

June 24, 2015

The Honorable Bill Walker
Governor
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811-0001

Re: HCS CSSB 26(FIN) am H:
Fiscal Year 2016 Capital Budget
Our file: JU2015200327

Dear Governor Walker:

This is a supplement to our bill review of May 12, 2015, for HCS CSSB 26(FIN) am H, making and amending appropriations, including capital appropriations, supplemental appropriations, reappropriations, and other appropriations; and making appropriations to capitalize funds.

While we adhere to our prior review of this bill, we wished to bring to your attention our concerns with delay of the legislature in delivering this bill to you. Although the bill was passed by the Twenty-Ninth Alaska State Legislature on April 27, 2015, this bill was not transmitted to you until June 22, 2015, after adjournment of the Second Special Session of the Twenty-Ninth Alaska State Legislature. Since the legislature was not in session at the time of transmittal, you have twenty days, excluding Sundays, to sign or veto the bill; if you neither sign nor veto the bill, it becomes law without signature as provided under art. II, sec. 17, Constitution of the State of Alaska. Because this is an appropriations bill, you may exercise your line item veto authority to strike or reduce items in the bill (art. II, sec. 15).

The bill has various effective dates—April 19, 2015, June 30, 2015, and July 1, 2015. Sections 46 - 48, page 63. You have until July 15, 2015, to take action on the bill (although nothing prevents you from taking action earlier than July 15, 2015).

The delayed transmittal raises two issues. First, we wish to alert you to our general concern over delay in delivery of this bill to you. Once a bill has passed both houses, transmittal to you for consideration is a mandatory and ministerial function. (1981 Inf. Op. Att’y Gen. (July 6; File no. J-66-005-82). A substantial delay in delivery to you of a bill that has passed both houses presents several potentially serious constitutional questions. We adhere to the concerns raised in our prior opinion on this issue. (1988 Alaska Op. Att’y. Gen.; June 16; File. no. 883-88-0176).

Second, we would like to remind you of AS 01.10.070(d) that provides:

(d) An Act that specifies a definite effective date becomes effective at 12:01 a.m., Alaska Standard Time, on the date specified. However, if the specified definite effective date is on or before the day the governor signs the Act, the day the governor's veto is overridden, or the last day of the period allowed for gubernatorial action by art. II, sec. 17, Constitution of the State of Alaska, as applicable, the Act becomes effective at 12:01 a.m., Alaska Standard Time, on the day after the governor signs the Act, the governor's veto is overridden, or the period allowed for gubernatorial action by art. II, sec. 17, Constitution of the State of Alaska, expires, as applicable.

In other words, if the bill is not signed *before* the July 1, 2015, effective date in sec. 48 of the bill, it will become effective the day after it is signed (since the definite effective date would be on or before the date you signed the bill). For example, if you were to sign the bill on July 7, 2015, it would become effective July 8, 2015, and the provisions effective under secs. 46 and 47 of the bill would be effective on the dates specified in those sections.

In this instance, since the bill has been transmitted to you in time for action before July 1, 2015, neither of the concerns raised above are of serious constitutional concern for this bill, but we wish to raise them nonetheless.

Sincerely,

Craig W. Richards
Attorney General