

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 19, 2007

8:07 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Bob Roses, Vice Chair
Representative John Coghill
Representative Kyle Johansen
Representative Craig Johnson
Representative Andrea Doll
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 6

Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general.

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HJR 6

SHORT TITLE: CONST. AM: ELECTED ATTORNEY GENERAL

SPONSOR(S): REPRESENTATIVE(S) CRAWFORD

01/25/07	(H)	READ THE FIRST TIME - REFERRALS
01/25/07	(H)	STA, JUD, FIN
03/15/07	(H)	STA AT 8:00 AM CAPITOL 106
03/15/07	(H)	Heard & Held
03/15/07	(H)	MINUTE(STA)
04/12/07	(H)	STA AT 8:00 AM CAPITOL 106
04/12/07	(H)	Heard & Held
04/12/07	(H)	MINUTE(STA)
04/19/07	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE HARRY CRAWFORD
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified as prime sponsor of HJR 6.

CHARLES E. COLE, Attorney at Law
Fairbanks, Alaska

POSITION STATEMENT: As former attorney general, related the pros and cons of elected versus appointed attorneys general during the hearing on HJR 6.

BRUCE BOTHELO, Mayor
City & Bureau of Juneau
Juneau, Alaska

POSITION STATEMENT: Testifying as a private citizen who served as attorney general, offered information and answered questions during the hearing on HJR 6.

ACTION NARRATIVE

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at [8:07:12 AM](#). Representatives Roses, Coghill, Johansen, Johnson, Gruenberg, Doll, and Lynn were present at the call to order.

HJR 6-CONST. AM: ELECTED ATTORNEY GENERAL

CHAIR LYNN announced that the only order of business was HOUSE JOINT RESOLUTION NO. 6, Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general.

[8:07:50 AM](#)

REPRESENTATIVE HARRY CRAWFORD, Alaska State Legislature, as prime sponsor, mentioned the discussion regarding HJR 6 held during the last hearing on the resolution. He reviewed that the delegates of the Alaska Constitutional Convention chose to have an appointed attorney general (AG) in order to have a strong executive branch with no discordance in the administration. He stated his belief that Alaska has grown up since then, times have changed, and the state does not need an executive that has no checks or balances within the administration. He opined that the AG should not have to serve at the pleasure of the governor, and the governor should not have the right to fire the AG for not being in accordance with the governor's wishes. He stated his belief that the AG should be the people's lawyer.

[8:10:28 AM](#)

CHAIR LYNN said there had been a recommendation to consult previous attorneys general, and he noted that there were two present to testify today.

[8:11:17 AM](#)

CHARLES E. COLE, Attorney at Law, related that he served as attorney general under former Governor Walter J. Hickel, from September 1990 to January 1994. He emphasized the importance of the state's having the most qualified person serving as its attorney general. He stated that the attorney general of Alaska has "almost constitutional powers" derived from the common law, represents the state as a plaintiff and defendant in civil actions, and is in charge of essentially all felony criminal prosecutions throughout the state. Furthermore, the attorney general appoints not only members of the Department of Law, but also the district attorneys throughout the state. Mr. Cole said he thinks the attorney general "rises to a level ... substantially higher than those of ... commissioners."

MR. COLE, in regard to the debate between an appointed attorney general versus one elected by the people of the state, said, "It's not an easy decision; I think I come down slightly in favor of the appointed attorney general." Mr. Cole said there are some advantages to having an elected AG. First, it is a "furtherance of the democratic process." Second, the AG, as an elected officer is essentially free from control from the executive branch. That said, he pointed out the disadvantages of the system of electing attorneys general. First, he said, the most qualified person for the position of attorney general may not want to run for elective office. The elected AG would be looking for political campaign contributions, and where those campaign dollars come from could cause conflicts. Next, he posited, if an elected attorney general does not do well, it is more difficult to replace him/her. Often, he noted, an elected AG has aspirations for a higher elected political office and "maybe the decisions are less than straight down the line for what they would otherwise be absent that consideration." Also, Mr. Cole said it would not "further good representative government" if an attorney general decided to make a choice counter to that of the governor. Finally, Mr. Cole warned that there is a tendency for elected attorneys general to be making decisions based on political interest.

