

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

March 13, 2019

1:32 p.m.

**MEMBERS PRESENT**

Representative Matt Claman, Chair  
Representative Gabrielle LeDoux, Vice Chair  
Representative Chuck Kopp  
Representative Louise Stutes  
Representative Adam Wool  
Representative Laddie Shaw  
Representative David Eastman

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CONSIDERATION OF GOVERNOR'S APPOINTEES: AK POLICE STANDARDS COUNCIL

HOUSE BILL NO. 77

"An Act relating to the number of superior court judges in the third judicial district; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 77

SHORT TITLE: NUMBER OF SUPERIOR COURT JUDGES

SPONSOR(S): RULES BY REQUEST

02/27/19	(H)	READ THE FIRST TIME - REFERRALS
02/27/19	(H)	JUD, FIN
03/13/19	(H)	JUD AT 1:30 PM GRUENBERG 120

**WITNESS REGISTER**

JEN WINKELMAN, Director  
Division of Probation & Parole  
Department of Corrections  
Juneau, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Alaska Police Standards Council.

STEPHEN DUTRA, Chief of Police  
North Pole Police Department  
North Pole, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Alaska Police Standards Council.

REBECCA HAMON  
King Salmon, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Alaska Police Standards Council.

BURKE WALDRON, Chief of Police  
Bethel Police Department  
Bethel, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Alaska Police Standards Council.

JOSEPH WHITE, Chief of Police  
Ketchikan Police Department  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Alaska Police Standards Council.

NANCY MEADE, General Counsel  
Alaska Court System  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 77 on behalf of the Alaska Court System.

#### **ACTION NARRATIVE**

[1:32:48 PM](#)

**CHAIR MATT CLAMAN** called the House Judiciary Standing Committee meeting to order at 1:32 p.m. Representatives Eastman, LeDoux, Kopp, Shaw, Stutes and Claman were present at the call to order. Representative Wool arrived as the meeting was in progress.

#### **Consideration of Governor's Appointees: AK Police Standards Council**

[1:33:27 PM](#)

CHAIR CLAMAN announced that the first order of business would be a confirmation hearing for five appointees to the Alaska Police Standards Council (APSC). He opened public testimony for the hearing.

[1:34:14 PM](#)

JEN WINKELMAN, Director, Division of Probation & Parole, Department of Corrections, offered some brief biographical information. She said she was born in Fairbanks, is a graduate of University of Alaska Fairbanks (UAF) with a degree in Justice and Paralegal Studies, moved to Juneau in 2016, and has worked for the Department of Corrections (DOC) for 18 years. She said her work with DOC has included both time within institutions and in the field. She said the Senate Judiciary Committee asked her two questions that she would like to address: Why she wants the position and what value she would bring to the council.

MS. WINKELMAN said she would like the position because she believes APSC is important to maintain professionalism and integrity within the law enforcement community. She said this professionalism correlates to public safety. She recounted an educator who once said one of the most important factors in job satisfaction is how much your job affects the wellbeing of others. She said that is how she feels as a parole and probation officer.

[1:36:09 PM](#)

MS. WINKELMAN said the opportunity to be part of APSC came about after she was appointed Director of the Division of Probation & Parole. She called it a privilege to serve in a bigger capacity outside her corrections comfort zone. She said cooperation and community input are vital to successfully promote public safety. She said she recognizes that the State of Alaska (SOA) has experienced difficulties with recruitment and retention across all law enforcement agencies. She said her ability to serve on APSC would allow her "to have an insight into the opportunities that we can offer to other folks to produce and maintain highly trained officers." She noted that she would be allowed the opportunity to "restore faith in those who have lost faith in the system." She said she believes in the work of peace officers but also believes in checks and balances.

[1:37:23 PM](#)

MS. WINKELMAN said she would bring to APSC a broad, statewide perspective informed by her experience managing probation offices from Utqiagvik to Ketchikan. She said she has experience working with a wide variety of law enforcement agencies including Village Public Safety Officers (VPSOs), village and municipal police departments, and the Division of Alaska State Troopers (AST). She said she believes APSC agencies should work together on a daily basis regarding things like training and field assistance. She added that she has experience visiting many rural villages. She called herself a naturally-born problem solver and said she likes working as part of a team. She said she looks forward to sharing her networking talent and her network of resources with APSC. She said her experience and personality fit APSC's mission and core services. She said she managed a caseload of felons for years, which shows that she is not afraid to make tough and sensitive decisions. She said she is fair and impartial in her decision-making. She said she is capable of harnessing facts and successfully formulating decisions based on big picture goals regarding the safety of her community.

