

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 29, 2016
9:00 a.m.

MEMBERS PRESENT

Senator Bill Stoltze, Chair
Senator John Coghill, Vice Chair
Senator Charlie Huggins
Senator Lesil McGuire
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE JOINT RESOLUTION NO. 12
Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general.

- MOVED SJR 12 OUT OF COMMITTEE

HOUSE BILL NO. 128
"An Act establishing August 10 of each year as Alaska Wild Salmon Day."

- MOVED SCS HB 128(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SJR 12

SHORT TITLE: CONST. AM: ELECTED ATTORNEY GENERAL

SPONSOR(S): SENATOR(S) STOLTZE

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|----------|-----|---------------------------------|
| 02/06/15 | (S) | READ THE FIRST TIME - REFERRALS |
| 02/06/15 | (S) | STA, JUD, FIN |
| 03/03/15 | (S) | STA AT 9:00 AM BUTROVICH 205 |
| 03/03/15 | (S) | Heard & Held |
| 03/03/15 | (S) | MINUTE(STA) |
| 03/29/16 | (S) | STA AT 9:00 AM BUTROVICH 205 |

BILL: HB 128

SHORT TITLE: ALASKA WILD SALMON DAY
SPONSOR(s): REPRESENTATIVE(s) EDGMON

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| 02/27/15 | (H) | READ THE FIRST TIME - REFERRALS |
| 02/27/15 | (H) | FSH, RES |
| 03/12/15 | (H) | FSH RPT 4DP |
| 03/12/15 | (H) | DP: HERRON, FOSTER, MILLETT, STUTES |
| 03/12/15 | (H) | FSH AT 10:00 AM CAPITOL 120 |
| 03/12/15 | (H) | Moved HB 128 Out of Committee |
| 03/12/15 | (H) | MINUTE(FSH) |
| 03/25/15 | (H) | RES AT 1:00 PM BARNES 124 |
| 03/25/15 | (H) | Moved HB 128 Out of Committee |
| 03/25/15 | (H) | MINUTE(RES) |
| 03/27/15 | (H) | RES RPT 8DP |
| 03/27/15 | (H) | DP: OLSON, TARR, SEATON, JOHNSON, JOSEPHSON, HERRON, TALERICO, NAGEAK |
| 03/31/15 | (H) | TRANSMITTED TO (S) |
| 03/31/15 | (H) | VERSION: HB 128 |
| 04/01/15 | (S) | READ THE FIRST TIME - REFERRALS |
| 04/01/15 | (S) | STA |
| 03/29/16 | (S) | STA AT 9:00 AM BUTROVICH 205 |

WITNESS REGISTER

STUART THOMPSON, representing himself
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition of SJR 12.

LAURA BONNER, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition of SJR 12.

KRISTINA ANDREW, Staff
Representative Bryce Edgmon
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an overview of HB 128.

ACTION NARRATIVE

9:00:37 AM

CHAIR BILL STOLTZE called the Senate State Affairs Standing Committee meeting to order at 9:00 a.m. Present at the call to order were Senators Coghill, Huggins, and Chair Stoltze.

SJR 12-CONST. AM: ELECTED ATTORNEY GENERAL

9:01:36 AM

CHAIR STOLTZE announced the consideration of SJR 12. He noted that the resolution was heard during the previous session and public testimony was left open.

SENATOR COGHILL remarked that electing an attorney general was something that the people of Alaska could and should decide. He said he was in agreement with the forward motion on electing an attorney general and noted that the legislation had been proposed in the past by Republicans and Democrats alike. He declared that the state has a very strong gubernatorial office, but remarked that quite often a tension exists between an advocate for the people of Alaska and an advocate for the governor. He said his understanding was that under the Alaska Constitution, the attorney general would be both an advocate for the people of Alaska as well as the governor. He remarked that tensions had clearly occurred in the past between the general population and what the governor wanted. He opined that electing an attorney general was one good way of a check and balance, a concept that the government was built upon. He summarized that he supported SJR 12 and noted that the 21st Legislature initially proposed voting for an attorney general.

9:03:27 AM

CHAIR STOLTZE shared a quote from November 7, 1955 by Senator William Egan of Valdez, territorial senator and chairman of the Constitutional Convention as follows:

I am in favor of a strong executive branch of government in order that the people might be able to place the finger of responsibility without buck-passing. There should be a minimum of other elected officials. One office I feel should most certainly remain elective is that of state attorney general. It would seem to me that this would provide a safeguard against a strong chief executive usurping the powers of his office.

He noted that the attorney general was elected during territorial days.

