

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

February 3, 2016

1:36 p.m.

**MEMBERS PRESENT**

Senator Lesil McGuire, Chair  
Senator John Coghill, Vice Chair  
Senator Mia Costello  
Senator Bill Wielechowski

**MEMBERS ABSENT**

Senator Peter Micciche

**COMMITTEE CALENDAR**

CONFIRMATION HEARINGS

Select Committee on Legislative Ethics

H. Conner Thomas - Nome

Gary J. Turner - Soldotna

- CONFIRMATIONS ADVANCED

SENATE BILL NO. 157

"An Act defining arcade-style amusement devices."

- MOVED SB 157 OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 15

Making application to the United States Congress to call a convention of the states to propose a countermand amendment to the Constitution of the United States as provided under art. V, Constitution of the United States; and urging the legislatures of the other 49 states to make the same application.

- HEARD & HELD

SENATE CONCURRENT RESOLUTION NO. 4

Relating to the duties of delegates selected by the legislature to attend a convention of the states called under art. V, Constitution of the United States, to consider a countermand amendment to the Constitution of the United States; establishing as a joint committee of the legislature the Delegate Credential

Committee and relating to the duties of the committee; providing for an oath for delegates and alternates to a countermand amendment convention; providing for a chair and assistant chair of the state's countermand amendment delegation; providing for the duties of the chair and assistant chair; providing instructions for the selection of a convention president; and providing specific language for the countermand amendment on which the state's convention delegates are authorized by the legislature to vote to approve.

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 93(STA)

"An Act relating to the duties of probation officers; and relating to conditions of parole."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 157

SHORT TITLE: AMUSEMENT DEVICES & GAMBLING DEFINITION

SPONSOR(S): SENATOR(S) MCGUIRE

01/25/16	(S)	READ THE FIRST TIME - REFERRALS
01/25/16	(S)	JUD
02/01/16	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/01/16	(S)	Heard & Held
02/01/16	(S)	MINUTE (JUD)
02/03/16	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SJR 15

SHORT TITLE: CALL FOR US COUNTERMAND CONVENTION

SPONSOR(S): SENATOR(S) STOLTZE

02/13/15	(S)	READ THE FIRST TIME - REFERRALS
02/13/15	(S)	STA, JUD
03/17/15	(S)	STA AT 9:00 AM BUTROVICH 205
03/17/15	(S)	Heard & Held
03/17/15	(S)	MINUTE (STA)
03/19/15	(S)	STA AT 9:00 AM BUTROVICH 205
03/19/15	(S)	Heard & Held
03/19/15	(S)	MINUTE (STA)
03/26/15	(S)	STA AT 9:00 AM BUTROVICH 205
03/26/15	(S)	Moved SJR 15 Out of Committee
03/26/15	(S)	MINUTE (STA)
03/27/15	(S)	STA RPT 4DP 1DNP

03/27/15 (S) DP: STOLTZE, COGHILL, MCGUIRE, HUGGINS  
03/27/15 (S) DNP: WIELECHOWSKI  
04/08/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
04/08/15 (S) Heard & Held  
04/08/15 (S) MINUTE (JUD)  
02/03/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SCR 4

SHORT TITLE: US COUNTERMAND CONVENTION DELEGATES

SPONSOR(s): SENATOR(s) STOLTZE

02/13/15 (S) READ THE FIRST TIME - REFERRALS  
02/13/15 (S) STA, JUD, FIN  
03/17/15 (S) STA AT 9:00 AM BUTROVICH 205  
03/17/15 (S) Heard & Held  
03/17/15 (S) MINUTE (STA)  
03/19/15 (S) STA AT 9:00 AM BUTROVICH 205  
03/19/15 (S) Heard & Held  
03/19/15 (S) MINUTE (STA)  
03/26/15 (S) STA AT 9:00 AM BUTROVICH 205  
03/26/15 (S) Moved SCR 4 Out of Committee  
03/26/15 (S) MINUTE (STA)  
03/27/15 (S) STA RPT 4DP 1DNP  
03/27/15 (S) DP: STOLTZE, COGHILL, HUGGINS, MCGUIRE  
03/27/15 (S) DNP: WIELECHOWSKI  
04/08/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
04/08/15 (S) Heard & Held  
04/08/15 (S) MINUTE (JUD)  
02/03/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 93

SHORT TITLE: PROBATION AND PAROLE: WORK, TRAVEL ACCOM.

