

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

THE ALASKA LEGISLATIVE)
COUNCIL, on behalf of THE ALASKA)
STATE LEGISLATURE,)

Plaintiff,)

v.)

HONORABLE MICHAEL J.)
DUNLEAVY, in his official capacity as)
Governor for the State of Alaska, KELLY)
TSHIBAKA, in her official capacity as)
Commissioner of Administration for the)
State of Alaska, and MICHAEL JOHNSON,)
in his official capacity as Commissioner of)
Education and Early Development for the)
State of Alaska,)

Defendant.)

COALITION FOR EDUCATION)
EQUITY,)

Intervenor.)

Filed in the Trial Courts
STATE OF ALASKA, FIRST DISTRICT
AT JUNEAU

DEC 10 2019

By AS Deputy

Case No. 1JU-19-00753CI

FINAL JUDGMENT

In accordance with its Order re: Cross Motions for Summary Judgment dated November 7, 2019, the Court hereby enters its final declaratory judgment and mandatory injunction in favor of Plaintiff Alaska Legislative Council and Intervenor Coalition for Education Equity, and against Defendants Michael J. Dunleavy, Kelly Tshibaka, and Michael Johnson, in their official capacities, as follows:

1. The appropriations made in SLA 2018, Ch. 6, §§ 4, 5(c), and 5(d) constitute a valid and constitutional exercise of the Legislature's appropriation power under Art. IX, § 13 of the Alaska Constitution.
2. The appropriations made in SLA 2018, Ch. 6, §§ 4, 5(c) and 5(d) constitute a valid and constitutional exercise of the Legislature's authority and responsibility to fund public education under Art. VII, § 1 of the Alaska Constitution.

3. The appropriations made in SLA 2018, Ch. 6, §§ 4, 5(c), and 5(d) do not constitute a prohibited dedication of funds under Art. IX, § 7 of the Alaska Constitution.
4. The appropriations made in SLA 2018, Ch. 6, §§ 4, 5(c), and 5(d) do not violate any annual appropriations model that may be implied by the Alaska Constitution.
5. Defendant Michael J. Dunleavy's failure to execute the appropriations made in SLA 2018, Ch. 6, §§ 4, 5(c), and 5(d) violates his obligation under Art. II, § 16 of the Alaska Constitution to faithfully execute the laws of this state.
6. Defendants are hereby ordered to disburse the appropriations made in SLA 2018, Ch. 6, §§ 4, 5(c), and 5(d) as soon as is reasonably practicable and without further delay in strict conformity with the procedures and disbursement scheduled required by the appropriations. Defendants shall disburse the appropriation made in SLA 2018, Ch. 6, § 4 no later than February 15, 2020.
7. Defendants are hereby enjoined from impounding or withholding money from the appropriations contained in SLA 2018, Ch. 6, §§ 4, 5(c), and 5(d) except in strict conformity with the procedures and disbursement scheduled required by the appropriations.
8. Within thirty (30) days of the distribution of this Final Judgment, Defendants Kelly Tshibaka and Michael Johnson shall provide Plaintiff Alaska Legislative Council with an accounting of all expenditures of money under the appropriations contained in SLA 2018, Ch. 6, §§ 4, 5(c), 5(d), indicating when, how much, and to whom each expenditure was made.

DATED at Juneau, Alaska this 9th day of December, 2019.




 Daniel Schally
 Superior Court Judge

CERTIFICATION
 Copies Distributed
 Date 12/10/19
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Vogel; Milks;
Darron-Walsh; Scully;
Trickey; Kendall; Lindemann
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