IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

ALASKA LEGISLATIVE COUNCIL, on behalf of the ALASKA STATE LEGISLATURE, Plaintiff, v. GOVERNOR MICHAEL J. DUNLEAVY, in his official capacity, Defendant.	)	Case No. 1JU-25-00855CI

ORDER GRANTING ALASKA LEGISLATIVE COUNCIL'S MOTION FOR SUMMARY JUDGMENT AND DENYING GOVERNOR MICHAEL DUNLEAVY'S CROSS-MOTION FOR SUMMARY JUDGMENT

I. Introduction

Does the phrase "a full session" in Article III, Section 23 of the Alaska Constitution refer to a full regular session only, or does it include both a regular and special session? Plaintiff, the Alaska Legislative Council (the Council), challenges the process used by Defendant Governor Michael Dunleavy (the Governor) of introducing an executive order for legislative consideration during a special legislative session. The Council filed a motion for summary judgment, seeking (1) declaratory judgment that Executive Order No. 137 is legally ineffective, null, and void, (2) declaratory judgment that the Governor violated Article III, Section 23 of the Alaska Constitution, AS 24.08.210, and the separation of powers doctrine by forwarding a proposed executive order to the Legislature for consideration during a special session, and (3) declaratory judgment that the Legislature is entitled to sixty days of a regular

session, or a full regular session if of shorter duration, to disapprove of an executive order.[1] The Governor opposed and filed a cross-motion for summary judgment, seeking a declaratory judgment that confirms the effectiveness of EO No. 137.[2] The court GRANTS summary judgment to the Council, because a review of the Constitutional drafting history makes it clear that the framers intended executive orders to be considered during only a regular session. Accordingly, the court DENIES the Governor's motion. Because the court grants the Council's motion based on its interpretation of the Alaska Constitution, it does not reach the question of whether the Governor's actions violate the separation of powers doctrine.

II. Facts and Proceedings

The parties do not dispute the facts. On July 2, 2025, the Governor issued a proclamation calling the Legislature into a 30-day special session to begin on August 2, 2025. Pursuant to Alaska statute, on August 1, 2025, the Governor transmitted Executive Order (EO) No. 137 to the Legislature.[3] On August 2, when the Legislature convened, the House and Senate sent letters to the Governor, returning EO 137 and advising that the Legislature would not consider the proposed EO because it was legally deficient.[4] Senate President Gary Stevens and House Speaker Bryce Edgmon advised that the Governor's transmission of the EO during a special session violated Art. III, §23 of the Alaska Constitution; the letters explained that the Legislature read that provision to require the Governor to submit a proposed executive order only during a regular session.

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[1] Case motion #1; Complaint at12.

[2] Case motion #4.

[3] AS 24.08.210.

[4] Ex. 4.

The Governor advised the Legislature that he disagreed with their interpretation of Art. III, §23.[5] He explained that he considered the Legislature had failed to disapprove the proposed EO and would accordingly treat it as having become law pursuant to the provisions of Art. III, §23.

The Council filed its complaint and motion for summary judgment on October 3, 2025. The Governor filed his cross-motion on October 24. The motions were fully briefed by November 14; this court heard oral argument on November 21.

III. Discussion

A. Standards of Constitutional Interpretation

The court's interpretation of the Alaska Constitution "begins with, and remains grounded in, the words of the provision itself."[6] "Constitutional provisions should be given a reasonable and practical interpretation in accordance with common sense."[7] The Alaska Supreme Court has explained that when considering "a question of constitutional law not squarely addressed by precedent," as the court does here, it must "consult the plain text of the Alaska Constitution as clarified through its drafting history."[8]

The court does not have "the authority to add missing terms or hypothesize differently worded provisions [...] to reach a particular result."[9] The court must "look to the plain meaning and purpose of the provision and the intent of the framers. This includes the

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[5] Ex. 5.

[6] *Hickel v. Cowper*, 874 P.2d 992, 927 (Alaska 1994).

[7] *Arco Alaska v. State*, 824 P.2d 708, 710 (Alaska 1992).

[8] *Forrer v. State*, 471 P.3d 569, 585 (Alaska 2020).