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MS. WINKELMAN closed her remarks by saying that, no matter how much the career field evolves, the one thing that remains constant is the integrity of law enforcement. She said she believes APSC is in a good place to ensure that integrity.

[1:40:23 PM](#)

REPRESENTATIVE KOPP asked if the APSC position she has been nominated to is one of the designated Corrections seats.

MS. WINKELMAN said she believes it is. She noted she is replacing the prior Corrections representative.

REPRESENTATIVE KOPP noted that he served on APSC for five years and enjoyed it. He noted as well that Representative Shaw was formerly Executive Director of APSC. He asked what she felt were [SOA's] top training challenges.

MS. WINKELMAN said she believes the biggest challenge pertains to bringing people from rural areas to hub areas for training. She said it is partly an issue of funding and partly an issue of communication and getting the word out to rural areas regarding what is available in different areas. She said it is important

to communicate opportunities for training and to put people in positions to participate.

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REPRESENTATIVE KOPP asked if she is familiar with the police training surcharge.

MS. WINKELMAN gestured no.

REPRESENTATIVE KOPP explained that the way training funds come to APSC is via a surcharge on misdemeanors, felonies, and moving violations. He said he has heard from different agencies and facilities that the surcharge monies have not been passed through the state to APSC for training purposes as effectively as has been the case in the past. He said maybe those monies are getting lost in the process. He asked her to bring this up in her service on the council.

MS. WINKELMAN said she was familiar with the surcharge but had not realized that was where it went. She said she would definitely look into it.

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REPRESENTATIVE EASTMAN asked if the person she is replacing was a Deputy Director or higher in DOC.

MS WINKELMAN answered yes.

[1:44:00 PM](#)

REPRESENTATIVE EASTMAN said some individuals who have spent 20 years or more in federal law enforcement with the military do not qualify for law enforcement positions in Alaska. He asked if she would favor some sort of alternate route for them to be hired.

MS. WINKELMAN answered that she was not familiar with that situation but would look into it. She said she knows DOC was definitely looking into it.

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REPRESENTATIVE EASTMAN voiced a concern from some constituents that certain home school graduates whose programs are not affiliated with a public school are required to acquire a

[Certificate of High School Equivalency] (GED) before they can apply for a law enforcement position. He asked for her thoughts on that.

MS. WINKELMAN said she was not familiar with that situation. She said she would have to determine why that requirement was put into place.

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CHAIR CLAMAN extolled a DOC employee named Dusty Dumont and said her good work reflects well on Ms. Winkelman's work as a supervisor. He thanked her for testifying. He moved to the next appointee.

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STEPHEN DUTRA, Chief of Police, North Pole Police Department, said he first came to Alaska over 20 years ago with the intention of becoming a police officer. He said he graduated from the police academy in Sitka and went on to work in Yakutat for three years in a variety of positions. He said he then moved to North Pole to attend UAF, from which he graduated with a B.A. in Criminal Justice. He said he started working for North Pole Police Department as a patrol officer and rose up through the ranks to his current role as Chief of Police, a position he has held for seven years. He discussed his family and his participation in community activities such as the Guys Read program, Coffee with a Cop, and Cub Scouts. He said he was instrumental in bringing active shooter training to rural schools. He said he is a board member of the Alaska Association of Chiefs of Police, Inc.

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CHIEF DUTRA said he wants to be part of APSC because he has reached the point in his career when he wants to volunteer and help out. He said it is also a good opportunity to represent North Pole on the council. He said he is a level-headed and reasonable person with bountiful experience working up through the ranks and in rural Alaska. He called himself open-minded and said he believes in upholding the standards and integrity of law enforcement.

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REPRESENTATIVE EASTMAN asked which seat Mr. Dutra would be filling.

CHIEF DUTRA said he would be filling a police chief seat.

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REPRESENTATIVE EASTMAN asked if he was aware that it is, in at least one respect, more difficult to become a law enforcement hire in Alaska than it is to apply to and be accepted to a military academy because of the GED requirement. He asked for his thoughts on the matter.

CHIEF DUTRA answered that he is not familiar with military requirements. He said [police] standards require a GED or high school diploma. He said he would look into it.

[1:51:01 PM](#)

REPRESENTATIVE EASTMAN asked for his thoughts on the current eligibility of current and former military members to apply for law enforcement positions in Alaska.

