

COGHILL, KELLY, KERTTULA,
STURGULEWSKI, PEARCE, FRANK,
FAIKS, ELIASON, FISCHER, HALFORD,
JONES, UEHLING, BINKLEY, ADAMS,
RODEY, POURCHOT AND ZHAROFF

1 IN THE SENATE

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SENATE JOINT RESOLUTION NO. 3

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - FIRST SESSION

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Proposing an amendment to the Constitu-

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tion of the State of Alaska relating to

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repeal of regulations by the legisla-

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ture.

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

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* Section 1. Article II, Constitution of the State of Alaska, is amend-

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ed by adding a new section to read:

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SECTION 22. REPEAL OF REGULATIONS. The legislature may repeal a

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regulation adopted by a state department or agency when the legisla-

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ture believes that the regulation does not reflect the legislative

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intent of the law that the regulation is intended to implement. The

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repeal of the regulation is effective thirty days after the adoption

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of a concurrent resolution by a majority vote of the membership of

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each house unless the concurrent resolution specifies a different

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effective date. A concurrent resolution repealing a regulation adopt-

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ed by a state department or agency requires three readings in each

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house on three separate days except that it may be advanced from

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second to third reading on the same day by concurrence of three-

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fourths of the house considering it. The yeas and nays on final

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passage shall be entered in the journal.

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* Sec. 2. LEGISLATIVE INTENT. (a) The legislature in proposing this

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constitutional amendment to the people is seeking the ability to repeal, by

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concurrent resolution, administrative regulations that do not reflect the

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intent of the legislature. Administrative regulations are adopted by the

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state administration to implement laws passed by the legislature by at

1 least a majority vote. Under the existing provisions of the state consti-
2 tution, if the legislature believes that the regulation does not properly
3 implement the legislative intent, the legislature can overturn the regula-
4 tion only by passing a bill. Each bill passed by the legislature is sub-
5 ject to veto by the chief administrator, who is the governor. When a bill
6 other than an appropriation bill is vetoed, the legislature may override
7 that veto only during a joint session of both legislative houses by an
8 affirmative vote of two-thirds of the membership. The difficulty in
9 achieving the necessary two-thirds veto override vote in opposition to the
10 governor and the governor's administration, the expense of special legisla-
11 tive sessions to address vetoes that occur after the adjournment of regular
12 legislative sessions, and the force of law that regulations enjoy, have
13 resulted in adverse effects on the public and thus have led the legislature
14 to propose this amendment.

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

18 (c) In the preparation of the true and impartial summary of the
19 amendment under AS 15.50.020, the lieutenant governor or the director of
20 elections shall consider the statement of legislative intent contained in
21 (a) of this section.

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