

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 27, 2009

1:03 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Bob Lynn
Representative Max Gruenberg

MEMBERS ABSENT

Representative Carl Gatto
Representative Lindsey Holmes

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Commission on Judicial Council

James Christopher Brown - Anchorage

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 141

"An Act relating to the Interstate Compact for Juveniles; relating to the State Council for Interstate Adult and Juvenile Offender Supervision; amending Rules 4 and 24(b), Alaska Rules of Civil Procedure; and providing for an effective date."

- MOVED HB 141 OUT OF COMMITTEE

HOUSE BILL NO. 139

"An Act providing for an exception to allow drivers of public utility motor vehicles to operate those vehicles with certain screen devices operating and visible to the drivers."

- MOVED HB 139 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 141

SHORT TITLE: COMPACT FOR JUVENILES; INTERSTATE COUNCIL

SPONSOR(S): REPRESENTATIVE(S) COGHILL

02/23/09 (H) READ THE FIRST TIME - REFERRALS
02/23/09 (H) HSS, JUD
03/17/09 (H) HSS AT 3:00 PM CAPITOL 106
03/17/09 (H) Moved Out of Committee
03/17/09 (H) MINUTE(HSS)
03/23/09 (H) HSS RPT 4DP 3NR
03/23/09 (H) DP: COGHILL, SEATON, CISSNA, KELLER
03/23/09 (H) NR: HOLMES, LYNN, HERRON
03/23/09 (H) FIN REFERRAL ADDED AFTER JUD
03/27/09 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 139

SHORT TITLE: ALLOW SCREEN DEVICES IN UTILITY VEHICLES

SPONSOR(S): REPRESENTATIVE(S) GATTO

02/18/09 (H) READ THE FIRST TIME - REFERRALS
02/18/09 (H) STA, JUD
03/10/09 (H) STA AT 8:00 AM CAPITOL 106
03/10/09 (H) Moved Out of Committee
03/10/09 (H) MINUTE(STA)
03/12/09 (H) STA RPT 4DP 1NR
03/12/09 (H) DP: SEATON, GRUENBERG, PETERSEN, LYNN
03/12/09 (H) NR: JOHNSON
03/27/09 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

JAMES CHRISTOPHER BROWN, Appointee
Commission on Judicial Conduct (CJC)
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Commission on
Judicial Conduct (CJC).

AMANDA MORTENSEN, Intern
Representative John Coghill
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 141 on behalf of the sponsor,
Representative Coghill.

BARBARA MURRAY, Deputy Compact Administrator
Interstate Compact on Juveniles (ICJ)
Division of Juvenile Justice (DJJ)
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Responded to questions during discussion of HB 141.

CAROL A. BRECKLE, Attorney at Law;
Chair
Alaska Juvenile Justice Advisory Committee (AJJAC)
Division of Juvenile Justice (DJJ)
Department of Health and Social Services (DHSS)
Kenai, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 141, and urged adoption of its compact.

CURTIS W. THAYER, Director
Corporate and External Affairs
ENSTAR Natural Gas Company ("ENSTAR")
Anchorage, Alaska

POSITION STATEMENT: Testified in Support of HB 139.

ACTION NARRATIVE

[1:03:50 PM](#)

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at 1:03 p.m. Representatives Ramras, Coghill, Lynn, and Dahlstrom were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

CONFIRMATION HEARING(S)
Commission on Judicial Council

[1:04:08 PM](#)

CHAIR RAMRAS announced that the committee would first consider the appointment of James Christopher Brown to the Commission on Judicial Conduct (CJC).

[1:04:36 PM](#)

JAMES CHRISTOPHER BROWN, Appointee, Commission on Judicial Conduct (CJC), after relaying that he has been in Alaska five years, said he is interested in serving the state and is interested in the CJC in particular, adding that he is looking forward to both helping citizens seeking redress against judges/justices in particular situations, and creating an environment in which judges and justices feel free to do their jobs with the protection afforded by the CJC. In response to questions, he relayed that he serves on the board of directors

and as treasurer of the Alaska Family Council; that he was not affiliated with any such similar group prior to moving to Alaska; that he is not aware of any other members of the Alaska Family Council seeking positions on either the CJC or the Alaska Judicial Council (AJC); that aside from serving on the Department of Administration's (DOA's) Alaska Land Mobile Radio (ALMR) Advisory Group and applying for a position on the CJC, he does not now serve on nor has he applied to serve on any other state boards or commissions; that his involvement with the Alaska Land Mobile Radio (ALMR) Advisory Group was probably the result of his professional background in the telecommunications industry; that he'd been seeking a way to serve the state further and so chose to apply for a position on the CJC; that he is interested in creating an environment of fairness within the CJC; and that he wants to support the CJC's existing system.

