

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 3, 2014

1:07 p.m.

MEMBERS PRESENT

Representative Wes Keller, Chair
Representative Bob Lynn, Vice Chair
Representative Neal Foster
Representative Gabrielle LeDoux
Representative Charisse Millett
Representative Lance Pruitt
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 269

"An Act providing immunity for certain licensed temporary health care providers who provide free health care services."

- MOVED CSHB 269(JUD) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 18

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

- HEARD & HELD

HOUSE BILL NO. 284

"An Act relating to an interstate compact on a balanced federal budget."

- MOVED HB 284 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 269

SHORT TITLE: IMMUNITY FOR TEMP. HEALTH CARE PROVIDER

SPONSOR(S): REPRESENTATIVE(S) THOMPSON

01/21/14 (H) READ THE FIRST TIME - REFERRALS
 01/21/14 (H) HSS, JUD
 02/13/14 (H) HSS AT 3:00 PM CAPITOL 106
 02/13/14 (H) Moved CSHB 269(HSS) Out of Committee
 02/13/14 (H) MINUTE (HSS)
 02/17/14 (H) HSS RPT CS(HSS) NT 5DP
 02/17/14 (H) DP: SEATON, PRUITT, KELLER, TARR,
 HIGGINS
 02/26/14 (H) JUD AT 1:00 PM CAPITOL 120
 02/26/14 (H) Heard & Held
 02/26/14 (H) MINUTE(JUD)
 02/28/14 (H) JUD AT 1:00 PM CAPITOL 120
 02/28/14 (H) Moved CSHB 269(JUD) Out of Committee
 02/28/14 (H) MINUTE(JUD)
 03/03/14 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HJR 18

SHORT TITLE: CONST. AM: ELECTED ATTORNEY GENERAL
 SPONSOR(S): REPRESENTATIVE(S) STOLTZE

01/21/14 (H) PREFILE RELEASED 1/10/14
 01/21/14 (H) READ THE FIRST TIME - REFERRALS
 01/21/14 (H) STA, JUD, FIN
 02/04/14 (H) STA AT 8:00 AM CAPITOL 106
 02/04/14 (H) Heard & Held
 02/04/14 (H) MINUTE(STA)
 02/11/14 (H) STA AT 8:00 AM CAPITOL 106
 02/11/14 (H) Moved Out of Committee
 02/11/14 (H) MINUTE(STA)
 02/12/14 (H) STA RPT 2DP 2NR 2AM
 02/12/14 (H) DP: GATTIS, KELLER
 02/12/14 (H) NR: KREISS-TOMKINS, LYNN
 02/12/14 (H) AM: ISAACSON, HUGHES
 02/19/14 (H) JUD AT 1:00 PM CAPITOL 120
 02/19/14 (H) Heard & Held
 02/19/14 (H) MINUTE(JUD)
 02/28/14 (H) JUD AT 1:00 PM CAPITOL 120
 02/28/14 (H) Heard & Held
 02/28/14 (H) MINUTE(JUD)
 03/03/14 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 284

SHORT TITLE: COMPACT FOR A BALANCED BUDGET
 SPONSOR(S): REPRESENTATIVE(S) KELLER

01/29/14 (H) READ THE FIRST TIME - REFERRALS
 01/29/14 (H) STA, JUD

02/13/14 (H) STA AT 8:00 AM CAPITOL 106
02/13/14 (H) Moved Out of Committee
02/13/14 (H) MINUTE(STA)
02/14/14 (H) STA RPT 6DP 1NR
02/14/14 (H) DP: MILLETT, GATTIS, KELLER, ISAACSON,
HUGHES, LYNN
02/14/14 (H) NR: KREISS-TOMKINS
02/21/14 (H) JUD AT 1:00 PM CAPITOL 120
02/21/14 (H) Heard & Held
02/21/14 (H) MINUTE(JUD)
02/28/14 (H) JUD AT 1:00 PM CAPITOL 120
02/28/14 (H) Heard & Held
02/28/14 (H) MINUTE(JUD)
03/03/14 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

JANE PIERSON, Staff
Representative Steve Thompson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of the sponsor, Representative Thompson, presented an amendment to HB 269.