He remarked that Governor Egan was certainly a visionary given that he was the state's first governor. He remarked that Governor Egan certainly believed in a strong executive branch and opined that a strong executive branch has largely served

Alaska well. He said as one of the state's founders, Governor Egan predicted many of the things that did happen, but added that he did not know if Governor Egan's position changed when he was appointed attorney general.

SENATOR COGHILL asserted that one of the things that people felt very strongly about was being able to have their voice. He remarked that voting for an attorney general may place the position into a political area, but electing an attorney general was more about the people of Alaska getting their voice. He said his experience throughout the years has been that the office of the attorney general has been highly political based on what governors want. He said SJR 12 may be a better approach to find out what the people of Alaska want.

[9:05:21 AM](#)

SENATOR WIELECHOWSKI joined the committee meeting.

CHAIR STOLTZE announced that the committee would hear public testimony.

[9:06:36 AM](#)

STUART THOMPSON, representing himself, Wasilla, Alaska, testified in opposition of SJR 12. He said there was no need to reinvent the wheel and suggested that the materials reviewed by the framers during the Constitutional Convention be looked at first. He summarized that having the people vote was a very standard idea, but noted that he was concerned as to what happens if the attorney general position was made an elected office and its effect on people trying to get elected.

[9:08:29 AM](#)

SENATOR MCGUIRE joined the committee meeting.

[9:10:34 AM](#)

At ease.

[9:10:58 AM](#)

CHAIR STOLTZE called the committee back to order.

[9:11:31 AM](#)

LAURA BONNER, representing herself, Anchorage, Alaska, stated that she opposed SJR 12 for the following reasons: removal would require a recall, current confirmation process provided a more thorough vetting process, politicizing the attorney general position may result in legal positions being swayed by public pressure, and a possible issue due to campaign contributions.

She noted that running for office costs a lot of money. She set forth that she preferred the arms-length distance from the political process for the selection of the attorney general.

[9:13:57 AM](#)

SENATOR MCGUIRE noted that she has heard previous testimony that the idea of electing an attorney general would be more political. She noted that a governor was politically elected and asked how the act of a governor selecting the attorney general was not political.

[9:15:00 AM](#)

MS. BONNER concurred that the governor selecting the attorney general was political. She specified that the Legislature has its own legal counsel and the governor should have a close relationship with the attorney general as his or her own counsel. She said she was mostly concerned about campaign contributions and how an attorney general may be swayed, just as judges should never be elected as well.

SENATOR MCGUIRE replied that Ms. Bonner's argument held weight where having an attorney general and governor on opposite philosophical or political positions would not be desired. She opined that she was concerned that Alaska's attorney generals have been acting less as the attorney general and more as the legal counsel for the governor. She asked if Ms. Bonner would consider allowing a governor to have their own legal counsel.

MS. BONNER replied that Senator McGuire's proposal would cost the state more and she remained opposed to SJR 12.

[9:18:33 AM](#)

CHAIR STOLTZE closed public testimony on SJR 12.

He related that in the past, constitutional amendments have had a standard \$1500 fiscal note for election pamphlet printing. He revealed that the resolution's fiscal note was zeroed out and the administration stated that they would absorb the cost. He remarked that he did not mind if the resolution proceeded to Senate Finance with a zero fiscal note, but pointed out that the procedure was a change in policy within the administration.

SENATOR MCGUIRE asked Chair Stoltze if he had considered putting language in the election pamphlet that said the governor was entitled to legal counsel on his/her cabinet that could replace another cabinet position.

9:20:00 AM

CHAIR STOLTZE replied that he thought the governor has all of the ability to hire legal counsel and the act was probably being done already.

SENATOR MCGUIRE responded that she would not hold the resolution up, but added that she would continue to contemplate the topic.

CHAIR STOLTZE pointed out that the next committee of assignment for SJR 12 was Senate Judiciary and remarked that he welcomed Senator McGuire to do what she liked as Chair for the committee. He admitted that SJR 12 had a deliberative journey, but noted that only 20 days remained in the session. He pointed out that hearing the resolution was delayed due to the committee's deference to larger bills. He said Senator McGuire's proposition was a good discussion point that had to be fleshed out and formalized. He reiterated that he thought the governor was currently entitled to legal counsel.

SENATOR MCGUIRE replied that she considers the number one complaint would be from Alaskans saying that electing an attorney general would be too political and that the governor should be entitled to legal counsel. She asked if Chair Stoltze had looked at other joint resolutions that were further along in the process. She remarked that SJR 12 addressed legislation that was ripe for consideration and she was troubled that the resolution was so late in the session coming forward.

