

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

2 HOUSE BILL NO. 20

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to emergency regulations of adminis-
7 trative agencies."

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

9 * Section 1. AS 44.62.230 is amended to read:

10 Sec. 44.62.230. PROCEDURE ON PETITION. Upon receipt of a
11 petition requesting the adoption, amendment or repeal of a regulation
12 under secs. 180 - 290 of this chapter, a state agency shall, within
13 30 days, deny the petition in writing or schedule the matter for public
14 hearing under secs. 190 - 210 of this chapter. However, if the
15 petition is for an emergency regulation, and the agency finds that an
16 emergency exists, the requirements of secs. 190 - 210 of this chapter
17 do not apply, and the agency may submit the regulation to the secre-
18 tary of state immediately after making the finding of emergency and
19 putting the regulation into proper form.

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

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

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

1 Sec. 44.62.260. LIMITATION ON EFFECTIVE PERIOD OF EMERGENCY
2 REGULATIONS. (a) No regulation adopted as an emergency regulation
3 remains in effect more than 120 [90] days unless the adopting agency
4 complies with secs. 60 and 190 - 210 of this chapter either before
5 submitting the regulation to the secretary of state or during the
6 120-day period [(1) COMPLIES WITH SECS. 190 - 210 OF THIS CHAPTER
7 BEFORE THE ADOPTION OF THE EMERGENCY REGULATION, OR (2) WITHIN THE
8 90-DAY PERIOD GIVES NOTICE OF THE ADOPTION OF THE EMERGENCY REGULATION
9 IN A MANNER SUBSTANTIALLY SIMILAR TO THAT REQUIRED FOR THE PROPOSED
10 ADOPTION OF A REGULATION AND GIVES INTERESTED PERSONS THE OPPORTUNITY
11 TO PRESENT STATEMENTS, ARGUMENTS, OR CONTENTIONS IN A MANNER SUB-
12 STANTIALLY SIMILAR TO THAT REQUIRED BY SEC. 210 OF THIS CHAPTER].

13 (b) Before the expiration of the 120-day [90-DAY] period, the
14 agency shall transmit to the secretary of state for filing a certifi-
15 cation that secs. 60 and 190 - 210 of this chapter were complied with
16 before submitting the regulation to the secretary of state [ADOPTION],
17 or that the agency complied with those sections [THIS SECTION] within
18 the 120-day [90-DAY] period. Failure to so certify repeals the
19 emergency regulation, and it may not be renewed or re-filed as an
20 emergency regulation.

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