PATRICIA SENNER, Advanced Nurse Practitioner
Interim Director of Professional Practice
Alaska Nurses Association
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing of HB 269, highlighted the difference between those who held a license and the definition of health care provider.

DARRELL BREESE, Staff
Representative Bill Stoltze
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of sponsor, Representative Stoltze, presented HJR 18.

REPRESENTATIVE BILL STOLTZE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as prime sponsor of HJR 18.

CHARLES COLE
Fairbanks, Alaska

POSITION STATEMENT: Testified in his capacity as a former attorney general in opposition to HJR 18.

ACTION NARRATIVE

[1:07:24 PM](#)

CHAIR WES KELLER called the House Judiciary Standing Committee meeting to order at 1:07 p.m. Representatives Pruitt, Gruenberg, Foster, LeDoux, Lynn, Millet, and Keller were present at the call to order.

HB 269-IMMUNITY FOR TEMP. HEALTH CARE PROVIDER

[1:08:45 PM](#)

CHAIR KELLER announced the first order of business would be HOUSE BILL NO. 269, "An Act providing immunity for certain licensed temporary health care providers who provide free health care services."

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REPRESENTATIVE LYNN moved to rescind the committee's previous action in reporting CSHB 269, Version 28-LS1251\C, Wallace, 2/28/14, from committee on 2/28/14. There being no objection, Version C was before the committee.

[1:10:14 PM](#)

REPRESENTATIVE GRUENBERG moved that the committee adopt Amendment C.1, labeled 28-LS1251\C.1, Wallace, 2/28/14, which read:

Page 1, line 10:
Delete "courtesy license"
Insert "license or permit"

Page 1, lines 10 - 11:
Delete "under AS 08.01.062"

CHAIR KELLER objected.

[1:10:36 PM](#)

JANE PIERSON, Staff, Representative Steve Thompson, Alaska State Legislature, speaking on behalf of the sponsor of HB 269, Representative Thompson, explained that Amendment C.1 allows temporary licenses or permits applicable for health care providers.

[1:11:01 PM](#)

The committee took a brief at-ease.

[1:11:54 PM](#)

MS. PIERSON further explained that Amendment C.1 includes immunity for all medical professions providing free medical services under AS 09.65.300(a). The changes embodied in Amendment C.1 are such that Section 1 (a) will read:

(1) provider is licensed in the state to provide health care services; **in this paragraph, "health care provider" includes a health care provider who holds a temporary courtesy license as a health care provider under AS 08.01.62;**

MS. PIERSON informed the committee that Amendment C.1 includes chiropractors, physicians, nurses, and dentists, and advised that the nurses, physicians, and Dr. James Heston, President of the State of Alaska Board of Chiropractic Examiners are comfortable with Amendment C.1.

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REPRESENTATIVE GRUENBERG directed attention to the language on page 1, [lines 13-14 through page 2, lines 1-4], and the definition of "health care provider" on page 2, lines 20-25, and referred to providers who customarily work out of a medical clinic as described on page 2, lines 1-2. He noted there may be other providers such as marital and family therapists, psychologists, or psychological associates, who may work out of their own office or home and suggested that technically there should be language in Section 1(a)(3) to cover providers not in a clinic or medical facility called in for emergency suicide counseling. He further suggested the sponsor ascertain that all of the locations are covered.

MS. PIERSON thanked Representative Gruenberg and indicated the sponsor will continue to look at that issue.

CHAIR KELLER removed his objection. There being no further objection Amendment C.1 was adopted. He then opened public testimony.

[1:16:24 PM](#)

PATRICIA SENNER, Advanced Nurse Practitioner, Interim Director of Professional Practice, Alaska Nurses Association, stated she has no problems with Amendment C.1, although there is a discrepancy between the definition of those who hold licenses and the definition of "health care provider" in AS 09.65.300 which, she surmised, could be cleared up as [the bill] moves along. She added that the Alaska Nurses Association appreciates the inclusion of [AS 09.65.300(a)(5)] sub-paragraph "(C)" that requires written notice of medical providers who can offer follow-up care.