SPONSOR(s): REPRESENTATIVE(s) TILTON

01/30/15 (H) READ THE FIRST TIME - REFERRALS  
01/30/15 (H) STA  
02/17/15 (H) STA AT 8:00 AM CAPITOL 106  
02/17/15 (H) Moved CSHB 93(STA) Out of Committee  
02/17/15 (H) MINUTE (STA)  
02/19/15 (H) STA AT 8:00 AM CAPITOL 106  
02/19/15 (H) Moved CSHB 93(STA) Out of Committee  
02/19/15 (H) MINUTE (STA)  
02/20/15 (H) STA RPT CS (STA) 5DP  
02/20/15 (H) DP: TALERICO, STUTES, KELLER, KREISS-  
TOMKINS, LYNN  
02/27/15 (H) TRANSMITTED TO (S)  
02/27/15 (H) VERSION: CSHB 93(STA)

03/02/15 (S) READ THE FIRST TIME - REFERRALS  
03/02/15 (S) STA, JUD  
03/26/15 (S) STA AT 9:00 AM BUTROVICH 205  
03/26/15 (S) Heard & Held  
03/26/15 (S) MINUTE (STA)  
04/07/15 (S) STA RPT 1DP 3NR  
04/07/15 (S) DP: COGHILL  
04/07/15 (S) NR: STOLTZE, HUGGINS, WIELECHOWSKI  
04/07/15 (S) STA AT 9:00 AM BUTROVICH 205  
04/07/15 (S) Moved CSHB 93(STA) Out of Committee  
04/07/15 (S) MINUTE (STA)  
02/03/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

H. CONNER THOMAS, Nominee

Select Committee on Legislative Ethics, public seat  
Nome, Alaska

**POSITION STATEMENT:** Testified as a nominee for a public seat to the Select Committee on Legislative Ethics.

GARY J. TURNER, Nominee

Select Committee on Legislative Ethics, public seat  
Soldotna, Alaska

**POSITION STATEMENT:** Testified as a nominee for a public seat to the Select Committee on Legislative Ethics.

FORREST WOLFE, Staff

Senator Lesil McGuire  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced SB 157 on behalf of the sponsor.

KEVIN MEINERS, owner

Loyal Lady Enterprises  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 157.

KATRINA MITCHEL, Revenue Audit Supervisor

Tax Division  
Charitable Gaming Program  
Department of Revenue (DOR)

**POSITION STATEMENT:** Testified that SB 157 does not impact DOR.

SENATOR BILL STOLTZE

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SJR 15 and SCR 4.

DANIEL GEORGE, Staff  
Senator Bill Stoltze  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented supporting information on SJR 15 and SCR 4 on behalf of the sponsor.

MIKE COONS, National Legislative Director  
Citizen Initiatives  
Palmer, Alaska

**POSITION STATEMENT:** Testified in support of SJR 15 and SCR 4.

REPRESENTATIVE CATHY TILTON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of HB 93.

CHRISTOPHER CLARK, Staff  
Representative Cathy Tilton  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented information related to HB 93 on behalf of the sponsor.

CARRIE BELDEN, Director  
Division of Probation and Parole  
Department of Corrections (DOC)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions related to HB 93.

TRAVIS LEWIS, Vice President  
Alaskans for Alaska  
Hoonah, Alaska

**POSITION STATEMENT:** Testified in support of the spirit of HB 93 and offered suggestions.

#### **ACTION NARRATIVE**

[1:36:34 PM](#)

**CHAIR LESIL MCGUIRE** called the Senate Judiciary Standing Committee meeting to order at 1:36 p.m. Present at the call to order were Senators Costello, Wielechowski, Coghill, and Chair McGuire.