CHIEF DUTRA said North Pole Police Department recruits from local military bases. He said APSC upholds various training standards. He said some military and security forces training is not reciprocal and not generally accepted by APSC. He said the topic is worthy of further discussion.

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CHAIR CLAMAN thanked him for his testimony. He moved to the next appointee.

[1:52:18 PM](#)

REBECCA HAMON said she has lived in Alaska for about 20 years. She said she lives in King Salmon and loves living in rural Alaska. She spoke about her family and their connection to Alaska. She said she has worked for 12 years as a village/legal advocate for Safe and Fear Free Environment, Inc. (SAFE). She described SAFE as an agency that advocates for victims of domestic violence and sexual assault. She said SAFE serves all the villages - approximately 18 - served under the Naknek District Court. She said she tries to be a team player with the agencies that work to help victims. She said she regularly works with the local borough police, the Office of Children's

Services (OCS), AST, VPSOs, and with the Child Advocacy Center in Dillingham. She said she is a school board member and has been allowed to teach students about healthy relationships, dating, and violence prevention.

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MS. HAMON discussed her community involvement. She said she has served on APSC for eight years and this is her third appointment. She said she occupies one of the council's public member seats. She said she offers a rural perspective and experience working in small places where getting results involves a creative approach. She said it is vital, from a rural perspective, to have a high-quality police force because trust between the community and the police has been broken in the past. She called the rebuilding process difficult. She said people in all areas of Alaska deserve to be served by public servants who care about the law and perform well at their jobs.

MS. HAMON noted that she is one of APSC's longest-serving councilmembers. She said she brings valuable council experience and is someone who can offer a historical perspective on various decisions made in recent years.

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REPRESENTATIVE EASTMAN asked if, in her eight years on the council, she has formed an opinion on the challenges impacting law enforcement recruitment efforts. He asked what the agencies can do to improve recruitment.

MS. HAMON said she is not sure what APSC can do to address that problem. She said different parts of the state have different issues with hiring. She said rural recruitment efforts are difficult because the high cost of living and lack of services for families drives people away. She said APSC's hands are tied because it is not able to help with training as much as it would like. She cited financial issues that prevent training programs for rural areas.

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REPRESENTATIVE KOPP commented on his experience working with Ms. Hamon in Bristol Bay. He praised her professionalism. He said he believes she is the only person with a victim advocate

background to have served on the council. He shared that Ms. Hamon taught his wife to can silver salmon.

2:00:07 PM

CHAIR CLAMAN recognized her public service in rural areas. He said he was impressed with her serving on four boards. He recognized her professional efforts in helping her community get access to dental care. He thanked her for her service and for testifying. He moved to the next appointee.

2:01:18 PM

BURKE WALDRON, Chief of Police, Bethel Police Department, said he has been appointed to fill one of the chief of police seats on APSC. He said he has lived in Alaska since 1987. He said he graduated from UAF and joined the Department of Public Safety in 1990. He said he spent 14 years with the Division of Alaska Wildlife Troopers (AWT) and 11 years with AST. He added that he held field level and command level positions with both AWT and AST. He said, after retiring, he took a few years off before becoming Chief of Police for the City of Bethel.

2:03:04 PM

MR. WALDRON said his experience as a game warden, state trooper, and rural police chief offers a broad perspective. He said rural Western Alaska would be well-served by representation on APSC because the region has unique challenges. He said he wants to serve on APSC because he wishes to rectify public opinion toward law enforcement. He said integrity and transparency of law enforcement is critical. He said these things help with public perception.

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REPRESENTATIVE EASTMAN asked for his assessment on law enforcement recruitment in Alaska.

CHIEF WALDRON said recruitment is an ongoing battle. He described it as not just a state problem, rather "at a minimum a North American problem." He said he has had conversations with Canadian agencies that have also found it difficult to find strong, qualified candidates. He said he believes there is a variety of reasons for these difficulties. He added that fiscal constraints necessitate outside-the-box solutions.

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REPRESENTATIVE EASTMAN asked what APSC can do to address recruitment issues.

MR. WALDRON said making a direct impact is difficult. He said the council can indirectly address the problem by maintaining high standards and improving the public image of law enforcement.

2:07:08 PM

REPRESENTATIVE SHAW asked if the training he received at the [police] academy 29 years ago still benefits him today as Chief of Police.

CHIEF WALDRON said it definitely was. He said, "I wouldn't be the person I am today if it wasn't for those three months I spent in Sitka and the people - you being one of them - that drastically had an impact on the man I became."

