

ALASKA STATE LEGISLATURE

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REPRESENTATIVE WES KELLER DISTRICT 14

MEMO

To: Members of the Alaska Legislature

Date: February 18, 2011

Re: Sectional of CS for House Bill 8 (JUD) (27-LS0052|M)

Committee Substitute for 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. **Eliminated from the HB-** the requirement that the AG review all E.O.'s and C.F.R.'s 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

Please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.