

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 19, 2019

3:35 p.m.

MEMBERS PRESENT

Senator Mike Shower, Chair
Senator John Coghill, Vice Chair
Senator Lora Reinbold
Senator Peter Micciche
Senator Scott Kawasaki

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 33

"An Act relating to pretrial release; relating to sentencing; relating to treatment program credit toward service of a sentence of imprisonment; relating to electronic monitoring; amending Rules 38.2 and 45(d), Alaska Rules of Criminal Procedure; and providing for an effective date."

- MOVED CSSB 33(STA) OUT OF COMMITTEE

CONFIRMATION HEARING(S)

Alaska Public Offices Commission
Jennifer Winkelman - Juneau

- CONFIRMATION ADVANCED

Alaska State Commission for Human Rights
Suzanne Hancock - Anchorage
Marcus Sanders - Anchorage

- CONFIRMATIONS ADVANCED

Alaska Public Offices Commission
Jim McDermott - Fairbanks

- CONFIRMATION ADVANCED

Alaska State Personnel Board
Craig Johnson - Anchorage

- CONFIRMATION ADVANCED

PREVIOUS COMMITTEE ACTION

BILL: SB 33

SHORT TITLE: ARREST;RELEASE;SENTENCING;PROBATION

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/23/19	(S)	READ THE FIRST TIME - REFERRALS
01/23/19	(S)	STA, JUD, FIN
02/07/19	(S)	STA AT 3:30 PM BUTROVICH 205
02/07/19	(S)	Heard & Held
02/07/19	(S)	MINUTE(STA)
02/14/19	(S)	STA AT 3:30 PM BUTROVICH 205
02/14/19	(S)	Heard & Held
02/14/19	(S)	MINUTE(STA)
02/19/19	(S)	STA AT 3:30 PM BUTROVICH 205
02/19/19	(S)	Heard & Held
02/19/19	(S)	MINUTE(STA)
02/21/19	(S)	STA AT 3:30 PM BUTROVICH 205
02/21/19	(S)	Heard & Held
02/21/19	(S)	MINUTE(STA)
03/12/19	(S)	STA AT 3:30 PM BUTROVICH 205
03/12/19	(S)	Heard & Held
03/12/19	(S)	MINUTE(STA)
03/14/19	(S)	STA AT 3:30 PM BUTROVICH 205
03/14/19	(S)	Heard & Held
03/14/19	(S)	MINUTE(STA)
03/19/19	(S)	STA AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

NANCY MEADE, General Counsel
Administrative Services
Office of the Administrative Director
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Answered questions and provided information related to SB 33.

KACI SCHROEDER, Assistant Attorney General
Criminal Division

Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions and provided information related to SB 33.

JENNIFER WINKELMAN, Appointee
Alaska Police Standards Council
Alaska Department of Public Safety
Juneau, Alaska

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

SUZANNE HANCOCK, Appointee
Alaska Public Offices Commission
Alaska Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Public Offices Commission.

VICKIE JO KENNEDY, representing self
Kodiak Island

POSITION STATEMENT: Stated that she highly endorses Suzanne Hancock.

MARCUS SANDERS, Appointee
Alaska State Commission for Human Rights
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska State Commission for Human Rights.

JIM MCDERMOTT, Appointee
Alaska Public Offices Commission
Alaska Department of Administration
Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Public Offices Commission.

CRAIG JOHNSON, Appointee
Alaska State Personnel Board
Division of Personnel and Labor Relations
Alaska Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska State Personnel Board.

ACTION NARRATIVE

[3:35:29 PM](#)

CHAIR MIKE SHOWER called the Senate State Affairs Standing Committee meeting to order at 3:35 p.m. Present at the call to order were Senators Reinbold, Coghill, Kawasaki, Micciche, and Chair Shower.

SB 33-ARREST;RELEASE;SENTENCING;PROBATION

[3:36:14 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 33 "An Act relating to pretrial release; relating to sentencing; relating to treatment program credit toward service of a sentence of imprisonment; relating to electronic monitoring; amending Rules 38.2 and 45(d), Alaska Rules of Criminal Procedure; and providing for an effective date."

