

1 IN THE SENATE

BY BLODGETT

2 SENATE CONCURRENT RESOLUTION NO. 24
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTH LEGISLATURE - SECOND SESSION

5 Requesting the appointment of a joint
6 committee to review the administrative
7 regulations of the Department of
8 Public Safety.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 WHEREAS under the Administrative Procedure Act (AS 44.62,010 - 650)
11 each regulation of a state agency must be promulgated in accordance with
12 its authority, either express or implied, under a statute, and no regulation
13 is valid or effective unless consistent with the statute and reasonably
14 necessary to carry out the purpose of the statute; and

15 WHEREAS the authority of many of the Public Safety regulations in
16 Register No. 31 is questionable, especially the prohibition of unopened
17 receptacles containing intoxicating liquor (13 AAC 02,545(b)), the snow
18 vehicle regulations (13 AAC 430 - 465), and the prohibition against hitch-
19 hiking (13 AAC 02.180); and

20 WHEREAS generally the voluminous nature of the material contributes to
21 the difficulty of careful screening of content with the result that many of
22 the current regulations are not in keeping with legislative intent and go
23 far beyond the implementation of existing laws; and

24 WHEREAS under AS 44.62.190(b) all incumbent state legislators are to
25 be furnished with notice of proposed regulations at least 30 days before
26 their adoption and this has not been done in the case of these Public Safety
27 regulations;

28 BE IT RESOLVED that the President of the Senate and the Speaker of the
29 House are respectfully requested to appoint a joint committee made up of

1 members from the House and Senate State Affairs Committees, the House and
2 Senate Judiciary Committees, and the Legislative Council for the purpose of
3 careful screening of the Public Safety regulations with a view toward
4 recommending the annulment, by concurrent resolution, of those regulations
5 which are invalid and without authority; and

6 BE IT FURTHER RESOLVED that the joint committee on regulations investi-
7 gate the requirements of notice under the Administrative Procedure Act,
8 particularly as they pertain to incumbent legislators.