

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

April 14, 2022

4:11 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Matt Claman, Vice Chair
Representative Geran Tarr
Representative Andi Story
Representative Sarah Vance
Representative James Kaufman
Representative David Eastman

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 412

"An Act relating to the confirmation of appointees to the Board of Trustees of the Alaska Permanent Fund Corporation; relating to the appointment of public members of the Alaska Industrial Development and Export Authority; and providing for an effective date."

- MOVED CSHB 412 (STA) OUT OF COMMITTEE

HOUSE BILL NO. 226

"An Act relating to the compensation of certain public officials, officers, and employees not covered by collective bargaining agreements; increasing the salaries of certain attorneys employed by the state; and providing for an effective date."

- MOVED CSHB 226 (STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 412

SHORT TITLE: PERM FUND CORP & AIDEA BD CONFIRMATION

SPONSOR(s): STATE AFFAIRS

04/04/22	(H)	READ THE FIRST TIME - REFERRALS
04/04/22	(H)	STA, FIN

04/09/22 (H) STA AT 10:00 AM GRUENBERG 120
04/09/22 (H) Heard & Held
04/09/22 (H) MINUTE(STA)
04/12/22 (H) STA AT 3:00 PM GRUENBERG 120
04/12/22 (H) <Bill Hearing Postponed to 4/14/22>
04/14/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 226

SHORT TITLE: PAY INCREASES FOR STATE ATTORNEYS

SPONSOR(s): JOSEPHSON

01/18/22 (H) PREFILE RELEASED 1/7/22
01/18/22 (H) READ THE FIRST TIME - REFERRALS
01/18/22 (H) STA, FIN
03/31/22 (H) STA AT 3:00 PM GRUENBERG 120
03/31/22 (H) Heard & Held
03/31/22 (H) MINUTE(STA)
04/14/22 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

XANNIE BORSETH, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced amendments during the hearing on HB 412, on behalf of Representative Kreiss-Tomkins, prime sponsor.

BAILEY WOOLFSTEAD
Juneau, Alaska

POSITION STATEMENT: Testified in favor of HB 226.

LAURA JOHANSEN
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 226.

KEVIN HIGGINS
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 226.

GUSTAF OLSON
Kodiak, Alaska

POSITION STATEMENT: Testified in support of HB 226.

MATTHEW STINSON
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 226.

BETSY BULL
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 226.

LAURA JUNGREIS
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 226.

DIANA KNIADIEWYCZ
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 226.

NOLAN OLIVER
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 226.

WHITNEY BOSTICK
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 226.

BRITTANY DUNLOP
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 226.

ABIGAIL CAZEL
Bethel, Alaska

POSITION STATEMENT: Testified in support of HB 226.

RANDALL HAVENS
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 226.

DARA GIBSON
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 226.

ELISE SORUM-BIRK, Staff
Representative Andy Josephson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced amendments during the hearing on HB 226.

ACTION NARRATIVE

[4:11:22 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 4:11 p.m. Representatives Kaufman, Vance, Story, Claman, Eastman, and Kreiss-Tomkins were present at the call to order. Representative Tarr arrived as the meeting was in progress.

HB 412-PERM FUND CORP & AIDEA BD CONFIRMATION

[4:12:58 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 412, "An Act relating to the confirmation of appointees to the Board of Trustees of the Alaska Permanent Fund Corporation; relating to the appointment of public members of the Alaska Industrial Development and Export Authority; and providing for an effective date."

[4:13:38 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 1, [labeled 32-LS1637\B.1, Nauman, 4/12/22], which read:

Page 3, line 4:

Delete "January 1, 2023"

Insert "September 1, 2022"

REPRESENTATIVE TARR objected for the purpose of discussion.

[4:14:00 PM](#)

XANNIE BORSETH, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, prime sponsor of HB 412, introduced Amendment 1. She explained that the proposed amendment would change the effective date from January 1, 2023 to September 1, 2022 to avoid a scenario in which a new or reelected governor appointed a new board member to the Alaska Permanent Fund Corporation (APFC) or the Alaska Industrial Development and Export Authority (AIDEA) before the effective date without the requirement of confirmation by a majority of the legislature during a joint session. She noted that the scenario was unlikely; nonetheless, the bill sponsor wanted to be cautious.