REPRESENTATIVE SHAW conceded that he asked the question as a point of levity.

CHAIR CLAMAN joked that there was a rumor Representative Shaw was very good at washing dishes at the academy.

REPRESENTATIVE SHAW deadpanned, "That's not funny."

CHAIR CLAMAN thanked Mr. Waldron. He moved to the next appointee.

2:08:29 PM

JOSEPH WHITE, Chief of Police, Ketchikan Police Department, said he has been nominated for one of APSC's chief of police seats. He said he was born and raised in Ketchikan, attended Ketchikan High School and Kodiak High School, and graduated from University of Alaska Anchorage (UAA). He said he graduated from the Sitka Police Academy and was hired by Ketchikan Police Department (KPD) in 1996. He said he has worked for KPD for 23 years.

He said one reason he wants the position on APSC is because the council is critical for public safety, as it serves as the guardian of police standards. He stressed the importance of all law enforcement, corrections, and probation officers having the

highest standards in the nation. He noted that all it takes is one bad incident to tarnish the reputation of a department and the entire profession. He said APSC keeps the profession "in a good light." He noted the importance of high-quality training that equips officers with the tools to be confident in today's society. He said ill-trained officers are a liability to their department, their community, the state, and the profession. He said highly-trained professional officers mean fewer internal problems, fewer case dismissals, better casework, and safer communities.

[2:10:39 PM](#)

REPRESENTATIVE EASTMAN said a homeschool graduate in Talkeetna can apply to the United States Military Academy at West Point and have a military law enforcement career there, but without a GED cannot apply to be a police officer in Wasilla. He asked why that is and for any of Chief White's thoughts on the matter.

CHIEF WHITE said he was not aware this was the case. He said he has not looked into the matter. He said hiring standards require a GED or higher. He acknowledged the growing popularity of homeschooling and alternative schooling. He added that recruitment is a huge issue and it may be time to revisit hiring standards so that qualified candidates do not fall through the cracks. He called the discussion worthwhile.

[2:12:32 PM](#)

REPRESENTATIVE EASTMAN noted that some people who leave the military after working in federal law enforcement at Joint Base Elmendorf-Richardson have found themselves ineligible to apply to law enforcement positions in Alaska because of an administrative regulation. He asked if he was aware of this sort of matter.

CHIEF WHITE said he had not heard that concern. He said KPD has hired lateral officers from the lower 48 states. He said KPD ensures a candidate's academy training will be acceptable by Alaska standards before making a job offer. He noted the difference between a 2-week refresher academy experience and a full 16-week police academy experience. He said he is not certain if all military schooling will transfer into civilian law enforcement as the two jobs are different. He said the process can be modified.

[2:13:59 PM](#)

REPRESENTATIVE STUTES asked how many seats on the council are reserved for police chiefs.

CHIEF WHITE said he thinks four seats are for chiefs of police.

[2:14:19 PM](#)

CHAIR CLAMAN asked what he learned in high school as a student-athlete and who his favorite teachers were.

CHIEF WHITE said he enjoyed his time as a high school basketball player at Ketchikan High School.

CHAIR CLAMAN asked who the coach of that team was.

CHIEF WHITE said [Representative] Ortiz. He said he enjoyed his experience and enjoys a friendship with him today.

CHAIR CLAMAN said Representative Ortiz must have coached other members of Chief White's family.

CHIEF WHITE said his wife was a member of Representative Ortiz's track team.

[2:16:00 PM](#)

REPRESENTATIVE LEDOUX asked about Chief White's time in Kodiak.

CHIEF WHITE said he attended Kodiak High School for his junior and senior years. He said he played basketball there.

REPRESENTATIVE LEDOUX asked if had ever met any LeDouxs in Kodiak.

CHIEF WHITE's answer was inaudible.

CHAIR CLAMAN thanked Chief White for humoring the committee's questions about his career as a student-athlete.

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CHAIR CLAMAN closed public testimony.

[2:17:26 PM](#)

REPRESENTATIVE STUTES thanked all the appointees for applying.

REPRESENTATIVE EASTMAN wished them well.

REPRESENTATIVE KOPP thanked the appointees. He noted that Representative Eastman's questions will spur them to look into education requirements to ensure there are no artificial impediments to hiring. He said he is encouraged by the quality of the appointees.

REPRESENTATIVE SHAW said that APSC consists of the Commissioner of Public Safety or designee, the Commissioner of Corrections or designee, two members of the public, four police chiefs, and one corrections administrator. He said that, as APSC's former Executive Director, he finds the appointees to be highly qualified.