He advised that this bill was last heard last Thursday 3/14/19 and public testimony was heard and is closed. Written testimony may be submitted to senate.state.affairs@akleg.gov until 6:00 pm this evening, assuming the bill moves from committee today. He noted that there was one amendment for the committee to consider. He noted who was available to answer questions.

[3:36:58 PM](#)

SENATOR COGHILL moved to adopt Amendment 1, work order 31-GS1030\M.1, on behalf of Senator Reinbold as sponsor.

31-GS1030\M.1
Radford
3/15/19

AMENDMENT 1

OFFERED IN THE SENATE BY SENATOR REINBOLD
TO: CSSB 33(STA), Draft Version "M"

Page 1, line 3:
Delete "**38.2**"
Insert "**5(a), 38.2,**"

Page 1, line 14:
Delete "**48** [24]"
Insert "**72** [24]"

Page 9, line 21:

Delete "**48** [24]"

Insert "**72** [24]"

Page 13, following line 29:

Insert a new bill section to read:

"* **Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 5(a), Alaska Rules of Criminal Procedure, is amended to read:

(a) **Appearance Before Judicial Officer After Arrest.**

(1) Except when the person arrested is issued a citation for a class C felony, misdemeanor, or a violation and immediately thereafter released, the arrested person shall appear before a judicial officer without unnecessary delay and in any event within **72 hours** [24 HOURS] after arrest, absent compelling circumstances, including weekend days and holidays.

(2) If

(A) the judicial officer commits the arrested person to jail for a purpose other than to serve a sentence, and

(B) the jail is situated in a different community from the place where the judicial officer committed the arrested person to jail, and

(C) the arrested person is not represented by counsel, and

(D) the arrested person has not previously had a bail review, and

(E) the arrested person has no date, time and place established for his or her next court appearance,

then the arrested person shall appear before a judicial officer the next business day

(i) in order for bail to be reviewed, and

(ii) in order to determine if the person is represented by counsel, and

(iii) in order for the counsel to be appointed, if appropriate.

(3) The responsibility for ensuring that the arrested person appears before a judicial officer as specified in paragraphs (1) and (2) of this subsection shall be borne equally by

(A) municipal police officers and municipal jail personnel, and by

(B) state troopers, state jail personnel, and all other peace officers.

No distinction shall be drawn between cases in which arrest was made pursuant to a warrant and cases in which arrest was made without a warrant.

(4) Whenever the person arrested on a warrant appears before a judicial officer other than the one who issued the warrant, the complaint and any other statement or deposition on which the warrant was granted must be furnished to the defendant and must be communicated to the judicial officer before whom the person arrested appears.

(5) Whenever a person arrested without a warrant appears before a judicial officer, a complaint shall be filed forthwith.

(6) Judicial officers and jail facilities shall be available at all times to receive bail, and each judicial officer individually shall have authority to delegate this duty to the person admitting the defendant to jail, or to such other person as shall in the determination of a judicial officer be qualified for this purpose."

Renumber the following bill sections accordingly.

Page 23, line 22:

Delete "Sections 22 - 24"

Insert "Sections 22 - 25"

Delete "secs. 22 - 24"

Insert "secs. 22 - 25"

CHAIR SHOWER objected for discussion purposes.

3:37:29 PM

SENATOR REINBOLD said that the amendment modifies the title and changes the timeline for arraignments from 24 to 72 hours. She offered that 72 hours allows the troopers time to interview witnesses and allows more time for the victim who may be too "beat up" to be interviewed right away. She shared that both troopers and police officers have complained to her repeatedly "that the guys or gals are getting released before the ink is dry on the reports." She said 72 hours allows more flexibility, particularly in rural communities where resources are less available and crime is higher.

[3:38:58 PM](#)

SENATOR KAWASAKI recalled that earlier testimony from the court indicated that 48 hours was already the outside limit and there wasn't any need to extend beyond that. He questioned the necessity of the amendment.

[3:39:41 PM](#)

NANCY MEADE, General Council, Administrative Service, Office of the Administrative Director, Alaska Court System, Anchorage, suggested it might be best if the sponsor also explained her view. She confirmed Senator Kawasaki's recall that the court system schedules arraignments for court appearances within 24 hours. Current law allows up to 48 hours and that extension is used occasionally for such things as the defendant is not in shape to appear in court. She noted the statute also allows the prosecutor up to 48 hours to gather the evidence for the bail hearing. "But the court does schedule them within 24 hours."

