

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 6, 2024

1:32 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator James Kaufman
Senator Cathy Giessel
Senator Löki Tobin

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 166

"An Act establishing the Alaska mental health and psychedelic medicine task force; and providing for an effective date."

- MOVED CSSB 166 (JUD) OUT OF COMMITTEE

CONFIRMATION HEARINGS (S)

PUBLIC DEFENDER

Terrence Haas - Anchorage

- CONFIRMATION ADVANCED

COMMISSION ON JUDICIAL CONDUCT

Robert Sheldon - Talkeetna

- CONFIRMATION ADVANCED

PREVIOUS COMMITTEE ACTION

BILL: SB 166

SHORT TITLE: MENTAL HEALTH/PSYCHEDELIC MED. TASK FORCE

SPONSOR(S): SENATOR(S) DUNBAR

01/16/24	(S)	PREFILE RELEASED 1/8/24
01/16/24	(S)	READ THE FIRST TIME - REFERRALS
01/16/24	(S)	L&C, JUD

02/05/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/05/24 (S) Heard & Held
02/05/24 (S) MINUTE(L&C)
02/16/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/16/24 (S) Moved CSSB 166(L&C) Out of Committee
02/16/24 (S) MINUTE(L&C)
02/19/24 (S) L&C RPT CS 2DP 1NR NEW TITLE
02/19/24 (S) NR: BJORKMAN
02/19/24 (S) DP: DUNBAR, BISHOP
02/26/24 (S) JUD AT 1:30 PM BUTROVICH 205
02/26/24 (S) Heard & Held
02/26/24 (S) MINUTE(JUD)
03/06/24 (S) JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

TERRENCE HAAS, Appointee
Public Defender
Anchorage, Alaska

POSITION STATEMENT: Testified as the governor's appointee to Public Defender.

ROBERT SHELDON, Appointee
Commission on Judicial Conduct
Talkeetna, Alaska

POSITION STATEMENT: Testified as the governor's appointee to the Commission on Judicial Conduct.

HOLLY LEE, representing self
Talkeetna, Alaska

POSITION STATEMENT: Testified in opposition to the appointment of Robert Sheldon to the Commission on Judicial Conduct.

ED MARTIN, representing self
Kenai, Alaska

POSITION STATEMENT: Testified on the appointment of governor appointee Robert Sheldon to the Commission on Judicial Conduct.

ACTION NARRATIVE

1:32:21 PM

CHAIR MATT CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Kiehl, Giessel, Tobin, Kaufman, and Chair Claman.

SB 166-MENTAL HEALTH/PSYCHEDELIC MED. TASK FORCE

[CSSB 166(L&C) was before the committee.]

[1:32:59 PM](#)

CHAIR CLAMAN announced the consideration of SENATE BILL NO. 166 "An Act establishing the Alaska mental health and psychedelic medicine task force; and providing for an effective date."

CHAIR CLAMAN said this is the second hearing of SB 166 in the Senate Judiciary Committee. The intention is to hear an amendment.

CHAIR CLAMAN solicited a motion.

[1:33:15 PM](#)

SENATOR TOBIN moved to adopt Amendment 1, work order 33-LS1062\P.1.

[Original punctuation provided.]

33-LS1062\P.1
Bergerud
2/26/24

A M E N D M E N T 1

OFFERED IN THE SENATE BY SENATOR TOBIN
TO: CSSB 166(L&C)

Page 2, line 1, following "crisis":
Insert ", as well as in treating chronic and terminal illness and in end-of-life care"

[1:33:17 PM](#)

CHAIR CLAMAN objected for purposes of discussion.

[1:33:23 PM](#)

SENATOR TOBIN explained that there is a growing body of research into the use of psychedelics and palliative treatments for end-of-life care. The National Institute of Health (NIH) indicates Washington, Hawaii, Texas, Nevada, Minnesota, Indiana, Connecticut, and Maryland have each established a task force to study the medical use of psychedelics. These states are exploring the effects of psychedelics on post-traumatic stress disorder (PTSD), depression, long COVID, and inflammatory disorders. She emphasized that Amendment 1 does not minimize the importance of Alaska's mental health crisis. Rather, it is meant to broaden the task force's scope to include assessing the

potential health care benefits of treating chronic and terminal illness, as well as end-of-life care.

SENATOR TOBIN shared a story a constituent relayed. The constituent's colleague, who suffered from a traumatic brain injury, had used psychedelics to disrupt the progression of his condition and now has a clean bill of health. She said that psychedelics hold possibilities and voiced hope that Amendment 1 would expand the scope of the task force.