9:22:28 AM

CHAIR STOLTZE noted that the House's version had 18 or 20 co-sponsors and that a lot of support was present in both bodies. He conceded that getting two-thirds vote in both bodies was always a big hurdle. He facetiously remarked that he was glad that there were no politics in the attorney general's position, that the current attorney general was not a major contributor to the governor, was not the governor's business partner, and was not a political operative in the governor's campaign. He declared that the attorney general was his friend and the information he previously recited was factual.

SENATOR HUGGINS remarked that Chair Stoltze's comment was a good point. He noted that a district attorney based in Nome, June Stein, was recently fired by the governor and added that the attorney general was unaware of the firing. He asked if an elected attorney general would have changed the dynamic where the governor fires a district attorney.

CHAIR STOLTZE responded that what Senator Huggins pointed out would be an enabling statute as well. He surmised that creating a third constitutional officer would put the attorney general on par with the lieutenant governor and governor. He detailed that the attorney general would have the same constitutional powers and autonomy that both the lieutenant governor and governor have. He specified that a constitutional officer could not be fired or hired.

[9:25:18 AM](#)

SENATOR HUGGINS moved to report SJR 12, [29-LS0095\W], from committee with individual recommendations and attached fiscal note.

[9:25:25 AM](#)

CHAIR STOLTZE announced that hearing no objection, SJR 12 moved out of committee.

[9:25:46 AM](#)

At ease

HB 128-ALASKA WILD SALMON DAY

[9:27:28 AM](#)

CHAIR STOLTZE called the committee back to order and announced the consideration of HB 128.

[9:27:40 AM](#)

KRISTINA ANDREW, Staff, Representative Bryce Edgmon, Alaska State Legislature, Juneau, Alaska, read the sponsor statement for HB 128 as follows:

Alaskans prize wild salmon. No other of our fish plays such a prevalent role in our lives and no other is so nourishing and appetizing. According to a survey conducted during the summer of 2011, 96 percent of Alaskans feel that salmon is essential to their way of life.

Salmon subsistence fishing has sustained Alaska Native people for thousands of years. Recreational fishing for salmon is a lifelong pursuit and passion for urban and rural residents alike, along with many visitors to our state. Commercial salmon fishing has been a mainstay industry in Alaska for more than a hundred years.

By establishing August 10th as Alaska Wild Salmon Day, HB 128 will encourage the celebration of these Alaska pastimes, professions, and ways of life. Alaska Wild Salmon Day will also provide opportunities to promote our wild salmon's deliciousness, purity, and healthfulness to visitors from across the country and around the world.

Prior to introducing this bill, our office has consulted with people involved in the Alaska seafood marketing industry, the Alaska restaurant and tourism industries, and even representatives from Alaska's airlines, and they all agree that Alaska Wild Salmon Day can create endless opportunities to make salmon lovers out of countless visitors to Alaska.

We are confident in upcoming support from the Alaska Travel Industry Association, Visit Alaska, the Alaska Seafood Marketing Institute (ASMI), the United Fishermen of Alaska, and Alaska Airlines.

[9:29:40 AM](#)

CHAIR STOLTZE asked why August 10th was chosen as the day to celebrate Alaska Wild Salmon Day.

MS. ANDREW answered that the intent was to select a day that was in the midst of the tourism season. She explained that July was crowded with state holidays and early August was chosen.

CHAIR STOLTZE suggested that July 10th might be more appropriate because the date coincided with the start of the Kenai-Kasilof Personal Use Salmon Fishery.

MS. ANDREW pointed out that July 9th was Alaska Flag Day.

SENATOR MCGUIRE stated that she supported Alaska Wild Salmon Day. She said she had two questions, the first was the status on U.S. Senator Lisa Murkowski's challenge for the U.S. Food and Drug Administration (FDA) to rule on genetically modified methods for farmed salmon. Second, she asked what the sponsor envisioned for activities that would take place on Alaska Wild Salmon Day. She inquired if local community councils would come up with their own ideas and how would children be involved.

MS. ANDREW replied that she did not have an answer regarding a FDA ruling on farmed salmon. She addressed Alaska Wild Salmon

Day and explained that the intent was to establish a day that could be celebrated by the state, private industry, communities, and families. She opined that HB 128 would be likened to a birthday party for salmon that would be celebrated with cook-offs and merchandise. She said HB 128 would let Alaskans and visitors know that August 10th was a day to celebrate the beloved salmon.

9:32:50 AM

SENATOR MCGUIRE recounted that the Legislature in the past had grown tired of creating new "days." She opined that "days" had merit and her intent was to consider what the "days" were. She suggested that Alaska Wild Salmon Day address a commercial element where the cruise ship and tourism industries get involved as was done with the Iditarod. She added that an educational element for children be integrated as well during the final month of school. She opined that children should learn about "wild versus farmed" and why wild salmon was important in one's diet.