CHAIR SHOWER asked her to comment on the situation Senator Reinbold cited about the victim being in such bad shape they were unable to provide information.

MS. MEADE suggested he ask law enforcement to comment on that because she didn't have that information.

[3:41:11 PM](#)

SENATOR COGHILL asked if witnesses are called in an arraignment.

MS. MEADE replied not usually.

CHAIR SHOWER asked if the courts requested the proposed extension and if the court feels the extension is necessary.

MS. MEADE clarified that the courts did not request the amendment. She noted that she previously testified that the courts schedule arraignments within 24 hours. The law allows up to 48 hours, but the court's perspective is that more time is not needed.

[3:42:07 PM](#)

SENATOR REINBOLD clarified that the amendment is not about the courts; it is about the troopers and victims. She commented on pretrial delays and the emphasis that the courts place on the defendant and that the process is not victim oriented.

[3:43:40 PM](#)

KACI SCHROEDER, Assistant Attorney General, Criminal Division, Department of Law, Juneau, introduced herself.

[3:43:57 PM](#)

MICHAEL DUXBURY, Deputy Commissioner, Department of Public Safety, Anchorage, explained that rural Alaska has Village Police Officers (VPOs), Tribal Police Officers (TPOs), and Village Public Safety Officers (VPSOs). VPSOs have a good amount of law enforcement training whereas the VPOs and TPOs need help and guidance from the Alaska State Troopers to prepare the reports and charging documents in a format that is acceptable to the courts. He described the process in Bethel as an example. When the troopers arrive in the morning, they are likely to find up to six reports on the FAX machine from VPOs and TPOs in outlying areas. Because of the lack of training, the information in these reports - about probable cause for example, may not be in an acceptable format for the court. The troopers contact the VPOs or TPOs to supplement and clarify the reports before they are sent to the court. This may take some time because the village officers may have gone off shift. In these circumstances the extended timeframe is helpful, he said.

[3:46:38 PM](#)

CHAIR SHOWER asked if he sees a need to extend the timeframe to 72 hours.

MR. DUXBURY offered his personal opinion that 48 hours is better than 24 hours and 72 hours could sometimes be important.

CHAIR SHOWER asked if the need for a longer timeframe is unique to Alaska because of geography and weather.

MR. DUXBURY replied, "In a place that is one-fifth the size of the United States with only 13,500 miles of road, this is definitely one of our issues."

CHAIR SHOWER asked the Department of Law to comment on the timeline.

[3:47:52 PM](#)

MS. SCHROEDER said 72 hours would provide more flexibility in the scenarios that Mr. Duxbury described. The Department of Law's perspective is that it trails the Court System and will continue to show up whenever there are hearings.

CHAIR SHOWER asked if there may be constitutional or unintended consequences associated with extending the timeline to 72 hours.

MS. SCHROEDER replied DOL did not assess the amendment for constitutional issues, but would not recommend extending beyond 72 hours

CHAIR SHOWER asked if the amendment would increase costs because people would potentially stay in jail longer.

MR. DUXBURY said he didn't believe this would generate a fiscal note from the troopers.

[3:50:02 PM](#)

SENATOR REINBOLD said she sees a lot of benefit in providing more flexibility in the timeline. This could potentially reduce costs associated with travel and staffing on holidays and weekends and reduce stress on prosecutors that she's heard have morale issues.

MS. SCHROEDER said it would be difficult to assess any cost savings because DOL will continue to show up when the courts hold hearings and the court has said it will continue to arraign people within 24 hours. She confirmed that there is a fiscal impact associated with the district attorney offices in Anchorage and Fairbanks staffing up on weekends to help the prosecutor handle the inflow.

[3:52:01 PM](#)

SENATOR MICCICHE asked Ms. Meade why the court wouldn't want to avoid some weekend work if it reduced costs somewhat. "Is there a reason we feel like we need to get to an arraignment within 24 hours?"