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MS. SENNER, in response to Representative Gruenberg, referred to the definition of health care providers on page 2, lines 19-25, and explained that midwives are under advanced nurse practitioners and are not a separate category. She further advised that HB 269 does not include certified registered nurse anesthetists (CRNAs), which are a separate category. She advised she could not speak to occupational therapists or marital and family therapists, but said the term "licensee" should be the same terminology as the health care provider.

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REPRESENTATIVE GRUENBERG referred to page 2, line 20, wherein the sponsor eliminated the term "state license," and reiterated Ms. Senner's testimony that Certified Registered Nurse [Anesthetists] are not included, which could be dealt with down the line.

CHAIR KELLER closed public testimony.

[1:20:37 PM](#)

REPRESENTATIVE LYNN moved to report CSHB 269, Version 28-LS1251\C, Wallace, 2/18/14, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 269 (JUD) moved out of committee.

HJR 18-CONST. AM: ELECTED ATTORNEY GENERAL

[1:21:21 PM](#)

CHAIR KELLER announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 18, Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general.

CHAIR KELLER opened public testimony.

[1:21:51 PM](#)

DARRELL BREESE, Staff, Representative Bill Stoltze, Alaska State Legislature, speaking on behalf of the sponsor Representative Stoltze, specified that HJR 18 allows Alaskan voters an opportunity to determine whether they prefer to elect the position of Alaska's attorney general, and advised he is available for questions.

[1:23:07 PM](#)

REPRESENTATIVE LYNN directed attention to the following potential amendment, which read:

Page 2, lines 6-7:

Delete all material and insert:

"(b) A person who has been elected attorney general is subject to the same limit on tenure as the governor under Section 5 of this article."

REPRESENTATIVE LYNN explained in the event term limits change from governor to governor or a future legislature changes the terms of the governor, this amendment allows the term limits of the attorney general to run [parallel] to those of the governor. He related that while he had considered requiring the candidate for attorney general be of the same political party as the governor, Legislative Legal and Research Services advised that may not be an option as that would necessitate the attorney general being on the same ticket as the governor and lieutenant governor. Representative Lynn said his motion is that the governor and attorney general be of the same philosophical background on various issues, of which being of the same party would help.

[1:25:06 PM](#)

REPRESENTATIVE LEDOUX suggested changing the language on page 2, line 1, that says "meets the qualifications for a superior court judge" to "a member of the Alaska Bar in good standing" or "a licensed attorney in the State of Alaska." She said she didn't see the need [for the attorney general to have to] meet the qualifications of a superior court judge. Requiring a prospective attorney general to meet the qualification of a superior court judge would result in a discussion as to whether he/she would need approval by the Alaska Judicial Council, which she opined, wasn't the intent of the sponsor.

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REPRESENTATIVE GRUENBERG requested that the Legislative Legal and Research Services drafter that advised Representative Lynn be available to discuss his/her reasoning [requiring a candidate for attorney general be of the same party as the governor].

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The committee took an at-ease from 1:28 p.m. to 1:31 p.m.

[1:32:13 PM](#)

REPRESENTATIVE PRUITT articulated that unless [legislation] violates the U.S. Constitution, the Alaska State Legislature can legislate whatever it desires for the Alaska State Constitution.

[1:32:57 PM](#)

MR. BREESE called attention to the Alaska State Constitution, Article 3, Section 8, which read:

§ 8. Election

The lieutenant governor shall be nominated in the manner provided by law for nominating candidates 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 lieutenant governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor.

MR. BREESE opined that the language amending the Alaska State Constitution regarding the attorney general position could be similar.

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REPRESENTATIVE MILLETT surmised then that the governor, lieutenant governor, and attorney general would run on a three-person ticket and all of the same political party.

MR. BREESE stated his agreement with Representative Millett.

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REPRESENTATIVE GRUENBERG related that Attorneys General Avrum Gross and Bruce Botelho were very successful and were not of the same political party as the governor under which they served. He warned the committee to not "over legislate."

