

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500



550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907-269-7450

Governor Mike Dunleavy

STATE OF ALASKA

September 15, 2025

The Honorable Gary Stevens
Senate President
Alaska State Legislature
State Capitol, Room 111
Juneau, Alaska 99801-1182

The Honorable Bryce Edgmon
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, Alaska 99801-1182

President Stevens and Speaker Edgmon:

On the first day of the First Special Session of the 34th legislature (August 2, 2025), I transmitted an Executive Order establishing a Department of Agriculture (Order). The legislature failed to disapprove the Order by resolution concurred in by a majority of the members in joint session as required under the Alaska Constitution. Instead, by letter dated August 18, 2025, the Senate President and the Speaker of the House asked me to voluntarily withdraw the Order on grounds that it was previously rejected by the legislature and alleging that the constitution does not provide for the introduction of executive orders during special session.

I declined to withdraw the Order because it is not clear to me that the Alaska Constitution limits the time when a governor may issue an Executive Order pursuant to Article III, Section 23. Nor is it clear that the constitution grants the legislature the authority to disapprove an Executive Order in any manner except that set forth in Section 23. The legislature could have adhered to the proper constitutional process outlined in Article III, Section 23, and disapproved the Order when it met in joint session on August 2, 2025. This would have unequivocally halted the creation of a Department of Agriculture via Executive Order.

There clearly exists a disagreement between the Executive and Legislative branch as to the governor's ability to introduce an Executive Order in a special session. When such a dispute exists, it is appropriate to seek clarification from the courts. Because the legislature has now chosen to expend limited fiscal resources on outside counsel and pursue litigation, I can only surmise that the legislature shares my view of the importance of having the court provide clarification regarding this constitutional question. I welcome that clarification for the benefit of future governors and legislatures.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy".

Mike Dunleavy
Governor