[8:17:04 AM](#)

MR. COLE then talked about the appointment of attorneys general, which he said can also be problematic. He said whether the system works depends largely on the governor's decision regarding who to appoint. He stated, "I took the view that the attorney general was the attorney for the people of this state and not ... the lawyer for the governor." He said it is a problem when the governor tells the AG what to do, and it takes a great deal of integrity on the part of both parties "in discharge of the office of the attorney." He offered an example of conflict. He stated that the governor must respect the AG in matters of law, while the AG must respect the governor's political philosophy.

[8:22:26 AM](#)

REPRESENTATIVE GRUENBERG asked General Cole about the interplay between the duties and potential conflict of the Office of the Attorney General and the Alaska Executive Branch Ethics Act.

CHAIR LYNN interjected that he does not want the actions of previous attorneys general brought into the discussion.

REPRESENTATIVE GRUENBERG cited AS 39.52.160(a) and its corresponding paragraph (2) which read as follows:

(a) A public officer may not represent, advise, or assist a person in any matter pending before the administrative unit that the officer serves, if the representation, advice, or assistance is

(2) without compensation, but rendered to benefit a personal or financial interest of the public officer.

REPRESENTATIVE GRUENBERG asked Mr. Cole, "Would this provide some contour ... to the limits of the attorney general's potential conflict if the governor wanted the AG to do something that was contrary to the public interest but designed solely to benefit the governor?"

[8:25:12 AM](#)

MR. COLE said in the interest of fairness, he would want to study that statute before remarking on it, rather than giving an off-the-cuff opinion.

[8:25:34 AM](#)

REPRESENTATIVE COGHILL noted a couple issues that made him support an appointed AG over an elected one: the campaign contributions and the promises that would be made along the campaign trail. He surmised that the elected AG would be framing public policy in an arena where he/she might be asked to adjudicate "contrary to those public policies." He asked Mr. Cole to respond.

MR. COLE said he hopes any candidate for elected AG would have the good sense to not make any policy commitments. He said Alaska is a small state, and an AG may experience problems with conflicts because he/she has dealt with so many people and companies in the state over the course of time. He added, "I don't know which side that comes down on - elective or appointive."

REPRESENTATIVE COGHILL said he is somewhat sympathetic toward the idea of an elected AG, having proposed legislation to that effect some years ago. He asked Mr. Cole if he thinks having a elected AG would result in a campaign of qualifications and personality rather than that of public policy.

MR. COLE said he thinks that would be likely. An AG could be elected for being well known throughout the state, rather than on his/her ability to serve as AG. He said that's a problem. If appointed, he surmised there would be a greater likelihood that the AG would be well-qualified to serve that post. He added, "And that is not simply on the basis of legal ability and legal skills, but on the basis of making sound ... policy ... or political decisions. The person who serves in that position ... should be not only a well qualified lawyer to make the final decision regarding matters of ... law affecting the state, but also ... [to] have a sense of political decisions, as well."

[8:29:51 AM](#)

REPRESENTATIVE GRUENBERG cited AS 39.52.120(a)(3), which read:

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests;

REPRESENTATIVE GRUENBERG then cited AS 39.52.120(a)(5), which read:

(5) attempt to benefit a personal or financial interest through coercion of a subordinate or require

another public officer to perform services for the private benefit of the public officer at any time; or

REPRESENTATIVE GRUENBERG asked Mr. Cole if he sees either of those provisions providing any protection for an AG who might be asked by the governor to perform an improper service or course of action.

[8:31:03 AM](#)

MR. COLE answered yes. He continued:

That relationship between the attorney general and the governor in an appointive method just has to be better than that. ... I think they just have to respect each other's prerogatives and powers. ... When the attorney general says, "Look, I mean we just can't do it and I can't do it in good faith," the governor has to say, "I accept that," and respect the attorney general's decision.

MR. COLE said problems with appointed attorneys general are often focused upon by people other than the governor, for example, commissioners. The governor has to back up the AG in that relationship, because it is important that others in the executive branch don't get the idea that because they appointed the attorney general, they can tell him/her what to do. Furthermore, he said, the AG has to be strong enough to stand up for his/her decisions.