**CONFIRMATION HEARINGS**  
**Select Committee on Legislative Ethics**

[1:37:40 PM](#)

CHAIR MCGUIRE announced the first order of business would be the consideration of Chief Justice Nominations of public members to the Select Committee on Legislative Ethics. She recognized H. Conner Thomas, thanked him for his years of service, asked how long he has served on the Select Committee on Legislative Ethics and why he is interested in continuing.

[1:37:46 PM](#)

H. CONNER THOMAS, Nominee, Select Committee on Legislative Ethics, public seat, Nome, Alaska, said he has served since 1999. He described the work as mostly enjoyable, with the topics ranging from intellectually challenging to tedious. He feels it is worthwhile public service that fits with his schedule. He also believes it is important for the public generally in terms of their perception of the legislature. He feels positive about the purpose of the committee. Things that have been beneficial during his time on the committee include mandatory ethics sessions and the expansion and preference for informal advice.

He said he would like to continue on the committee.

CHAIR MCGUIRE said she particularly appreciates that he brings a diverse perspective being a lawyer from Nome.

[1:40:48 PM](#)

SENATOR COGHILL thanked Mr. Thomas for his service and vouched for his thoughtful work. He reminded him that legislators appreciate the continued discussion on policy calls that are ambiguous or hard to implement.

CHAIR MCGUIRE asked if he had any requests for the legislature or reflections from his years of service.

MR. THOMAS said he's learned that the issues you think are going to be simple and quick often don't turn out that way. He doesn't feel there is anything clambering to be done.

CHAIR MCGUIRE said she would ask for a motion at the end of the meeting to forward his name to the full body for further consideration.

[1:43:22 PM](#)

CHAIR MCGUIRE recognized Gary J. Turner's service on the Select Committee on Legislative Ethics and noted he is the director of the Kenai Peninsula College in Soldotna. She asked him to tell the committee why he wants to continue to service and highlight any legislative matters he believes should be changed.

[1:44:03 PM](#)

GARY J. TURNER, Nominee, Select Committee on Legislative Ethics, public seat, Soldotna, Alaska, stated that he's been on the committee for almost 10 years and that makes him the junior public member. He said it took several years before he felt comfortable. He agreed with Mr. Thomas that he can study an issue carefully in preparation for a meeting and feel he knows the way things will go. But the committee discussions can be so interesting and unique that you might make a 180 degree turn. He opined that that is important to the process and shows that just one or two people should not be making decisions on advisory opinions or ethics violations. "It takes a committee such as this that would share responsibility between the public and the legislators," he said. That is one of the reasons he continues to serve. He said he is fortunate that the University of Alaska, Anchorage supports public service and has allowed him to attend meetings without having to take vacation.

With regard to any legislative fixes, he said it can be frustrating when the committee recognizes that something needs to be fixed, but it requires a statutory change. He cited the example of Senator Coghill's rewrite of the ethics bill six years ago.

CHAIR MCGUIRE asked if he feels that the existing standards allow the committee to hold legislative members to the highest ethical standards.

MR. TURNER answered yes. Overall the system is working although he sometimes believes the fines could be increased because they seem low.

CHAIR MCGUIRE responded that legislators will look forward to hearing more from the committee on that subject.

[1:48:44 PM](#)

SENATOR COGHILL thanked Mr. Turner for his service and expressed appreciation for his work ethic.

CHAIR MCGUIRE commented on the importance of the ethics committee and then stated her intention to forward the

nominations for ratification. She highlighted that these nominations are unique because they come from the chief justice under Title 24 as opposed to the governor. [The motion to forward the names to the full body for consideration was made at the end of the meeting.]

**SB 157-AMUSEMENT DEVICES & GAMBLING DEFINITION**

[1:50:42 PM](#)

CHAIR MCGUIRE announced the consideration of SB 157. She asked Mr. Wolfe if he had any additional information for the committee.

[1:50:47 PM](#)

FORREST WOLFE, Staff, Senator Lesil McGuire, sponsor of SB 157, reported that Tudor Bingo Center and another pull tab owner who will give testimony today both have expressed support for the bill.