[1:34:55 PM](#)

CHAIR CLAMAN invited committee questions on Amendment 1 and asked whether the sponsor had any objections to it.

[1:35:02 PM](#)

SENATOR DUNBAR replied that it is a good amendment.

[1:35:14 PM](#)

CHAIR CLAMAN removed his objection. Finding no further objection, Amendment 1 was adopted.

CHAIR CLAMAN invited the bill sponsor to make final comments.

[1:35:27 PM](#)

SENATOR DUNBAR thanked the committee for its consideration. He stated that while psychedelics are a novel and sometimes sensationalized form of medicine, this legislation is ultimately about Federal Drug Administration (FDA) testing and establishing a regulatory framework. SB 166 prepares Alaska should the federal government legalize psychedelics for medical use.

[1:35:58 PM](#)

CHAIR CLAMAN found no further discussion and solicited the will of the committee.

[1:36:02 PM](#)

SENATOR KIEHL moved to report CSSB 166(L&C), work order 33-1062\P, as amended, from committee with individual recommendations and attached zero fiscal note(s).

[1:36:20 PM](#)

CHAIR CLAMAN found no objection and CSSB 166(JUD) was reported from the Senate Judiciary Standing Committee.

CONFIRMATION HEARING(S)
PUBLIC DEFENDER
COMMISSION ON JUDICIAL CONDUCT

[1:36:44 PM](#)

CHAIR CLAMAN announced consideration of governor appointee Terrence Haas as Public Defender and governor appointee Robert Sheldon to the Commission on Judicial Conduct.

[1:37:03 PM](#)

CHAIR CLAMAN opened public testimony on governor appointee Terrence Haas as Public Defender. He invited Mr. Haas to state his name for the record and proceed with his testimony.

[1:37:29 PM](#)

TERRENCE HAAS, Appointee, Public Defender, Anchorage, Alaska, testified as the governor's appointee to Public Defender. He stated that he left a position with the Chief Justice of the Rhode Island Supreme Court approximately 15 years ago, moved to Alaska, and has lived and built his career in Bethel ever since. He began as a public defender in Bethel, working in the trenches for about five years before being promoted to office supervisor, a role he held for another five years. He then served on the Superior Court bench in Bethel for five years prior to this appointment.

MR. HAAS shared that people often ask why he would leave the bench to return to the Public Defender Agency. He explained that the short answer is his strong passion for the role the public defender plays in the criminal justice system. He noted that, post-pandemic and in the current labor market, there is an extraordinary need for leadership at the Public Defender Agency. The agency is short a few lawyers and has about one hundred lawyers working statewide. He expressed his belief that these attorneys are among the hardest working and most capable in Alaska, and possibly in the country, in the field of criminal law. However, they are in need of leadership and support. He saw that need clearly from his perspective on the bench. While the career move may appear unusual, he said that given his personal passion, the decision makes a great deal of sense.

[1:39:33 PM](#)

CHAIR CLAMAN asked about his thoughts on relocating from Bethel, where he had lived 15 years, to Anchorage.

MR. HAAS responded that when he first moved from the large city of Providence, Rhode Island, Anchorage would have seemed like a small town. Now, however, Anchorage feels like the bright lights and the big city. He said it is something of a culture shock and a notable change. At the same time, he acknowledged that 15

years in Bethel is a long time, and he looks forward to the opportunity to expand out.

[1:40:24 PM](#)

SENATOR KAUFMAN expressed appreciation for the opportunity to speak with an appointee in person during the meeting.

MR. HAAS replied that it has been nice to travel to offices and see everyone in person post-COVID.

[1:41:00 PM](#)

CHAIR CLAMAN thanked Mr. Haas for his testimony and announced consideration of governor appointee Robert Sheldon to the Commission on Judicial Conduct. He invited Mr. Sheldon to state his name for the record and proceed with his testimony.

[1:41:28 PM](#)

ROBERT SHELDON, Appointee, Commission on Judicial Conduct, Talkeetna, Alaska, testified as the governor's appointee to the Commission on Judicial Conduct. He stated that he is a third-generation Alaskan, continuing a family legacy of more than 90 years of public service in Alaska. He noted that he is currently the only village-based or rural-based public member serving on the Commission. He briefly described his work in high-latitude companies in remote and austere areas of Alaska, Canada, Iceland, Greenland, and mainland Scandinavia. He has served on boards, commissions, and councils under each of the past five Alaskan governors since 2004. The upcoming term will mark his fifth appointment to the Commission.