[8:33:03 AM](#)

MR. COLE, in response to a question from Representative Gruenberg, said it is easy to say no in private practice, but not as easy for an AG.

REPRESENTATIVE GRUENBERG explained he was trying to point out that most private practice attorneys have had the experience occur in which the client may not be following the correct legal or ethical procedure.

MR. COLE said that's true.

CHAIR LYNN commented that legislators also have situations when they must uphold ethics and refuse to do something.

[8:35:14 AM](#)

REPRESENTATIVE ROSES asked Mr. Cole to confirm if it is the responsibility of the attorney general to assign attorneys to cases that the state will be litigating.

MR. COLE said the answer to that is "somewhat yes." He explained:

...We always had some problems ... where some ... department commissioners get assistant attorneys general assigned to them, and then if you try to take that ... assistant attorney general over to work on major litigation, they say, "Well, we're paying for that assistant attorney general and we don't want him going."

I always took the position: "I'm sorry about that." I wanted to select the most qualified lawyers in the entire department to work on cases of paramount importance to the state, and ... I know some of the commissioners didn't like it - and with good reason ... - because of the financial relationship. But I just thought it's too important to the state not to have our first tier team working on particular matters of litigation.

REPRESENTATIVE ROSES asked if it would be the prerogative of the AG to handle the case if he/she so chose, which would mean that an elected attorney general could select a high profile case to cover in the best interest of the state, but also in his/her best interest toward getting reelected.

MR. COLE said that could easily be done; however, if the attorney general loses the case, it might not be good for his/her reelection campaign.

[8:38:00 AM](#)

REPRESENTATIVE CRAWFORD said he never doubted that during Mr. Cole's term as attorney general, he acted with the state's best interested at heart. He said if he could be assured that every appointed AG would be like Attorney General Cole, he would not be proposing HJR 6. However, he said Mr. Cole has made the point that any [appointed] attorney general has some loyalty to the governor, and he restated that the AG should be the people's top lawyer.

8:40:46 AM

MR. COLE responded with an anecdote about an elected AG in California who responded to a directive given by Governor Arnold Schwarzenegger by saying, "You forget, governor, I'm elected by the people and don't take orders from you." He stated, "It just sort of highlighted ... the ... issues that we have here in the appointive attorney general situation." He reemphasized that in order for the method of appointing an AG to work, both he/she and the governor must have integrity. He said some may call that risky, but on the other hand, the people get to elect their governor and rely on him/her to "discharge those responsibilities with full integrity."

8:43:19 AM

REPRESENTATIVE ROSES remarked that currently there is a discussion going on regarding the state's oil, and he said he believes the state still needs a strong executive branch. He said the method of electing an AG may result in the state's having a charming attorney general with little experience as an attorney. He said he has concern about "politicizing a position of that magnitude." Regarding the idea of the attorney general running on a slate with the governor and lieutenant governor, he said if that AG should quit, then "you're back to having somebody appointed again." He warned that as soon as the process becomes political, the state will have entered into an "area of dynamic over which a lot of people have no control." He echoed the previous remark that there are a lot of people who would make fabulous attorneys general but would never run for political office.

8:48:07 AM

BRUCE BOTHELO, Mayor, City & Bureau of Juneau, specified that he is testifying as a private citizen who served as attorney general from January 1994, through December 2002 - not as mayor of Juneau. He noted that he served as Mr. Cole's deputy attorney general, and he expressed appreciation for Mr. Cole's abilities while in office. Mayor Bothelo said he subscribes fully to virtually every statement that Mr. Cole made, which he said emphasizes that the issue is not clear-cut one way or another. He spoke of the tension involved in an AG's telling the governor when he/she will not back down on an issue.

MAYOR BOTHELO stated that the fundamental issue of whether to elect the AG or not is related to ones view about the allocation

of power within the executive branch. Generally speaking, he said, those who support the election of the AG are those who hold the view that the executive power is too concentrated "in the governor," that the AG is not a position to exercise independent judgments on legal matters that affect the executive branch, and that the position should be one which serves as a check on the power of the governor. He stated that those who support the view that an appointed AG makes more sense - as reflected in the aforementioned constitutional debate - want to disperse the decisions on policy, including legal policy, to have an AG who is the voice of the people of the state.