MR. BROWN, in response to comments and other questions, indicated that he would be able to separate his personal agenda and the Alaska Family Council's agenda from his duties on the CJC, surmising that doing so would be a requirement of all members of the CJC in order for the CJC to perform its job, and relayed that one of the people who'd told him of the opening on the CJC was a fellow member of the Alaska Family Council. In response to further questions, he offered his belief that the issue of judicial activism is not germane to the CJC, and that the concepts of separation of powers and properly supporting the roles of the various branches of government are important ones.

[1:14:38 PM](#)

REPRESENTATIVE GRUENBERG asked Mr. Brown whether he believes a judge should be disciplined for ruling in what he termed "a judicially-activist manner."

MR. BROWN said he doesn't believe that he would be in a good position to do such a thing, and surmised that no member of the CJC would be asked to make such a ruling either. He offered his belief that members of the CJC are expected to deal solely with the conduct of judges and justices, regardless that doing so might be a challenge, and assured the committee that he would be up to such a challenge. In response to further comments and questions, he indicated he would be willing to take on the risk of being sued for appropriately carrying out the duties of the AJC, even if doing so represented a potential conflict of interest between his duties on the CJC and his personal beliefs.

REPRESENTATIVE GRUENBERG remarked that Mr. Brown sounds very well-qualified [to serve on the CJC].

REPRESENTATIVE DAHLSTROM thanked Mr. Brown for serving on the ALMR Advisory Group, and shared her belief that he would be an outstanding member of the CJC.

[1:19:33 PM](#)

REPRESENTATIVE DAHLSTROM made a motion to advance from committee the nomination of James Christopher Brown to the Commission on Judicial Conduct.

REPRESENTATIVE GRUENBERG objected for the purpose of discussion, and said he didn't want any of his comments or questions to be construed as casting aspersions on either Mr. Brown or the Alaska Family Council, adding, "I think he is of the highest quality." He then removed his objection.

CHAIR RAMRAS asked whether there were any further objections to the motion. There being none, the confirmation was advanced from the House Judiciary Standing Committee.

HB 141 - COMPACT FOR JUVENILES; INTERSTATE COUNCIL

[1:20:59 PM](#)

CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 141, "An Act relating to the Interstate Compact for Juveniles; relating to the State Council for Interstate Adult and Juvenile Offender Supervision; amending Rules 4 and 24(b), Alaska Rules of Civil Procedure; and providing for an effective date."

[Chair Ramras turned the gavel over to Vice Chair Dahlstrom.]

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AMANDA MORTENSEN, Intern, Representative John Coghill, Alaska State Legislature, on behalf of the sponsor, Representative Coghill, and by way of presenting HB 141, paraphrased from the sponsor statement, which read [original punctuation provided]:

This bill would enact the new Interstate Compact for Juveniles into law. This would replace the old compact which was created in 1955. The purpose of the Compact is to ensure the supervision of juvenile

offenders and the return of runaways, escapees and absconders. The Compact provides the procedural means to regulate the movement of juveniles who are under court supervision across state lines. The Association of Compact Administrators estimates that the Interstate Compact on Juveniles is used in 20,000 to 30,000 transfer and supervision cases annually.

The new Compact ensures that all states will have identical language in their statutes which would help with compliance issues. The new Compact provides procedures for enforcement which the old Compact lacked. The Interstate Compact for Juveniles also provides for the collection of standardized information and information sharing systems.

This is a chance for the states to have the means to deal with state problems and enforce state solutions without having any federal intervention. 35 states have already passed this compact. If Alaska chooses not to enact this Compact the state would have to deal with every other state on a case-by-case basis which would cost the state more money than it would cost to implement the Compact.

The compact provides for the safety of the juvenile offender and the state as a whole. The importance of this compact cannot be overstated. This legislation is necessary to ensure the public safety and security of Alaskans. It will help ensure that Alaska receives notification about juveniles who are relocated or traveling to Alaska before they arrive here, and will expedite Alaska's ability to send juveniles from here to other jurisdictions.

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BARBARA MURRAY, Deputy Compact Administrator, Interstate Compact on Juveniles (ICJ), Division of Juvenile Justice (DJJ), Department of Health and Social Services (DHSS), in response to questions and comments, clarified that the new ICJ went into effect August 2008 - when the 35th state "signed on" - and agreed to research when that ICJ was presented to [those states].

REPRESENTATIVE COGHILL, speaking as the sponsor of HB 141, indicated that the methodology used for placing juveniles in

state custody has been changing, and surmised that a compact could best address any resulting issues. He said he favors compacts, indicating that he prefers that approach as opposed to just waiting until the federal government mandates what the state shall do. He assured the committee that joining the ICJ will not result in the state's authority being diminished; rather, the state is simply delegating its authority to those representing the state in the ICJ's commission.

MS. MORTENSEN noted that members' packets include a list of those states that have signed on so far, with the first states having done so in 2003. She offered her understanding that the concept of the new ICJ was brought forth in 2000, with the new ICJ itself materializing in 2002.