REPRESENTATIVE TARR removed her objection. There being no further objection, Amendment 1 was adopted.

[4:14:58 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 2, [labeled 32-LS1637\B.2, Nauman, 4/12/22], which read:

Page 3, line 1:

Delete "Alaska Industrial Development and Export Authority"

Insert "authority"

Page 3, following line 2:

Insert a new subsection to read:

"(d) On or after the effective date of this Act, members of the authority who are reappointed under AS 44.88.030(a), as amended by sec. 4 of this Act, shall be confirmed by a majority of the members of the legislature in joint session."

Reletter the following subsection accordingly.

Page 3, line 3, following "section,":

Insert "(1) "authority" has the meaning given in AS 44.88.900;

(2)"

REPRESENTATIVE CLAMAN objected for the purpose of discussion.

REPRESENTATIVE EASTMAN objected.

[4:15:04 PM](#)

MS. BORSETH explained that Amendment 2 addressed concerns raised at the last bill hearing by clarifying that reappointed APFC and AIDEA board members shall be confirmed by a majority of the legislature during a joint session to reduce ambiguity.

[4:16:15 PM](#)

REPRESENTATIVE EASTMAN inquired about the definition of "authority", as provided under AS 44.88.900.

MS. BORSETH defined authority, per AS 44.88.900, as the Alaska Industrial Development and Export Authority, which was created by chapter 44.88.

REPRESENTATIVE CLAMAN withdrew his objection.

REPRESENTATIVE EASTMAN withdrew his objection. There being no further objection, Amendment 2 was adopted.

CHAIR KREISS-TOMKINS invited final comments on the bill.

[4:17:44 PM](#)

REPRESENTATIVE TARR directed attention to page 2 and expressed an interest in amending the bill to limit the length of time that someone could serve in a limited interim capacity.

REPRESENTATIVE CLAMAN said he was pleased to move the bill forward. Nonetheless, he expressed an interest in holding a future discussion on carryover and longevity to ensure the board's independence from the executive and legislative branches.

REPRESENTATIVE EASTMAN said he was pleased to agree with both statements. He highlighted an opportunity to move the confirmation date forward in the legislative process to reduce the time served by unconfirmed appointments.

CHAIR KREISS-TOMKINS agreed with both statements from Representative Claman and Representative Story on vacancies and staggered terms. In response to Representative Eastman, he was unsure of the appropriate mechanism to address the timing of joint session.

[4:24:18 PM](#)

REPRESENTATIVE CLAMAN moved to report HB 412, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 412(STA) was reported from the House State Affairs Standing Committee. He stated that the committee gave Legislative Legal Services the authority to make technical and confirming changes.

HB 226-PAY INCREASES FOR STATE ATTORNEYS

[4:25:28 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 226, "An Act relating to the compensation of certain public officials, officers, and

employees not covered by collective bargaining agreements; increasing the salaries of certain attorneys employed by the state; and providing for an effective date."

CHAIR KREISS-TOMKINS opened public testimony on HB 226.

[4:26:05 PM](#)

BAILEY WOOLFSTEAD shared that she was a prosecutor in the Office of Special Prosecutions, Department of Law (DOL), working in the rural prosecution's unit on the domestic violence and sexual assault grant. She anecdotally reported on the challenges faced by prosecutors in Alaska, including 60-80-hour work weeks in addition to being on call 24/7 without pay. She pointed out that by bearing witness to sexual assault, abuse, homicide, domestic violence, child abuse, autopsy photos, child pornography, and more, the jobs took a toll on mental wellbeing. She addressed extensive travel, increased inflation, and inadequate salary and benefits. She opined that HB 226 would not do enough to keep attorneys in Alaska and make the jobs competitive. Further, she pointed out that the recruitment and retention crisis was not limited to the Department of Public Safety (DPS), emphasizing that prosecutors were key players in addressing public safety. She stated that prosecutors were leaving Alaska "in droves" because the legislature had not recognized their value. She urged the legislature to pass the bill and suggested further amending it to pass a 40-hour work week, address on-call pay, and keep the cost-of-living adjustment (COLA) and salaries on par with law enforcement.