MR. BOTHELO said most states elect their attorneys general; five states have their governors make the appointment; the state of Maine has the legislature make the appointment; and the state of Tennessee has its supreme court select the AG. Many of the states that have elected officers do so out of concern for not concentrating power and in order to have accountability. He offered some historical facts in the formulation of the post of attorney general in various states.

[8:53:36 AM](#)

MAYOR BOTHELO noted that the five states that have their governors appoint attorneys general - including Alaska - are also states with recent constitutional reforms. He listed the common denominators among attorneys general in all states, as follows: to act as chief legal officer of the state; to be in control of litigation involving the state; to have the power of public advocacy; to have the power of issuing opinions to state agencies; and to be involved in legislative advocacy and drafting. He said the latter is a key function in Alaska. He related that most states' attorneys general also have some criminal law jurisdiction and serve as a function of consumer protection. He stated that Alaska and Delaware are the only two states in which criminal jurisdiction is vested in the attorney general both at the trial and appellate level. He said Delaware is the only other state in which the AG appoints district attorneys. He said in some respects, the power of the AG in Alaska is much greater than in most other states.

[8:55:57 AM](#)

MAYOR BOTHELO said there are reasons that speak in favor of an elected attorney general, including: the sense of more direct accountability to the people; the ability to stand up to the governor; and the ability to campaign on legal policies that

otherwise wouldn't generally come up in the course of a gubernatorial race. Mayor Bothelo said those campaign issues might include: consumer protection, consumer fraud, and protection of senior citizens and children.

MR. BOTHELO said there are drawbacks to having an elected AG, which constitute the reason he has concluded that Alaska's current system of having a governor-appointed AG is better. For example, he talked about the battle between attorneys general and governors of other states. Furthermore, on a practical note, Mr. Bothelo said there would be a need to restructure how legal services are rendered. In most states that have an elected AG, the governor has his/her own legal council and state agencies prefer to have their own in-house council. He said the public outreach that is done can be called public relations, and the staff involved would be concerned about "the politics of the position." The appointed AG does not spend a lot of time on the road campaigning, whereas the elected AG has the need to reach out to constituents across the state.

[9:01:03 AM](#)

MAYOR BOTHELO said he thinks that with very few exceptions, those attorneys general who have been appointed by the governors of Alaska have served the state well, and most would not have thought to run for public office.

[9:01:34 AM](#)

REPRESENTATIVE JOHANSEN asked Mayor Bothelo if he agrees with the majority of delegates to the Alaska Constitutional Convention that the crux of the issue is that having an elected AG along with an elected governor would be a "watering down" [of the administration].

[9:02:07 AM](#)

MAYOR BOTHELO responded:

The answer is yes. Stripped of all others, it is simply whether it'll be two independent voices within the executive branch determining policy; one theoretically limited to legal policy and the other to more general policy. Unfortunately there's a great overlap.

MAYOR BOTHELO noted that within the National Association of Attorneys General, it is a standing joke that AG really stands for "aspiring governor." He said there is some truth to that, and he listed some examples.

[9:04:05 AM](#)

REPRESENTATIVE JOHANSEN posited that in the case of an appointed AG, his/her actions reflect upon the governor who made the appointment.

MAYOR BOTHELO concurred.

[9:04:44 AM](#)

REPRESENTATIVE DOLL commented that there has been a lot of attention paid to ethics this year, and, as a result, there has been a great desire to be transparent - to open closed doors in politics.

[9:05:46 AM](#)

MAYOR BOTHELO, in response to a question from Representative Doll, said the ability of an AG to do public outreach has some advantages, but he said he is not sure it would have advantages with respect to the issue of transparency in ethics. He stated that he thinks the legislative body has the challenge of weighing issues of privacy, the public's right to know, and holding public officials to high standards.

[9:07:01 AM](#)

MAYOR BOTHELO, in response to Representative Gruenberg, listed former attorneys general who became senators or judges.