MS. MURRAY, in response to a question, said that the commission created by the ICJ had its first meeting in December of 2008, and is now in the process of developing rules, regulations, and processes for administering the ICJ.

[1:29:22 PM](#)

CAROL A. BRENCKLE, Attorney at Law; Chair, Alaska Juvenile Justice Advisory Committee (AJJAC), Division of Juvenile Justice (DJJ), Department of Health and Social Services (DHSS), relayed that members of the AJJAC are appointed by the governor, and that the AJJAC provides advice regarding the implementation of the federal Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 within Alaska, and makes annual recommendations to the governor and legislature regarding juvenile justice issues. The AJJAC, for a number of years, has been following the implementation of the ICJ and discussing its application in Alaska. Other states either have adopted the ICJ or are in the process of doing so, and unless Alaska does so as well, Alaska will be forced to enter into a memorandum of understanding (MOU) with each state before accepting a child from it or sending a child to it.

MS. BRENCKLE said she's handled a number of delinquency cases over the years, and has dealt with a number of children whose parents relocated, thus requiring that "the probation" be transferred as well. Although interstate compacts might appear to be cumbersome, they facilitate the transfer of such children and do so safely; it is therefore important for Alaska to adopt the new ICJ in order to ensure that juveniles moving across state lines are tracked and supervised. Alaska, she relayed, is at the forefront of developing data that will be incorporated

into the ICJ, and surmised that Alaska is prepared to play an active role in the development of the ICJ's rules and procedures. She therefore urged adoption of the ICJ so that Alaska could be part of that process and not be left simply reacting to rules and procedures developed by other states.

MS. BRENCKLE noted that at its meeting in March in Juneau, the AJJAC discussed the ICJ, and voted to support HB 141. She added that the AJJAC will be continuing its involvement with the "juvenile justice process," and is glad to be a part of Alaska's process.

VICE CHAIR DALSTROM ascertained that no one else wished to testify on HB 141.

REPRESENTATIVE GRUENBERG asked whether other states have substantially amended their versions of the ICJ.

MS. MURRAY said she would research that issue and get the resulting information to the committee.

VICE CHAIR DAHLSTROM asked that that resulting information also be provided to the bill's next committee of referral, the House Finance Committee. She then closed public testimony on HB 141.

[1:37:07 PM](#)

CHAIR RAMRAS moved to report HB 141 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 141 was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 1:37 p.m. to 1:39 p.m.

[Vice Chair Dahlstrom returned the gavel to Chair Ramras.]

HB 139 - ALLOW SCREEN DEVICES IN UTILITY VEHICLES

[1:39:11 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 139, "An Act providing for an exception to allow drivers of public utility motor vehicles to operate those vehicles with certain screen devices operating and visible to the drivers."

REPRESENTATIVE GRUENBERG - speaking as a co-sponsor of HB 139 and as one of the joint prime sponsors of House Bill 88, which passed the legislature in 2008 and prohibited the use of certain screen devices by drivers of moving vehicles - characterized HB 139 as a "fix it bill" intended to address a problem with House Bill 88; when House Bill 88 passed, its sponsors were unaware that utility companies have screen devices in their vehicles for purposes of providing their employees with job-related information. The intent of HB 139 is to include the use of such devices by utility companies in the list of exceptions currently provided for in AS 28.35.161(c). He noted that HB 139 was introduced at the request of the utility companies, and that Chugach Electric Association has submitted a letter regarding HB 139. In conclusion, he expressed his hope that the committee would pass HB 139.

REPRESENTATIVE GRUENBERG, in response to a question, said it would still be a crime for a utility company employee to watch movies, for example, while driving. Under HB 139, the proposed exception would only apply to those screen devices displaying information for use in performing utility construction, maintenance, or repair, or for data acquisition by a public utility.

REPRESENTATIVE DAHLSTROM characterized HB 139 as a good piece of legislation.

[1:44:21 PM](#)

CURTIS W. THAYER, Director, Corporate and External Affairs, ENSTAR Natural Gas Company ("ENSTAR"), said that ENSTAR supports HB 139, and offered his understanding that several other utility companies support the bill as well. He indicated that the screen devices that the bill is meant to address are both proprietary and provide proprietary information. In response to questions, he said that if an employee were to alter a company vehicle so as to be able to watch movies, for example, while driving, in addition to being illegal under current law, it would result in severe disciplinary action and could result in the employee's dismissal.

REPRESENTATIVE GRUENBERG reiterated that such behavior would be illegal under current law.

CHAIR RAMRAS, after ascertaining that no one else wished to testify, closed public testimony on HB 139.

1:49:53 PM

REPRESENTATIVE DAHLSTROM moved to report HB 139 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 139 was reported from the House Judiciary Standing Committee.

1:50:15 PM

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:50 p.m.