[1:51:55 PM](#)

KEVIN MEINERS, owner, Loyal Lady Enterprises, Anchorage, Alaska, stated that he has pull tab shops in six locations throughout Anchorage, and he fully supports SB 157. He relayed that one of his shops is in the Dimond Center, and he believes that [the addition of Dave and Buster's] will drive a lot of traffic to the mall. Responding to a question, he confirmed that nothing in the bill specifically affects him.

SENATOR WIELECHOWSKI asked if he may change his business structure to take advantage of the provisions in the bill.

MR. MEINERS answered, "Not at all; this purely refers to amusement games as far as I'm concerned."

CHAIR MCGUIRE noted that Katrina Mitchel with the Department of Revenue (DOR) was available to answer questions.

SENATOR WIELECHOWSKI asked Ms. Mitchel if the administration has any concerns about and a position on the bill.

[1:53:40 PM](#)

KATRINA MITCHEL, Revenue Audit Supervisor, Tax Division, Charitable Gaming Program, Department of Revenue (DOR), stated that SB 157 does not impact the charitable gaming program so DOR will not be impacted. The position of the administration would be that it does not impact the Charitable Gaming Program.

[1:54:29 PM](#)

CHAIR MCGUIRE closed public testimony on SB 157.

[1:54:46 PM](#)

SENATOR COGHILL motioned to report SB 157 from committee with individual recommendations and attached zero fiscal note(s).

CHAIR MCGUIRE announced that without objection, SB 157 is reported from the Senate Judiciary Standing Committee.

**SJR 15-CALL FOR US COUNTERMAND CONVENTION**

[1:55:21 PM](#)

CHAIR MCGUIRE announced the consideration of SJR 15.

[1:55:47 PM](#)

SENATOR BILL STOLTZE, Alaska State Legislature, Juneau, Alaska, sponsor of SJR 15, introduced himself.

[1:56:04 PM](#)

DANIEL GEORGE, Staff, Senator Bill Stoltze, Alaska State Legislature, Juneau, Alaska, introduced himself and summarized the reason the committee was hearing both SJR 15 and SCR 4 today. He suggested starting with SJR 15.

SENATOR STOLTZE explained that SJR 15 is a vehicle to address the issue of federal overreach. He opined that it empowers states with the power that the founders envisioned when the Republic was established.

CHAIR MCGUIRE asked how many states have passed similar legislation and how many are needed [to pursue a countermand constitutional convention.]

SENATOR STOLTZE deferred to Mr. George.

[1:58:56 PM](#)

MR. GEORGE said he misplaced the list but there are a number of supporting letters in the packets from states that have passed or are considering similar legislation. Under Article V of the Constitution of the United States, two-thirds of the states would be required to propose a single-issue, countermand amendment convention. The specific text is within the bills to prevent any kind of runaway convention. Upon receipt of applications from 34 state legislatures, Congress would call the convention within 60 days. Once the convention is called, specific initiatives to countermand specific federal actions,

statutes, or decisions could be proposed. Those would have to be approved by three-fifths of the states.

SENATOR STOLTZE described the concept as simple. "It's providing for the Tenth Amendment powers that the states should have and that have been eroded through a lot of executive fiat by both democratic and Republican presidents." He added that this is a tool for states that has a high threshold but, "I don't think it's a weapon that'll be drawn except in self-defense by the states."

CHAIR MCGUIRE commented that most of the committee has signed on as co-sponsors.

SENATOR STOLTZE stressed the importance have the motivations for the legislation a matter of public record. Many interested Alaskans have been involved but it's difficult to get people to testify during the work day, he said.

CHAIR MCGUIRE noted that Mike Coons signed up to testify on both pieces of legislation.

2:03:03 PM

SENATOR WIELECHOWSKI clarified that he is not a co-sponsor and is very concerned that this process would allow states to overturn decisions of the judicial branch of government. "I think there have been periods of time where the majority of the people would have willingly kept very - what we can look back now, controversial decisions by the Supreme Court. Racial segregation as an example." The courts are supposed to be an unbiased arbiter of the law and this gives state legislatures the ability to overturn judicial decisions. "It concerns me greatly that you have legislative branches interceding in the judicial branch," he said.

