

From: [Erin Shine](#)
To: [Senate Finance Committee](#)
Subject: FW: public testimony against SB199(version 32-LS1529\A) February 212022
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From: [Alisha](#)
Sent: Monday, February 21, 2022 9:19 AM
To: Senate.Finance@akleg.gov; Senator.David.Wilson@akleg.gov
Subject: public testimony against SB199(version 32-LS1529\A) February 212022

Hello, my name is Alisha Asplund, I live in D8; I am representing myself today and wish to testify against SB199

I wish to thank the Senate Finance committee for allowing me to testify against SB199(version 32-LS1529\A the most up to date one that is available to me) today February 21 2022. I am limited to 2 minutes and I would not be able to cover all that I wish to in 2 minutes so I am e-mailing my testimony to the Senate Finance Committee.

I wish to testify against SB199, because It has been made clear to me from watching floor sessions and committee meeting, that current legislators believe that intent language is a mere suggestion and has no binding effect on current or future legislators - that is to say current legislators believe it can be ignored.

I feel this bill is a blatant attempt to mislead the Alaskan people into thinking legislators will actually work together and allow all legislators to participate in the process. This is hard to believe, when this very committee has been responsible for purposely using delay tactics and bills holding and changing bills so much that they no longer match their original title in an attempt to disenfranchise multiple districts by not allowing those district's senators to fulfill their legislative obligation to represent the people of their district.

This committee had a 30-day special session to work on implementing the recommendations of the 2021 Comprehensive Fiscal Plan Working Group and accomplished nothing. The during the special session before the last one, all they did for a fiscal plan was to rework a bill so drastically that it did not represent the intent of the working group and it no longer was representative of its own title. They did not change its title and tried to pass it off at the last few minutes, of the last day, of the that special session. I feel since they did not live up to the words in section 1 of Bill 199 by not use the two 30-days in the special sessions to even start on working anything related to 2021 Comprehensive Fiscal Plan Working Group which this bill says in its intent language.

They should do the work, not write a non-binding bill to tell Alaskans that they intend to do the work. They say that they have been trying to fix Alaska's fiscal problems for many years and they have done nothing productive to accomplish that goal. I have lost faith in legislators, who will not uphold their word and boldly say they do not have to do what they say they will, and that they can ignore the laws they make.

Current legislators seem to feel that they are all powerful and no one can hold them accountable for anything that they do. I have found during my research that the ethics department does not have any rules against legislators knowing making false, misleading statements to the public in support of their bills. So, all that I can assume from the past actions

of this committee is that they have knowingly created a bill to purposely mislead the residents of Alaska for purely self-serving reason. So, I am 100% against this bill and any bill that is put out by the legislators in this committee. I feel that these legislators are untrustworthy. Actions speak louder than word and their action say they are not willing to follow this intent language and legislators in this committee have stated on the floor and in committees that legislators are allowed to ignore intent language. So, I believe legislators will ignore,

“Section 1. The uncodified law of the State of Alaska is amended by adding a new section 6 to read:

7 LEGISLATIVE INTENT. It is the intent of the legislature to

8 (1) implement the recommendations of the 2021 Comprehensive Fiscal Plan

9 Working Group; and

10 (2) allow for adequate time to debate, analyze, and implement the revenue

11 measures and cost reductions required for the long-term financial stability of the state.”

And when they do, it will further undermine public trust.

I have lost faith in the Senate’s and the House’s ability to make this kind of bill so that it would not violate constitutional intent and lead to the violation of AS 24.60.010. My reasons for feeling this way are covered below.

I cannot support a bill that legislators and legislative lawyers have purposely word so that the statute that it creates will be non-binding and unenforceable- purposely written to be ignored instead of being written so it would have to go through the intended legislative process to be changed.

From watching the current legislators’ actions and listening to their words I have come up with four Categories of bills that current legislators feel are ok to try and pass. Categories #2, #3, #4, I believe to violate constitutional intent. Please see* at the end of this letter to see full description of these categories and how I came to believe in the existence of these categories.

- **Category #2** This is a bill that current legislators believes would create an unconstitutional law if it were a “true” law that is binding and enforceable.
- **Category #3** This is a bill that current legislators and the lawyers of the legislature have purposely written to create a non-binding “law” a “law” to be ignored. Undermining the integrity of the rule of law.
- **Category #4** This 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” after hearing Spohnholz’s comments in the February 4, 2022 Education meeting I see how some current unethical, immoral legislators might wrongly believe this statement is true, if legislators no longer believes that a law is – A rule formally recognized as **binding and enforced** by controlling authorities, but instead current legislators and the lawyers who advise them believe a “law” is – merely a suggestion that can be disregarded.

That is a terrifying and unconstitutional belief for the law enacting branch of the government to have.

It seems that in the eyes of current legislators any bill that deals with the PFD without also fixing the loophole in the constitution (that the Wielechowski case used to remove the stability of the PFD) and is not brought before the people for a vote, would be unconstitutional if it were binding. I would have interpreted the constitutional intent differently but if the court case says the loophole needs to be fixed then legislators who truly wish to protect the PFD to be distributed or paid out to the residents of Alaska each year, need to fix that loophole in the constitution along with any formula change.

If no constitutional fix is attached to the PFD bill, then the legislators supporting that bill are saying they wish to turn the PFD in to a mere suggestion and that the PFD money does not belong to the people but belongs to the government.

If SB199 fits in to Categories #2, #3, #4, I feel spending so much time and resources on a mere suggestion which can be ignored is a waste of the limited time and resources made available for the legislature to fulfill its constitutional required duty to pass a balanced budget each year.(see bill categories below)

If the sponsor and lawyers who wrote this bill, purposely wrote it to be non-binding because they believed that if it were binding, it would violate the appropriation power of legislators. Then these legislators feel that they can fix unconstitutional laws by just making them non-binding. But if a "law" is non-binding, is it still a law?

