

**From:** [Erin Shine](#)  
**To:** [Senate Finance Committee](#)  
**Subject:** FW: Public Testimony Against SB224  
**Date:** Wednesday, April 06, 2022 8:30:25 AM  
**Attachments:** [05AA6E1D7668490DA11627751A1294D0.png](#)  
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**From:** [Alisha](#)  
**Sent:** Monday, February 28, 2022 9:31 PM  
**To:** [Senate.Finance@akleg.gov](mailto:Senate.Finance@akleg.gov)  
**Subject:** Public Testimony Against SB224

Hello, my name is Alisha. I live in District D8. I am representing myself and I am testifying against SB 224 today March 1, 2022.

I wish to testify against SB224. I feel the legislators and lawyers who wrote this bill are purposely attempting to evade, avoid, or ignore the effects of rules prescribed by the constitution and other rules of parliamentary procedure. It is not my will (I am one of “the people” the constitution talks about and I am sure that I am not the only one of “the people” that feels this way) that the government act in such an unethical and immoral way.



The Mason’s Manual of Legislative Procedure 2020 edition Sec. 12 “A legislative body cannot make a rule that evades or avoids the effect of a rule prescribed by the constitution governing it and it cannot do indirectly what it cannot do directly.”



It is also covered in the 1953 edition of the Mason’s Manual of Legislative Procedure which is the editions that the writers of our Alaskan Constitution would have used as a reference. Sec. 73 #3 “the legislature cannot do by indirection that which it cannot do directly.”



Indirection means -indirectness or lack of straightforwardness in action, speech, or progression

Ways this bill tries to purposely evade or avoid constitutional rules:

1. The constitution forbids designated funds see Article IX Section 7



So, when a legislator says their dedicated fund is really only a designated fund, these legislators are indirectly trying to accomplish what a dedicated fund would accomplish. This interferes with the annual budgetary appropriation powers of future legislators which the constitution forbids them to do directly and the Mason's Manual says they cannot do indirectly.

These legislators seem to be trying to hide funds and make it more difficult for future legislators to easily know what moneys are available for appropriations each year. Instead of legislators just needing to look at the General Fund to see what money is available for appropriations they have to have the accounting department search all of these so-called designated funds that have been purposely removed from the general fund to see the true amount of funds that are available to appropriate. Then when future legislators use their constitutional appropriation power to appropriate funds in these accounts with their non-binding suggestion the people of Alaska who believed it when legislators said that the funds in these accounts would be used of certain purposes will feel that these future legislators are stealing money from one budgetary item to fund a different budgetary item. If this precedent was set and all legislators were allowed to create these special accounts for their favorite yearly Budgetary and a large proportion of the people's money is hidden in these accounts it will become very difficult for legislators to accomplish their constitutional requirement of creating a balanced budget that is also solely for the good of the people as a whole not just good for the special interest groups that legislators have created these funds to protect and prioritize as more important than other groups of Alaskans

2. The constitution requires unused funds be returned -it is as if the unused funds had never been appropriated. So that they will be available to be appropriated by the legislators to fulfill their constitutional duty to pass a balanced budget each year. Article IX Section 13



3. The constitution requires that the CBR be paid back Article IX Section 17(d)



The plan of the legislators and Lawyers who wrote this bill seems to be to "implement this subsection by law" by saying legislators can go create funds for their favorite yearly budgetary item,

say that the fund is outside of the general fund. So, there will be no money left in the General Fund at the end of each succeeding fiscal year. Therefore, no money will be available to repay the CBR. And these legislators are going to just ignore the intent of the constitution that the CBR be repaid. One of the reasons the majority does not want money to go back into the CBR seems to be, because that would mean that the moneys would not be available for them to appropriate with a simple majority vote and that would mean they would have to work with the minority in order to spend the CBR -Alaska's Saving account. Article IX Section 17(C)



The intent of this section seems to be that the CBR was not to be spent unless three-fourths of the legislators thought that every item in the years budget was at the lowest level that was constitutionally required, that there was no misuse of funds occurring, and there was no way to cut any item, no efficiencies could be found within the budget without catastrophic results to the people of Alaska as a whole. Is this the criteria that legislators have used or did they fund their favorite special interest items out of the general fund and then choose to link the programs that would create the most public outrage, or items in certain districts that could be used to coerce the legislators in those districts to make CBR funds available for spending.