REPRESENTATIVE LEDOUX called the appointees "eminently qualified." She thanked them.

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CHAIR CLAMAN echoed those comments and thanked the committee.

REPRESENTATIVE LEDOUX stated that the House Judiciary Standing Committee has reviewed the qualifications of the Governor's appointees and recommends the following names be forwarded to a joint session for consideration: Stephen Dutra, Rebecca Hamon, Burke Waldron, Joseph White, Jennifer Winkelman to the Alaska Police Standards Council. She said this does not reflect intent by any of the members to vote for or against this individual during any further sessions for the purpose of confirmation.

The appointees' names were forwarded to the joint session.

**HB 77-NUMBER OF SUPERIOR COURT JUDGES**

[2:19:36 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 77 "An Act relating to the number of superior court judges in the third judicial district; and providing for an effective date."

[2:20:04 PM](#)

NANCY MEADE, General Counsel, Alaska Court System, said HB 77 would increase the allotted number of superior court judges by

two and specify that those seats serve in the Third Judicial District. She said HB 77 would allow the Alaska Court System to take the two already-existing district court seats - one in Homer, one in Valdez - and fill those seats with superior court judges. She stated that HB 77 was introduced by the House Rules Committee by request of the Alaska Court System. She explained that it is rare for the courts to request a statutory change but noted that this situation requires it. She said HB 77 is a priority for the Alaska Supreme Court.

[2:21:07 PM](#)

MS. MEADE addressed why the Alaska Supreme Court wants a statutory change, specifically that Homer and Valdez are the only court locations in Alaska that are served by only a district court judge. She said they are the last remaining single judge locations where the judge is not a superior court judge. She noted that superior court judges have original jurisdiction over all trial court issues that arise in the state, whereas district court judges have only limited jurisdiction. She said superior court judges can handle felonies, child-in-need-of-aid cases, domestic relations cases, juvenile delinquency, civil cases with amount in excess of \$100,000, and probate cases. She said district court judges are limited to misdemeanors, civil cases with a lower dollar amount, and some other matters. She said the court system wants to equip Homer and Valdez with superior court judges who can handle everything filed in those locations.

[2:22:19 PM](#)

MS. MEADE noted that the timing for this change is ideal, as the district court seat in Valdez is currently vacant due the former judge's appointment to a new superior court seat in Juneau. She added that the district court judge in Homer has announced her retirement effective at the end of June. She said if HB 77 passes this year, the court system will be able to advertise those seats as superior court judges rather than district court judges.

MS. MEADE explained that the court system wants this change because the current status quo for handling cases in those locations is and has long been problematic. She said superior court cases in Homer are covered by the superior court judge in Kenai, who travels to Homer one week per month. She said this is not a sustainable or effective way to handle that caseload.

She added that there are additional costs to the current Homer which make it inefficient.

[2:24:04 PM](#)

MS. MEADE said the Valdez situation is similar. She restated that the district court seat is vacant and if the court system were able to fill it with a superior court judge, the new judge would be able to handle all cases there. She said the former district court judge was exceptional and had been able to handle some superior court matters with special appointments from the Alaska Supreme Court. She said if the seat were filled by another district court judge, superior court matters would have to be handled by judges from Palmer, Kodiak, or elsewhere. She said the Alaska Supreme Court has explored many ways to cover Homer and Valdez and has determined the change proposed in HB 77 to be the most cost-effective.

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REPRESENTATIVE EASTMAN asked if the number of district court judges is set in statute and, if not, how that number is determined.

MS. MEADE said the number of district court judges is established in the court system's administrative rules.

[2:26:16 PM](#)

REPRESENTATIVE WOOL asked if the number of superior court judges is limited as well. He asked for more information about the differences between superior court and district court judges. He also asked if superior court judges sometimes hear district court cases.

[2:27:12 PM](#)

MS. MEADE clarified that the number of district court judges is set in the court's rules. She said there is a statute that says the court can amend that number from time to time. She said the qualifications for superior court judges are generally similar to district court judges. She said superior court seats may require a longer residency. She added that superior court judges are chosen the same way district court judges are chosen. She described the process through which applicants are processed by the Alaska Judicial Council and scored by the Alaska Bar Association before the most qualified are nominated to the

governor. She said different caseloads attract different applicants. She said some applicants prefer the quicker pace of the district court while others prefer superior court cases that last longer and require more writing and research. She said whether superior court judges cover both superior and district court caseloads depends on location. She said the plan is for the proposed superior court judges in Valdez and Homer to cover both kinds of cases.

