



LAWS OF ALASKA

1969

Source

Chapter No.

HB 20 am S

45

AN ACT

Relating to emergency regulations of administrative agencies; and providing for an effective date.

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

* Section 1. AS 44.62.230 is amended to read:

Sec. 44.62.230. PROCEDURE ON PETITION. Upon receipt of a petition requesting the adoption, amendment or repeal of a regulation under secs. 180 - 290 of this chapter, a state agency shall, within 30 days, deny the petition in writing or schedule the matter for public hearing under secs. 190 - 210 of this chapter. However, if the petition is for an emergency regulation, and the agency finds that an emergency exists, the requirements of secs. 190 - 210 of this chapter do not apply, and the agency may submit the regulation to the secretary of state immediately after making the finding of emergency and putting the regulation into proper form.

* Sec. 2. AS 44.62.250 is amended to read:

Sec. 44.62.250. EMERGENCY REGULATIONS. A regulation or order of repeal may be adopted as an emergency regulation or order of repeal if a state agency makes a written finding, including a statement of the facts which constitute the emergency, that the adoption of the regulation or order of repeal is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The requirements of secs. 60 and 190 - 210 of this chapter do not apply to the initial adoption of emergency regulations.

* Sec. 3. AS 44.62.260 is amended to read:

Sec. 44.62.260. LIMITATION ON EFFECTIVE PERIOD OF

EMERGENCY REGULATIONS. (a) No regulation adopted as an emergency regulation remains in effect more than 120 days unless the adopting agency complies with secs. 60 and 190 - 210 of this chapter either before submitting the regulation to the secretary of state or during the 120-day period.

(b) Before the expiration of the 120-day period, the agency shall transmit to the secretary of state for filing a certification that secs. 60 and 190 - 210 of this chapter were complied with before submitting the regulation to the secretary of state, or that the agency complied with those sections within the 120-day period. Failure to so certify repeals the emergency regulation; it may not be renewed or refiled as an emergency regulation.

* Sec. 4. AS 44.62.290(b)(2) is repealed.

* Sec. 5. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.