

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 19, 2015

9:02 a.m.

MEMBERS PRESENT

Senator Bill Stoltze, Chair
Senator John Coghill, Vice Chair
Senator Charlie Huggins
Senator Lesil McGuire
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE JOINT RESOLUTION NO. 3

Proposing amendments to the Constitution of the State of Alaska to increase the number of members on the judicial council; relating to the initial terms of new members appointed to the judicial council; and relating to the confirmation of members of the judicial council.

- HEARD AND HELD

SENATE JOINT RESOLUTION NO. 7

Supporting the construction by American Indian Veterans Memorial, Inc., of an Alaska Native, American Indian, and Native Hawaiian veterans' monument in the nation's capital.

- MOVED SJR 7 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SJR 3

SHORT TITLE: CONST. AM: MEMBERSHIP OF JUDICIAL COUNCIL

SPONSOR(S): SENATOR(S) KELLY

01/21/15	(S)	PREFILE RELEASED 1/9/15
01/21/15	(S)	READ THE FIRST TIME - REFERRALS
01/21/15	(S)	STA, JUD, FIN
02/19/15	(S)	STA AT 9:00 AM BUTROVICH 205

BILL: SJR 7

SHORT TITLE: NATIVE AMERICAN VETERANS' MONUMENT

SPONSOR(S): SENATOR(S) WIELECHOWSKI

01/21/15 (S) READ THE FIRST TIME - REFERRALS
01/21/15 (S) STA
02/19/15 (S) STA AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

SENATOR PETE KELLY
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SJR 3.

HEATHER SHADDUCK, Staff
Senator Pete Kelly
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented information related to SJR 3.

KALYSSA MAILE, Staff
Senator Wielechowski
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an overview of SJR 7.

MARCELLO QUINTO, President
Alaska Native Brotherhood
Juneau, Alaska

POSITION STATEMENT: Testified in support of SJR 7.

WILLIAM MARTIN, Past-President
Alaska Native Brotherhood
Juneau, Alaska

POSITION STATEMENT: Testified in support of SJR 7.

WILLIAM SHAKELY, Commander
Southeast Alaska Native Veterans
Juneau, Alaska

POSITION STATEMENT: Testified in support of SJR 7.

DAVID STEPHEN BOWERS, representing himself
Hollywood, Florida

POSITION STATEMENT: Testified in support of SJR 7.

RIC DAVIDGE, Director
Legislative Affairs
Vietnam Vets of America
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SJR 7.

MARY BROWN, representing herself
Juneau, Alaska

POSITION STATEMENT: Testified in support of SJR 7.

ACTION NARRATIVE

[9:02:05 AM](#)

CHAIR BILL STOLTZE called the Senate State Affairs Standing Committee meeting to order at 9:02 a.m. Present at the call to order were Senators Wielechowski, Coghill, Huggins, and Chair Stoltze. He said SJR 3 and SJR 7 would be heard.

SJR 3-CONST. AM: MEMBERSHIP OF JUDICIAL COUNCIL

[9:02:52 AM](#)

CHAIR STOLTZE announced the consideration of SJR 3.

[9:03:24 AM](#)

SENATOR PETE KELLY, Alaska State Legislature, sponsor of SJR 3, related that the resolution has been in process for two years and there has been a lot of discussion on it.

CHAIR STOLTZE asked for an explanation of the bill.

SENATOR KELLY proclaimed that there is a problem with the Alaska Constitution regarding the way members are selected for the Judicial Council. Currently, the Judicial Council selects nominees that are forwarded to the Governor and acts as a gatekeeper for the third branch of Alaska's government. There are problems in that the Constitution requires that the selection is made with consideration for regional representation and there are only six members on the Council. The Constitution also requires three of the members to be attorneys.

CHAIR STOLTZE asked how the attorneys are selected.

SENATOR KELLY explained that they are selected by the Alaska Bar Association, not by the people, the legislature, nor the Governor. He said the individuals on the Bar are sincere and do their homework, but there is no input from the public. Most

attorneys come from large cities, not rural Alaska, therefore the representation is limited.

He related that there are also three public members on the Council. Over time, only two public members have come from rural Alaska.

