62.294(a)
12 [ADMINISTRATIVE REGULATION REVIEW COMMITTEE UNDER AS 24.20.400 -
13 24.20.460].

14 * Sec. 2. AS 18.56.088(a) is amended to read:

1 (a) Except for AS 44.62.310 and 44.62.312, regarding public meetings, [AND
2 AS 44.62.320(a) REGARDING LEGISLATIVE REVIEW OF REGULATIONS,] the
3 Administrative Procedure Act (AS 44.62) does not apply to this chapter. The corporation shall
4 make available to members of the public copies of the regulations adopted under (b) - (e) of this
5 section. Within 45 days after adoption, the chair [CHAIRMAN] of the board shall submit a
6 regulation adopted under (b) - (e) of this section to the chair [CHAIRMAN] of the Regulation
7 Review Commission for consideration under AS 44.62.294(a) [ADMINISTRATIVE
8 REGULATION REVIEW COMMITTEE UNDER AS 24.20.400 - 24.20.450. THE
9 PROVISIONS OF AS 44.62.320(a) APPLY TO REGULATIONS ADOPTED UNDER (b) - (e)
10 OF THIS SECTION].

11 * Sec. 3. AS 24.05.182(d) is amended to read:

12 (d) If a standing committee determines that a regulation, amendment to a regulation, or
13 repeal of a regulation does not properly implement legislative intent, the standing committee's
14 findings shall be transmitted to the Regulation Review Commission [ADMINISTRATIVE
15 REGULATION REVIEW COMMITTEE].

16 * Sec. 4. AS 24.08.050(b) is amended to read:

17 (b) Bills introduced by the legislative council shall be delivered with a letter of
18 explanation to the rules committee of either house and bear the inscription "Rules Committee by
19 Request of the Legislative Council"; [BILLS INTRODUCED BY THE ADMINISTRATIVE
20 REGULATION REVIEW COMMITTEE SHALL BE DELIVERED WITH A LETTER OF
21 EXPLANATION TO THE RULES COMMITTEE OF EITHER HOUSE AND BEAR THE
22 INSCRIPTION "RULES COMMITTEE BY REQUEST OF THE ADMINISTRATIVE
23 REGULATION REVIEW COMMITTEE";] bills introduced by the Legislative Budget and Audit
24 Committee shall be delivered with a letter of explanation to the rules committee of either house
25 and bear the inscription "Rules Committee by Request of the Legislative Budget and Audit
26 Committee." Bills presented by the governor shall be delivered with a letter to the rules
27 committee of either house and bear the inscription "Rules Committee by Request of the
28 Governor"; bills so presented and inscribed shall be received as bills carrying the approval of the
29 governor as to policy and budget impact. The governor may submit a statement of purpose and
30 effect with each bill and appear personally or through a representative before any committee
31 considering legislation.

1 * Sec. 5. AS 44.62.160 is amended to read:

2 Sec. 44.62.160. DATE AND CONTENT OF REGISTER. (a) The Alaska
3 Administrative Register shall be published quarterly on the first day of the month, beginning in
4 a month to be designated by the Department of Law, but not later than October 1969. All
5 regulations required to be submitted under AS 44.62.040 and all orders of disapproval issued
6 under AS 44.62.295 that [WHICH] are filed by the first day of the month preceding publication
7 shall be published in the register for that quarter.

8 (b) If during a quarter no regulation, amendment, order of repeal, or order of
9 disapproval [REPEAL] has been filed, the regular quarterly register shall be published reflecting
10 that fact.

11 * Sec. 6. AS 44.62.175(a) is amended to read:

12 (a) The lieutenant governor shall publish or contract for the publication of the Alaska
13 Administrative Journal. The journal shall be published weekly. The journal must include

14 (1) notices of proposed actions given under AS 44.62.190(a);

15 (2) notices of state agency meetings required under AS 44.62.310(e), even if the
16 meeting has been held;

17 (3) notices of solicitations to bid issued under AS 36.30.130;

18 (4) notices of state agency requests for proposals issued under AS 18.55.255,
19 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and AS 43.40.010;

20 (5) executive orders and administrative orders issued by the governor;

21 (6) written delegations of authority made by the governor or the head of a
22 principal department under AS 44.17.010;

23 (7) the text or a summary of the text of a regulation or order of repeal of a
24 regulation for which notice is given under AS 44.62.190(a), including an emergency regulation
25 or repeal whether or not it has taken effect;

26 (8) a summary of the text of recently issued formal opinions and memoranda of
27 advice of the attorney general; [AND]

28 (9) a list of vacancies on boards, commissions, and other bodies whose members
29 are appointed by the governor; [AND]

30 (10) under [IN ACCORDANCE WITH] AS 39.52.240(h), advisory opinions of
31 the attorney general; and

1 (11) orders of disapproval issued under AS 44.62.295.

