

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

March 26, 2014

2:34 p.m.

**MEMBERS PRESENT**

Senator John Coghill, Chair  
Senator Lesil McGuire, Vice Chair  
Senator Fred Dyson  
Senator Donald Olson  
Senator Bill Wielechowski

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 255(JUD)

"An Act relating to unmanned aircraft systems; and relating to images captured by an unmanned aircraft system."

- MOVED CSHB 255(JUD) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 22 am

Requesting the United States Congress to call a convention of the states to propose amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office of federal government officials; and urging the legislatures of the other 49 states to request the United States Congress to call a convention of the states.

- MOVED HJR 22 AM OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 20

Urging the United States Congress to pass S. 967, the Military Justice Improvement Act of 2013, including the requirement that a decision to take a charge of sexual assault arising in the military to court martial be made by high ranking and experienced military prosecutors outside the chain of command.

- MOVED CSSJR 20(JUD) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 255

SHORT TITLE: UNMANNED AIRCRAFT SYSTEMS

SPONSOR(s): REPRESENTATIVE(s) HUGHES, HIGGINS, THOMPSON, PRUITT

01/21/14 (H) PREFILE RELEASED 1/17/14  
01/21/14 (H) READ THE FIRST TIME - REFERRALS  
01/21/14 (H) STA, JUD  
01/28/14 (H) STA AT 8:00 AM CAPITOL 106  
01/28/14 (H) Heard & Held  
01/28/14 (H) MINUTE(STA)  
02/04/14 (H) STA AT 8:00 AM CAPITOL 106  
02/04/14 (H) Moved CSHB 255(STA) Out of Committee  
02/04/14 (H) MINUTE(STA)  
02/05/14 (H) STA RPT CS(STA) 3DP 4NR  
02/05/14 (H) DP: ISAACSON, KREISS-TOMKINS, HUGHES  
02/05/14 (H) NR: MILLETT, GATTIS, KELLER, LYNN  
02/12/14 (H) JUD AT 1:00 PM CAPITOL 120  
02/12/14 (H) Heard & Held  
02/12/14 (H) MINUTE(JUD)  
03/05/14 (H) JUD AT 1:00 PM CAPITOL 120  
03/05/14 (H) Scheduled But Not Heard  
03/07/14 (H) JUD AT 1:00 PM CAPITOL 120  
03/07/14 (H) Moved CSHB 255(JUD) Out of Committee  
03/07/14 (H) MINUTE(JUD)  
03/10/14 (H) JUD RPT CS(JUD) 5DP  
03/10/14 (H) DP: PRUITT, LYNN, GRUENBERG, FOSTER,  
KELLER  
03/12/14 (H) TRANSMITTED TO (S)  
03/12/14 (H) VERSION: CSHB 255(JUD)  
03/14/14 (S) READ THE FIRST TIME - REFERRALS  
03/14/14 (S) JUD  
03/26/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HJR 22

SHORT TITLE: FEDERAL CONSTITUTIONAL CONVENTION

SPONSOR(s): REPRESENTATIVE(s) T.WILSON

01/21/14 (H) READ THE FIRST TIME - REFERRALS  
01/21/14 (H) STA, FIN  
02/06/14 (H) STA AT 8:00 AM CAPITOL 106  
02/06/14 (H) Moved Out of Committee  
02/06/14 (H) MINUTE(STA)  
02/07/14 (H) STA RPT 6DP 1NR  
02/07/14 (H) DP: MILLETT, GATTIS, KELLER, ISAACSON,  
HUGHES, LYNN  
02/07/14 (H) NR: KREISS-TOMKINS  
02/12/14 (H) FIN AT 1:30 PM HOUSE FINANCE 519