[4:28:52 PM](#)

REPRESENTATIVE CLAMAN asked whether Ms. Woolfstead supported comparative increases for public defenders and public advocates.

MS. WOOLFSTEAD said absolutely, as public defenders were also leaving the state in droves, which in turn, set cases back by months and slowed the criminal justice system.

REPRESENTATIVE CLAMAN asked whether Ms. Woolfstead agreed with the criticism that increasing [DOL's salary] without similar increases for public advocates and public defenders would result in [fewer] public defenders and public advocates.

MS. WOOLFSTEAD said, "Certainly." She pointed out that there was pay parity between prosecutors, public defenders, and public advocates, which she believed to be necessary for a functioning

justice system. She said cases went smoother when opposing counsel was good at their job.

[4:31:46 PM](#)

LAURA JOHANSEN, an assistant public advocate, stated her support for HB 226 as a starting point to achieve greater retention. She discussed indigent defense turnover and retention issues, which affected Alaskan families that came into contact with the Office of Children's Services (OCS). She opined that in this regard, retention of state attorneys was a public health issue. She urged the legislature to pass HB 226.

[4:33:39 PM](#)

REPRESENTATIVE CLAMAN asked Ms. Johansen to speak to the pay disparity between Alaska and Washington. He asked why she chose to remain in Alaska.

MS. JOHANSEN recounted her experience working as an assistant public defender in King County, Washington, where she earned better benefits, pay, pension, and leave. Additionally, the case load was significantly lighter. She said she returned to Alaska because she loved the state and wanted to serve Alaskan families.

[4:35:03 PM](#)

REPRESENTATIVE TARR thanked both testifiers for the work that they did for the state.

REPRESENTATIVE EASTMAN thanked Ms. Johansen on behalf of the children she served.

[4:36:06 PM](#)

KEVIN HIGGINS shared that he worked in the Civil Division of DOL. He urged the legislature to pass HB 226 and suggested amending the bill to ensure that the increases would take place in 2022. He shared statistics on retention in the civil division.

[4:38:46 PM](#)

GUSTAF OLSON, a district attorney in Kodiak, stated his support for HB 226 and anecdotally reported on the retention issues in DOL. He believed that passage of HB 226 would be the first step

towards pay parity to retain highly skilled and trained individuals and prevent the hemorrhaging of experienced litigators. He emphasized that the roles played by experienced attorneys were essential to the criminal justice system, adding that they could not be replaced by new attorneys.

[4:42:50 PM](#)

MATTHEW STINSON, a state prosecutor and lifelong Alaskan, strongly encouraged the legislature to pass HB 226. He anecdotally reported on a steady increase in hours worked without a corresponding increase in pay. He touched on the private sector's adaptation to inflation, the stagnant public sector in the face of inflation, and the need for state attorney salaries to track the rising inflation.

[4:45:01 PM](#)

BETSY BULL, a prosecutor of sexual assault and sexual abuse crimes in Anchorage, expressed support for the bill as a starting point towards making Alaska a competitive employer. She highlighted the nine unfilled positions in her office, resulting in a larger workload for herself and her colleagues. She addressed DOL's current employee package, which lacked a pension, sick leave, maternity/paternity leave, and compensation for overtime and weekend duty, in addition to low starting salaries, enormous caseloads, and COLA that hadn't been increased since 2016. She stated that the ability to recruit and retain was limited to the tools provided by the legislature, emphasizing that the salary increase in HB 226 would be one of them.

[4:47:53 PM](#)

REPRESENTATIVE CLAMAN questioned whether the nine prosecutor openings were in the Anchorage office alone.

MS. BULL confirmed that the nine openings were in the Anchorage District Attorney's Office, DOL.

REPRESENTATIVE CLAMAN asked how many positions were in the Anchorage District Attorney's Office.

MS. BULL answered 38 positions of which 9 were unfilled.

[4:49:07 PM](#)

LAURA JUNGREIS, an assistant district attorney in the Anchorage office, shared concerns about her financial future after her fiancé, the primary earner, lost his job. She said she left the private sector for her current job because she loved her work and cared about her community; however, she often contemplated leaving, as her family could not survive on her current salary.