MS. MEADE replied the current law is 24 hours so that is what the court follows. She noted that at some point in the past the timeline was changed to 48 hours, but the courts continued to arraign people within 24 hours. She described the Anchorage "jail court" that's held on the weekends. A judicial officer goes to the Anchorage jail and starts arraignments at noon. What used to take a couple of hours can now last until 5:00 pm, she said, so it would not be feasible to wait and arraign all those people on Monday. She said she anticipates the court will continue to schedule arraignments on the weekends to keep up with the work.

SENATOR MICCICHE clarified for the public that Senate Bill 91 reduced the arraignment timeline from 48 hours to 24 hours, the courts continued to hold arraignment hearings within 24 hours of

arrest, the administration's SB 33 returns to 48 hours, and Mr. Duxbury testified that the flexibility in extending the timeline to 72 hours would be helpful [in rural Alaska]. He asked Mr. Duxbury to comment.

[3:55:33 PM](#)

MR. DUXBURY said his intent was to relay his experience that the 24 hour timeline has been difficult in the circumstances he described and that 48 hours provided welcome flexibility for troopers to better support TPOs, VPOs and VPSOs in the villages. He clarified that he was not testifying in support of or opposition to 72 hours because he did not have any experience with or data for that timeline.

CHAIR SHOWER asked what process is followed when somebody isn't arraigned within 24 hours.

MS. SCHROEDER explained that if DOL doesn't communicate with the court to get a special dispensation, the risk is that the case would be dismissed. She added that DOL does watch the clock and communicates with the court when it's warranted.

[3:57:22 PM](#)

SENATOR KAWASAKI asked how the courts, public safety, and the district attorney's office would respond to the proposed change to 72 hours.

MR. DUXBURY said he didn't have enough experience to say any more than the fiscal note would be indeterminate. However, it would provide the flexibility to allow an officer who has been up all night and working on overtime to go home for some needed rest and go to court after the weekend.

MS. MEADE said she did not anticipate any operational or fiscal impact on the Court System by changing the timeframe from 24 hours to 48 hours or 72 hours.

MS. SCHROEDER explained that the administration is asking to change the timeline to 48 hours to provide time for such things as engaging in conversations with the court about structuring arraignments. The current law does not provide any flexibility for such things.

CHAIR SHOWER asked if there is data to show that cases have been dismissed because time ran out.

[4:00:10 PM](#)

MS. MEADE said she was not aware of any data about that, but Section 3 of the bill says a person can be held up to 96 hours if law enforcement or others legitimately need the time.

CHAIR SHOWER said the struggle is to strike the right balance between the rights of the victim and the rights of the accused.

[4:01:28 PM](#)

SENATOR REINBOLD restated her reason for offering the amendment had nothing to do with the Court System. Rather, it's that 24 hours is too rushed to ensure that the charging documents are prepared correctly and this puts the public at risk. Law enforcement has repeatedly said they don't have time and she believes that extending the timeline to 72 hours would help rural communities. Some people in the Department of Law have also acknowledged that the extension would be helpful when weather is a factor. She opined that the extension would save money and improve morale. She said she intended to withdraw the amendment but wanted the discussion on the record. "We've got some serious issues; we need to become far more victim-centered and not so much defendant-centered," she said.

[4:04:07 PM](#)

SENATOR REINBOLD withdrew Amendment 1.

SENATOR COGHILL clarified that he made the motion. He added that he did not support the amendment but appreciated the sponsor clearly articulating the benefit of pretrial services and the risk assessment tool.

[4:04:30 PM](#)

SENATOR COGHILL withdrew Amendment 1, work order 31-GS1030\M.1.

SENATOR REINBOLD clarified that she did not talk in support of the pretrial risk assessment tool. She said she hates that tool but does support watching people pretrial.

CHAIR SHOWER found no further amendments and stated that the CS for SB 33 is before the committee for final discussion.

SENATOR REINBOLD stated support for the bill.

CHAIR SHOWER found no further discussion and solicited a motion.

[4:05:44 PM](#)

SENATOR COGHILL moved to report SB 33, version M, from committee with individual recommendations, attached fiscal note(s), and

authorization for legislative legal to make appropriate conforming technical changes.

[4:06:02 PM](#)

SENATOR KAWASAKI objected to state that there is obviously a fiscal impact to SB 33. He said he highlighted the lack of determinate fiscal notes during the last hearing and he doesn't like to move a bill from committee without clarity on the costs.

