

Max Hodel, Chief of Staff  
Office of the Governor  
State of Alaska

June 24, 1991

663-91-0535

465-3600

Mistaken veto  
of appropriations items

James L. Baldwin  
Assistant Attorney General  
Governmental Affairs - Juneau

Cheryl Frasca, Office of Management and Budget, requested our opinion concerning whether the governor could recall the budget bill to correct an unintended veto of a line item. The line item appears on page 22, line 16, of CCS HB 75. The item finances the costs of reimbursing recipients for public assistance lost by the additional income realized in the form of permanent fund dividends. Before taking action, the Department of Revenue announced that the administration would reduce this item to zero. However, in marking up the bill, staff of the Office of Management and Budget mistakenly reduced this item by only approximately \$300,000.

A review of a copy of the bill provided to this office discloses that the governor signed the bill on June 21, 1991. Upon signature, the bill was transmitted to the legislative affairs agency rather than the house of origin because both houses of the legislature are adjourned. See Rule 45, Uniform Rules of the Alaska State Legislature (1989). In our opinion, the ability to recall the bill depends on the status of the bill and whether the legislature is in session.

The Alaska Constitution provides that "the legislature shall establish the procedure for the enactment of bills into law." Alaska Const. art. II, • 14. The legislature has complied with this directive by establishing that bills are enacted when (1) the bill is signed by the governor; or (2) the period specified in article II, section 17, of the constitution expires without gubernatorial action; or (3) the legislature overrides the governor's veto. AS 01.10.070(f)(4). The act of signing the bill and transmitting it to the legislature made its provisions law. We believe that the legislative affairs agency lacks the power to return the bill to the status of "pending enactment." If the legislature were in session it might have been possible to request the house of origin to return the bill. However, the validity of that post-enactment action would be in doubt.

The Revisor of Statutes has the power to correct errors

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in bills noted after enactment, but this power is limited to the correction of manifest clerical errors. The error must be apparent from the text of the bill. History has shown that the revisor strictly interprets this power. In our opinion, this error is not a manifest clerical error that can be corrected by the Revisor of Statutes under authority granted by AS 01.05.031(b)(7). It may be possible to correct in this fashion errors that are apparent from the presence of intrinsic evidence. For example, the governor failed to note that he approved the bill "with vetoes and reductions." However, it is apparent from a review of the preceding pages of the bill that he in fact made numerous vetoes and reductions. We believe that the revisor could, for purposes of clarity, insert the words traditionally appearing in an appropriations bill enacted with vetoes and reductions. It is more probable than not that the governor's vetoes and reductions contained in the bill are valid even in the absence of this entry.

We hope this memorandum adequately addresses the question you presented.

JLB: jr

cc: Cheryl Frasca, Director  
Division of Budget Review,  
Office of Management and Budget  
Office of the Governor