From:	Alisha
To:	House Education
Subject:	Public Testimony against HB273
Date:	Wednesday, February 9, 2022 2:56:18 PM

Hello, my name is Alisha Asplund, I live in D8 and wish to testify against HB273

I am against HB273 because if it were to be binding I believe current legislators would categorizes this as a yearly budgetary item and would say that the statute created by this bill would infringe on the appropriation power given to them, by the constitution, to be used to fulfill their yearly constitutional requirement to pass a balanced budget.

If there are legislators that believe the above argument is true, this bill seems like an attempt of the sponsors of this bill to create a statute that they would consider to be the kind of statute that they would say the constitution would allow them to ignore which would fall into category #2 (see **Bill Categories** list below) of the types of bills current legislators seem to be trying to pass.

I am also against HB273 because I think it is a bad idea.

I will explain how I found out about these different categories for bills. (Disclaimer: I believe only bills fitting into category #1 are within the intent of the constitution and do not erode the trust respect and confidence the people of the state need to have in their legislative branch of government, and preserves of the integrity of the legislative process. I believe that category #2, #3, and #4 go against constitutional intent and that by making laws to be ignored/disregarded instead of changed undermines the integrity of the legislative process.)

It all started when, I watched the April 29th 2021 House Ways and Means Committee, and during that meeting Representative Spohnholz's made the following statements:

- "It is true that the legislature can ignore statutes. That is constitutionally allowed."
- "Because we ultimately make the laws and therefore, we have the ability to disregard law"

She gave these statements to justify why the bill she wished to pass could and should be ignored.

I spend months trying to get some clarification on these statements because they seemed to be saying that the legislature and legislators not only are above the law but can knowingly pass bills that will create statutes that they feel the supreme court has told them they can ignore, instead of going through the legislative process to change them, which I do not agree with. After contacting legislators, watching committee meeting where bills were being discussed. I was surprised to find that a large percentage of current legislators agree that the statements she made are a true representation of how the current legislature acts.

Bill Categories

From the information I collected, I found what the current legislators seems to be the have created the following categories for the bills that they feel it is ok to try to pass: (This is a work in progress and may change as I continue to watch and ask questions.)

1. Bills that will result in statutes/laws that current legislators expect to be followed and believe to be constitutionally sound. (By constitutionally sound I mean legislators do not think the Supreme Court will let them ignore it, but would let them go through the legislative process to change it.)
2. Bills that will result in statutes/laws that legislators believe can be ignored, because the constitution allows it. (I do not believe the constitution intended legislators to purposely create a statute/law that legislators feel can be ignored because legislators believe it will contradict or violate the constitution or they feel the Supreme Court has allowed them to ignore similar statutes/laws. I feel that knowingly creating laws that legislators believe will conflict with the constitution, does not "assure the trust, respect, and confidence of the people of this state", which is covered in the Ethics Act AS 24.60.010. It is also behavior that does not "preserve the integrity of the legislative process" which is another item mentioned in AS 24.60.010)
3. Bills that will result in statutes/laws that the legislators purposely create to be non-binding so that it can be ignored. (I do not believe it is the intent of the constitution for the legislator to purposely make a statue/law that is not intended to be binding. I feel that purposely creating laws that can be ignored does not assure the trust, respect, and confidence of the people of this state, in which the Ethics Act AS 24.60.010 says legislatures behavior needs to do. It is also behavior that does not preserve the integrity of the legislative process, which is another item mentioned in AS 24.60.010)
4. Bills that will result in statutes/laws that can be disregarded because current legislators believe Representative Spohnholz's statement from the April 29th House Ways and Means Committee, "Because we ultimately make the laws and therefore, we have the ability to disregard law" (This seems to imply that legislators are above all laws which I do not believe is the intent of the constitution. While doing me research I could not find any legislator to contradict this statement and even found legislators who said that while they did not like it, that was just how the current legislature worked. I feel that this statement undermines the integrity of the legislative branch of government. How are the people in this state supposed to trust, respect, and have confidence in the branch of government that makes the laws, if that very branch shows no respect for the laws that it makes. There is a difference between disregarding a law or going through the legislative process to change a law. The end result may be the same but only one of those ways upholds the integrity of the legislative process.)

Thank you for your time

Alisha Asplund
Wasilla, AK 99623

Sent from Mail for Windows