SENATOR KAWASAKI removed his objection.

CHAIR SHOWER advised that the judiciary committee will look closely at the provisions for electronic monitoring and the risk assessment tool.

SENATOR REINBOLD emphasized that the most important costs are those to victims, businesses, and society, not the state.

[4:07:04 PM](#)

CHAIR SHOWER found no further objection and CSSB 33(STA) moved from the Senate State Affairs Standing Committee.

[4:07:16 PM](#)

At ease

CONFIRMATION HEARING(S)
Alaska Police Standards Council
Alaska State Personnel Board
Alaska State Commission for Human Rights
Alaska State Public Offices Commission

[4:09:36 PM](#)

CHAIR SHOWER reconvened the meeting and announced the final order of business would be consideration of governor's appointees.

[4:09:52 PM](#)

JENNIFER WINKELMAN, Appointee, Alaska Police Standards Council, Alaska Department of Public Safety, Juneau, stated that she is the director of the Division of Probation & Parole, with the Department of Corrections. She related that she is a fourth generation Alaskan who was born and raised in Fairbanks. She and her family moved to Juneau when she was promoted to chief probation officer for the Department of Corrections (DOC) for Region 2, which is Fairbanks and north and Southeast. She reported that she has a degree in justice and paralegal studies from the University of Alaska, Fairbanks. She has worked for DOC for 18 years in both the institution and the field in electronic

monitoring. She was appointed as director in December by the new administration. She said her husband also worked for DOC throughout his career and is now retired. Their two sons attend school in Juneau.

She shared her response to two questions in an earlier hearing about why she wants to serve in this position and the value she would bring the council. She offered her belief that the council is important in maintaining professionalism and integrity within the law enforcement community and that professionalism correlates to public safety. She said she once heard an educator say that a primary factor in job satisfaction is how one's job affects the wellbeing of others and she's found that very relevant in her corrections career. She said she is eager to affect that in a larger way in her new position. She views it as an honor to have been asked to serve on the council and an opportunity to work with other law enforcement professionals in a position that is a little outside her comfort zone in corrections.

MS WINKELMAN offered her belief that to successfully promote public safety, agencies cannot operate in silos and community involvement is important. Noting the difficulty with recruitment and retention across all law enforcement agencies, she opined that serving on the council will provide opportunities to look at new ways to attract and maintain highly trained officers. Serving on the council will also provide an opportunity to address cases of misconduct in a way that will restore the public's faith in law enforcement. "I believe in the work of peace officers but I believe it is very imperative that we have a check and balance in place," she said.

MS WINKELMAN shared that the value she brings to the council is the corrections viewpoint and a broad perspective of the state since she has worked in supervisory positions from Utqiagvik to Ketchikan. This experience has given her exposure and knowledge of the "strengths and struggles" of the available resources and the unique nature of the cases the law enforcement community deals with. She said she believes that APSC agencies must work together day-to-day assisting in the field because of the limited presence law enforcement has in some communities. She related another value she brings is as a natural problem solver who likes to work as a team. "I look forward to sharing my networking and communication talent with the council" and expanding APSC relationships.

MS WINKELMAN said she has reviewed the mission and core services of the council and she believes that her experience and abilities will be an asset.

4:15:52 PM

CHAIR SHOWER asked if she supports strengthening constitutional training about the rights that law enforcement is hired to protect, including continuing education.

MS. WINKELMAN said absolutely yes. Throughout the confirmation hearing process she has listed the questions she's been asked about training and will take those to the council.

CHAIR SHOWER asked her to briefly discuss the top two or three issues and potential solutions she has identified.

MS. WINKELMAN listed training as an issue and her goal to network within communities to take advantage of all available resources. This could be something as simple as holding CPR classes with the fire department, she said. She said retention is next. There isn't a real problem with recruitment but keeping those folks highly trained and in the career is more challenging. It's a noble profession and should be viewed as such.

4:18:38 PM

SENATOR COGHILL thanked Ms. Winkelman for being willing to take the job and asked if this responsibility will conflict with her responsibilities as the director of the Division of Probation & Parole.