This bill seems to be an attempt for the Senate finance committee to -hide funds in accounts by renaming them and saying that they are no longer in the general fund (which is the fund that is used for holds the money available for appropriations so that legislators are able to fulfill their yearly constitutional requirement to pass a balanced budget) The sole purpose of creating these funds outside the general fund seems to be to create a way for legislators to avoid, ignore, work around, and evade directly stated constitutional rules and intent so that their favorite budgetary items are guaranteed to continue to be funded at the level that they feel is best into the future. Thus, interfering with future legislators' ability to create a balanced budget each year that benefits the Alaskan people as a whole instead of insisting that funding is provided to items that past legislator felt were most important to them.

- By renaming the account and saying they have pulled it out of the general and put it into a fund that so that the Marine Highway System does not have to return any of its unused funds at the end of the fiscal year. Therefore, these unused funds will not be available to repay the CBR and/or to be appropriated in the upcoming year's budget process. I do not see why the senators in this committee feels that the Marine Highway System should be held apart for special treatment, put above all other budgetary items and be exempt from constitutional rules.
- By doing this unethical reassignment of moneys the Senate Finance Committee seems to be trying to shield the Marine Highway system from the responsibility of repaying the CBR which is clearly stated in Article IX Sec 17 of the constitution. The Marine Highway system contributed to spending down the CBR because they were appropriated funds in all of the years where budgets exceeded yearly revenues and required the legislator to draw/borrow from the CBR. So why do these legislators feel that the Marine Highway System should be exempt from doing its part to repay the debt it helped to create?
- This bill seems to be an attempt of the Senate Finance Committee to hide funds from future legislators and interfere with the ability of future legislators to easily accomplish their duty to pass a balanced budget that is for the good of the people as a whole with the funds available for appropriation that year. Instead of future legislators just having to look at the general fund each

year to see how much money is available for appropriations each year the legislators will have to search every fund to see what funds were really available for appropriations and then have to decide which of these special funds that have been created out side of the general fund to remove funds from to put back into the general fund, to be available to appropriate to a different purpose than suggested by past legislators, in order to pass their balanced budget that they feel is best for Alaskans.

By purposely attempting to evade constitutional rules these legislators are not upholding their oath to support and defend the constitution. By try to avoid or evade constitutional intent by creating a hidden fund in an indirect attempt to accomplish what a dedicated fund would directly accomplish knowing that the constitution forbids the creation of a dedicated fund. According to 1953(the one active when Alaska's constitution was written and accepted by the people) and the 2020 Mason's Manual of Legislative Procedure the legislature cannot do indirectly what it cannot do directly.



1953



2020

The court and legislators should not create precedents that create loopholes to avoid and evade Articles and Sections of the constitution. I do not feel that it is ethical to attempt to hide funds in special accounts that are defined to allow legislators to evade constitutional law. By writing a bill to purposely evade a rule in the constitution violates the Ethics Act AS 24.60.010 because these legislators are not acting with high moral and ethical standards that will assure the trust, respect, and confidence of the people of the state, does not preserve the integrity of the legislative branch of government, and does not preserve the integrity of the legislative process.



By not living up to your oath to support and defend the constitution violates Article XII Sec. 5.



I am not saying that I am in anyway against the Alaska Marine Highway or that I wish that it be removed from the yearly competition for money that is available for appropriations. I am just against

this bill and any bill in which legislators attempt to pass, to evade or avoid the effects of rules prescribed by the constitution, and any bill that will result in the further erosion of the integrity of the legislative branch of government. It is becoming very hard for me to continue to believe in the integrity of a branch of government that purposely attempts to evade the constitution, says "because we make the laws, we can disregard law", and frequently does indirectly what the constitution does not allow it to do directly.

A disheartened Alaskan, who is trying very hard to believe that there are Alaskan Legislators who actually care about upholding the integrity of the legislative branch of government and the legislative process. Sometimes the way something is accomplished is more important than what is accomplished. I think that there is a saying that goes something like this- one can win a single battle but the way that they win that single battle may be the reason they lose the war. It is the responsibility of all legislators and the lawyers who write the bills to uphold the integrity of the legislative branch of government and remember that if you get what you want but destroy the integrity of the legislative branch of government in the process- I do not believe you have accomplished what is best for the people of Alaska as a whole.

Thank you for your time,

Alisha Asplund  
Wasilla, AK 99623

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