

MEMORANDUM

State of Alaska Department of Law

TO: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

DATE: November 2, 2017

FILE NO.:

TELEPHONE NO.: 465-3600

FROM: Steven C. Weaver 
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Legislation/Regulations Section--Juneau

SUBJECT: Corrections to the Alaska
Administrative Code (AAC):
6 AAC 94.100 - 6 AAC
94.180; 6 AAC 94.900(20)
(former Western Alaska fisheries
disaster grant program)

In accordance with the authority of the regulations attorney under AS 44.62.125(b), please forward to the publisher the corrections to the Alaska Administrative Code (AAC) described below. I have forwarded these revisions under a specific delegation of authority dated December 1, 2015 from the regulations attorney. These revisions delete 6 AAC 94.100 - 6 AAC 94.180 (grant assistance for the Western Alaska (Norton Sound) fisheries disaster of 1998 - 1999) to reflect that the regulations are long obsolete, and to reflect that no agency has clear authority to repeal the obsolete sections. These revisions also include a technical conforming change to a definition in 6 AAC 94.900 (definition of "serious need").

The revisions to 6 AAC 94.100 - 6 AAC 94.180 are as follows:

1. Following each section heading, replace the substantive text of the regulation with the following notation: "Deleted."
2. Make a conforming change to each history note, by inserting at the end of that note "; deleted as of Register 224, January 2018"
3. After each section, delete the authority citation.
4. After the section listing for Article 1 (1998 Western Alaska fisheries disaster emergency disaster assistance), insert an editor's note to read as follows:

Editor's note: As of Register 224 (January 2018), and acting under AS 44.62.125(b)(6), the regulations attorney deleted 6 AAC 94.100 - 6 AAC 94.180, to reflect that the original adopting agency, the Department of Military and Veterans Affairs, acted solely under a delegation from the governor under AS 26.23.020 and 26.23.220 to adopt regulations, on the governor's behalf, as

were necessary to implement and interpret relevant provisions of AS 26.23 to employ disaster relief money available for the Western Alaska (Norton Sound) fisheries disaster of 1998 - 1999. The regulations adopted under that delegation are now obsolete.

5. In the definition of "serious need" in 6 AAC 94.900(20), delete the phrases "6 AAC 94.130 or" and ", as applicable,"
6. After 6 AAC 94.900, insert an editor's note to read as follows:

Editor's note: As of Register 224 (January 2018), and acting under AS 44.62.125(b)(6), the regulations attorney edited the definition of "serious need" in 6 AAC 94.900, deleting an obsolete reference to 6 AAC 94.130 and a related obsolete phrase, to reflect that the agency that originally adopted 6 AAC 94.130, the Department of Military and Veterans Affairs, acted solely under a delegation from the governor under AS 26.23.020 and 26.23.220 to adopt regulations, on the governor's behalf, as were necessary to implement and interpret relevant provisions of AS 26.23 to employ disaster relief money available for the Western Alaska (Norton Sound) fisheries disaster of 1998 - 1999. The regulations adopted under that delegation--including 6 AAC 94.130, as was referenced in the definition of "serious need" in 6 AAC 94.900--are now obsolete.

Though the Department of Military and Veterans' Affairs originally adopted these regulations, it adopted them under a delegation that the governor issued under the disaster declaration powers of AS 26.23.020 and 26.23.220 in 1999. Accordingly, the regulations were assigned to Title 6 of the Alaska Administrative Code (governor's office) rather than Title 10 (military and veterans' affairs). Now that the disaster has long passed, the Department of Military and Veterans' Affairs no longer has clear authority to repeal the regulations. Therefore, we are deleting the obsolete provisions in the revisor's capacity under AS 44.62.125(b)(6).

Thank you for your assistance, and please contact me if you have additional questions.

SCW

cc: Angela Hull, Office of the Governor