If so, have current legislators decided that the definition of a law should be changed to say laws are mere suggestions and are no longer -rules formally recognized as binding and enforceable. Given the definitions supplied on the legislature's web site.

- Statutes-The codified body of laws enacted by the Legislature, known as the Alaska Statutes.
- Law - A rule formally recognized as **binding and enforced** by controlling authorities. Statute law is law enacted by the Legislature. Common law is law set by precedent in court and by interpretation of the Constitution and statute law.

I do not see how it would be the intent of the constitution for legislators to purposely create non-binding laws that contradicts these definitions which clearly shows that statutes are meant to be recognized as binding and enforceable. Therefore, in my opinion this kind of action undermining the very idea of the "rule of law". These non-binding suggestions that current legislators are representing as Statutes/laws - should not be called statutes because that would be the legislators setting precedents that statutes need not be binding and can be mere suggestions, thus undermining the 'rule of law' that is critical for statutes to be respected and followed by Alaskans or anyone for that matter.

Why would legislators wish to turn laws into mere suggestions because then the definition for a statute or law could be interpreted as "a rule formally recognized as a mere suggestion and which is not binding". I do not believe that this is a, wise or constitutionally intended, precedent which legislators should be reinforcing and validating.

Instead of calling these suggestions, statutes/laws, it should be made clear to those in the general public that legislators are creating suggestions- not laws/statutes. And also explain to the general public that these mere suggestions have little to no significant value to creating any long-term fiscal solution since current legislators are purposely wording them so that they can be ignored. Not all Alaskans have time to read/study the constitution, watch every committee meeting and floor session and make multiple calls and emails to legislators and try to get them to answer any question in a straight forward or honest way. My Senator who is on this committee flat out told me he was not the kind of legislator who answered questions in emails and was not the kind of legislator who gave direct answers to questions.

Legislators seem to be taking advantage and abusing their self-given power to act in underhanded, dishonorable, and unconstitutional ways that will benefit themselves and mislead and fool the people of Alaska. The more that I watch and listen to these legislators and how they are justifying their action /or inaction, the more faith I loose in legislators, the lawyers who are advising them, the legislative process and the legislature as a whole.

Spending all this time making bills that will result in suggestions that are made to be ignored, is not a wise use of time and resources that should be being used to fulfill the legislature's constitutional requirement of passing a balanced budget in the 90-day regular session. Any time wasted in making mere suggestion that will result in the legislator ignoring the 90-day regular session statute that represents the peoples will and results in legislators have an excuse to extend the regular section to 120 days which cost all Alaskans money that could have gone toward their PFDs or other needed services but instead would go toward rewarding legislators for not completing their constitutional required work done on time, by increasing their yearly income.

I feel that wasting time creating suggestions and then calling them laws, goes against constitutional intent. It also goes against the ethics act AS 24.60.010 because it undermines the "trust, respect, and confidence of the people of the state" in the legislative branch of government and does not "preserve the integrity of the legislative process"

Thank you for your time.

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***Information on the categories of bills**

For nearly a year I have been trying to figure out why legislators keep making cryptic and vague comments about these kinds of bills not being binding and stating that these kinds of bills can be ignored, but I wish to make it clear that I do not believe to be the intent of the constitution for legislators to purposely create bills that will mislead the people of Alaska into believing that they are creating a bill that will set a certain and reliable PFD when the legislators have purposely written it so a court would interpret it to say legislators are not required to appropriate any money for paying out a PFD.

It all started when I watched the April 29th 2021 House Ways and Means Committee, and during that meeting a legislator 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.

From further information that I collected by watching nearly all committee meetings and floor sessions during the 2021 legislative season and multiple committee meeting in 2022, I found what seems to be the following categories for the bills that current legislators 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. I wish to make it very clear that category #1 is the only bill category that I feel legislators can make without violating constitutional intent, undermining the integrity of the legislative branch of government, and eroding the rule of law

1. Bills that will result in statutes/laws that current legislators understand to be binding and enforceable and believe to be constitutionally sound. (By constitutionally sound, I mean legislators and legislative lawyers do not believe the Supreme Court would rule that the binding law would conflict with the constitution. A binding law that legislators are not allowed to ignore, but would be allowed to change through the legislative process, for passing a bill in to law.)
2. Bills that will result in statutes/laws that legislators believe can be ignored, because legislators think 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 legislators purposely create to be non-binding so that they can be ignored.
 - a. (I do not believe it is the intent of the constitution for the legislator to purposely make a statute/law that is not intended to be binding.
 - b. I do not believe that it is the intent of the constitution for legislators to change the definition of law to a mere suggestion that is non-binding and not enforceable, thus undermine the idea that the definition of law as - a rule formally recognized as binding and enforceable.
 - c. 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.
 - d. It is also behavior that does not preserve the integrity of the legislative process or the integrity of the legislative process, which are also items mentioned in AS 24.60.010.)
4. Bills that will result in statutes/laws that current legislators believe they can disregard because they 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”
 - a. (This seems to imply that legislators believe they are above all laws which I do not believe is the intent of the constitution and is a horrendously bad belief for legislators to have.
 - b. 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.

- c. 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.
- d. After hearing Spohnholz's comments in the February 4, 2022 Education meeting it seems one reason why current unethical and immoral legislators might wrongly believe this statement is true, if legislators no longer believes that a law is – A rule formally recognized as binding and enforced by controlling authorities, but instead current legislators and the lawyers who advise them believe a “law” is – merely a suggestion that can be disregarded. That is a terrifying and unconstitutional belief for the law enacting branch of the government to hold.

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