

Original sponsors: Coghill, Kelly,
Kerttula, et al.

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE JOINT RESOLUTION NO. 3 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska relating to
7 repeal 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. REPEAL OF REGULATIONS. The legislature may repeal a
13 regulation adopted by a state department or agency when the regulation
14 does not reflect the intent of the law passed by the legislature. The
15 repeal of the regulation is effective thirty days after the passage of
16 a joint resolution by a majority vote of the membership of each house
17 unless the joint resolution specifies a different effective date.

18 * Sec. 2. LEGISLATIVE INTENT. (a) The legislature in proposing this
19 constitutional amendment to the people is seeking the ability to repeal, by
20 joint resolution, administrative regulations that do not reflect the intent
21 of the legislature. Administrative regulations are adopted by the state
22 administration to implement laws passed by the legislature by at least a
23 majority vote. Under the existing provisions of the state constitution, if
24 the legislature believes that the regulation does not properly implement
25 the legislative intent, the legislature can overturn the regulation only by
26 passing a bill. Each bill passed by the legislature is subject to veto by
27 the chief administrator, who is the governor. When a bill other than an
28 appropriation bill is vetoed, the legislature may override that veto only
29 during a joint session of both legislative houses by an affirmative vote of

1 two-thirds of the membership. The difficulty in achieving the necessary
2 two-thirds veto override vote in opposition to the governor and the gover-
3 nor's administration, the expense of special legislative sessions to
4 address vetoes that occur after the adjournment of regular legislative
5 sessions, and the force of law that regulations enjoy, have resulted in
6 adverse effects on the public and thus have led the legislature to propose
7 this amendment.

8 (b) In the preparation of its neutral summary under AS 15.58.-
9 020(6)(C), the Legislative Affairs Agency shall consider the statement of
10 legislative intent contained in (a) of this section.

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

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