[9:09:21 AM](#)

REPRESENTATIVE GRUENBERG mentioned the names of some attorneys general in Alaska who had previously or subsequently held elective offices.

[9:10:38 AM](#)

MAYOR BOTHELO, in response to Representative Gruenberg, related that the experience of elective office hopefully creates a political antenna to use in appointed office. He said most governors come to rely on their attorneys general for not only

legal judgment, but also political judgment, because frequently they overlap. He stated that there are some governors who come into office not fully appreciating the importance of that particular relationship. He suggested the same may be true for attorneys general. That appreciation is sometimes developed over time.

[9:13:11 AM](#)

CHAIR LYNN asked Mayor Bothelo whether or not he thinks an elected AG should be of the same political party as the governor.

MAYOR BOTHELO answered that should largely be irrelevant. He continued:

If the primary purpose is to be a check on the authority of the governor, I think the political affiliation itself probably would be of lesser import. Obviously there is the risk that if they are different parties or have different political views that there could be greater conflict. But I would also say, again, that there are 43 states that are operating on the basis of an independent, elected attorney general, and while there are substantial numbers of cases that highlight ... both real conflicts that sometimes arise and the mischief that can happen, for the most part those relationships tend to work out. And that's because one relies on the corps of professionals within the departments - whether they're called law or justice - that are serving on a day-to-day basis the ... agencies of people in the states.

[9:14:38 AM](#)

REPRESENTATIVE JOHANSEN asked Mayor Bothelo if he would have become an attorney general if he had had to run for the office.

MAYOR BOTHELO answered no.

REPRESENTATIVE JOHANSEN said he is wondering what kind of effect [switching to an elected AG] would have on "getting quality people who just may not be statewide candidate material."

MAYOR BOTHELO reiterated that he thinks most of Alaska's attorneys general have been outstanding lawyers and human beings, but few would have run for office. Several of them

would have recognized that they are not people who campaign well; they were chosen for their abilities as attorneys general. In response to Chair Lynn, he remarked that serving as AG had its frustrating moments, but was probably the most satisfying career experience in his life.

9:18:22 AM

REPRESENTATIVE GRUENBERG noted that a state employee could not run for political office, thus Mayor Bothelo, having been deputy attorney general would not have been able to run for AG if the elective system had been in place.

MAYOR BOTHELO clarified Representative Gruenberg's remark by explaining that a state worker may not work for partisan political office, but may run for nonpartisan office.

REPRESENTATIVE GRUENBERG noted that Mayor Bothelo had served as AG under both Republican and Democrat governors. Under the Cannons of Ethics, he relayed, a person cannot represent both sides in a litigation, nor can he/she represent one side and then subsequently shift. He indicated that an AG who serves under one governor and then another may be placed in that situation. He asked, "How do you resolve that ethical situation?"

9:21:15 AM

MAYOR BOTHELO said this situation does not pose an ethical dilemma, because the client - the State of Alaska - did not change. The AG's job is to give the best advice possible and to implement the governor's directives to the extent that they are consistent with the law. He said on more than one occasion, both governors for whom he worked made calls with which he disagreed, but which were legally defensible. He continued:

There are times when the line could be crossed, and then I think the situation is: you've got to be prepared to tender your resignation. And former attorneys general in the state have done that. And I think it's reflected in part by the fact that there are relatively few attorneys general who have served full terms with the governors who appointed them.

9:23:22 AM

REPRESENTATIVE GRUENBERG offered a list of the skills and duties of an AG, and he asked Mayor Bothelo to rank those skills and duties in order of importance for elected attorneys general and then for appointed attorneys general.

[9:26:13 AM](#)

MAYOR BOTHELO said attorneys general share in common most of the same objectives. He stated that it is in the interest of both the elected and appointed AG to ensure the office is well-run and that services are being provided efficiently and effectively. He stated, "My sense would be that one of the areas of distinction is the degree to which work is done behind the scenes, as opposed to a public setting in the need to create an aura of public prominence."

MAYOR BOTHELO said successful attorneys general - whether elected or appointed - usually achieve most of that success in their works within the executive branch. He indicated that a large portion of his and Mr. Cole's time as attorneys general was devoted to issues between state departments and the executive branch related to oil and gas policy.

