



# LAWS OF ALASKA

1991

**Source**

CSSB 272(RLS) am

**Chapter No.**

45

**AN ACT**

Amending a statute that relates to notice of adoption of emergency regulations in order to cure problems raised by *Shepherd v. State*, 4FA-90-1514 Civil; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 14, 1991  
Actual Effective Date: June 15, 1991

## AN ACT

1 Amending a statute that relates to notice of adoption of emergency regulations in order  
2 to cure problems raised by *Shepherd v. State*, 4FA-90-1514 Civil; and providing for an  
3 effective date.  
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7 \* **Section 1. PURPOSE.** The purpose of the amendment to AS 44.62.250 in sec. 2 of this Act is to  
8 validate and affirm the longstanding practice of the state with regard to the procedure used by the state  
9 for the adoption of emergency regulations and to ensure the validity of all existing administrative  
10 regulations. It is also the intent of the legislature to expressly overrule the decision of the superior court  
11 in *Shepherd v. State*, 4FA-90-1514 Civil, thereby affirming the validity of those regulations that may  
12 have been called into question by the rationale utilized by the court in that case.

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

14       Sec. 44.62.250. EMERGENCY REGULATIONS. A regulation or order of repeal may  
15 be adopted as an emergency regulation or order of repeal if a state agency makes a written  
16 finding, including a statement of the facts that constitute the emergency, that the adoption of the  
17 regulation or order of repeal is necessary for the immediate preservation of the public peace,  
18 health, safety, or general welfare. The requirements of AS 44.62.060 and 44.62.190 - 44.62.210  
19 do not apply to the initial adoption of emergency regulations; however, upon adoption of an  
20 emergency regulation the adopting agency shall immediately submit a copy of it to the lieutenant  
21 governor for filing and for publication in the Alaska Administrative Register, and within five

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- 1            days after filing by the lieutenant governor [ADOPTION] the agency shall give notice of the  
2            adoption in accordance with AS 44.62.190(a). Failure to give the required notice by the end of  
3            the 10th day automatically repeals the regulation.
- 4            \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).