[4:51:36 PM](#)

DIANA KNIADWYCZ, an assistant district attorney, stated her support for the bill, despite its "woeful" shortcomings. Since she started at her current job, she shared that her partner asked her to leave the position each month due to inadequate pay. She emphasized the importance and difficulty of the work done by state attorneys.

[4:54:21 PM](#)

NOLAN OLIVER, a prosecutor in Anchorage, stated his support for HB 226 and urged the committee to amend the bill to include an immediate effective date and greater pay increases. He pointed out that in addition to a 60-80-hour work week, attorneys in Alaska were required to be on call 24/7 and work weekends for at least two weeks out of the year with no additional compensation.

[4:57:10 PM](#)

WHITNEY BOSTICK stated her support for HB 226 as a first step in addressing the pay disparity between state attorneys in Alaska and their colleagues across the nation. She shared that she left her 10-year private practice for a position in the Anchorage District Attorney's Office to address the rampant domestic violence in her community. She reported that her caseload was consistently over 200 felony cases, a quantity that could not be properly addressed in a 40-hour work week. She anecdotally reported on the turnover in the Anchorage District Attorney's Office, resulting in talented prosecutors leaving the state for better pay, lower caseloads, and pensions.

[5:00:26 PM](#)

BRITTANY DUNLOP, the Anchorage district attorney and a lifelong Alaskan, said the lawyers that work in her office were hardworking, thoughtful, and civic-minded public servants who worked night and day to protect the community. She added that they deserved to be compensated fairly. She conveyed that in the last two years, she had spent more time hiring, recruiting,

and training than anything else. She highlighted several statistics from the Anchorage District Attorney's Office, including 100 open homicide cases and only 1 Tier IV lawyer.

[5:02:15 PM](#)

ABIGAIL CAZEL, a public defender in the Yukon-Kuskokwim Delta, anecdotally reported on the retention issues in rural offices. She emphasized her wholehearted belief in the Constitution of the State of Alaska and the rights that it afforded indigent criminal defendants. She believed that HB 226 would allow for better retention of lawyers in Alaska.

[5:04:12 PM](#)

RANDALL HAVENS, an information technology (IT) professional in Alaska, urged the committee to pass HB 226 with an immediate effective date. He argued that talent needed to be compensated in any profession, especially in Alaska where people did not "idly wander by," as there were no law schools or connecting roads. He reiterated his support for the bill.

[5:06:53 PM](#)

DARA GIBSON, a sex crimes prosecutor in Southeast Alaska, anecdotally reported on her experience working with young victims. She said she wanted to be able to see these children through to the end of their cases; however, she was unsure if that would be possible with rising costs and her husband losing his job during the pandemic. She noted that she had received multiple offers to move out of state where she could perform the same work for better compensation and a smaller caseload. She reiterated her dedication to victims and asked the legislature to give her the capacity to continue her work in Alaska.

[5:09:07 PM](#)

CHAIR KREISS-TOMKINS closed public testimony on HB 226.

[5:10:10 PM](#)

The committee took a brief at-ease.

[5:10:53 PM](#)

REPRESENTATIVE CLAMAN moved to adopt Amendment 1, [labeled 32-LS0960\I.1, Klein, 4/13/22], which read:

Page 1, lines 1 - 2:

Delete "**relating to the compensation of certain public officials, officers, and employees not covered by collective bargaining agreements;**"

Page 1, line 5, through page 2, line 31:

Delete all material.

Page 3, line 1:

Delete "**Sec. 4**"

Insert "**Section 1**"

Renumber the following bill sections accordingly.

Page 3, lines 13 - 18:

Delete all material.

Renumber the following bill sections accordingly.

Page 3, line 26:

Delete "Section 7"

Insert "Section 3"

Page 3, line 27:

Delete "sec. 8"

Insert "sec. 4"

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[5:11:06 PM](#)

REPRESENTATIVE CLAMAN moved to adopt Conceptual Amendment 1 to Amendment 1.

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[5:11:30 PM](#)

ELISE SORUM-BIRK, Staff, Representative Andy Josephson, Alaska State Legislature, on behalf of Representative Josephson, prime sponsor, explained that Conceptual Amendment 1 to Amendment 1 pertained to page 1, lines 14-15, such that the words "as increased under (e) and (f) of this section" would be added. She said the section in reference was the paid salary schedule; (e) and (f) being the updates to that salary schedule that occurred in FY 14 and FY 15.