SENATOR STOLTZE offered his belief that many people in the state feel the converse about a trespass by the courts on many state issues.

CHAIR MCGUIRE said Senator Wielechowski brings up a valid argument and it's the challenge to the countermand movement. On the other hand, the constitution is supposed to be a living and breathing document that reflects social and political movements. She said she believes that people that live in states and the people that represent them are closest to how people are feeling. "Some of those notions we may not like," but, "on the other hand, the issue of states having more control over their

lands is huge." For example, it would be much easier for the State of Alaska to solve its budget deficit if it owned more of the land within the boundaries of the state. She also cited the King Cove road as a searing example of how out of touch Washington, D.C. is with life in Alaska.

She said both sides of this issue are valid, "but this notion is appealing to me because I think that there is a point that our forefathers envisioned that we would all collectively come back together...and reflect on some of these things and decide whether or not there is room for change."

[2:08:38 PM](#)

SENATOR COSTELLO asked who from Alaska would go to the countermand amendment convention, and what happens until the threshold number of states sign on.

MR. GEORGE explained that the procedures for who goes to the convention from each state is outlined in SCR 4. It creates a delegate credential committee, which would select the delegates. He noted that under this bill, the delegate credential committee would expire on the 1st day of the 30th legislature.

He clarified that the purpose of a countermand convention is to countermand an action, not to create new law. They are specific to an issue or decision that can garner the support of three-fifths of the legislatures in the U.S. to ratify. Following that approval, the measure is returned to Congress. "So there's a lengthy process here, with checks," he said.

SENATOR COSTELLO asked how likely it is that this will actually take place.

[2:12:22 PM](#)

SENATOR STOLTZE replied it will be a long journey. Even after the first step it will be more difficult than getting five people on the Supreme Court to change a law in the Constitution, he said.

MR. GEORGE added that this is different than the Electoral College in that these delegates are specifically bound and can be removed for cause.

SENATOR COSTELLO asked if he reviewed the discussions of the framers of the Constitution when forming this option, because the process of making laws wasn't intended to be easy. "What were the values being talked about?"

[2:14:25 PM](#)

MR. GEORGE replied it's important to remember that Article V was part of the U.S. Constitution from the start. He said the U.S. Constitution has been amended 27 times so it's an avenue for the people to effect the working of their government. He acknowledged that the process for the countermand amendment convention is somewhat uncharted so some of it is theoretical in nature.

[2:15:02 PM](#)

CHAIR MCGUIRE asked, "Is there anyone in the room that wouldn't want to attend if you knew there was an opportunity to reflect on issues like this?" She expressed appreciation for the questions from Senator Wielechowski and Senator Costello and opined that this is a conversation worth considering.

[2:17:06 PM](#)

SENATOR COGHILL said it's a very high hurdle to get 34 states to agree on any issue. He disagreed with the comparison to the Supreme Court and "hair on fire" moment for the people to coalesce around a single idea. However, it's important to have the tool in place and this lays out the rules. "This is using Article V the way it was intended," he said.

CHAIR MCGUIRE maintained that it was the states that led the home-grown idea that slaves should be emancipated; it wasn't an issue of the federal government. She also commented on the initiative and referendum process. It was very controversial in 1995 but the result is that the fabric of society has changed in remarkable and progressive ways. "It's not any more radical than this," she concluded.

[2:22:17 PM](#)

SENATOR WIELECHOWSKI said he appreciates the sentiments and the efforts of the sponsor, but the history of nullification in this country is long and ugly. This Republic was set up to protect people and the Supreme Court often issues unpopular opinions various groups. While some good may come out of the proposed process, it's easy to envision a different outcome when the pendulum swings, he said and cited the Second Amendment and Roe v. Wade. He closed emphasizing that this is not the best approach for the state or the country to take; there are other established means.

[2:23:42 PM](#)

CHAIR MCGUIRE held SJR 15 in committee.