[9] *Kohlhaas v. State*, 518 P.3d 1095, 1114 (Alaska 2022) (quoting *Wielechowski v. State*, 403 P.3d 1141, 1146 (Alaska 2017)).

Delegates' debates and statements in interpreting the constitution as well as the historical context, including events preceding ratification."[10] "Absent some signs that the term at issue has acquired a peculiar meaning by statutory definition or judicial construction, [the court] defer[s] to the meaning the people themselves probably placed on the provision."[11] In its analysis, the court must not "interpret constitutional provisions in a vacuum—the document is meant to be read as a whole with each section in harmony with the others."[12] "The basic principles for interpreting statutes apply to constitutions."[13]

B. The Drafting History of Article III, §23

Article III, Section 23 of the Constitution reads as follows:

> The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

An overview of the drafting history of this section demonstrates that the delegates to the Constitutional Convention contemplated that review of executive orders would occur only during a regular session. Because the court rests its conclusion primarily on the drafting history, it is necessary to set out in detail how this section changed through each version.

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[10] *Id.* (internal citations omitted).

[11] *Hickel v. Cowper* 874 P.2d at 926.

[12] *Forrer v. State*, 471 P.3d at 585.

[13] *Forrer v. State*, 471 P.3d at 585, fn. 164 (citing *Thomas v. Bailey*, 595 P.2d 1, 4 (Alaska 1979)).

1. Versions 1-3

Although there were six versions of Art. III, §23 throughout the drafting history, versions 1-3 contain identical language. It read as follows:

> The governor may make such changes in the organization of the Executive Branch of the State Government or in the assignment of functions among the units thereof, as may, in his judgment, be necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders which shall become effective at the close of the next regular session of the Legislature, unless disapproved by a resolution concurred in by a majority of all the members of the Legislature meeting jointly.

The first version was prepared by the Committee on the Executive Branch and proposed on January 12, 1956.[14] Four days later, on January 16, 1956, that proposed version was enrolled as the second version and titled "First Enrolled Copy, Committee Proposal, No. 10/a, Section 14" (Version #2).[15] It was referred to the Committee on Engrossment and Enrollment, which submitted a report that was subsequently adopted.[16] This version (version #3) was then referred to the Committee on Style and Drafting (CSD).[17] All three versions set the effective date as "the close of the next regular session," unless the Legislature exercised its veto power to disapprove the EO.

2. Version #4

The fourth version of the section (version #4) underwent its first changes in the CSD. The changes tightened the language, but did not change anything of substance.[18] The section

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[14] Ex. 8 at 7.

[15] Ex. 9 at 6-7.

[16] Ex. 7 at 9.

[17] *Id.*

[18] This is appropriate and expected, given that the Permanent Rules of the Constitutional

was modified as follows:

> The governor may make such changes in the organization of the Executive Branch ~~of the State Government~~ or in the assignment of functions among **its** ~~the~~ units ~~thereof~~, ~~as may, in his judgment, be~~ **which he considers** necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders which shall become effective at the close of the next regular session of the Legislature, unless disapproved by a resolution concurred in by a majority of all the members of the Legislature **in joint session** ~~meeting jointly~~.

As seen above, there were three principal changes to the language:

- "of the State Government" was removed from the phrase "The governor may make such changes in the organization of the Executive Branch of the State Government [...]."
- The clause "in the assignment of functions among the units thereof, as may, in his judgment, be considered necessary" became: "in the assignment of functions among its units which he considers necessary" and,
- The phrase "Legislature meeting jointly" was changed to "Legislature in joint session."

At that point, the section read as follows:

> The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders which shall become effective at the close of the next regular session of the legislature, unless disapproved by a resolution concurred in by a majority of the members of the legislature in joint session.

The timeline still gave the Legislature until the end of the next regular session to exercise its

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Convention had no authority to change the sense or purpose of any proposal referred to it. *See* Ex. 10 at 7.

legislative veto.

