

# ALASKA STATE LEGISLATURE

**Interim:**

**600 East Railroad Avenue  
Wasilla, Alaska 99654  
Phone (907) 373-1842  
Fax: (907) 373-4729**

**Session:**

**State Capitol Building  
Juneau, Alaska 99801-1182  
Phone: (907) 465-2186  
Fax: (907) 465-3818**

## **REPRESENTATIVE WES KELLER DISTRICT 14**

### **MEMO**

To: Members of the Alaska Legislature

Date: February 15, 2011

Re: Sectional of House Bill 8 (27-LS0052)\A

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House Bill 8 is broken into five sections:

1. Legislative findings that establish an understanding of the Supremacy Clause in relationship to state statute. It also recognizes that the U.S. Supreme Court has ruled that federal regulations, provided they are properly adopted, may also apply in Supremacy rules. The section also indicates that some executive orders and federal regulations do not always meet the constitutional or properly adopted criteria and therefore may not preempt state law.
2. Places into state statute that unconstitutional or improperly adopted executive orders and regulations do not preempt state statute.
3. Directs the Judiciary committee's in each house upon receipt of a report from the Attorney General that an executive order or regulation that preempts state statute and does not meet stated criteria to consider a response to the findings.
4. Directs the Attorney General to submit reports of potential preemptive executive orders or regulations that are unconstitutional or improperly adopted to the appropriate committees and establishes what documents need to be included in that report.
5. Effective date