2 * Sec. 7. AS 44.62.190(a) is amended to read:

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

5 (1) published in the newspaper of general circulation or trade or industry
6 publication that the state agency prescribes and in the Alaska Administrative Journal; in the
7 discretion of the state agency giving the notice, the requirement of publication in a newspaper
8 or trade or industry publication may be satisfied by using a combination of publication and
9 broadcasting; when broadcasting the notice, an agency may use an abbreviated form of the notice
10 if the broadcast provides the name and date of the newspaper or trade or industry journal where
11 the full text of the notice can be found;

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

14 (3) if the agency is within a department, mailed or delivered to the commissioner
15 of the department;

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

17 (A) mailed to a person or group of persons whom the agency believes is
18 interested in the proposed action; [,] and

19 (B) published in the additional form and manner the state agency
20 prescribes;

21 (5) furnished the Department of Law together with a copy of the proposed
22 regulation, amendment, or order of repeal for the department's use in preparing the opinion
23 required after adoption and before filing by AS 44.62.060;

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

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

30 (8) furnished to the staff of the Regulation Review Commission
31 [ADMINISTRATIVE REGULATION REVIEW COMMITTEE].

1 * Sec. 8. AS 44.62 is amended by adding new sections to read:

2 ARTICLE 4A. REVIEW OF REGULATIONS.

3 Sec. 44.62.292. REGULATION REVIEW COMMISSION. (a) The Regulation Review
4 Commission is established in the office of the lieutenant governor. The lieutenant governor
5 serves as a member and as chair of the commission. Other members consist of the attorney
6 general, the commissioner of administration, and six legislators appointed under (b) of this
7 section.

8 (b) The presiding officer of each house shall appoint to the commission two members
9 of the majority and one member of the minority. If there are no minority members in a house,
10 the presiding officer shall appoint three majority members. The presiding officer of a house may
11 remove members of that house who serve on the commission.

12 Sec. 44.62.294. POWERS OF THE COMMISSION. (a) Notwithstanding other
13 provisions of law, the Regulation Review Commission may consider any regulation adopted by
14 a state agency and any proposed adoption, amendment, or repeal of a regulation. The
15 commission may submit recommendations regarding the regulation or proposal to the agency.

16 (b) Except as provided in AS 44.62.290(b), the Regulation Review Commission may
17 consider any regulation required to be submitted to the lieutenant governor under AS 44.62.010 -
18 44.62.312 or any proposed adoption, amendment, or repeal of a regulation for which notice is
19 required under AS 44.62.190. If the commission disapproves of a regulation or proposal, it may
20 recommend disapproval of the regulation or proposal to the lieutenant governor.

21 Sec. 44.62.295. ORDER OF DISAPPROVAL. Except as provided in AS 44.62.290(b),
22 the lieutenant governor may consider and disapprove any regulation required to be submitted to
23 the lieutenant governor under AS 44.62.010 - 44.62.312 or any proposed adoption, amendment,
24 or repeal of a regulation for which notice is required under AS 44.62.190. If the lieutenant
25 governor disapproves a regulation that is in effect on the day of disapproval, the regulation is
26 repealed on a day set by the lieutenant governor in the order of disapproval that is at least 30
27 days after the date of the order. If the lieutenant governor disapproves a proposed adoption,
28 amendment, or repeal of a regulation, the proposal does not take effect.

29 Sec. 44.62.296. FILING ORDERS. The lieutenant governor shall file each order of
30 disapproval issued under AS 44.62.295.

31 * Sec. 9. AS 44.88.085(a) is amended to read:

1 (a) Except for AS 44.62.310 and 44.62.312 regarding public meetings, [AND EXCEPT
2 FOR AS 44.62.320(a) REGARDING LEGISLATIVE REVIEW OF REGULATIONS,] the
3 provisions of the Administrative Procedure Act regarding the adoption of regulations,
4 AS 44.62.040 - 44.62.312, [(AS 44.62.040 - 44.62.320)] do not apply to the authority. The
5 authority shall make available to members of the public copies of the regulations adopted under
6 this section. Within 45 days after adoption of a regulation under this section, the chair
7 [CHAIRMAN] of the authority shall submit the regulation adopted to the chair [CHAIRMAN]
8 of the Regulation Review Commission for consideration under AS 44.62.294(a)
9 [ADMINISTRATIVE REGULATION REVIEW COMMITTEE UNDER AS 24.20.400 -
10 24.20.460].

11 * Sec. 10. AS 24.20.400, 24.20.410, 24.20.420, 24.20.430, 24.20.440, 24.20.445, 24.20.450,
12 24.20.460, and AS 44.62.320 are repealed.