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To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Opposition Testimony to HB57 -Please place in the record
Date: Monday, April 05, 2021 11:41:44 AM

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From: [REDACTED]
Sent: Monday, April 5, 2021 11:34 AM
To: Rep. David Eastman <Rep.David.Eastman@akleg.gov>; Rep. David Eastman <Rep.David.Eastman@akleg.gov>
Subject: Opposition Testimony to HB57 -Please place in the record

Public Testimony
Written Opposition to HB57
House Judiciary (HJUD)
Mon, 4-5-21

My name is James Squyres from Rural Deltana. I am an Article 1, Section 2 Alaskan as well as a CPA, not currently in practice. This written testimony is in opposition to HB57. It is an obvious NAY for all members in this committee, especially those who believe that we are in a fiscal situation that needs immediate adjustments to the size, scope and footprint of government. As we all know, intent language has no force of law. The first 6 pages of this 10 page bill is intent language. Why is this? Because legislators are expected to walk a winding trail and at the end be expected to ignore three controlling issues... Article 12, Section 5... Article 9, Section 17(d)... and Article 9, Section 7 of the Alaska Constitution.

Article 12, Section 5 is the Oath of Office in which you all swore to support and defend the Constitution, emphasis on SUPPORT as in the SPIRIT in which the Constitution was written and not try to dodge around specific provisions like Article 9 Section 17(d). This provision indicates that if you draw monies out of the CBR it has to be repaid. Effectively it is a contingent liability. In other words once those monies leave the CBR, usually by a ¾ vote, they must not only be repaid but then become subject to Article 9, Section (b) or (c) to be again withdrawn.

Currently with the "Sweep" and "Reverse Sweep" procedure that takes place every year I expect that your largest budget appropriation each year is this "Reverse Sweep". One of the features of this bill is to SUBVERT FUNDS that have been theoretically previously swept and reverse swept (thus now owed back, remember you just appropriated it out with a ¾ vote IN THE LAST BUDGET) and now leaving them subject them to a majority vote rather than following the constitution. It constitutes a "TAKE" and a majority "TAKE" at that.

It may have been considered fine back in a time of plenty to engage in the adventurism of setting up piggy banks all around the state and dodging the dedicated funds provision of the Constitution with the "Sweep" and "Reverse Sweep" HOWEVER these are not times of plenty. Article 9 Section 17(d) is a natural and constitutional check that reins in the bounds of the very adventurism that contributed to the fiscal slow motion train crash we now find ourselves in. Amounts that were in the CBR in the past constitute a HIGH WATER MARK that must be, under the Constitution, taken seriously and when repaid rebuild a baseline that helps define the size, scope and footprint of government that is actually sustainable.

There are a few things that need to happen here. 1) Members of this committee should vote down HB57. 2) Members should vote against the "Reverse Sweep" this session and allow the "Sweep" to PAY BACK the CBR for amounts that have been borrowed. Ask yourself, do you pay back Constitutional obligations under your watch as required under Article 12, Section 5? Keep in mind that when you "borrow" it is for the purposes of temporarily filling a lull in the financial situation which is the natural purpose of the CBR and it's ability to meet this need both in the past and IN THE FUTURE. 3) There is no reason why the programs affected by the sweep can not be funded year by year at some level by temporarily garnering the necessary votes from a CBR with a somewhat less than 2 billion dollar higher balance by consolidating these funds IF NECESSARY but it is important that these programs

compete on an even playing field with other state programs for scarce resources in times of fiscal scarcity.
Oh, and by the way... There is a technical error in the bill at the beginning that should slap you in the face. If this bill clears this committee without that correction it will prove that few have actually read and studied the language.
That concludes my testimony,
James Squyres
Rural Delta