

House Transportation Committee

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ALASKA STATE HOUSE OF REPRESENTATIVES

Sponsor Statement

House Bill 322

AMHS System Fund & Vessel Replacement Fund

House Bill 322 would protect the Alaska Marine Highway System (AMHS) Fund and Vessel Replacement Fund and the Alaska higher education investment fund from the constitutional sweep under Article IX, section 17(d) of the Alaska Constitution.

Funds subject to the sweep must be both available for appropriation and reside in the General Fund. In *Alaska Federation of Natives v. Dunleavy*—the 2021 case in which the Superior Court determined the Power Cost Equalization Endowment Fund is not sweep-able under the State Constitution—the court considered the state treasury to be distinct from the General Fund. Thus, by establishing the System Fund, Vessel Replacement Fund and Alaska higher education investment fund as a separate funds in the state treasury rather than in the General Fund, it is not subject to the sweep.