# Appendix Z-3: Agency Checklist (Non-Permanent Emergency Regulation)

## Step 1: Planning and Preparation

Determine whether project meets emergency regulation standard:

Clearly identified risk to public health, safety, peace, or welfare;

Risk is sudden, unusual, or unpredictable.

Confirm agency authority.

Consider timing, deadlines, and costs.

Prepare written finding of emergency and order (Appendix P or Appendix Q for boards and commissions).

Receive approval of the emergency finding from the Department of Law.

Decide whether emergency regulations will be made permanent; if intending for the regulations to be permanent, use Appendix Z-2 for permanent emergency regulations.

## Steps 2: Drafting Regulations, Finding of Emergency, and Public Notice Material; Department of Law Approval

Confirm that agency is working with most recent copy of regulations.

Draft proposed amendments in accordance with Chapter 4, with the addition of the words "EMERGENCY REGULATION" in the header.

Prepare public notice for emergency regulation (Appendix R-1 for newspaper and R-2 for non-newspaper; Appendix R-3 for Regulatory Commission of Alaska, Board of Fisheries, AOGCC, and Board of Game) Include the following:

Brief description (for Appendix R-2; and R-3 if agency is AOGCC);

Informative summary of regulation;

Statement whether emergency regulation will be made permanent;

ADA information;

Summary of fiscal information;

Statutory authority;

Statutes being implemented, interpreted, or made specific.

Prepare additional regulation notice information (Appendix C-1 or C-2).

Prepare fiscal note, if applicable (Appendix D).

Consult with agency attorney and have draft documents reviewed for accuracy.

Submit the proposed regulation, finding of emergency, and notice material to Department of Law.

## Step 3: Adoption

Formally adopt regulations through adoption order or certification order that appears below the finding of emergency (Appendix P or Appendix Q).

## Step 4: Submission to Office of the Lieutenant Governor

Submit emergency regulations packet to the lieutenant governor's office. Include the following:

Signed finding of emergency/adoption or certification order;

Copy of the emergency regulations;

Copy of delegation, if applicable;

Fiscal note, if applicable;

Relevant minutes and board certification, if applicable.

## Step 5: Public Notice and Delivery

Complete notice document with the effective date and expiration date for the emergency regulation, as indicated on filing notification from lieutenant governor's office.

Within 5 days of filing, publish notice in newspaper of general circulation and post on the Alaska Online Public Notice System. For the online notice, include the following:

Public notice;

Additional regulation notice information;

Fiscal note, if applicable;

Copy of filed emergency regulations.

Distribute notice and additional regulation notice to following parties:

Incumbent state legislators;

Persons on agency's interested-persons list;

Other persons who may be interested but not on agency list;

Department heads, if applicable.

After publishing notice, submit certification of notice, copy of public notice materials, and proof-of-publication affidavit to lieutenant governor's office.