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REPRESENTATIVE PRUITT, regarding whether all three positions could potentially run on the same ticket, reminded members that the legislature [through the language of the resolution] can specify whether all three individuals run on the same ticket or on separate tickets. Furthermore, the legislature can specify whether all three positions have to be of the same party, but not necessarily on the same ticket. He opined, however, that it would almost be a de facto that they would be on the same ticket.

REPRESENTATIVE BILL STOLTZE, Alaska State Legislature, sponsor, advised that the tenor of the debate of the previous committee was for the attorney general to be "a third leg" on a ticket. He related that he is not "hyper-excited" that the position be an extension of a partisan ticket as that seems to defeat the purpose of HJR 18, which he characterized as having a people's attorney general. He offered that the legislature has the opportunity and responsibility to choose the best route for the attorney general position.

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REPRESENTATIVE MILLETT highlighted that the Alaska Constitutional Convention minutes include the exact debate on this issue as the committee is having. She found it an interesting concept to have an elected attorney general of any

party, who does not run on a ticket and is truly independent, offer his/her independent opinion. The Alaska Constitutional Convention minutes include remarks that if the attorney general is elected it may cause havoc for the governor and the governor's agenda. She then expressed concern that if Alaska had a democratic governor and lieutenant governor and a republican attorney general, the legislature would receive two differing opinions plus opinions from the legislature's attorneys. Representative Millett noted that she favors having tension between the legislature and the governor as legislation may turn out for the better. She then offered her agreement with Representative Stoltze in that an independent attorney general should run separately otherwise it's no different than the existing situation.

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CHAIR KELLER submitted that this is the people's document and the difference between the Alaska Constitutional Convention minutes and the House Judiciary Standing Committee now is that this committee consists of legislators who appreciate vetting issues which allows a member the opportunity to recognize differing points of view. In the end, he opined, [HJR 18] is simply placing before the voters of Alaska the proposal to elect the attorney general.

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REPRESENTATIVE LEDOUX, referring to a blue and red handout, noted the vast majority of states with an elected republican governor have a republican attorney general and vice versa, which she attributed to the state being a red or blue state. The thought that there may be conflicting ideas based upon opposing political parties or even within the same political party indicates there is no real rationale in mandating the attorney general be of the same party as the governor, she opined.

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REPRESENTATIVE STOLTZE informed the committee that during the time of the Alaska Constitutional Convention there was an elected attorney general and an appointed governor, although the convention minutes complained there were not enough lawyers or people in Alaska willing to run for attorney general. He highlighted that elected Attorneys General Ralph Rivers and J. Gerald Williams both served ten years and John Ruslgard served a

total of thirteen years under three governors. The aforementioned illustrates incredible stability and tenure of the position of attorney general, which notably exceeds the term limits proposed within HJR 18.

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REPRESENTATIVE MILLETT questioned Mr. Breese as to whether he had reviewed any antagonistic difficulties for the legislatures or state governments of the 11 states in which the governor and attorney general are of different political parties.

MR. BREESE responded he had not specifically performed that research.

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REPRESENTATIVE GRUENBERG recalled that certain governors and lieutenant governors [of other states] have declined to support the state legislation or its constitutional provisions regarding sexual orientation. In the event the governor and attorney general are elected independently and do not agree [upon an issue] the attorney general may decide to take the opposite position in order to obtain political points, he opined.

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REPRESENTATIVE PRUITT pointed out there are certain limitations on the governor, such as tenure and dual office holding, and he pondered whether those limitations should apply to the attorney general as well.

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REPRESENTATIVE MILLETT queried whether the attorney general would have the same term limits as the governor and lieutenant governor.

MR. BREESE explained that as HJR 18 is written, the term limits are for a four-year period, which is the same as the governor, with a maximum of two terms served consecutively and the individual must sit out a term before running for the office again. There is no limit on the total amount of terms. The earlier amendment mentioned language which would result in the attorney general position having the same term length as the governor should the legislature and the Alaska State Constitution change the number of years a governor serves.

Therefore, the attorney general's term length would be the same as the governor, but the limit of two consecutive terms would remain.