[2:29:37 PM](#)

REPRESENTATIVE WOOL asked if district court judges ever apply to superior court seats.

MS. MEADE answered that it sometimes happens. She said many district court judges are happy with their roles. She noted not all judges seek to move up a level and some are better suited to one level and not another.

CHAIR CLAMAN shared that current Chief Justice Joel H. Bolger previously served as a district court judge in Valdez, then was appointed to the superior court seat in Kodiak, then was appointed to the Alaska Court of Appeals, then was appointed to the Alaska Supreme Court, from which he was elected Chief Justice by his colleagues. He said he thinks Chief Justice Bolger is the first judge in Alaska history to have served at all four levels of the court system.

[2:31:20 PM](#)

REPRESENTATIVE LEDOUX said she understands there are locations where a single court judge hears both superior and district court cases. She said she assumes the court system has had experience with these situations and has found it works well.

MS. MEADE answered "yes." She said the court system seeks to replicate the success of locations like Kotzebue, Dillingham, Nome, and Sitka.

[2:32:17 PM](#)

REPRESENTATIVE EASTMAN asked if he understands correctly that Homer and Valdez are the state's only stand-alone district courts.

MS. MEADE answered "yes."

REPRESENTATIVE EASTMAN asked how long it would take after the passage of HB 77 to amend the court's rules to reflect a decrease in district court seats.

MS. MEADE said once HB 77 is signed, the court rules attorney would recommend the administrative rule be decreased by two seats. She said the process for making noncontroversial administrative rule changes moves quickly.

CHAIR CLAMAN noted that the court system can change its rules faster than the legislature can pass legislation.

[2:33:38 PM](#)

REPRESENTATIVE EASTMAN asked how many district court judges would remain should HB 77 become law.

MS. MEADE answered there would be 20.

[2:34:03 PM](#)

REPRESENTATIVE KOPP noted that the number of judges is set in statute. He cited [AS 22.10.120].

MS. MEADE said this is correct. She said there is language in statute that allows the Alaska Supreme Court to change the number from time to time as it sees fit.

REPRESENTATIVE KOPP asked if it would take a two-thirds vote from the legislature to change a court rule.

MS. MEADE distinguished between this court rule, which is an administrative rule, and one of the rules of practice and procedure that are covered in the state constitution. She said a two-thirds vote is not necessary to amend an administrative rule.

REPRESENTATIVE KOPP posited that only a simple majority is necessary.

MS. MEADE clarified that the legislature would not be amending the administrative rule. She said the legislature would be amending the statute, after which the court system would determine the necessity of a rule change.

[2:35:26 PM](#)

CHAIR CLAMAN said the court system has authority to change its own rules due to the separation of powers held in the state constitution. He said the Alaska Supreme Court can change court rules whenever it sees fit, as part of its inherent authority. He noted that a two-thirds majority of the legislature can essentially tell the court, "We're changing a rule and you've got to live with it."

[2:36:14 PM](#)

REPRESENTATIVE KOPP stipulated that the court system's changing of the rule hinges on the legislature passing HB 77. He asked if the fiscal note was reflective of a single judge's salary or of both positions.

MS. MEADE explained that the fiscal note is reflective of the net impact of shifting both positions. She said the number reflects the difference in salary and benefits for two positions less savings on travel costs for other judges to cover superior court cases.

REPRESENTATIVE KOPP asked if this is the same thing the legislature did when it upgraded the Juneau position to a superior court seat.

MS. MEADE answered yes. She referenced House Bill 298 [passed in the Thirtieth Alaska State Legislature] which made it so.

[2:37:27 PM](#)

REPRESENTATIVE EASTMAN asked about a scenario in which, regardless of whether HB 77 passes, the Alaska Supreme court elects to add district court judges. He asked if that decision would require a majority vote of the Alaska Supreme Court and if the decision would require budgetary adjustments.

MS. MEADE called the scenario "quite hypothetical." She said it would require a budgetary increase for two new positions.

REPRESENTATIVE EASTMAN asked whether that would require a majority vote of the Alaska Supreme Court.

MS. MEADE answered that rule changes happen often. She described the process through which the rules attorney brings recommendations from various rules committees before the court. She said the court votes on how to approach those proposed rule changes.

2:39:15 PM

CHAIR CLAMAN opened public testimony on HB 77. After ascertaining that no one wished to testify, he closed public testimony. HB 77 was held for further review.

2:40:59 PM

**ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:41 p.m.