[9:08:13 AM](#)

SENATOR KELLY detailed that the other problem with the Council is that with a six-person Council, ties are possible, and the tie breaker is the Chief Justice of the Alaska Supreme Court. He said the names are forwarded to the Governor for selection, with most ties going in favor of the attorneys. He called choosing to not forward a name on to the Governor disturbing and aggressive gatekeeping. He provided an example.

[9:13:15 AM](#)

SENATOR KELLY read from Vic Fischer's book regarding the Missouri Plan, saying that the selection process withdraws the control of the Judicial Branch away from the people and places it under an organized Bar. He continued to say that no state constitution has gone so far in placing a branch of government beyond the reach of Democratic controls. He noted that the Constitutional Convention members were warned by their own consultants when they were examining the Missouri Plan in order to create a Judicial Branch. He concluded that attorneys have created their own judicial system and are able to control it via tie votes being decided by the Chief Justice.

[9:15:15 AM](#)

SENATOR KELLY stated that another problem is there is no confirmation hearing process. He termed Alaska an "elitist state" in this matter. A third problem is that the provision in the State Constitution regarding representation is not attainable. The Chief Justice is also put in a predicament of voting for the next potential Supreme Court member.

[9:18:45 AM](#)

SENATOR KELLY stressed that all other Boards must go through the confirmation process, but the Judicial Council regulates their own organization. He summarized that SJR 3 adds three additional public members, requires confirmation, and removes the Supreme Court Justice from having to vote when there are ties.

[9:20:39 AM](#)

HEATHER SHADDUCK, Staff, Senator Pete Kelly, Alaska State Legislature, presented information related to SJR 3. She noted

on page 2, line 2, of the resolution it states that the Judicial Council shall act by a majority vote of the quorum of at least seven members and according to the rules which it adopts. She explained that, currently, four out of the six members make a quorum. The resolution sets the quorum at seven to allow both attorneys and public members to have a say.

CHAIR STOLTZE said he has invited members of the Supreme Court to testify.

[9:23:26 AM](#)

CHAIR STOLTZE held SJR 3 in committee.

SENATOR MCGUIRE joined the committee meeting.

[9:23:58 AM](#)

At ease.

SJR 7-NATIVE AMERICAN VETERANS' MONUMENT

[9:24:58 AM](#)

CHAIR STOLTZE called the meeting back to order. He announced that SJR 7 was before the committee.

[9:25:34 AM](#)

SENATOR BILL WIELECHOWSKI, sponsor of SJR 7, stated that the resolution was based on an idea from the Vietnam Veterans' Conference to hold a nation-wide effort to get an American Indian Veterans' Memorial in the nation's capital. He said he sponsored a similar resolution several years ago, but time ran out. It is an effort to recognize the tremendous efforts and legacy of Native Americans and Native Alaskans. He noted there is no cost associated with the resolution.

[9:26:45 AM](#)

KALYSSA MAILE, Staff, Senator Wielechowski, Alaska State Legislature, provided an overview of SJR 7. She explained that construction of a Native American Veterans' Memorial would give formal recognition for generations of Native veterans who have not been recognized in the nation's capital. In 1994, the Native American Veteran Memorial Establishment Act allowed a memorial to be built. Since then, support for a memorial has been growing, and in December of 2013, an amended version of the Act was passed. The memorial will be paid for by private donations from a variety of organizations. She concluded that this resolution expresses support for an American Indian Veterans

Memorial, which would recognize Native Americans who have served in the military.

[9:28:57 AM](#)

SENATOR COGHILL asked if other states have similar resolutions.

MS. MAILE replied that Alaska would be the first state to pass a resolution and Florida is working on a draft of one.

SENATOR COGHILL noted that there is an American Indian display near the Mall in Washington, D.C. He asked if the organization that sponsored that display is connected to the American Indian Veterans' Memorial project.

MS. MAILE said yes. The organization has been working with Vietnam Veterans' Fund for the memorial to be located near the Vietnam Memorial.

[9:30:18 AM](#)

SENATOR COGHILL asked if other states had introduced similar legislation.

MS. MAILE answered not yet.

CHAIR STOLTZE thought there was a WWII Native American statue.

SENATOR HUGGINS said that is correct.

CHAIR STOLTZE commented that it was inclusive of all Americans.