**SCR 4-US COUNTERMAND CONVENTION DELEGATES**

[2:24:05 PM](#)

CHAIR MCGUIRE announced the consideration of 4.

[2:24:16 PM](#)

SENATOR BILL STOLTZE, Alaska State Legislature, Juneau, Alaska, sponsor of SCR 4, deferred to Mr. George to introduce the legislation.

DANIEL GEORGE, Staff, Senator Bill Stoltze, Alaska State Legislature, Juneau, Alaska, stated that SCR 4 lays out the implementation process for the Countermand Amendment Convention. He related that this issue was brought by a constituent and is a grassroots effort. Other states interested in or that have passed similar legislation include New Mexico, New Hampshire, Louisiana, North Carolina, North Dakota, Utah and Oklahoma. He clarified that the purpose of this process is to countermand a federal decision or law, not to create new law that may be discriminatory. "We're talking about a decision that's been made at the federal level that you can get a pretty high majority of states to agree that it's an overreach or is in excess of federal power." Whether or not the bar is high enough is a question for the body to decide, he said.

SENATOR STOLTZE thanked the committee for hearing the resolutions. He concluded that this is a modest first step in a process that is more deliberative by leaps and bounds than the Supreme Court process.

CHAIR MCGUIRE opened public testimony.

[2:29:55 PM](#)

MIKE COONS, National Legislative Director of Citizen Initiatives, Palmer, Alaska, stated support for both SJR 15 and SCR 4 and expressed disappointment that the resolutions wouldn't be passed from committee today. He related that the representative from Pennsylvania did a good job of laying out how the countermand amendment could be used effectively. He also mentioned the comment by the governor of Texas, related to the marriage ruling, that five justices can change the Constitution. He recalled a conversation with Senator Coghill, and opined that even if 30 states don't coalesce around a specific federal action within the 18 month timeframe, it will still provide impetus for Congress to "do what should have been done to begin with."

He offered his belief that the entire process could be complete in six months, because "we have 38 energy producing states, we have 40 states with concealed carry shall-issue, [and] we have 29 states that have filed suit against Obama Care. He referred to Senator Coghill's comment about a "hair on fire moment, and offered his belief that the country is at that point. He cited Donald Trump as an example saying that the anger nationwide is palatable.

He encouraged the committee to pass the legislation today. "As a point of pride as an Alaskan and as an American, I really want to see Alaska leading the way on this," he said.

[2:37:26 PM](#)

CHAIR MCGUIRE stated that she would hold SCR 4 in committee and bring it up for a vote next week.

**HB 93-PROBATION AND PAROLE: WORK, TRAVEL ACCOM.**

[2:37:32 PM](#)

CHAIR MCGUIRE announced the consideration of HB 93.

[2:37:50 PM](#)

REPRESENTATIVE CATHY TILTON, Alaska State Legislature, Juneau, Alaska, sponsor of HB 93, introduced the legislation stating that Alaska has one of the highest rates of recidivism in the nation. The Alaska Criminal Justice Commission (ACJC) was created to study this issue and their report indicated that two out of three people released from prison recidivate within three years, primarily for probation violations. Over 10 years, that will increase the prison population by 1,416 for an added total cost of \$78 million. HB 93 is intended to reduce those costs.

She reported that the ACJC report states that incarceration is not more effective at reducing recidivism than noncustodial sanctions, and may increase recidivism. It also states "the likelihood of violations diminishes as offenders gain stability and demonstrate longer term success in the community." Experts such as Partners for Progress have identified employment as one of the three components needed for successful reentry.

REPRESENTATIVE TILTON highlighted that the challenge of gainful employment is the fact that few employers are willing to hire someone who has been in prison. A study from the Urban Institute showed that just 12.5 percent of employers would accept an applicant with a criminal record.

The intent of HB 93 is to help former inmates become law-abiding members of society, to protect the public from repeat offenders, and to help reduce the cost of recidivism. The bill allows probation and parole officers to be flexible to probationers' work schedule when prescribing the times a probationer shall report. It also allows reasonable travel within the state as long as it is not in conflict with the terms and conditions of probation. HB 93 also allows for restitution. She noted the letters of support from Partners for Progress and others.

