

FY23 Legislative Finance Division (LFD) Mid-Year Report

(dollar amounts shown in thousands)

Additional Outside Counsel and Expertise to Support Statehood Defense (FY23-FY25), \$2,500.0 general fund multi year (UGF)

LFD Comment: The Governor requested a total of \$4,000.0 for Law to contract with outside counsel to support efforts related to statehood defense, which is a term the administration uses to describe efforts to assert state rights over federal authority. The legislature provided \$2,000.0 for statehood defense and another \$500.0 for litigation relating to the Tongass National Forest. The funds may be expended between FY23 and FY25. This is in addition to a \$4,000.0 multi-year appropriation (FY21-FY25) that the legislature provided in the FY21 supplemental budget.

Agency Comment: The Department of Law has encumbered and expensed \$2,500.0 of the multi-year appropriations received for Statehood Defense, however, with the attached list of cases outstanding the Department of Law has obligated the full \$6,500.0 through FY25. The average case from start to finish takes three to five years and to see all of the cases through, the department will fully expend the remaining appropriations. It is likely the end of the appropriations will occur before the cases come to completion.

Contact Legislative Liaisons

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Multi-Year Statehood Defense Funding			
Matter Name	Summary	Anticipated Duration	Anticipated Costs
Alaska Native Claims Settlement Act (ANCSA) 17(d)(1) Revocation Delays	Challenge to delays in revoking ANCSA Section 17(d)(1) withdrawals covering 28 million acres	2-4 years	\$300.0
Biden Oil and Gas Leasing Moratorium (Louisiana Case)	Coalition of States challenging Biden administration moratorium on oil and gas leasing activities	2-4 years	\$94.0
Fortymile Rivers Quiet Title Actions (navigability)	Assertion of State ownership to submerged lands underlying North Fork and Middle Fork, Fortymile River, AK	2-4 years	\$1,335.0
Greenhouse Gas (GHG) Social Costs (Missouri Case)	Coalition of States challenging Biden administration use of social costs modelling in GHG emission costs	2-4 years	\$94.0
Koyukuk River Quiet Title Actions (navigability)	Assertion of State ownership to submerged lands underlying portions of the Koyukuk and the Bettles Rivers	2-4 years	\$1,335.0
Amicus brief in Sackett case	Urge Supreme Court to adopt Scalia's test for waters of the U.S.	under 1 year	\$50.0
Texas v. Environmental Protection Agency	Challenge to new Clean Air Act rules regarding passenger vehicles and trucks	2-4 years	\$94.0
Ringed Seal Delisting	Challenge to National Marine Fisheries Service 90-day finding regarding SOA's petition to delist ringed seal.	3-5 years	\$400.0
Mulchatna family of rivers Quiet Title Actions (navigability)	Continued actions to formally recognize strategic navigability for title waters	3-5 years	\$1,335.0
Mendenhall Lake Quiet Title Actions (navigability)	Continued actions to formally recognize strategic navigability for title waters	3-5 years	\$1,335.0
Formerly Used Defense Site and other Federal Site Cleanup	Suit to compel cleanup of formerly used defense and other federally contaminated sites located on Alaska Native Claim Settlement Act lands	3-5 years	\$2,000.0
Environmental, Social, and Governance (ESG) investment rule	Coalition of states challenging the Department of Labor's ESG rule	2-4 years	\$94.0
Kenai Refuge Rule	Challenge to federal rules that attempt to regulate the means and methods of hunting	2-4 years	\$150.0
National Park Service Rule	Challenge to federal rules that attempt to regulate the means and methods of hunting	2-4 years	\$150.0
		Total	\$8,766.0

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FY24 Governor Amended Proposed Budget Changes

DEPARTMENT OF LAW CIVIL DIVISION

(dollar amounts shown in thousands)

Add Attorney 5 for Parental Rights in Education Advocate, +209.0 UGF, +1PFT

- Full-time Attorney for parental rights in education advocate.
- There are a number of education laws that protect parental rights in directing and guiding their child's education.
- This position would assist parents in advocating for themselves and their students with schools and school districts.

Add Attorney to Lead on Tribal Law Issues, +209.0 UGF, +1PFT

- Full-time Attorney for Civil Division to lead on Tribal law civil issues.
- This Civil position would oversee and coordinate the myriad of civil issues that continue to arise, such as compacting (child welfare, education and potentially gaming), government to government consultation, sovereign immunity, regulatory actions by the federal government, etc.
- This lead attorney would manage the larger picture, act as a liaison, and be the subject matter expert to consult, would ensure the department could adequately address these issues and start thinking more strategically and creatively about how to effectively partner with Tribes while also asserting the state's rights and sovereignty when needed.

FY24 Governor Amended Proposed Budget Changes

DEPARTMENT OF LAW CRIMINAL DIVISION

(dollar amounts shown in thousands)

Criminal Investigator for Election Fraud, Conflict Cases, and Rural Homicide/Felony Sex Offenses/Other Violent Crimes, +143.7 UGF, +1 Permanent Full Time (PFT)

- Full-time Investigator for election fraud and other matters handled by Special Prosecutions.
- There are no dedicated investigators for elections fraud in Alaska.
- Reports of potential election fraud are assigned to a law enforcement officer who must simultaneously handle other criminal investigations.
- Having a dedicated investigator allows election fraud matters to be a primary focus for the investigator during the election season.
- This investigator position can help fill another need in the Office of Special Prosecutions by providing investigative services to two other areas: conflict cases and major felonies from rural communities.

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