

Offered: 5/9/86
Referred: Rules

Original sponsors: P.Fischer, Fahrenkamp,
Coghill and DeVries

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR SENATE JOINT RESOLUTION NO. 40 (Judiciary) am H
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska relating to
7 annulment of regulations by the legisla-
8 ture.

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

10 * Section 1. Article II, Constitution of the State of Alaska, is amend-
11 ed by adding a new section to read:

12 SECTION 22. ANNULMENT OF REGULATIONS. The legislature by con-
13 current resolution may annul a regulation adopted by a state depart-
14 ment or agency. The annulment of the regulation is effective thirty
15 days after the date the concurrent resolution is approved by both
16 houses unless the concurrent resolution specifies a different date.
17 The concurrent resolution requires three readings in each house on
18 three separate days, except that it may be advanced from second to
19 third reading on the same day by concurrence of three-fourths of the
20 house considering it, and approval by a majority vote of the member-
21 ship of each house. The yeas and nays on final passage shall be
22 entered into the journal.

23 * Sec. 2. LEGISLATIVE INTENT. (a) The legislature in proposing this
24 constitutional amendment to the people, is seeking the ability to annul
25 regulations by concurrent resolution, instead of by a bill which is subject
26 to veto. Regulations are adopted by the state administration to implement
27 laws passed by the legislature by a majority vote. If the legislature
28 feels that the regulation goes beyond the legislative intent, it can only
29 overturn the regulation by passing a bill, which is subject to veto by the

1 governor. When a bill is vetoed, the legislature may override that veto
2 only by affirmative vote of two-thirds of the membership assembled in joint
3 session. The difficulty in achieving this super majority in opposition to
4 the governor and the governor's administration has led the legislature to
5 propose this amendment.

6 (b) In the preparation of its neutral summary under AS 15.58.020
7 (6)(C), the Legislative Affairs Agency shall consider the statement of
8 legislative intent contained in (a) of this section.

9 (c) In the preparation of the true and impartial summary of the
10 amendment under AS 15.50.020, the lieutenant governor shall consider the
11 statement of legislative intent contained in (a) of this section.

12 * Sec. 3. The amendment proposed by this resolution shall be placed
13 before the voters of the state at the next general election in conformity
14 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
15 tion laws of the state.