

Introduced: 1/17/80
Referred: Judiciary

1 IN THE SENATE

BY FAHRENKAMP

2 SENATE BILL NO. 340

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring legislative approval of regulations."

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

8 * Section 1. AS 44.62.180 is amended to read:

9 Sec. 44.62.180. EFFECTIVE DATE. A regulation or an order of
10 repeal filed by the lieutenant governor becomes effective on the 30th
11 day after the date of approval by the legislature under AS 44.62.275,
12 [FILING] unless

13 (1) otherwise specifically provided by the statute under
14 which the regulation or order of repeal is adopted, in which event it
15 becomes effective on the day prescribed by the statute;

16 (2) it is a regulation prescribing the organization or pro-
17 cedure of an agency, in which event it becomes effective upon filing by
18 the lieutenant governor or upon a later date specified by the state
19 agency in a written instrument submitted with, or as part of, the regu-
20 lation or order of repeal;

21 (3) it is an emergency regulation or order of repeal adopted
22 under AS 44.62.250, in which case the finding and the statement of the
23 facts constituting the emergency shall be submitted to the lieutenant
24 governor, together with the emergency regulation or order of repeal,
25 which, in that event only, becomes effective upon filing by the lieu-
26 tenant governor or upon a later date specified by the state agency in a
27 written instrument submitted with, or as part of, the regulation or
28 order of repeal;

29 (4) a later date is prescribed by the state agency in a

1 written instrument submitted with, or as part of, the regulation or
2 order of repeal.

3 * Sec. 2. AS 44.62.260 is repealed and re-enacted to read:

4 Sec. 44.62.260. LIMITATION ON EFFECTIVE PERIOD OF EMERGENCY REGU-
5 LATIONS. (a) A regulation adopted as an emergency regulation may not
6 remain in effect more than 120 days unless

7 (1) the adopting agency complies with AS 44.62.060 and
8 44.62.190 - 44.62.210;

9 (2) the adopting agency certifies to the lieutenant governor
10 that it has complied with AS 44.62.060 and AS 44.62.150 - 44.62.210;

11 (3) the legislature has approved the regulation under AS 44.-
12 62.275; or

13 (4) the time period established for legislative approval
14 under AS 44.62.275(c) has not expired.

15 (b) An emergency regulation repealed under (a) of this section may
16 not be renewed or refiled as an emergency regulation.

17 * Sec. 3. AS 44.62 is amended by adding a new section to read:

18 Sec. 44.62.275. REQUIRED APPROVAL BY LEGISLATURE. (a) A regu-
19 lation or order of repeal becomes effective under AS 44.62.180 only if a
20 concurrent resolution approving the regulation or order of repeal is
21 adopted by the legislature within the time limit imposed by (c) of this
22 section.

23 (b) An emergency regulation remains in effect under AS 44.62.260
24 only if a concurrent resolution approving the emergency regulation is
25 adopted by the legislature within the time limit imposed by (c) of this
26 section.

27 (c) Legislative approval under this section must be made within
28 one year of the date the regulation, emergency regulation, or order of
29 repeal is filed with or certified to the lieutenant governor under

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AS 44.62.180 or 44.62.260.