MS. WINKELMAN answered she didn't think so. Rather, bringing in the corrections perspective will enhance the council. She assured the members that if one of her staff was brought before the board, she would recuse herself.

SENATOR COGHILL asked if she had attended a board meeting.

MS. WINKELMAN answered yes.

SENATOR COGHILL asked if new members receive an explanation of the council's process and how they adjudicate.

MS. WINKELMAN answered yes; prior to the first meeting the new members met with the executive director for a walkthrough of the process. A long-time member of the council also shared the process with her.

SENATOR COGHILL said he initially perceived a conflict but he hopes not.

CHAIR SHOWER asked Senator Micciche to respond to the concern.

[4:21:07 PM](#)

SENATOR MICCICHE read the following:

The council consists of 13 members: 11 appointed by the governor as follows: 4 chief administrative officers or chiefs of police of local governments; the commissioner of public safety or a designee; the commissioner of corrections or a designee; 2 persons, each of who has been certified for 5 years or more by the council under this chapter, one of whom serves as a police officer and one of whom serves as a probation officer, parole officer, municipal correctional officer, or correctional officer; 1 correctional administrative officer who is employed at the level of deputy director or higher; and, 4 members of the public at large with at least 2 from the communities of 2,500 population or less.

SENATOR COGHILL said he appreciates that.

[4:22:01 PM](#)

SENATOR KAWASAKI stated that he and Ms. Winkelman went to school together and she's an excellent role model for the position.

MS. WINKELMAN shared that in the House confirmation hearing, everybody had a connection.

[4:22:46 PM](#)

CHAIR SHOWER thanked Ms. Winkelman and asked Suzanne Hancock to tell the committee why she is interested in serving on the Alaska Public Offices Commission.

[4:23:16 PM](#)

SUZANNE HANCOCK, Appointee, Alaska Public Offices Commission (APOC), Alaska Department of Administration, Anchorage, stated that she has been appointed to the at-large seat for APOC. She related that she lived in Kodiak for many years and served on the school board and borough assembly. She first encountered APOC as a candidate for elective office and that and subsequent encounters were pleasant. She believes that familiarity will be helpful on the commission. She recounted her work experience as

a reporter and a legal secretary and said she looks at issues from that perspective. She opined that APOC plays an important watchdog role to ensure that citizens feel that government is fair, follows the rules, and treats everyone equally.

[4:25:13 PM](#)

SENATOR REINBOLD thanked her for being willing to serve. She asked what she believes should happen when people call to raise a red flag on an issue, but don't want to take the step of filing a complaint.

MS. HANCOCK responded that her approach would be to explain how the commission works and encourage the person to use the system because it's there for a reason. However, if there was a compelling reason for the person not to report, she might suggest they look for a third party to bring the information forward. She acknowledged that her response might vary depending on the particulars of the case.

SENATOR REINBOLD said it's a huge step to file a complaint and she believes that if APOC receives repeated phone calls about an issue it is very important that they follow up. She added that she likes that Ms. Hancock would encourage people to use the system. She wished Ms. Hancock well and thanked the commission members for their work.

[4:27:29 PM](#)

SENATOR KAWASAKI asked Ms. Hancock if she has a party affiliation.

MS. HANCOCK replied she is a registered Republican but she generally votes for the candidate, not the party. She doesn't believe she would favor one party over another; her decisions would be based on the information presented.

SENATOR KAWASAKI observed that she donated to both major parties in the past. He pointed out that APOC members are prohibited from being an officer of a political party, committee, or group; they cannot make political donations in support of or opposition to a candidate or proposition; they may not participate in any way in an election or campaign; and they may not donate to any political party. He asked if she could adhere to those restrictions.

MS. HANCOCK quipped that she'll save a lot of money if she's confirmed to serve on the commission. She added that she has enjoyed volunteering on campaigns in the past but she's very

much looking forward to serving on the commission and that will outstrip any possible gain she would receive from continuing to volunteer or as a contributor.