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CHARLES COLE, drawing from his experience as Governor Walter Hickel's appointed attorney general from December 1990-February 1994, recommended leaving the position of attorney general appointment by the governor as it is and noted he had not made a study of this issue in other states. He opined that the ability to obtain a highly qualified attorney general under the present system has been overlooked in the discussions. He then highlighted the importance of the attorney general in the State of Alaska, particularly in view of the problems Alaska has with the federal government, and that Alaska is a new state still finding its footings. Therefore, it is highly important for the governor to have the authority to appoint the best and well-qualified attorney general who is willing to accept the sacrifice and also is well qualified to discharge the duties and responsibilities of the office. When an attorney general is elected, as in other states, the individual may have a fine ability to be elected but not necessarily to act as attorney general.

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MR. COLE related his impression that there is not much actually gained by the attorney general and governor being of the same party, but rather the importance of the governor and attorney general maintaining a close working relationship. He noted that problems and subjects come up almost daily in which the attorney general and governor must act jointly. For example, the lawsuits that were filed by the State of Alaska against the North Slope producers for taxes owed to the state. The Department of Law (DOL) worked steadfastly on those cases and it came down to the governor deciding whether to accept the settlement proposals reached by the Department of Law and producers. If, at the time, Alaska had an attorney general running for office who desired to continue litigating so as to get a feather in his cap by successfully litigating against big oil and a governor who wanted to settle the case there would have been conflicts in whether that settlement should be accepted, he opined. Seemingly, he noted, in other states a large percentage of attorneys general are anxious to run for governor in the next election. Decisions come up constantly and it is just very important that the working relationship between

the governor and attorney general be preserved. He suggested as attorney general if he had coveted running for governor against Governor Hickel essentially Alaska would have had a dysfunctional government. Therefore, he questioned how an attorney general running for office against an elected governor could work effectively. There is no question the attorney general is the Alaskan citizens' attorney which he noted was constantly on his mind and which he made very clear to Governor Hickel. He recalled there were times he had to make decisions that were not necessarily in accord with the governor's view, but that is the way the system works and that's the way it did work. Mr. Cole, acknowledging the difficulties of the existing system, recommended leaving the system as it is and reiterated that the attorney general and governor must have a very close working relationship for the appointed system to work, which has worked and does work.

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REPRESENTATIVE MILLETT proffered that Alaska is dealing with federal government overreach on a regular basis and noted that Attorney General Michael Geraghty has been active because of the direction of Governor Parnell to file amicus briefs and continue pushing back hard on the federal government. She inquired as to who takes precedence in a scenario in which Alaska's governor decides to file a lawsuit against the federal government over loss of lands, oil development, resource development, or land conveyances and the elected attorney general is opposed to the lawsuit.

MR. COLE advised that other than a situation that is a matter of principle or the attorney general's interpretation of the law, the attorney general takes his/her directive from the governor. On the other hand, he explained that if the attorney general refutes the governor, the governor could appoint a special counsel to represent the interests of the state. He then offered a reverse situation in which the governor chooses to take action against the United States Environmental Protection Agency (EPA) and the elected attorney general is a member of the Sierra Club. Such situations in which there are political or differing philosophies between the elected attorney general and governor can result in greater problems than in the rare case the governor decides on an action and the appointed attorney general politely declines, he opined.

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REPRESENTATIVE MILLETT surmised the governor cannot compel an elected attorney general to perform in a certain manner.

MR. COLE recalled a case in California wherein the governor gave directions to the attorney general, who then reminded the governor that he is an elected attorney general and couldn't be told what to do. He also recalled when he worked for elected Attorney General Jay Gerald Williams there was a year the attorney general was outside of the state for over 300 days. An elected attorney general is not necessarily a cure-all, he opined.

[2:02:50 PM](#)

REPRESENTATIVE LEDOUX, recalling Mr. Cole's comment that having an elected attorney general and an elected governor leads to dysfunctional government, and asked regarding the 45 states with elected attorneys general - whether by the voters, legislature, or Supreme Court are in utter chaos and dysfunction as compared to Alaska.

