

# LEGAL SERVICES

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

(907) 465-2450  
LAA.Legal@akleg.gov  
120 4th Street, Room 3

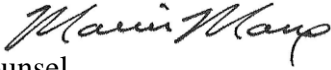
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

### MEMORANDUM

February 23, 2022

**SUBJECT:** Intent language  
(CSHB 60(EDC); Work Order No. 32-LS0261\B.15)

**TO:** Representative Matt Claman  
Attn: Emma Potter

**FROM:** Marie Marx   
Legislative Counsel

The draft amendment you requested is attached.

As we discussed, the draft amendment does not include the legislative intent section you requested. First, such sections are disfavored by the *Manual of Legislative Drafting*. As is stated on page 14 of the *Manual* (2021 ed.), "[t]he purpose or intent of a bill should be clear in the body of the bill or expressed in a letter of intent or other legislative history so that a general provision setting out the purpose or legislative intent of the bill should be unnecessary . . . [including] separate statements of intent in the codified or uncoded statute [is] to be actively discouraged." While such a provision may be helpful to a court that is interpreting how a piece of complex legislation should be applied to a particular set of facts, such a provision alone will not bind anyone and will not be enforced as law by a court. A sponsor statement or bill summary is a more appropriate place for the information you requested be placed in a legislative intent section.

Second, a legislative intent section is unnecessary because the existing language in AS 14.30.360(a) does not require a school or school district to initiate and conduct a program in health education for kindergarten through grade 12 or otherwise take any action. AS 14.30.360(a) provides, "Each district in the state public school system shall be *encouraged* to initiate and conduct a program in health education for kindergarten through grade 12. The program *should* include . . . " HB 60 makes no changes to this existing language. It merely adds "mental health" to the types of instruction a district is encouraged to include in this optional program.

Please let me know if I may be of further assistance.

MYM:lme  
22-088.lme

Attachment