[4:29:35 PM](#)

SENATOR MICCICHE reminded everyone that this is a fairly political board. He read the following description of the APOC board:

The commission consists of 5 members appointed by Governor: 2 from each of the two political parties whose candidate for Governor received highest number of votes in the most recent preceding general election at which a Governor was elected (the two appointees from each of these two parties shall be chosen from a list of four names to be submitted by the central committee of each party); 1 member nominated by majority vote of the members of the Commission. Members elect the chair of the commission. Vacancies are filled within 30 days.

He asked if she would be willing to look at a process that doesn't depend so heavily on citizen reporting suspected campaign violations.

MS. HANCOCK said it seems that there should be a mechanism for staff to look into blatant violations.

SENATOR MICCICHE responded that he believes it's a gap but commission staff is probably already overloaded looking at those types of things. He suggested it might be worth looking at and stated support for moving her appointment forward.

SENATOR REINBOLD asked for help clarifying the difference between something that is not ethical and an APOC violation once the legislature is in session. She also stressed the need for a mechanism for anonymous reporting.

MS. HANCOCK said she believes in transparency and that includes a face and a name behind a complaint. However, Senator Reinbold brought up good points and the commission may be able to look into the reporting issue. She said she's sure that improvements could be made to clarify the gray area between what is ethical and what is an APOC violation.

SENATOR COGHILL thanked Ms. Hancock for being willing to serve and cautioned the members against asking APOC to make policy calls.

SENATOR MICCICHE clarified that the committee was asking APOC to exercise its existing authority in a more effective way.

SENATOR COGHILL commented that it might be instructive for nominees who have yet to testify.

CHAIR SHOWER opened public testimony on the nomination of Suzanne Hancock to the Alaska Public Offices Commission.

[4:37:57 PM](#)

VICKIE JO KENNEDY, representing self, Kodiak Island, stated that she highly endorses Suzanne Hancock. She was an astute reporter, she was good for Kodiak when she served on the assembly, and she'll serve well on APOC.

[4:38:49 PM](#)

CHAIR SHOWER closed public testimony on Ms. Hancock. He noted that the next appointee was Jim McDermott.

[4:39:29 PM](#)

At ease

[4:40:12 PM](#)

CHAIR SHOWER reconvened the meeting and asked Marcus Sanders to tell the committee why he is interested in serving on the [Alaska State Commission for Human Rights.]

[4:40:32 PM](#)

MARCUS SANDERS, appointee, Alaska State Commission for Human Rights, Anchorage, stated that he is a lifelong Alaskan. He reviewed his extensive public service history and related that he was recently sworn in as a second lieutenant and chaplain for the Alaska State Defense Force. He reviewed his educational accomplishments and noted that he is in graduate school. He believes he would be an asset to this commission because he has a heart to represent the people as well as the integrity, honesty, and capacity to lead by example.

[4:43:01 PM](#)

SENATOR KAWASAKI thanked him for being willing to serve. He noted that two years ago the commission voted to have the legislature look into a statewide nondiscrimination law. He asked his opinion of the commission's action.

MR. SANDERS said he supports the nondiscrimination law. He asked if he had a particular incident in mind.

SENATOR KAWASAKI clarified that he was asking if he approved or disapproved of the commission stating support for statewide protections for LGBTQ Alaskans. Since then legislation has been introduced based on the commission's recommendation.

MR. SANDERS replied, "I did support that act."

CHAIR SHOWER asked if he supports the bill Senator Kawasaki referenced.

MR. SANDERS replied, "I would like to be more specific on the bill."

[4:44:57 PM](#)

SENATOR REINBOLD thanked him for being willing to serve. She offered her opinion that there is no need for special designations because everyone is equally protected under the constitution. She congratulated him on his recent degree and noted that she attended his graduation. She stated support for his nomination.

CHAIR SHOWER congratulated him on his commission and the time he's spent as a minister. He said he appreciates Mr. Sanders' heart and willingness to serve.

He found no one who wished to comment on the appointment of Mr. Sanders and closed public testimony.

[4:46:46 PM](#)

CHAIR SHOWER asked Mr. McDermott to put himself on the record.

JIM MCDERMOTT, Appointee, Alaska Public Offices Commission, Alaska Department of Administration, Fairbanks, said he had been an APOC commissioner since the end of August and has an opportunity to assess what the commission does. It's been an enjoyable process. He noted the committee had his resume.

