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Attorneys for Amicus Curiae  
Alaska Legislative Council

IN THE SUPREME COURT OF THE STATE OF ALASKA

MADILYN SHORT, RILEY VON BORSTEL,  
KJRSTEN SCHINDLER, and JAY-MARK  
PASCUA,

Appellants,

v.

GOVERNOR MICHAEL J. DUNLEAVY in his  
official capacity, THE STATE OF ALASKA,  
OFFICE OF MANAGEMENT AND BUDGET,  
and THE STATE OF ALASKA, DEPARTMENT  
OF ADMINISTRATION,

Appellees.

Case No.: S-18333  
Trial Court No.: 3AN-22-04028CI

**AMICUS CURIAE ALASKA LEGISLATIVE COUNCIL'S JOINDER OF  
APPELLANTS' EMERGENCY MOTION FOR RECONSIDERATION OF  
ORDER DENYING EMERGENCY MOTION TO EXPEDITE BRIEFING  
SCHEDULE**

The Alaska Legislative Council, acting on behalf of the Alaska Legislature, is participating in this case as amicus curiae and joins in Appellants’ emergency motion for reconsideration.<sup>1</sup>

It is very important to the Legislature to know promptly whether or not the Alaska Higher Education Investment Fund can be “swept” into the Constitutional Budget Reserve pursuant to article IX, section 17(d) of the Alaska Constitution. This information will impact the Legislature’s upcoming budget decisions, including what type of majority (simple or three-fourths) is required to access the \$400MM+ in funds. In order to incorporate any decision from this Court into that budgeting process, the Legislative Council believes that a decision would be required no later than May 4, 2022. Accordingly, the Legislature joins in the Appellants’ request for an expedited briefing schedule that will permit a decision on or before May 4, 2022.

This is a case that requires an expedited briefing schedule in order to achieve its purpose: providing clarity to the Legislative and Executive branches regarding the proper application of a constitutional provision and its impact on budgeting decisions.

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<sup>1</sup> The Superior Court granted the Legislative Council’s unopposed motion to participate as amicus curiae on January 21, 2022. The Legislative Council would have participated in this case as a party, but the exigent timing of the case was such that the Legislative Council was only able to get involved after briefing had already begun. The Legislative Council understood that both parties had agreed to an expedited briefing schedule in the Superior Court precisely so that any eventual appeal could be promptly brought to the Alaska Supreme Court and a decision could be rendered before the end of the legislative session. In order to avoid disrupting that briefing schedule, the Legislative Council elected to participate as an amicus curiae, rather than intervening as a party.

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DATED: February 28, 2022

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By: /s/ Kevin Cuddy

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CERTIFICATE OF SERVICE

This certifies that on February 28, 2022, a true and correct copy of the foregoing was served via email on:

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/s/ Karen P. Warne  
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