

# Alaska State Legislature

## Office of the Senate President



October 22, 2019

The Honorable Kevin Clarkson  
Attorney General for the State of Alaska  
1031 West 4th Avenue, Suite 200  
Anchorage, AK 99501-1994  
<Delivered Electronically>

Attorney General Clarkson,

Your most recently released opinion on the constitutionality of Alaska's local hire laws (2019 Op. Alaska Att'y Gen. Oct.3) caused consternation to myself and many of my constituents. Our state has for six decades strove to maintain a balance between being unfairly parochial while maintaining opportunities for Alaska residents to access gainful employment.

Time and again, Alaska's local hire laws have been tested and refined through the judicial process at both the state and federal level. Currently, the law of our State is clear: if there is a determination that a zone of underemployment exists, and a contractor is bidding on a project that uses state dollars, that contractor must prioritize Alaskans in their hiring in order to receive the contract.

As the principal legal officer in our State, you have a duty to defend the laws of this State. The current statutes for prioritizing Alaska hire have not been found to be unconstitutional. Therefore, the current Alaska hire laws are still valid, and you are constitutionally required to enforce those laws.

Your office has levelled accusations against the Legislature of unconstitutional and unlawful action. Your ad hoc determination that the laws of our land, which remain untested in the courts, are unconstitutional is a diversion into the lawmaking field that is rightfully the purview of this branch of government. I respectfully urge you to cease a law creation process that appears to be done by executive fiat. I also respectfully urge you to modify or revoke your October 3 opinion in recognition of the constitutional obligation of the executive branch to faithfully execute the laws of this State enacted by the Legislature.

I supported your confirmation to the position of Attorney General because I believe in your legal acumen and strong ethics. My support for you is still strong, but the strength of my defense for the working people of Alaska, the Senate and the Legislature's prerogatives are greater still. I ask you to not pursue a path that leads to different branches of government once again asking the third branch to interpret yet another dispute.

Respectfully,

A handwritten signature in blue ink that reads "Cathy Giessel". The signature is written in a cursive, flowing style.

Senator Cathy Giessel  
Alaska Senate President

CC:

Speaker of the Alaska House of Representatives Bryce Edgmon  
Alaska Senate Finance Co-Chair Natasha von Imhof  
Alaska Senate Finance Co-Chair Bert Stedman  
Alaska Legislative Council Chair Senator Gary Stevens  
Ben Stevens, Chief of Staff to Alaska Governor Michael J. Dunleavy  
Suzanne Cunningham, Legislative Director to Governor Michael J. Dunleavy  
Allison Radford, Legislative Liaison to the Department of Law  
Megan Wallace, Director of Legal Services, Alaska Legislative Affairs Agency