

# LEGAL SERVICES

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## MEMORANDUM

February 5, 2018

**SUBJECT:** Priority order for appropriations (CSSSHB 216(JUD);  
Work Order No. 30-LS0572I)

**TO:** Representative Chuck Kopp  
Attn: Erick Cordero-Giorgana

**FROM:** Hilary V. Martin *HVM*  
Legislative Counsel

You have asked whether the priority list in sec. 6 of the bill means that all of the funding for the first priority must be met before moving to a lower priority.

Section 6 of the bill creates the restorative justice account. Subsection (b) in the section provides that the legislature may appropriate amounts from the account to five listed recipients in the priority order listed in the subsection.

Under Art. IX, sec. 7, Constitution of the State of Alaska, "the proceeds of any state tax or license shall not be dedicated to any special purpose . . . ." In *Sonneman v. Hickel*, the Alaska Supreme Court stated: "The constitutional clause prohibiting dedicated funds seeks to preserve an annual appropriation model which assumes that not only will the legislature remain free to appropriate all funds for any purpose on an annual basis, but that government departments will not be restricted in requesting funds from all sources."<sup>1</sup> A requirement that the money appropriated from the restorative justice account must go to specific purposes in a specific priority order would violate the dedicated funds provision.

The legislature remains free to appropriation to any of the recipients in the list in any amount or priority the legislature chooses. The legislature could also choose to appropriate the money in the account for a purpose not contemplated in the bill. If a person challenged an appropriation by the legislature for not following the priority order, I do not believe that challenge would be successful.

If I may be of further assistance, please advise.

HVM:mlp  
18-057.mlp

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<sup>1</sup> 836 P.2d 936, 940 (Alaska 1992).