

ALASKA STATE LEGISLATURE

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REPRESENTATIVE WES KELLER DISTRICT 7

MEMO

To: Members of the Alaska Legislature

Date: March 4, 2013

Re: Sectional for Committee Substitute House Bill 83 (28-LS0328\O)

Committee Substitute for House Bill 83 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. Directs the Judiciary committee's in each house upon receipt of a report from the Attorney General that a statute, regulation, executive order or action, or secretarial order or action that preempts state statute and does not meet stated criteria to consider a response to the findings.
3. Directs the Attorney General in his or her regular review of C.F.R.'s, E.O.'s or actions, and S.O.'s or actions to submit reports of potential preemptive executive orders or regulations or Secretarial Orders that are unconstitutional or improperly adopted to the appropriate committees and establishes what documents need to be included in that report. Also included is an update requirement for litigation that might be taking place regarding Statute, regulations, C.F.R.'s, E.O.'s or actions or S.O.'s or actions.
4. 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.