MR. COLE reiterating he had not studied that issue clarified he could easily see how, in state government, there could be dysfunctional relationships between the governor and an [elected] attorney general. He recalled his time as attorney general during which he often dealt with commissioners who were appointed by the governor to carry out the governor's philosophy of government. Mr. Cole surmised that had he been an elected attorney general running for re-election or running for governor, he would not have had the same "comfortable" relationship with Governor Hickel's commissioners. He, again, reiterated that close working relationships are important in the day-to-day issues. Although hard problems develop in any relationship, mutual confidence and respect between the attorney general and governor result in a far better relationship than one of conflict.

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REPRESENTATIVE MILLETT conveyed that she struggles with the federal government owning 65 percent of Alaska's lands and questioned if the issues existing between Alaska and the federal government would have an effect on the interaction between the governor and an elected attorney general regarding environmental issues and development. She asked if the high percentage of federal lands and issues with the federal government would be another hindrance to an elected attorney general.

MR. COLE responded that it is important for the attorney general and governor to have the same political philosophy when litigation is involved.

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REPRESENTATIVE GRUENBERG, suggesting that a few of Mr. Cole's comments have been "cloaked" in the term "conflict of interest," requested Mr. Cole describe the nature of the attorney-client relationship, specifically between an appointed attorney general and governor and an elected attorney general and governor. He questioned how an elected attorney general would impact the governor's [authority] to fire the attorney general if a difference of opinion arose. He specifically requested Mr. Cole respond to these questions from the Canons of [Professional] Ethics point of view.

MR. COLE recalled a situation wherein Governor Hickel directed him to sue the principals of ExxonMobil for damages to the environment with a settlement in the amount of \$1 billion. Mr. Cole said he understood it was his duty as the appointed attorney general to accept direction from the governor, which was to seek damages to remediate the damage to the environment, and to also carry out the governor's philosophy of his terms of that litigation. When a settlement number was tentatively reached, he discussed it with the governor and due to their close working relationship Governor Hickel decided the number was acceptable and the litigation was concluded on that basis. Had they not had the [mutual trust], the state could still be litigating that case, he opined. The same is true with the settlement negotiations for the several billions of dollars in unpaid taxes against the North Slope producers. The settlement came as a result of hard work by very capable lawyers in DOL and his relationship with Governor Hickel. He explained that had he been seeking re-election as attorney general or running against Governor Hickel he did not believe they would have achieved the results they satisfactorily achieved. He opined there is a reason Alaska does not want personal or political conflicts between the attorney general and governor. In addition, Alaska profits by allowing the governor to appoint a first rate attorney as it is essential to have the best qualified attorney general, he opined.

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REPRESENTATIVE GRUENBERG summarized Mr. Cole's statement in that lawyers and judges are a different breed of people from those in the legislature and there are many lawyers who would be very good judges and attorneys general but "lousy" politicians, and vice versa. He further surmised that Mr. Cole believes the state would be best served by the best lawyers in the position of attorney general.

MR. COLE agreed and pointed out that the attorney general is responsible for vast duties in Alaska. In fact, the attorney general's name is on every felony indictment issued by grand juries in the state. The attorney general carefully appoints and monitors the hiring of all district attorneys and assistant attorneys general to ensure that Alaska hires the best prosecution to which law enforcement officers and the people of Alaska are justly entitled, he explained. The aforementioned, he opined, is achieved by lawyers who have criminal law experience being in the position of district attorneys and assistant attorneys general. It is also important, he opined, for the attorney general to have trial and litigation experience as the state is involved in extensive litigation and he/she must also possess the ability to evaluate litigation. For example, when Alaska and the federal government were jointly litigating Exxon Valdez [class action Exxon Shipping Co. v. Baker, 554 U.S. 471 (2008)] and the plaintiffs' attorneys [which included the federal government] intended to prove damages by "some sense of contingent valuation," he exercised his experience as attorney general and advised the plaintiffs, "We just are not going to go to trial on a contingent valuation while Exxon and its co-defendants ... hired the most highly qualified economist in the world." He recalled that the state endured multiple problems with the Agricultural Revolving Loan Fund (ARLF), which resulted in the state litigating and carefully monitoring cases in which hundreds of thousands of dollars were owed to the people of Alaska. The aforementioned responsibilities are in addition to writing legal memoranda and proofs and advising the legislature [and governor]. He then pointed out that the legislature's confirmation process is a protective mechanism that political forces in the legislature can exercise in ascertaining whether the governor's appointed attorney general is qualified. He emphasized that at the end of the day the people of Alaska pay the price when the system relies upon an attorney general who is not the best qualified lawyer, but is colorful enough to get elected. Therefore, he reiterated his support for keeping the existing system of electing the state's attorney general.