SENATOR COSTELLO referenced the language on page 2, lines 13-14, and suggested that different language might better achieve the goal of allowing more flexibility in the terms of probation.

[2:45:20 PM](#)

CHRISTOPHER CLARK, Staff, Representative Cathy Tilton, sponsor of HB 93, suggested Carrie Belden respond to the question.

SENATOR COGHILL explained that the court sets the terms and conditions and the probation officers carry them out. He observed that the bill is asking for more flexibility to accommodate travel within the state for work.

CHAIR MCGUIRE asked Ms. Belden to address the question.

[2:46:40 PM](#)

CARRIE BELDEN, Director, Division of Probation and Parole, Department of Corrections (DOC), Anchorage, Alaska, confirmed that probation and parole officers (POs) receive supervision conditions from the court and the Parole Board. She said POs do encourage employment; it's considered a protective factor and is important for success. DOC recognizes the importance of employment and frequently issues travel passes.

SENATOR COSTELLO questioned whether the language in the bill actually takes care of the travel issue. She also asked why the flexibility isn't in the terms and conditions of the probation itself.

MR. CLARK directed attention to a legal opinion that said the language was crafted to allow some flexibility for the PO to determine whether or not travel was in the best interest of the parolee.

[2:50:10 PM](#)

MS. BELDEN said someone who is living in a village can get an instate travel pass without physically coming to the office, but there are more rules for out-of-state travel. POs also try to do home visits for people living in rural locations and those probationers and parolees can get a travel pass then. She agreed with Mr. Clark that the court and the Parole Board set the conditions for probation and parole, but the PO has latitude as to whether or not to issue the travel pass.

[2:52:44 PM](#)

SENATOR COSTELLO asked to hear from a parole officer.

CHAIR MCGUIRE said she would accommodate the request.

SENATOR WIELECHOWSKI asked the sponsor if she had considered expanding the travel to allow for educational opportunities or training.

REPRESENTATIVE TILTON said she would look into that.

CHAIR MCGUIRE asked Ms. Belden if she had an opinion about allowing travel for education or training purposes. She also asked her to offer testimony next week on behalf of the department about any subjects that may be relevant.

MS. BELDEN stated support for allowing travel for educational opportunities or training purposes. At probation and parole we consider education, training, and employment productive factors, she said.

SENATOR WIELECHOWSKI suggested all parties work together on suggested language.

[2:55:11 PM](#)

TRAVIS LEWIS, Vice President, Alaskans for Alaska, Hoonah Alaska, said he grew up in Elfin Cove and knows a lot of young people from rural areas who are under probation and parole. Because there is no mechanism to check in locally, they often end up in a halfway house or Lemon Creek even though their violations are relatively minor. He cited examples of fishing violations or missing a court date.

MR. LEWIS said he's in full support of the spirit of HB 93, but would like to see more cooperation between DOC and Public Safety. The community's chief of police, mayor, tribal chief, fire department, and harbor master all agree they could put a lot of the violators to work on the island instead of sending

them to jail on a probation violation. He relayed that his community has a SEARHC clinic that can do drug tests and alcohol counseling, but there is no mechanism between the state and city to allow for this common sense approach.

[2:59:39 PM](#)

CHAIR MCGUIRE closed public testimony on HB 93 and held the bill in committee.

### **CONFIRMATION HEARINGS**

[2:59:49 PM](#)

CHAIR MCGUIRE stated that in accordance with AS 24.60.130, the Senate Judiciary Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration: H. Conner Thomas and Gary J. Turner as public members for the Select Committee on Legislative Ethics. She reminded members that this does not reflect intent by any members to vote for or against the confirmation of the individuals during any further sessions. Hearing and seeing no objection, she said the names would be forwarded.

[3:00:24 PM](#)

There being no further business to come before the committee, Chair McGuire adjourned the Senate Judiciary Standing Committee meeting at 3:00 p.m.