

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 25, 2011

SUBJECT: Lupus Awareness Month; resolution or bill (CSSCR 1())
(Work Order No. 27-LS0099\B)

TO: Senator Bettye Davis
Attn: Celeste Hodge

FROM: Dennis C. Bailey *DCB*
Legislative Counsel

This draft accompanies committee substitute for SCR 1, sponsor blank, that changes the resolution to designate May of every year as Lupus Awareness Month rather than designating Lupus Awareness month for 2011.

I discussed with Celeste Hodge of your office the issue of whether the resolution could be modified to include the longer effect or if a bill would be required to make Lupus Awareness Month effective for every year. Either option is available.

A resolution is "used to reflect the will, wish, view, or decision of both houses speaking concurrently. It is used to handle the internal business of the legislature, including requesting action of executive agencies and interim committees, and fixing the time and place of joint assemblies." Uniform Rule 49(a)(3), Legislative Affairs Agency, *Manual of Legislative Drafting* at 76. The resolution essentially requests that Lupus Awareness Month be observed, but relies heavily on institutional memory. I have not found a prohibition against using a resolution to express the legislative view that Lupus Awareness Month be recognized each year. You could also consider using a new resolution each year recognizing Lupus Awareness Month.

Alternatively, a period of recognition lasting indefinitely has been designated in statute. See, e.g., AS 44.12, 44.12.075, 44.12.098. Designating Lupus Awareness Month in statute would need to be implemented by a bill rather than a resolution. A resolution might simply be forgotten after the year in which it was passed, in contrast with a statute which would create an ongoing reminder for official agencies to observe Lupus Awareness Month.

If I may be of further assistance, please advise.

DCB:plm
11-108.plm

Enclosure