

**Committees:**

House Finance Committee

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Legislative Budget &  
Audit

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Finance Subcommittee  
Chair of:  
Alaska Court System  
Department of Law  
University of Alaska

# ALASKA STATE LEGISLATURE



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## REPRESENTATIVE ANDY JOSEPHSON

Attorney General Designee Ed Sniffen  
Assistant Attorney General Sharla Mylar  
Alaska Department of Law  
1031 West 4th Avenue, Suite 200  
Anchorage, AK 99501-1994

October 13, 2020

Dear Attorney General Sniffen and AAG Mylar:

In the spring of 2020, the Alaska Legislature closed out the state's Operating Budget early. It did so because of pressing concerns with the COVID-19 crisis.

The Operating Budget included the creation of a new appropriation-line for the department of Law's Civil Division. One can see this new appropriation-line by reviewing pages 23-24 of CCS HB 205. As you will recall, as House Finance Subcommittee Chair for your department's budget, I participated in the creation of this new appropriation-line. (Civil Division Except Contracts Relating to Interpretation of Janus v. AFSCME).

AS 37.07.080(a) prohibits a government agency, like yours, from spending money from one appropriation on another appropriation. (*See also*, Article IX, Section 13). The Legislative Finance Division was helpful in the January-February, 2020 timeframe in directing my office to expressly, and unambiguously, declare in the new appropriation-line, the intent of that appropriation. I believe we did that in pages 23-24. Certainly, all 60 legislators were aware of what was intended by that language. The subject was directly taken up both on the House Floor, and especially in a Senate Floor debate.

Meanwhile, the budget authorized the expenditure of \$20,000 on legal contracts relating to Janus. For reasons unclear to me, Governor Dunleavy vetoed that sum. The result should have been, presumptively, that the department of Law had no resources—none at all—to spend during FY '21 on Janus-related litigation.

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*January-April:* State Capitol, Juneau, Alaska 99801 • (907) 465-4939 • (800) 465-4939

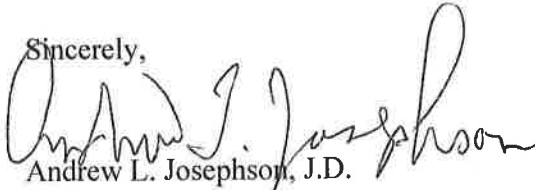
*May-December:* 1500 W Benson Blvd, Room 403, Anchorage, Alaska 99503 • (907) 269-0265

Rep.Andy.Josephson@akleg.gov

With this in mind, can you explain whether or not state of Alaska resources, and more particularly department of Law resources, were used in any way to pay Mr. William Consovoy to prepare the Amicus Brief in *Belgau v. Inslee*, Case No. 19-35137 (9<sup>th</sup> Cir), dated October 12, 2020?

Thank you in advance.

Sincerely,



Andrew L. Josephson, J.D.  
Alaska State House of Representatives

Cc: Rep. Matt Claman, House Judiciary Chair