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Referred: State Affairs and  
Finance

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BEIRNE, BETTISWORTH, BYLSMA,  
HALFORD, HAUGEN, MARTIN, METCALFE,  
MONTGOMERY, O'CONNELL, PHILLIPS  
AND SUTCLIFFE

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 5

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Relating to expediting litigation  
6 concerning appropriations which is  
7 currently pending.

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

9 WHEREAS the Constitution of the State of Alaska provides in art. IX,  
10 sec. 13 that "No money shall be withdrawn from the treasury except in  
11 accordance with appropriations made by law. No obligation for the payment  
12 of money shall be incurred except as authorized by law . . . ."; and

13 WHEREAS during the second regular session of the Eleventh State Legis-  
14 lature the Alaska State Legislature adopted three major appropriation bills:

15 (1) FCCSHB 60 (ch. 50, SLA 1980) which made special, supple-  
16 mental, and capital appropriations for various programs statewide;

17 (2) SCS CSHB 710 (ch. 173, SLA 1980) which amended, adjusted, and  
18 repealed appropriations made in 1980 and in various prior years, and made  
19 special appropriations to departments of state government, to the legis-  
20 lative council, to the University of Alaska and for grants to municipalities  
21 for various purposes;

22 (3) SCS CSHB 1002 am S (ch. 120, SLA 1980), which was the legis-  
23 lature's general appropriation bill, appropriating funds for the operating  
24 and capital expenses of state government for the 1980 - 1981 fiscal year and  
25 also included appropriations for the state loan program adopted in FCCSSB 1;  
26 and

27 WHEREAS HB 60 was submitted to the governor on May 13, 1980, and on  
28 May 30, 1980, after deleting various words, phrases, legislative intent  
29 language and conditions placed by the legislature upon the payment of ap-

1 appropriated funds, the governor signed, approved, and returned the bill to  
2 the Legislature, with an accompanying letter explaining, in general terms,  
3 his reasons for "trimming down" HB 60; however, the governor's letter did  
4 not specify his reasons for deleting various portions of HB 60; and

5 WHEREAS HB 710 was submitted to the governor on June 11, 1980, and on  
6 July 2, 1980, after deleting language identifying the intended recipient and  
7 deleting language constituting a condition or limitation placed upon the  
8 payment of appropriated funds without deleting the appropriation to which  
9 the condition related, the governor signed, approved, and returned the bill  
10 to the Legislature with a letter explaining his purported item vetoes; and

11 WHEREAS HB 1002 was submitted to the governor on June 13, 1980 and  
12 returned on July 3, 1980; again, the governor vetoed various words, phrases,  
13 and conditions placed upon the payment of funds, including legislative  
14 intent language, without vetoing the appropriation that the vetoed provisions  
15 were intended to modify; the governor also vetoed various municipal and  
16 other grants without reducing the amount of the appropriation out of which  
17 the grants were to be paid; accompanying the bill was a letter from the  
18 governor explaining that the majority of the provisions deleted did not  
19 constitute sums of money, but were rather legislative intent language which  
20 the governor considered improper; and

21 WHEREAS on August 20, 1980, the Legislative Budget and Audit Committee,  
22 on behalf of the Alaska State Legislature and several individual legislators,  
23 filed suit in the Superior Court for the State of Alaska, First Judicial  
24 District as No.1 - JU-1163 Civil entitled Alaska State Legislature et al v.  
25 Hammond et al against the governor and the commissioner of the Department of  
26 Administration to obtain a judicial declaration that the governor had  
27 exceeded his authority under art. II, sec. 15 of the Alaska Constitution by  
28 vetoing portions of appropriation bills other than "items"; and

29 WHEREAS the first session of the Twelfth Alaska Legislature convened on

1 January 12, 1981, and the governor has since, as provided by law, introduced  
2 appropriation bills which reflect his (1) recommendations for fiscal year  
3 1982 funding of the state's operating programs, (2) requests for special and  
4 supplemental appropriations to be made to support current year (fiscal year  
5 1981) operations, and (3) recommendations for capital improvements to be  
6 approved in conjunction with the fiscal year 1982 budget cycle; and

7 WHEREAS the legislature is now faced with a dilemma: the writing of  
8 appropriations for fiscal year 1982 must begin in earnest, but how, with the  
9 legal cloud hanging over numerous purported item vetoes, is the legislature  
10 to structure this year's appropriations without resolution of the legal  
11 status of last year's appropriations;

12 BE IT RESOLVED that the Alaska State Legislature directs its counsel to  
13 proceed as quickly as possible, still allowing for adequate preparation of  
14 its case, towards a resolution of its claim against the governor in the  
15 superior court in time to provide guidance to both parties in the drafting  
16 and enactment of this year's general appropriation bill and other major  
17 appropriation bills, and further to request, through the attorney general,  
18 the cooperation of the governor in expediting resolution of this important  
19 matter; and be it

20 FURTHER RESOLVED that the Alaska State Legislature directs its counsel  
21 to respectfully request the Court to expedite hearing and resolution of the  
22 merits of the Legislature's claim so as to provide guidance to the legisla-  
23 ture in the drafting and enactment of this year's general appropriation bill  
24 and other major appropriation bills.

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