[5:12:09 PM](#)

REPRESENTATIVE EASTMAN asked whether the proposed amendment was increasing the salary increases.

MS. SORUM-BIRK answered no.

REPRESENTATIVE EASTMAN removed his objection. There being no further objection, Conceptual Amendment 1 to Amendment 1 was adopted.

[5:12:31 PM](#)

MS. SORUM-BIRK explained that Amendment 1, as amended, was developed in conjunction with the Department of Administration (DOA), in response to a concern voiced by the Division of Personnel and Labor Relations regarding the language pertaining to the salary schedule. She stated that the proposed amendment would remove some of the technical drafting choices that were made upon the bill's initial creation to shorten and clarify the legislation. She noted that the 10 percent raise for state attorneys, which was the most significant section of the bill, would not be changed.

CHAIR KREISS-TOMKINS removed his objection. There being no further objection, Amendment 1, as amended, was adopted.

[5:13:54 PM](#)

REPRESENTATIVE CLAMAN moved to adopt Amendment 2, [labeled 32-LS0960\I.3, Klein, 4/13/22], which read:

Page 1, line 3, following "**attorneys**":
Insert "**and administrative law judges**"

Page 3, line 12, following "AS 39.25.120(c)(3)":
Insert "and the chief administrative law judge
and administrative law judges of the office of
administrative hearings under AS 39.25.120(c)(20)"

Page 3, lines 13 - 18:
Delete all material.

Renumber the following bill sections accordingly.

Page 3, line 26:

Delete "Section 7"
Insert "Section 6"

Page 3, line 27:
Delete "sec. 8"
Insert "sec. 7"

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[5:14:05 PM](#)

MS. SORUM-BIRK explained that for the sake of parity within DOA, the Office of Administrative Hearings would be included in the bill to ensure that administrative law judges were compensated on par with their colleagues within the department.

[5:14:51 PM](#)

REPRESENTATIVE EASTMAN asked whether the administrative law judges were not covered by collective bargaining agreements and fell under the same classification as the other attorneys included in the bill.

MS. SORUM-BIRK answered yes, noting that administrative judges were partially exempt.

CHAIR KREISS-TOMKINS removed his objection. There being no further objection, Amendment 2 was adopted.

[5:15:38 PM](#)

REPRESENTATIVE TARR shared that she had intended to put forward an amendment that extended the salary increase to the courts; however, she was unable to submit the amendment before the deadline. She expressed her desire to work with the bill sponsor in the next committee of referral.

REPRESENTATIVE CLAMAN pointed out that, to be on par with the national average, state attorney salaries should be increased by 34 percent, as opposed to 10 percent, which he said he agreed with. However, he opined that if the bill had proposed a 34 percent pay increase, the odds of it passing were low.

REPRESENTATIVE VANCE compared the median salary for both state attorneys and teachers, pointing out that the starting range for an attorney in Alaska was \$60,000 while the median salary for teachers was \$68,000. She questioned whether increasing

attorney pay and focusing on retention would save the state money in the long-term and provide the right to a speedy trial, which she highlighted as a current issue within the Department of Corrections (DOC).

REPRESENTATIVE EASTMAN expressed concern about the effective date.

REPRESENTATIVE STORY characterized the public testimony as alarming, moving, and compelling. She said that if the legislature wanted to be champions of children and families, it had a big task ahead of it. She opined that state employees should feel valued through compensation.

[5:21:20 PM](#)

REPRESENTATIVE CLAMAN in response to Representative Eastman's comment on the effective date, shared his understanding that it concerned the bonuses that were allocated during the budget subcommittee process, which would result in quicker compensation for the individuals impacted by the proposed legislation.

CHAIR KREISS-TOMKINS noted the deep impact of the public testimony and offered his heartfelt thanks to the individuals who called in. He argued that this was the most important step in terms of improving the criminal justice system.

[5:23:26 PM](#)

REPRESENTATIVE CLAMAN moved to report HB 226, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 226(STA), was reported from the House State Affairs Standing Committee. He granted Legislative Legal Services the authority to make technical and conforming changes.

[5:24:02 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 5:24 p.m.