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REPRESENTATIVE LEDOUX inquired as to the criminal law experience of current Attorney General Michael C. Geraghty, and former Attorneys General Dan Sullivan and Dave Markus.

MR. COLE pled the Fifth Amendment.

[2:20:40 PM](#)

REPRESENTATIVE PRUITT questioned the ramifications from the governor's perspective if the state moved to an elected attorney general. He surmised there would be more costs than simply putting a name on a ballot in that the governor would require hiring his/her own attorneys for advice as there would not necessarily be trust between the governor and an elected attorney general.

MR. COLE responded that it is not so much a matter of economics as it is conflicting opinions and upon whose opinion the governor relies. Mr. Cole expressed he does not trust that the people of Alaska are well served with conflicting attitudes or political philosophies and maintained the state should have one attorney general who heads the Department of Law.

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REPRESENTATIVE PRUITT drawing from presidential history and the history of other states, he opined that difficulty is created for the executive at the top level when a member of his/her cabinet plans to become president or governor. He further opined that [electing the attorney general] is a counter-productive measure because it could cloud the judgment of the attorney general when that attorney general's goal is to [run against the governor]. Furthermore, Alaska is a resource development state [that almost demands] a corporate lawyer whose goal is solely focused on the state. He commented that he struggles with changing [to an elected position].

MR. COLE agreed that it is a huge problem and suggested that a governor who thought his attorney general was planning on running against him in the next election would likely believe that attorney general's goal was really what would best further his chances of re-election.

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REPRESENTATIVE GRUENBERG highlighted the need for the governor to trust the attorney general and vice versa, as it works both ways in an attorney-client relationship. He then requested that Chair Keller advise the committee of his intentions for HJR 18 as he would like to invite the following to testify: Alaska Constitutional Convention delegate and former Lieutenant Governor Jack Coghill [under Governor Walter Hickel], and former Attorneys General Tallis Colberg [under Governor Sarah Palin], Av Gross [under Governor Jay S. Hammond], Norm Gorsuch [under Governor William A. Egan], and Grace Berg Schaible [under Governor Steve Cowper]. He further requested that issues, unless minor changes, are taken up as amendments rather than being molded into a committee substitute in order to exactly review each change.

CHAIR KELLER announced HJR 18 would be held over.

HB 284-COMPACT FOR A BALANCED BUDGET

[2:32:42 PM](#)

CHAIR KELLER announced that the last order of business would be HOUSE BILL NO. 284, "An Act relating to an interstate compact on a balanced federal budget."

[2:33:11 PM](#)

REPRESENTATIVE MILLETT moved to report HB 284 out of committee with individual recommendations and the accompanying fiscal note.

[2:33:53 PM](#)

REPRESENTATIVE GRUENBERG objected for purposes of discussion in that the proposed compact is new and has not been adopted in any other state. While it is a novel and important concept as it offers a different manner in which to amend the U.S. Constitution, he opined it is basically a template to cause a convention to be [called] of which have potential constitutional ramifications at the federal level. Therefore, he expressed the need for the committee to fully understand the legislation.

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REPRESENTATIVE MILLETT called for the question.

[2:36:15 PM](#)

The committee took a brief at-ease.

[2:37:01 PM](#)

A roll call vote was taken. Representatives Foster, LeDoux, Lynn, Millett, Pruitt, and Keller voted in favor of reporting HB 284 out of committee. Representative Gruenberg voted against it. Therefore, HB 284 was reported out of the House Judiciary Standing Committee by a vote of 6-1.

[2:37:52 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:37 p.m.