3. Version #5—The Rivers Amendment

The first substantive change to this section came by a proposal from Delegate Victor Rivers (the Rivers Amendment or version #5).[19] This amendment was proposed on January 27, 1956, and modified the section as follows:

> The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. **These orders** ~~which~~ shall become effective **after sixty days of a** ~~at the close of the next~~ regular session of the legislature **has elapsed following their issuance, or at the close of the next regular session, whichever is sooner**, unless disapproved by a resolution concurred in by a majority of the members of the legislature in joint session.[20]

The first sentence of the section remained unchanged. However, the second sentence is modified in two substantive ways: first, it introduces (for the first time) a sixty-day timeline for the Legislature to consider a proposed EO. Second, it modifies the effective date of a proposed EO (barring a legislative veto) from "the close of the next regular session" to "after sixty days of a regular session [...] or at the close of the next regular session, whichever is sooner."

This language modifying the effective date of a proposed EO is clunky and hard to understand. The final clause "whichever is sooner" clearly requires comparison of the two proposed timelines. And if one assumes that the framers intended that a governor would introduce a proposed EO at the start of a legislative session—as later required by AS

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[19] Ex. 12.

[20] NB: this wording includes the Rivers amendment, plus two small stylistic changes made by the delegation following adoption of the Rivers amendment by the CSD. *See* Ex. 7 at 10.

24.08.210—the language of the proposed timelines appear incommensurable. As the Governor points out, the use of the word "next" appears to indicate not the current session, but, in fact, the *next* regular session.[21] But it will never be the case that the second possible timetable ("the close of the next regular session," or next year) comes before the first possible timeline ("after sixty days of a regular session"), if the Governor must present the proposed EO at the start of the session.

This confusion is resolved in part (although the language is still confusing) if no requirement existed that the governor introduce a proposed EO at the start of a legislative session. Counsel for the Governor argued at oral argument that the most straightforward way to understand the section is to read "next" to mean current.[22] The court would agree, if one assumes the Governor were constrained in when he proposed an EO to the Legislature. But nothing in the pleadings or the drafting history suggests that.

Neither party argues that there was any law like AS 24.08.210 in existence at the time of the Constitutional Convention, nor is there any such suggestion in the drafting history. And if no such law existed, a governor could propose an executive order shortly before the end of the regular legislative session. If he or she did so, then it makes sense that the Legislature would have until the end of the *next* regular session to consider the proposed EO. Interpreting the Rivers Amendment in this way supports the Council's argument that Delegate Rivers sought to ensure that the Legislature would have adequate time to consider a proposed executive order.

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[21] *See* Oral Argument at 9:54:45 a.m.

[22] *See* Oral Argument at 9:54:55 a.m.: "I think they did intend that it would become effective at the close of the current session, with that language [...]"

Despite changing the timeline for a legislative veto, the section still made clear that the timetable referred to a regular legislative session. At that point, the section read as follows:

> The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. These orders become effective after sixty days of a regular session of the legislature have elapsed following their issuance or at the close of the next regular session, whichever is sooner, unless disapproved by a resolution concurred in by a majority of the members of the legislature in joint session.

4. Version #6—the final version

One day after the Rivers Amendment was considered and adopted, on January 28, 1956, the CSD issued a report amending the section's language (version #6 or the final version).[23]

> The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. **The Legislature shall have** ~~These orders become effective after~~ sixty days of a regular session ~~of the legislature have elapsed following their issuance~~ or **a full session if of shorter duration to disapprove these orders.** ~~at the close of the next regular session, whichever is sooner, u~~**Unless** disapproved by a resolution concurred in by a majority of the members of the legislature in joint session**, these orders become effective at a date thereafter to be designated by the Governor**.

This version does two things: first, the focus of the language changes from the effective date of a proposed EO to asserting a period within which the Legislature must disapprove an EO. Second, a new clause at the end empowers the Governor to choose the effective date of an EO if not disapproved by the Legislature.

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[23] Ex. 13.

The drafting history provides two clues regarding the Committee on Style and Drafting's role in making these changes. First, Delegate Sundborg explained the Committee's process in this way: "We have cleared our proposed language with the Chairman of the Committee on the Executive, Mr. Victor Rivers, and we understand that our language expresses the substance which was desired by his Committee when it brought in the amendments."[24] Second, the Report of the Committee on Style and Drafting states, in relevant part: "Your Committee on Style and Drafting herewith presents its suggestions for redraft of substantive amendments made yesterday to the Article on the Executive."[25] Referring specifically to Section 23, the report merely presents the previous language of the section, and then states, "We recommend that the section be as follows" and provides the final version.[26] The delegates adopted this report by unanimous consent.[27] This is the language that appears in the Constitution as Article III, Section 23.