MAYOR BOTHELO remarked that the attorneys general he has known invariably cannot resist the temptation to argue a case in front of the United States Supreme Court, should the opportunity arise. He stated, "I think ... attorneys general in Alaska have had that opportunity several times, and I think our deference has been to making sure we had the best etiquette in front of the court to make the case. ... If you're the attorney general and you've argued the case, of course the risk again is the outcome, but I used that as ... maybe an anecdotal differentiation. ... Again, there have been some great advocates."

[9:30:41 AM](#)

MAYOR BOTHELO continued:

But I also know that in one situation, a close friend of mine ... who was an AG devoted literally months to preparation, to the exclusion of almost anything else that was going on in his department. And that, of course, is the kind of devotion one expects for a case in front of the [U.S.] Supreme Court, but it is certainly, I think, a conflict in terms of the discharge of other responsibilities. Again, that's

just a small fraction of what happens in the normal course, but ... I think it's illustrative of what I think would be a somewhat different approach by elected as opposed to appointed attorneys general.

[9:31:36 AM](#)

MAYOR BOTHELO, in response to a question from Representative Coghill, said for the most part, attorneys general tend to align on the side of the state - defending state prerogatives in regulating gaming. He said, "Habeas corpus was an area that tended to break down - not so much ... [in regard to whether the AG is] elected versus appointed, but over whether one was Republican or Democrat." He stated, "Generally speaking, the National Association of Attorneys General has been very good in trying to keep a bi-partisan aura about it and focusing on the prerogatives of the attorney general."

[9:34:21 AM](#)

REPRESENTATIVE COGHILL explained that he is interested in the states' rights issue because he thinks the federal government is growing and ever more powerful. He added, "So, if I thought for a moment that an elected attorney general would give us a little more clout, I'd do it in a heart beat." He asked a question regarding the independence of an AG and a governor related to Indian law in Alaska. He continued:

Because I think that it might have the benefit of bringing more people to the debate. On the other hand, it might divide the executive branch so much that you really would not be on their forward movement. We're so unique in all the rest of the United States in that regard that it would be -- my mind just kind of breaks down when I start thinking about what could come of that. But I know that you've been involved in it. So, from your perspective, do you think it's a cleaner way of taking it as a state policy generally, or do you think that the issue should be broken up more as a political law decision?

[9:35:52 AM](#)

MAYOR BOTHELO responded, "This is one that there's no real predictor. You've basically got a scenario where you could have a governor taking ... position A, and the attorney general taking position B, in an elected situation, or vice a versa.

... You may be satisfied with position A or position B. You may have a situation where both accept position A or both accept position B, and you've got to decide. What you are guaranteed in our system is it'll be either A or B, but it won't be a situation where they will be divided."

[9:37:15 AM](#)

REPRESENTATIVE GRUENBERG recalled that one of the sponsor's concerns is that an appointed AG may feel beholden to the governor, whereas an elected AG would be more independent. He asked Mayor Bothelo for his opinion.

[9:38:01 AM](#)

MAYOR BOTHELO responded that he thinks that is a risk; however, the integrity of both the governor and the AG is what is counted upon to be able to make and uphold decisions. He offered an anecdote. He said the approach is to call things as they are, and he said he thinks for the most part, that is what is happening in all the departments. Any governor is well-served by that approach, he said. He related his hope that that same standard would apply with an elected AG.

[9:40:23 AM](#)

CHAIR LYNN closed public testimony.

[9:40:54 AM](#)

REPRESENTATIVE DOLL moved to adopt Amendment 1, labeled 25-LS0420\A.3, Bullard, 4/17/07, which read as follows:

Page 2, line 5:

Delete "There shall be no limit on the terms of the attorney general."

Page 2, following line 5:

Insert a new subsection to read:

"(b) No person who has been elected attorney general for two full successive terms shall be again eligible to hold that office until one full term has intervened."

Reletter the following subsection accordingly.

REPRESENTATIVE COGHILL objected for discussion purposes.

REPRESENTATIVE DOLL explained that Amendment 1 simply proposes a term of office.

