

EO

92

9-LS1576A ✓
Cook
1/23/96

HOUSE SPECIAL CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON OIL AND GAS

Introduced:
Referred:

A RESOLUTION

1 Disapproving Executive Order No. 92.

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

3 WHEREAS the governor, under authority of art. III, sec. 23, Constitution of the State
4 of Alaska, has proposed in Executive Order No. 92 to combine the functions of the division of
5 oil and gas and the division of geological and geophysical surveys into a division of oil, gas,
6 and geology; and

7 WHEREAS art. III, sec. 23, Constitution of the State of Alaska, provides that unless
8 disapproved within 60 days of a regular session by resolution concurred in by a majority of the
9 members of the legislature in joint session, an executive order becomes effective at a date
10 designated by the governor;

11 BE IT RESOLVED by the Alaska State Legislature that Executive Order No. 92 is
12 disapproved.

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 23, 1996

SUBJECT: Procedure for Disapproving an Executive Order
(Work Order No. 9-LS1576)

TO: Representative Norman Rokeberg
Chair, House Oil & Gas Committee

FROM: Tamara Brandt Cook
Director

You have asked what the procedure is for the disapproval of an executive order. The state constitution contains the requirement that disapproval of an executive order is accomplished ". . . by resolution concurred in by a majority of the members in joint session . . ." (Article III, Section 23) This must be complied with or any attempt by the legislature to disapprove an executive order will be held invalid by the court.

In addition to the procedure set out in the constitution, Uniform Rule 49(a)(4) provides

A special concurrent resolution is employed to consider disapproval of an executive order of the governor laid before the legislature under provisions of Sec. 23, Art. III, of the State Constitution. This resolution must be considered by a joint committee and may be adopted by a majority vote of the full membership of the legislature in joint session without recourse to three readings.

So, the uniform rule adds the requirement that a joint committee consider each special concurrent resolution before it is adopted in joint session. Clearly, a joint committee could be established under Uniform Rule 21 for the purpose of considering a resolution disapproving an executive order. However, it has been the position of this office since at least 1981 that, because Uniform Rule 49(a)(4) does not specifically require the establishment of a joint committee under Rule 21, two standing committees meeting jointly would fulfill the requirement of consideration by a joint committee. This is what has been done in the past, and I cannot find an example within the past 15 years of the legislature appointing a joint committee to consider a resolution disapproving an executive order.

Any member or committee may, of course, introduce a special concurrent resolution disapproving an executive order. After the resolution and the executive order itself have

Representative Norman Rokeberg

January 23, 1996

Page 2

been reported from committee, a joint session must be either agreed to by the presiding officers or called by a house under Uniform Rule 51 for the purpose of considering the special concurrent resolution disapproving the executive order.

TBC:pl:klb

96-030.plm