02/12/14 (H) Heard & Held  
02/12/14 (H) MINUTE(FIN)  
02/28/14 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
02/28/14 (H) Moved Out of Committee  
02/28/14 (H) MINUTE(FIN)  
03/03/14 (H) FIN RPT 3DP 6NR  
03/03/14 (H) DP: MUNOZ, NEUMAN, T.WILSON  
03/03/14 (H) NR: GUTTENBERG, HOLMES, EDGMON, GARA,  
COSTELLO, AUSTERMAN  
03/12/14 (H) TRANSMITTED TO (S)  
03/12/14 (H) VERSION: HJR 22 AM  
03/14/14 (S) READ THE FIRST TIME - REFERRALS  
03/14/14 (S) FIN  
03/14/14 (S) JUD REFERRAL ADDED BEFORE FIN  
03/19/14 (S) FIN REFERRAL REMOVED  
03/26/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SJR 20

SHORT TITLE: MILITARY SEXUAL TRAUMA  
SPONSOR(s): SENATOR(s) WIELECHOWSKI

02/10/14 (S) READ THE FIRST TIME - REFERRALS  
02/10/14 (S) JUD  
03/26/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

GINGER BLAISDELL, Staff  
Representative Shelly Hughes  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 255 on behalf of the sponsor.

MICHAEL P. FARRIS, National Director  
Convention of States and  
Chancellor, Patrick Henry College

**POSITION STATEMENT:** Testified in support of HJR 22.

DON BRAND, Alaska Legislative Liaison  
Convention of States (COS)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HJR 22.

RIC DAVIDGE, Chair  
Government Affairs  
Vietnam Veterans of America, Alaska  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SJR 20.

KEELEY OLSON, Standing Together Against Rape  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SJR 20.

**ACTION NARRATIVE**

[2:34:33 PM](#)

**CHAIR JOHN COGHILL** called the Senate Judiciary Standing Committee meeting to order at 2:34 p.m. Present at the call to order were Senators Dyson, Olson, McGuire, and Chair Coghill. Senator Wielechowski arrived momentarily.

**HB 255-UNMANNED AIRCRAFT SYSTEMS**

CHAIR COGHILL announced the consideration of HB 255. "An Act relating to unmanned aircraft systems; and relating to images captured by an unmanned aircraft system." [CSHB 255(JUD) was before the committee.] He noted that the committee previously heard SB 136, which is very similar.

[2:35:32 PM](#)

GINGER BLAISDELL, Staff, Representative Shelly Hughes stated that there is a two word difference between HB 255 and SB 136 that the committee heard several weeks ago. The House Judiciary Committee removed the statutory reference to AS 12.35 found on page 2, lines 29-30. The language now says "under the express terms of a search warrant issued by a court;". Law enforcement would have to contact a court to get a search warrant and another person would review the use of that unmanned aircraft.

CHAIR COGHILL noted that the law enforcement agency would have to use the unmanned aircraft system in accordance with a judicially recognized exception. He asked what that means.

[2:38:00 PM](#)

SENATOR WIELECHOWSKI joined the committee.

MS. BLAISDELL deferred to the Department of Law.

CHAIR COGHILL said he'd do a little research on that so he could speak to it when the bill reaches the floor. Finding no further questions, he solicited a motion.

[2:39:13 PM](#)

SENATOR DYSON moved to report CS for HB 255, Version Y, from committee with individual recommendations and attached fiscal note(s).

SENATOR WIELECHOWSKI asked if this was the first hearing and if there was another committee of referral.

CHAIR COGHILL explained that the bill would go to Rules, but the committee heard and passed a substantially similar bill several weeks ago.

SENATOR WIELECHOWSKI indicated he had no further questions.

CHAIR COGHILL announced that without objection, CSHB 255(JUD) moved from the Senate Judiciary Standing Committee.

[2:40:02 PM](#)

At Ease

#### **HJR 22-FEDERAL CONSTITUTIONAL CONVENTION**

[2:40:48 PM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of HJR 22. "Requesting the United States Congress to call a convention of the states to propose amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office of federal government officials; and urging the legislatures of the other 49 states to request the United States Congress to call a convention of the states." This was the first hearing. [HJR 22 am was before the committee.]