REPRESENTATIVE COGHILL indicated that in Alaska's past, people were reluctant to turn away a good attorney general. He said, "Before I'm willing to vote for this, I think I would want to review some of that history." He maintained his objection to Amendment 1.

REPRESENTATIVE GRUENBERG stated that there are not that many lawyers in Alaska, and not many are willing to run for public office; therefore, he said he is reluctant to support Amendment 1.

[9:44:32 AM](#)

A roll call vote was taken. Representatives Doll and Lynn voted in favor of Amendment 1. Representatives Gruenberg, Coghill, Johansen, and Johnson voted against it. Therefore, Amendment 1 failed by a vote of 2-4.

[9:45:34 AM](#)

REPRESENTATIVE JOHNSON moved to adopt Amendment 2, labeled 25-LS0420\A.2, Bullard, 4/13/07, which read as follows:

Page 1, line 14, following "be":
Delete "elected"
Insert "nominated"

Page 1, line 15, following "law":
Delete "by the qualified voters of the State at the same time and for the same term as the governor"
Insert "for other elective offices. In the general election, the votes cast for a candidate for governor shall be considered as cast also for the candidate for attorney general running jointly with the candidates for governor and lieutenant governor. The candidate whose name appears on the ballot with that of the successful candidate for governor shall be elected attorney general"

Page 2, line 7, following "elected":
Insert "in the manner provided by law"

[9:45:42 AM](#)

REPRESENTATIVE COGHILL objected for discussion purposes.

REPRESENTATIVE JOHNSON explained that Amendment 2 proposes that the attorney general be of the same party as the governor and lieutenant governor and that those three offices run on a slate.

[9:46:22 AM](#)

REPRESENTATIVE COGHILL stated, "If the assertion is we want an independent attorney general, then it should be, in fact, independent." He maintained his objection.

REPRESENTATIVE DOLL concurred with Representative Coghill. She stated her belief that "it ... should be nonpartisan."

REPRESENTATIVE GRUENBERG indicated that his opinion mirrors that of Representative Coghill.

[9:47:17 AM](#)

REPRESENTATIVE JOHNSON echoed Representative Roses' previous comments regarding oil and gas issues and said he thinks there needs to be an "alignment" in order to face huge companies. If that alignment is not there, he said, he cannot support HJR 6. If Amendment 2 is not adopted, he said, he will oppose the proposed legislation.

REPRESENTATIVE COGHILL said, "Either you have an independent attorney general, or you have a very strong governor, and under this condition I will so oppose the amendment."

CHAIR LYNN said if he were governor, he would want an AG who, if not in lock-step with his beliefs, at least was in his "same philosophical ball park." He stated that he would support Amendment 2.

REPRESENTATIVE JOHNSON withdrew Amendment 2. He explained that he thinks that is the best move at this point, because he would rather have "a straight up and down vote" on the proposed legislation "without this to cloud it." He clarified that he does not support the election of the attorney general.

[9:49:43 AM](#)

REPRESENTATIVE DOLL reiterated that there is merit to electing the AG, but that there should be term limits. She said she

would not like to see the legislation voted down without consideration of those limits. Regarding the issue of whether or not the best qualified candidate is "the best qualified to win," she said "this is no exception" [to campaigning for any other public office]. She said she would like to see the people of Alaska vote on HJR 6, but not without term limits.

[9:50:51 AM](#)

CHAIR LYNN said he would vote to move HJR 6 to the House Judiciary Standing Committee - the next committee of referral.

[9:51:34 AM](#)

REPRESENTATIVE COGHILL appealed to fellow committee members to hold the resolution, because he said he thinks there is much discussion yet to be had.

[9:52:16 AM](#)

REPRESENTATIVE COGHILL moved to table HJR 6.

CHAIR LYNN stated that he would hold HJR 6.

REPRESENTATIVE COGHILL stated, "I'll withdraw my motion, then."

[9:53:10 AM](#)

REPRESENTATIVE GRUENBERG suggested related topics for legislation.

[9:53:30 AM](#)

CHAIR LYNN announced that HJR 6 was heard and held.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [9:54:00 AM](#).