CHAIR SHOWER asked if he'd heard and could address the questions the committee asked Ms. Hancock.

MR. MCDERMOTT said the question he found interesting was about anonymous reporting. He understands the reasoning. He talked about the federal whistleblower process and said something

similar for the state would need to be done in regulation and the policies would come from the legislature.

SENATOR KAWASAKI he noted that Section 15 of the APOC statute says the governor shall appoint two members from each of the two political parties whose candidate for governor received the highest number of votes in the most recent preceding general election. It also says the two appointees from each of those two parties shall be selected from a list of four names submitted by the central committee of each party. He asked if he went through that process.

MR. MCDERMOTT replied he went through the process as a Libertarian.

SENATOR KAWASAKI said another prohibition is that an APOC commissioner may not be an officer of a political party, a political committee, or group. They may not make contributions or participate in any way in an election campaign or contribute to a political party. He asked if that is something he could do in the future as a member of APOC.

MR. MCDERMOTT answered yes. He shared an experience of explaining to a friend that he was a member of APOC and was prohibited from getting involved in elections.

CHAIR SHOWER found no one who wished to comment on the appointment of Mr. McDermott to the Alaska Public Offices Commission and closed public testimony.

[4:52:27 PM](#)

CHAIR SHOWER asked Mr. Johnson to tell the committee why he wants to serve on the Alaska State Personnel Board.

CRAIG JOHNSON, Appointee, Alaska State Personnel Board, Division of Personnel and Labor Relations, Alaska Department of Administration, Anchorage, said he recently retired from the legislature and wants to stay involved in government and public service. He was honored to be asked to serve. He recounted his legislative experience and opined that serving as House Rules chair provided a foundation for understanding rules and personnel issues. He also served on the Ethics Committee and is in the process of honing his knowledge of the administrative ethics laws.

[4:53:56 PM](#)

SENATOR COGHILL thanked Mr. Johnson and asked if he'd attended meetings on the ethics issue.

MR. JOHNSON replied he has attended one meeting that addressed a position reclassification and discussed the ethics reports from the departments, among other matters.

SENATOR COGHILL asked his perspective of the rules and process of the board and the help the staff provides.

MR. JOHNSON said he found the staff to be very supportive and legal counsel is available. Each department also has legal counsel so legal expertise is readily available. Reclassification is fairly straightforward and working in that area was an enjoyable experience.

[4:55:53 PM](#)

SENATOR REINBOLD asked if this is a three-member board.

MR. JOHNSON answered yes.

SENATOR REINBOLD described the board as "super, super important" and said one person can make a huge impact. She thanked him for being willing to serve.

[4:57:04 PM](#)

SENATOR KAWASAKI noted that when Mr. Johnson was a legislator, he co-sponsored a resolution dealing with an amendment to the constitution relating to marriage. It was in response to benefits extended to state employees who were not allowed to marry but were domestic partners. He asked if he would support extending those benefits today and in the future.

MR. JOHNSON replied he would not support that. Then it was a financial decision and now it's an academic argument.

SENATOR REINBOLD said she went before the Personnel Board on this matter because providing benefits to additional couples had a financial impact for the state. She pointed out that the state constitution clearly defines marriage as between one man and one woman and she swore to defend that constitution. "I appreciate your stance Craig and I stand with you."

[4:59:55 PM](#)

CHAIR SHOWER found no one who wished to comment on the appointment of Mr. Johnson to the Alaska State Personnel Board and closed public testimony.

MR. JOHNSON concluded his comments saying it is the duty of all board members to understand the laws, rules, and regulations and administer them within the guidelines set forth by the legislature as the policy makers. His commitment is to live within those laws.

CHAIR SHOWER stated that in accordance with AS 39.05.080, the Senate State Affairs Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Alaska Public Offices Commission

Jennifer Winkelman - Juneau

Alaska State Commission for Human Rights

Suzanne Hancock - Anchorage

Marcus Sanders - Anchorage

Alaska Public Offices Commission

Jim McDermott - Fairbanks

Alaska State Personnel Board

Craig Johnson - Anchorage

Signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

[5:02:05 PM](#)

There being no further business to come before the committee, Chair Shower adjourned the Senate State Affairs Standing Committee meeting at 5:02 pm.