[2:41:15 PM](#)

REPRESENTATIVE TAMMIE WILSON, sponsor of HJR 22, introduced the bill speaking to the following sponsor statement: [Original punctuation provided.]

It is the solemn duty of the states to protect the liberty of its people, particularly for the generations to come, to propose amendments to the Constitution of the United States through a convention of the states under article V to place clear restraints on these and related abuses of powers.

Article V, U.S. Constitution states: *"The Congress, whenever two thirds of both houses shall deem it*

*necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate."*

By calling a convention of states, we can stop the federal spending and debt spree, the power grabs of the federal courts, and other misuses of federal power. The current situation is precisely what the Founders feared, and they gave us a solution we have a duty to use.

REPRESENTATIVE T. WILSON explained that 34 states would have to come to a convention and agree word for word on a particular amendment then send it back to all 50 states and 38 would need to ratify it. One concern she heard was that it would be a runaway convention, but she finds that hard to believe.

[2:43:48 PM](#)

CHAIR COGHILL noted that he heard a similar resolution in State Affairs. He asked how many states have already signed on.

REPRESENTATIVE WILSON replied just 1, but about 12 states are in various stages of the process.

SENATOR DYSON commented that he was surprised to find out that the legislature passed a similar resolution about 22 years ago.

[2:45:28 PM](#)

MICHAEL P. FARRIS, National Director, Convention of States; Chancellor, Patrick Henry College, stated that he helped draft the model legislation upon which HJR 22 is based, and was one of the few lawyers in the country who has litigated an Article V case.

He related that there have been over 400 applications filed in Congress in the history of the Republic, but there's never been a convention because there hasn't been agreement on the subject matter. Thirty four states have to agree on the subject matter, all 50 states attend the convention, 26 must approve the language in any proposed amendments on the topics that are germane under the application that's been approved, and then 38 states would need to ratify the specific language. He said the political reality is that a dangerous or crazy amendment couldn't get through this process. The Founders understood that this process was the only way that Washington, D.C. would have real limitations on its power, because Congress will never impose fiscal restraints or limitations on its power. The states have to do that. He expressed hope that Alaska would be the second state to joint in this process to restrict the federal government.

CHAIR COGHILL asked if this is discretionary to Congress.

MR. FARRIS replied Congress has no discretion; it is their duty to call a convention if 34 states agree on the subject matter.

CHAIR COGHILL commented that it would be no small political move if 34 states were to agree.

MR. FARRIS said that's right, and Congress wouldn't dare rile up that many state legislatures and grassroots activists by ignoring its duty.

[2:51:24 PM](#)

DON BRAND, Alaska Legislative Liaison, Convention of States (COS), Juneau, Alaska, described himself as a grassroots volunteer, American, and Alaskan who is very concerned about the direction that the federal government is headed. He posited that the approach called for by HJR 22 is probably the last, best chance to do anything about it. He urged the committee to pass the resolution.

CHAIR COGHILL thanked Mr. Brand for his volunteer work.

[2:53:25 PM](#)

At Ease

[2:53:45 PM](#)

CHAIR COGHILL reconvened the meeting and relayed that three members heard the companion bill in a previous committee. Finding no questions or comments, he solicited a motion.

[2:54:30 PM](#)

SENATOR DYSON moved to report HJR 22 from committee with individual recommendations and attached fiscal note(s).

CHAIR COGHILL announced that without objection, HJR 22 am was reported from the Senate Judiciary Standing Committee.

[2:55:10 PM](#)

At Ease

**SJR 20-MILITARY SEXUAL TRAUMA**

[2:57:31 PM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of SJR 20. "Urging the United States Congress to pass S. 967, the Military Justice Improvement Act of 2013, including the requirement that a decision to take a charge of sexual assault arising in the military to court martial be made by high ranking and experienced military prosecutors outside the chain of command." He noted this was the first hearing and there was a work draft committee substitute (CS).

[2:58:19 PM](#)

SENATOR DYSON moved to adopt the work draft CS for SJR 20, labeled 28-LS1386\N, as the working document.