SENATOR HUGGINS noted that Alaska is lucky that it has veterans in Congress. He asked if they had been contacted.

[9:31:45 AM](#)

MS. MAILE answered that the project has all the approval it needs to go forward and is currently in the fundraising stage.

SENATOR WIELECHOWSKI announced that he would be happy to continue to work with the Congressional delegation.

[9:32:34 AM](#)

SENATOR HUGGINS noted that Senator Sullivan is in town today and he would speak with him about this effort.

CHAIR STOLTZE opined that Southeast Alaska communities and families have paid a higher price per capita related to the armed services.

[9:33:55 AM](#)

MARCELLO QUINTO, President, Alaska Native Brotherhood, testified in support of SJR 7. He said he proudly served in the U.S. Navy for four years. He stated it is time that Alaska Native veterans are recognized for their service in many wars.

[9:36:03 AM](#)

WILLIAM MARTIN, Past-President, Alaska Native Brotherhood, testified in support of SJR 7. He said they are pleased and honored that Native Americans are being recognized for their long history of service in the military. He concluded that they served in order to protect their families. He noted that their tribal organization will be writing a resolution in support of SJR 7. He pointed out that a member of the Iwo Jima Memorial is a Native American and he shared information about the Native Code Talkers. He described the pride for those who served.

[9:40:48 AM](#)

WILLIAM SHAKELY, Commander, Southeast Alaska Native Veterans, testified in support of SJR 7. He said they organized in 1995 in order to help veterans who were not receiving their benefits. He told a story related to designing the Code Talker medal. Five Code Talkers are from Southeast Alaska.

[9:42:47 AM](#)

CHAIR STOLTZE requested the names of the Code Talkers.

MR. SHAKELY said they are Mark Jacobs, Jr., Harvey Jacobs, George Lewis, Jeff David, and Richard Bean.

CHAIR STOLTZE said it would be appropriate to honor them.

MR. SHAKELY thanked the legislature for its support of Native Alaska veterans.

[9:45:06 AM](#)

CHAIR STOLTZE noted former Representative Bill Thomas is very supportive of recognizing veterans.

[9:45:41 AM](#)

SENATOR HUGGINS shared war stories about Native Alaskans serving their country with pride.

[9:48:31 AM](#)

MR. SHAKELY told a story about a soldier from Hoonah who became a sniper in WWII.

[9:49:09 AM](#)

DAVID STEPHEN BOWERS, representing himself, testified in support of SJR 7. He related that he is a Seminole Indian and he works for the tribe. He said he has been working on this project since 2010. He related how the initiative began. In 2013, Congress approved a statue to be placed outside the National Museum of the American Indian and the fundraising would be done by the museum. He described his efforts to gather information, promote, and fund the education center to be located underground.

[9:58:53 AM](#)

CHAIR STOLTZE thanked Mr. Bowers.

SENATOR HUGGINS thanked Mr. Bowers.

[10:00:48 AM](#)

RIC DAVIDGE, Director, Legislative Affairs, Vietnam Vets of America, testified in support of SJR 7. He recalled when he worked as the National Chair of Government Affairs for Vietnam Veterans of America. The proposal was brought up as a concern for the lack of representation of Native veterans. Since then, there has been a lot of work done. He discovered that American Natives were over-represented in war conflicts with no recognition of that service. He said he is delighted to support SJR 7.

[10:02:52 AM](#)

CHAIR STOLTZE thanked Mr. Davidge.

[10:03:29 AM](#)

MARY BROWN, representing herself, testified in support of SJR 7. She noted she is Tlingit and daughter of a Coast Guard member, sister of a Marine, and the proud mother of a son who served in Desert Storm. She said she feels strongly about sharing her feelings regarding this resolution. She shared her experience as a mother of one who served and testified in favor of this monument. She said she would like to see a monument in Alaska.

CHAIR STOLTZE closed public testimony.

[10:09:14 AM](#)

SENATOR WIELECHOWSKI moved to report SJR 7 from committee with individual recommendations and attached zero fiscal note. There being no objection, it was so ordered.

[10:09:42 AM](#)

There being no further business to come before the committee, Chair Stoltze adjourned the Senate State Affairs Standing Committee hearing at 10:09 a.m.