

STATE OF ALASKA

THE LEGISLATURE

1986

Source

Legislative
Resolve No.

HCS SJR 40(Jud) am H

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Proposing an amendment to the Constitution of the State of Alaska relating to annulment of regulations by the legislature.

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

* Section 1. Article II, Constitution of the State of Alaska, is amended by adding a new section to read:

SECTION 22. ANNULMENT OF REGULATIONS. The legislature by concurrent resolution may annul a regulation adopted by a state department or agency. The annulment of the regulation is effective thirty days after the date the concurrent resolution is approved by both houses unless the concurrent resolution specifies a different date. The concurrent resolution requires three readings in each house on three separate days, except that it may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it, and approval by a majority vote of the membership of each house. The yeas and nays on final passage shall be entered into the journal.

* Sec. 2. LEGISLATIVE INTENT. (a) The legislature in proposing this constitutional amendment to the people, is seeking the ability to annul regulations by concurrent resolution, instead of by a bill which is subject to veto. Regulations are adopted by the state administration to implement laws passed by the legislature by a majority vote. If the legislature feels that the regulation goes beyond the legislative intent, it can only overturn the regulation by passing a bill, which is subject to veto by the governor. When a bill is vetoed, the legislature may override that veto only by affirmative vote of two-thirds of the membership assembled in joint session. The difficulty in achieving this super majority in opposition to the governor and the governor's administration has led the legislature to propose this amendment.

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

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

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