C. The plain language of Art. III, §23 unambiguously refers only to regular sessions when considered within the context of the section's drafting history.

The court concludes that the best interpretation of Section 23 is that the framers intended that an EO be presented and considered only during a regular session. This conclusion is based primarily on the drafting history. Every version of the section, until the final version, refers exclusively to regular sessions as the time in which the Legislature would review such a proposal. And Delegate Sundborg's comments to the delegation after the CSD

[24] Ex. 7 at 11.

[25] Ex. 13 at 1.

[26] *Id.* at 2.

[27] Ex. 7 at 14.

issued its report on the changes on January 28, 1956, support this conclusion: he states that the CSD's efforts were to "express the substance" that Delegate Rivers, as chair of the Executive Branch Committee, sought through the language of the Rivers Amendment.[28] That substance repeatedly refers to a regular session and never refers to a special session. For these reasons, the court concludes that the framers intended that an EO would be considered only during a regular session.

D. The court agrees with several of the Governor's arguments in support of his conclusion but concludes all are unavailing, given the section's drafting history.

The Governor raises several arguments in opposition to this conclusion; the court considers each.

1. The plain language of Section 23 does not necessarily include special sessions.

The Governor argues that because the last clause of the third sentence of the final version of the section does not refer explicitly to a regular session, the framers intended to include special sessions.[29] He supports this argument by noting that the Constitution specifically defines two types of legislative sessions, a regular session and a special session.[30] The framers' failure to include "regular" in the clause "or a full session, if of shorter duration" necessarily means that the framers intended to include a special session, according to the

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[28] *Id.* at 11.

[29] *See* Opposition to Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for Summary Judgment at 7; Reply in Support of Defendant's Cross-Motion for Summary Judgment at 12.

[30] Art. II, §§8 and 9.

Governor.[31] But the Governor does not explain why Constitutional provisions defining two types of sessions necessarily mean that if a section does not specify one, it must mean both.[32] And his argument requires the court to disregard the drafting history, which clearly indicates that the framers intended that the work of disproving an EO be done only during a regular session. The fact that the framers did not specifically disapprove of special sessions in Section 23 does not require the court to read their inclusion into the section, where the drafting history points clearly to a different conclusion.

2. *The differences between version #5 (the Rivers Amendment) and version #6 (the final version) are not substantive.*

The Governor argues that the language of prior draft versions is not dispositive and should be given limited weight because of the substantive and substantial differences between the Rivers Amendment and the final version.[33]

The court disagrees. As discussed above, while the final version shifts the focus of the sixty-day timetable (where previously sixty days referred to the effective date, it now affirmatively sets the time the Legislature has to consider an EO), this change is not substantive. Instead, it makes explicit what was already implied in earlier versions, i.e., that

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[31] Opposition to Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for Summary Judgment at 9.

[32] The Governor cites the interpretive principle that "general terms are to be given their general meaning [...] thus, without some indication to the contrary, general words are to be accorded their full and fair scope." (*See* Opposition to Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for Summary Judgment at 12, fn. 44.) But this principle is inapplicable here, where there is a "clear indication to the contrary" in the drafting history.

[33] Reply in Support of Defendant's Cross-Motion for Summary Judgment at 9-12; Opposition to Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for Summary Judgment at 16-21.

the Legislature has a specific time period to consider a proposed EO. If, within that period, the Legislature did not disapprove of the EO, it would become effective.

The second change is the addition of a clause at the end, empowering the Governor to set the effective date. The Governor argues that this change is substantive and appears for the first time in the final version.[34] The court disagrees that this change is substantive. The first change—focusing on the Legislature's timetable as opposed to the timetable for an effective date—resulted in the section no longer addressing an effective date. The drafters needed to set an effective date, and it is reasonable to conclude that the Governor was best situated to select it in the context of his own executive orders. Finally, the court is persuaded by the argument of the Council that the changes between these two versions do not affect the Legislature's authority to consider a proposed EO but instead deal only with the Governor's authority.[35]

3. Even assuming the final version contained substantive changes, this conclusion would not support the Governor's argument that the framers intended to include special sessions in Section 23.

