

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-NINTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Saturday

April 25, 2015

Ninety-sixth Day

Pursuant to adjournment the Senate was called to order by President Meyer at 4:35 p.m.

Messages from the Governor

SB 64

Message dated April 24 was received stating:

Dear President Meyer:

Under the authority of Article II, Section 17, of the Alaska Constitution, I have let the following bill become law without signature:

CS FOR SENATE BILL NO. 64(EDC)(efd fld H)
"An Act relating to school bond debt
reimbursement."

Chapter 3, SLA 2015
[Effective Date: See Chapter]

Under current law, a municipality is eligible for school construction bond debt reimbursement at varying percentages, depending in part on the date of the election authorizing the bonds. The bill would place a five-year moratorium on the state's obligation to reimburse school

construction debt payments for elections that take place after January 1, 2015, but before July 1, 2020. The bill version that passed the Senate had two effective date provisions. One would have made the bill effective immediately upon becoming law (AS 01.10.070(c)); the other would have made the section reinstating a modified school debt construction reimbursement program effective July 1, 2020. In addition, some sections of the bill were to be retroactive to January 1, 2015.

Like most legislation, the bill was not without controversy during the legislative process. Some objected to a moratorium on the State's partial school construction debt reimbursement in light of the long-standing nature of state assistance with school construction costs, even in times of budget shortfalls. But I understand that our current budget situation requires the State to take actions it may not have in the past.

Additionally, some legislators objected to the proposed retroactive application to January 1, 2015. Although the bill passed the House of Representatives on April 2, 2015; the alternate effective date clauses—including the immediate effective date provision—did not receive the constitutionally required two-thirds vote. House Journal, April 2, 2015, page 0684.

The Department of Law has advised me that the bill will still have retroactive application despite the failure of the effective date provisions, since an effective date clause operates independently of the date of retroactive application. The failure of the effective date clause does not change the date of retroactive application. Whether the bill takes effect immediately or 90 days after signature by the Governor, the date of retroactive application remains the same. See, *Arco Alaska v. State*, 824 P.2d 709, 711 (Alaska 1992).

Yet news reports lead me to believe some members of the public thought the failure of the immediate effective date also meant failure of the provision on retroactive application. Confusion is understandable. So while the bill is legally sound, and even though I support efforts to reduce our State's budget, including debt service, I would prefer that this have been done in a manner more understandable for Alaskans.

For these reasons, I have not signed CSSB 64(EDC)(EFD FLD H) and have allowed it to become law without my signature.

Sincerely,

/s/

Bill Walker

Governor

Unfinished Business

HB 105

SENATE CS FOR CS FOR HOUSE BILL NO. 105(FIN) "An Act relating to the programs and bonds of the Alaska Industrial Development and Export Authority; relating to the Alaska Industrial Development and Export Authority sustainable energy transmission and supply development fund; repealing bond authorizations granted to the Alaska Industrial Development and Export Authority; amending the definition of 'qualified energy development'; relating to the financing authorization through the Alaska Industrial Development and Export Authority of a liquefied natural gas production plant and natural gas energy projects and distribution systems in the state; requiring the Alaska Industrial Development and Export Authority to deliver to the legislature reports relating to the Interior energy project; and providing for an effective date" was not taken up.

The bill will be on the April 26 calendar.

Announcements

Rule 23(d) of the Alaska State Legislature Uniform Rules is currently in effect.

Announcements are at the end of the journal.

Adjournment

Senator Coghill moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., April 26, 2015. Without objection, the Senate adjourned at 4:35 p.m.

Liz Clark
Secretary of the Senate

Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

STANDING COMMITTEES

+ indicates teleconference

= indicates bill previously heard/scheduled

FINANCE

| | | | |
|---------------|------------------------------------------------------|---------------------------|----------------|
| Apr 25 | Saturday | Senate Finance 532 | 1:30 PM |
| + | Jerry Burnett, Deputy Commissioner, Dept. of Revenue | | |
| + | Alaska's Fiscal Crisis | | |
| + | Bills Previously Heard/Scheduled | | |

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

| | | | |
|---------------|------------------------------------------------------|--------------------------|-----------------|
| Apr 26 | Sunday | House Finance 519 | 12:00 PM |
| | Medicaid Expansion and Reform Consultant Procurement | | |

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|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------|
| May 08 | Friday | Anch Lio Conf Rm | 10:00 AM |
| | Special Audit Requests | | |
| | EXECUTIVE SESSION: Preliminary Audits & Follow Up Review | | |
| | Other Committee Business | | |
| | Subcommittee Executive Session - Dept. of Education & Early Development Performance Review Scope (Will Convene Immediately Following Adjournment of the Regular Meeting) | | |

| Apr 25 | | Saturday | Senate Finance 532 | 12:00 PM |
|-----------------------------|-------|--------------------------------------|--------------------|----------|
| -- Delayed to 5:30 PM -- | | | | |
| = | HB 72 | APPROP: OPERATING BUDGET/LOANS/FUNDS | | |
| = | HB 73 | APPROP: MENTAL HEALTH BUDGET | | |
| Department Closeouts | | | | |
| Departments to be Announced | | | | |