

CS FOR SENATE BILL NO. 272 (RULES) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE

Amended: 5/18/91
Offered: 5/18/91
Referred: Today's Calendar

Sponsor(s): SENATE RULES/GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act amending a statute that relates to notice of adoption of emergency regulations
 2 in order to cure problems raised by Shepherd v. State, 4FA-90-1514 Civil; and providing
 3 for an effective date."

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

5 * **Section 1. PURPOSE.** The purpose of the amendment to AS 44.62.250 in sec. 2 of this Act is to
 6 validate and affirm the longstanding practice of the state with regard to the procedure used by the state
 7 for the adoption of emergency regulations and to ensure the validity of all existing administrative
 8 regulations. It is also the intent of the legislature to expressly overrule the decision of the superior court
 9 in Shepherd v. State, 4FA-90-1514 Civil, thereby affirming the validity of those regulations that may
 10 have been called into question by the rationale utilized by the court in that case.

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

12 **Sec. 44.62.250. EMERGENCY REGULATIONS.** A regulation or order of repeal may
 13 be adopted as an emergency regulation or order of repeal if a state agency makes a written
 14 finding, including a statement of the facts that constitute the emergency, that the adoption of the

1 regulation or order of repeal is necessary for the immediate preservation of the public peace,
2 health, safety, or general welfare. The requirements of AS 44.62.060 and 44.62.190 - 44.62.210
3 do not apply to the initial adoption of emergency regulations; however, upon adoption of an
4 emergency regulation the adopting agency shall immediately submit a copy of it to the lieutenant
5 governor for filing and for publication in the Alaska Administrative Register, and within five
6 days after filing by the lieutenant governor [ADOPTION] the agency shall give notice of the
7 adoption in accordance with AS 44.62.190(a). Failure to give the required notice by the end of
8 the 10th day automatically repeals the regulation.

9 * Sec. 3, This Act takes effect immediately under AS 01.10.070(c).

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