If the court assumes, for argument, that the final version did make a substantive change to the section, this would not change the court's ultimate conclusion. The Governor asserts that the Executive Branch Committee, in proposing the Rivers Amendment, must have intended something different from what was plainly expressed in the Rivers Amendment.[36]

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[34] *See* Opposition to Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for Summary Judgment at 20; Oral Argument at 9:55:29 a.m.

[35] Oral Argument 10:29:20 a.m.

[36] Opposition to Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for Summary Judgment at 18-21; Reply in Support of Defendant's Cross-Motion for Summary Judgment at 11-12; Oral Argument at 9:58:11 a.m.

He posits a discussion between members of the Committee on Style and Drafting and members of the Committee on the Executive Branch—a discussion that does not appear in any record—wherein the committees agreed that the section ought to be written to include the possibility of the Legislature taking up a proposed EO during a special session. As a result of this discussion, the Governor hypothesizes the Committee on Style and Drafting developed the language that constitutes the final version of the section.

In support of this argument, the Governor points out that Delegate Rivers, in his comments to the delegation regarding his amendment, never expressed a desire to limit consideration of an EO to a regular session, nor did he express any concern about the Legislature having a particular amount of time.[37]

The court agrees with the Governor that Delegate Rivers' remarks to the delegation do not explicitly address concerns with giving the Legislature a specific amount of time.[38] However, as discussed above, if a proposed EO were transmitted near the end of a regular session, the Rivers Amendment would function to give the Legislature until the close of the next regular session. It is reasonable to conclude that this was a consideration of Delegate Rivers.

But even if the court agreed that the final version presented substantive changes, that does not establish that the Rivers Amendment sought to include special sessions, which had never before been included or even referenced. To reach such a conclusion would require accepting as accurate several assumptions for which either no evidence exists or contrary

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[37] *See* Reply in Support of Defendant's Cross-Motion for Summary Judgment at 10.

[38] *See* Ex. 7 at 8.

evidence does exist.

First, the court would have to assume that the Rivers Amendment sought to include special sessions, despite not only not referencing them, but also explicitly referencing regular sessions twice. Second, it would require the court to assume that Delegate Sundborg, or other members of the Committee on Style and Drafting, engaged in discussions with members of the Executive Branch Committee, about which no record was ever created, and no evidence exists. But if such a discussion had occurred, it makes no sense that Delegate Sundborg would explain to the delegation that his committee redrafted language to reflect the Executive Branch Committee's desires, but not also tell the delegation that the Executive Branch Committee intended something diametrically opposed to what they actually wrote in the Rivers Amendment. Finally, such action by the Committee on Style and Drafting is wholly inconsistent with the rules of the Constitutional Convention governing the committee.[39] Therefore, consistent with the court's obligation to interpret the Constitution in accordance with common sense, the court concludes that the drafting history does not support the Governor's interpretation and cannot be upheld.

E. Rules of grammar and interpretive canons do not sway the court's conclusion because they are minimally relevant and helpful to the court's analysis.

1. Comparison to Art. X §12 not dispositive to either side.

Both sides point to the language of Art. X, §12 in support of their positions. That section explains how a local boundary commission may propose a boundary change to the Legislature. In relevant part, it reads: "[The commission] may present proposed changes to

[39] Ex. 10 at 7-8.

the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier [...]."[40] The Council points out that the drafters clearly intended to indicate a regular session, despite not specifying a regular session in the second sentence.[41]

The Governor argues that Art. X, §12 is substantively different from Art. III, §23 because the former uses the definite article "the [session]" whereas Section 23 uses the indefinite article "a [session]."[42] Because a definite article points to a specific thing, it is clear that Article X, §12, refers back to the previous sentence discussing a regular session.[43] Not so in Art. III, §23: an indefinite article ("a") refers to "general nouns or objects that are not specifically identified."[44]

The court agrees with the Governor that the definite article, used in Art. X, §12, is clearly meant to refer back to the regular session in the preceding sentence. But the court is not persuaded by the Governor's argument that the use of the indefinite article in §23 "strongly supports the Governor's reading."[45] The Governor does not provide authority for the proposition that it is appropriate to interpret one section of the Alaska Constitution by reference to another, where doing so requires the court to ignore the drafting history of the

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[40] Alaska Const. art. X, § 12.