MS. ANDREW revealed that the bill's original draft mentioned the educational component. She concurred that both promotion and education should be explored for Alaska Wild Salmon Day.

CHAIR STOLTZE remarked that HB 128 identified salmon in both formal and less formal terms. He noted that Chinook was identified as "king." He asked what provenance was used in deciding on names for specific salmon species.

MS. ANDREW replied that there was not much behind choosing the word "king" and offered that the name could be changed to "Chinook."

CHAIR STOLTZE stated that his intent was to provide consistency.

MS. ANDREW noted that a previous committee debated "chum" versus "keta," but chum was chosen.

CHAIR STOLTZE revealed that "keta" was considered for marketing purposes.

9:36:31 AM

SENATOR HUGGINS suggested that Alaska Wild Salmon Day be thought of in a broader sense where fishery shortages were addressed as well. He opined that a broader-context approach would bring attention to wild salmon's plight.

[9:39:15 AM](#)

CHAIR STOLTZ announced that he would offer an amendment to change "king" to "Chinook" for consistency's sake.

[9:39:32 AM](#)

SENATOR COGHILL objected for discussion purposes. He noted that he was almost an adult before he knew king salmon had a different name because on the Yukon River, "kings" were what the particular salmon was called. He suggested that if the bill's intent had an educational component, that "known as" be incorporated to provide colloquial salmon species names in order to avoid confusion.

CHAIR STOLTZE announced that he would withdraw his amendment and offered a conceptual amendment to draft the formal name and in parenthesis indicate the common usage. He noted that "chum" or "dog" salmon was changed to "keta" for marketing purposes. He asked Ms. Andrew if she preferred "keta" or "dog."

MS. ANDREW replied that she had not heard the word "keta" until she worked for the Legislature. She stated that she preferred "chum" or "dog" salmon.

CHAIR STOLTZE stated that both would be used. He revealed that he has been on the Alaska Seafood Marketing Institute's (ASMI) board of directors for 10 years and noted that ASMI made a concerted effort to market keta salmon versus dog salmon.

SENATOR WIELECHOWSKI shared that he had reviewed the Alaska Department of Fish and Game's (ADFG) website and pointed out that ADFG identified salmon as: king, coho, sockeye, chum, and pink. He added that ADFG noted salmon's other names in parenthesis as well.

CHAIR STOLTZE replied that ADFG interchangeably used formal and common names. He pointed out that the Legislature put money in the budget for "Chinook" studies and "Chinook" enhancement. He added that fishermen refer to the "sockeye" stamp and not the "red" stamp.

[9:42:25 AM](#)

SENATOR MCGUIRE stated that she supported Chair Stoltze's conceptual amendment because the change addressed both salmon education and marketing. She suggested that the committee agree on the scientific and commonly used names.

CHAIR STOLTZE asked if Representative Edgmon's office had any objections to expanding salmon names for educational purposes.

MS. ANDREW replied that she personally liked the idea of including the names for salmon, but noted that she could not answer for Representative Edgmon. She remarked that she did not anticipate an objection from Representative Edgmon.

CHAIR STOLTZE commented that he would not bow at the altar of Fish and Game. He stated that he would make the "executive decision" to move forward with his amendment and remarked that he thought Senator Wielechowski would concur.

SENATOR WIELECHOWSKI opined that no one would read the resolution, but people would celebrate Alaska Wild Salmon Day by whatever name the salmon were called.

SENATOR MCGUIRE stated that her hope was the amendment would inspire Representative Edgmon's office to think of educational and marketing ideas to celebrate Alaska Wild Salmon Day.

[9:45:55 AM](#)

CHAIR STOLTZE restated his motion and detailed Conceptual Amendment 1 as follows:

CONCEPTUAL AMENDMENT 1

Line 6 will read: Chinook (king), sockeye (red), coho (silver), chum (dog/keta), and pink (humpy).

[9:46:31 AM](#)

CHAIR STOLTZE moved Conceptual Amendment 1. He announced that hearing no objection, the amendment was adopted.

He referenced data from 2015 and asserted that over 36,000 Alaskan households benefited from the "Alaskan resident only" personal-use Kenai-Kasilof and Chitina fisheries. He stated that he could not think of a more unique fishery that benefited from the wild bounty of Alaska's salmon.

[9:48:25 AM](#)

SENATOR COGHILL moved to report HB 128, as amended from committee with individual recommendations and attached zero fiscal note.

[9:48:35 AM](#)

CHAIR STOLTZE announced that hearing no objection, SCS HB 128(STA) is reported from committee.

9:49:29 AM

There being no further business to come before the committee, Chair Stoltze adjourned the Senate State Affairs Committee at 9:49 a.m.