CHAIR COGHILL objected for an explanation.

[2:58:47 PM](#)

SENATOR BILL WIELECHOWSKI, Alaska State Legislature, Juneau, Alaska, sponsor of SJR 20, explained that the resolution stems from the issue of sexual assaults in the military. He reported that about 20 percent of the women who serve in the military experience sexual trauma and the process to report the assault or rape is to go within the chain of command. This has presented problems and veteran and other organizations support changing this process to take it outside the chain of command.

SENATOR WIELECHOWSKI pointed out that Governor Parnell today requested that reports of sexual assault and rape among members of the Alaska National Guard be investigated independently, outside the chain of command and the request was granted.

CHAIR COGHILL recounted the timeliness of the resolution along with the Governor's request for independent investigations and the Choose Respect campaign in Alaska.

3:01:09 PM

RIC DAVIDGE, Chair, Government Affairs, Vietnam Veterans of America (VVA) Alaska, explained that this legislation was initiated about three years ago after VVA heard from about a dozen national organizations that were specifically concerned with sexual assault on women. Information that subsequently came to light was that the rate of sexual assault on men in the military is higher than the rate on women in the service today.

MR. DAVIDGE expressed delight with the Governor's actions today because it's an unfortunate fact that the chain of command cannot be trusted to address the perpetration of sexual assault and rape in the military. An employer whose employee is assaulted by somebody in the business doesn't get to decide whether or not the perpetrator is punished, but that's the way it's been handled in the service, he said.

Although the public generally only hears about high ranking officers who commit sexual assault, he assured the committee that most of this activity takes place in the lower ranks. Additional sad facts are that of the more than 30,000 sexual assaults that are committed in the service, less than one-tenth are reported and less than 100 make it through trial. He stressed that these victims need to be empowered, but at this point the victims of sexual assault in the service are afraid to report because of retribution. The entire chain of command tends to look at the victim as disloyal. The solution is to move sexual assault and rape out of the chain of command and into the formal prosecutorial investigative process that's already established. When punishment is administered it then will be ruled by court martial rather than by a commanding officer.

SENATOR WIELECHOWSKI thanked Mr. Davidge for his work advocating for veterans and active duty military.

MR. DAVIDGE expressed appreciation to Senator Wielechowski and his staff for bringing the committee substitute forward that speaks to the broader issue in light of the inaction in Congress.

3:05:46 PM

KEELEY OLSON, Standing Together Against Rape (STAR), Anchorage, Alaska, testified in support of SJR 20. She said STAR has worked with numerous victims of sexual assault who have specifically noted that they are not choosing to report out of fear of retaliation. This is not anecdotal information, but STAR's hands

are tied when it comes to the way the military investigates and takes reports of sexual assault and rape. She stated that as the sole standalone sexual assault response agency in the state of Alaska, STAR supports SJR 20 asking Congress to require that the decision about filing charges of sexual assault arising in the military be made outside the chain of command.

[3:09:17 PM](#)

SENATOR DYSON commented that he appreciates that the sponsor and the resolution make it clear that males are victims too. The rate in the military is startlingly high.

MS. OLSON agreed and relayed that about 16 percent of STAR's clientele are men. Rape and sexual assault isn't about sexual gratification and it has nothing to do with sexual orientation. It's about violence, power, and coercion.

CHAIR COGHILL stated that this committee has worked hard to give victims a voice and the protection of the law.

SENATOR MCGUIRE expressed appreciation that the sponsor brought the bill forward and her intention to add her name as a cosponsor. She said bringing this into the light of day is a great step forward.

CHAIR COGHILL [removed his objection] and solicited a motion.

[3:13:01 PM](#)

SENATOR DYSON moved to report the CS for SJR 20, Version N, from committee with individual recommendations and attached fiscal note(s).

CHAIR COGHILL announced that without objection, CSSJR 20(JUD) moved from the Senate Judiciary Standing Committee.

[3:14:17 PM](#)

There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 3:14 p.m.