[41] Legislature's Reply ISO Summary Judgment Motion and Opposition to the Governor's Cross-Motion at 7-8.

[42] The change shall become effective forty-five days after presentation *or at the end of the session...*" vs. "The legislature shall have sixty days of a regular session, *or a full session if of shorter duration...*"

[43] Reply in Support of Defendant's Cross-Motion for Summary Judgment at 4.

[44] *Id.* at 3, fn. 7.

[45] Oral Argument at 9:46:59 a.m.

section at issue. And abundant authority requires the court to consider the provision's language as clarified by its drafting history. Accordingly, the court finds reference to Art. X, §12 supports neither the Council nor the Governor.

2. *The Governor is correct that the last antecedent canon is not applicable, and that the clauses of Section 23 are neither dependent nor elliptical clauses, but rather noun phrases connected by a coordinating conjunction.*

The Council cites the interpretive canon, the "last antecedent rule," in support of the argument that the clause "or a full session" means a full regular session because that clause refers back to the earlier clause specifying that the Legislature has sixty days of a regular session.[46] The Governor disagrees, arguing that Section 23 "does not contain the type of ambiguity the last antecedent rule seeks to resolve."[47] The court agrees with the Governor that this rule is inapplicable to the language of Section 23.

The court also agrees with the Governor that the phrase "a full session if of shorter duration" is not a dependent clause; such clauses require a subject and a verb. Nor is it an elliptical clause. Instead, the two phrases of the sentence, "The legislature shall have sixty days of a regular session," and "or a full session if of shorter duration," are noun phrases connected by a coordinating conjunction. But the conclusion that there is no grammatical element limiting a full session to only a full regular session does not change the court's interpretation of the sentence based on the drafting history.[48]

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[46] Plaintiff's Motion for Summary Judgment at 11.

[47] Opposition to Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for Summary Judgment at 12.

[48] As the Alaska Supreme Court noted, with respect to the last antecedent rule, "We find these technical rules of grammatical construction to be unhelpful in ascertaining the

3. "Session" is a general term encompassing two specifics.

The Council argues that not only can the term "session" encompass the terms "regular" and "special" in the Constitution, but it also may include "joint." Joint sessions are referred to in Article 3, § 17, where the Constitution provides: "Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session." The Council posits that if this court agrees with the Governor that "session" refers to both "regular" and "special," a future governor could expand the term to include "joint" as well, leading to absurd results. The Council points out that the Governor's interpretation of "session" as encompassing two of three possible constitutional meanings is arbitrary.

The Governor disputes this reading of the term "joint." He argues that it is not a type of session in the same family as "regular" and "special," but instead occurs during one of those two types of sessions. He argues that when the Legislature is in session, it is always in either a regular or a special session, and that a joint session is not a distinct type of session.

The court agrees with the Governor. But this does conclusion does not sway the court's ultimate conclusion that the drafting history is dispositive.

IV. Conclusion

The Constitutional drafting history is clear: the framers intended that the Governor transmit a proposed executive order to the Legislature only during a regular session. Accordingly, the court grants the Council's motion for summary judgment.

It is so ordered.

Entered at Juneau, Alaska this 31st day of December, 2025.

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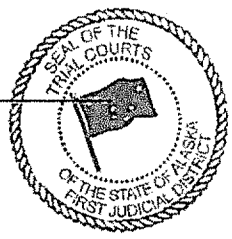
legislative intent of this section." *Twenty-Eight (28) Members of Oil, Chem. & Atomic Workers Union, Loc. No. 1-1978 v. Emp. Sec. Div. of Alaska Dep't of Lab.*, 659 P.2d 583, 588 (Alaska 1983).

Marianna C. Carpeneti
Superior Court Judge



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