



# ALASKA STATE LEGISLATURE

REP. MATT CLAMAN

Chairman

State Capitol, Room 118

Juneau, AK 99801

907.465.4919

Rep. Liz Snyder, Vice-Chair

Rep. Harriet Drummond

Rep. Jonathan Kreiss-Tomkins

Rep. Sarah Vance

Rep. Christopher Kurka

Rep. David Eastman

---

## MEMORANDUM

TO: Megan Wallace

FROM: Rep. Matt Claman, Chairman  
House Judiciary Committee

A handwritten signature in black ink, appearing to read "Matt Claman".

DATE: March 2, 2021

RE: Topics and Questions for House Judiciary Committee Meeting on March 3, 2021

Please be prepared to respond to the following questions related to Alaska Legislative Council v. Dunleavy:

1. What issues did Judge Pallenberg address in the final order?
2. How did the final order differ from his earlier decision denying the request for injunctive relief?
3. What is the impact of Judge Pallenberg's decision on re-appointment of commissioners who were never confirmed?
  - a. Is there a statutory or constitutional bar on re-appointment for declined nominations?
  - b. Is the federal structure different than our state structure?
4. How does Judge Pallenberg's decision affect the following categories of appointees:
  - a. A Governor's appointee named in 2020 before the legislature adjourned (example: Lucinda Mahoney, Revenue Commissioner);
  - b. A Governor's appointee named in 2020 after the legislature adjourned or 2021 (example: Treg Taylor, Attorney General);
  - c. A Governor's appointee named in 2020 before the legislature adjourned who was subject to a statutory process before the governor's appointment (example: Samantha Cherot, Public Defender); and
  - d. A Chief Justice's appointee named in 2020 before the legislature adjourned (example: a public member appointee to the Select Committee on Legislative Ethics).
5. Does a committee that holds a confirmation hearing have the option of:
  - a. Not moving that nomination forward following a hearing in the committee and, having "held" a nomination in committee, thereby have the power to prevent the joint session from considering that nomination?
  - b. Not holding a confirmation hearing in committee and, similar to 6.a., thereby have the power to prevent the joint session from considering that nomination?
  - c. What is the impact in scenario 6.a. or 6.b. (one body not moving a nomination forward) if the other body forwards that nomination to the joint session?
6. Is the Governor raising any issues on appeal that Judge Pallenberg did not decide?