MR. SHELDON explained that the Commission investigates allegations of judicial misconduct and ethical impropriety. He noted that most complaints are either unsubstantiated or fall outside the Commission's jurisdiction. He said that his educational interest and work in finance and economics intersect with the judiciary system. He emphasized that the rule of law is essential to the orderly function of an economy, and also influences Alaska's cost of capital. He stated that Alaska is currently priced more like an expensive emerging market than a developed economy. He expressed hope that sustained confidence in the judiciary could, over time, contribute to a reduction in the Alaska's cost of capital.

[1:42:55 PM](#)

MR. SHELDON said that serving on the Commission on Judicial Conduct has been an extremely satisfying experience. He emphasized the importance of maintaining continuity of service

and institutional knowledge among Commission members, as well as maintaining a rural voice on the Commission. He explained that judge and attorney representatives are often unable to serve more than one four-year term, making the role of public members vital in preserving long-term knowledge and consistency.

MR. SHELDON said that he wanted to continue serving on the Commission. He can recall only one other rural-based public member during his 16-year tenure on the Commission. He further stated his understanding that very few rural-based public members served on the Commission prior to his time. He and the executive director worked on this issue and were successful in bringing on an additional rural-based member through significant lobbying and outreach.

MR. SHELDON said that public service is about serving the people not oneself. He mentioned the unique pressure faced by rural public members, who must represent both the general public and the rural perspective. He said that rural views are often underrepresented on boards and commissions. He observed that tensions sometimes arise within the Commission when differing viewpoints emerge between public members and the six law-trained members who make up the majority of the nine-member Commission.

[1:44:32 PM](#)

MR. SHELDON said it is imperative for the Commission to not only hear and consider the rural voice but also incorporate it into its deliberations and decisions. He said, for that reason, it is an honor and pleasure to serve on the Commission.

[1:44:53 PM](#)

CHAIR CLAMAN sought confirmation that he had served 16 years on the Commission and asked about the number of terms he had completed.

MR. SHELDON replied that he had just concluded his fourth term, and this is now his fifth. He emphasized the importance of continuity in Commission membership, noting that the Commission is experiencing tremendous turnover. He explained that the Commission relies not only on documented records but also on institutional memory. He and the executive director are able to assist newer members by providing historical context about past events and judges because they have the institutional knowledge.

[1:45:38 PM](#)

CHAIR CLAMAN sought confirmation that appointments are for four-year terms.

MR. SHELDON replied yes.

[1:45:46 PM](#)

SENATOR KIEHL sought clarification regarding the Commission's recordkeeping practices, specifically what types of information are deliberately excluded from records.

MR. SHELDON responded with an example involving the Federal Bureau of Investigation (FBI), which once attempted to subpoena records. He explained that the Commission does not retain the type of records the FBI was seeking. Complaint records can be misleading to those unfamiliar with the Commission's processes. He reiterated that most complaints are either unsubstantiated or outside the Commission's jurisdiction. He said that this is why it is important for Commission members to recognize patterns, even non-jurisdictional patterns. Members are able to recall this information as needed, and this informal system has helped the Commission carry out its duties.

[1:47:02 PM](#)

SENATOR KIEHL sought clarification about the type of written history the Commission does not retain.

MR. SHELDON replied that the Commission does not retain a written history of the exact complaint about the judge.

SENATOR KIEHL said he would ponder that.

[1:47:39 PM](#)

SENATOR KIEHL expressed appreciation for the length and continuity of his service. He harkened back to a time when the Commission had been through a difficult time with contentious meetings. He asked for a description of how the Commission functions now, its flow, and the ability of members to work together.

MR. SHELDON replied that the Commission has an open session and a closed session. He inferred that the question referred to a simple disagreement that took place during an open session, available to the public. He explained that the discord was a minor disagreement and was resolved quickly after the meeting. He expressed delight to report that the nine members of the Commission frequently have great, personal conversations before and after meetings. He reiterated that contentious moments are brief and tend to quickly resolve because members want to proceed in a manner that best serves Alaskans.

1:49:31 PM

SENATOR KIEHL asked about other agenda items the Commission intends to address.

MR. SHELDON replied that the Commission recently considered amendments to the Code of Judicial Conduct canons; members were fairly aligned on the changes. The panel, which includes the Alaska Supreme Court Justice, took the changes under advisement. Otherwise, the Commission is current with its work. He credited Executive Director Marla Greenstein for keeping the Commission on task.

1:51:06 PM

CHAIR CLAMAN sought clarification about the process for amending the canons, asking if the Commission recommends changes and the Supreme Court decides whether to adopt them.

MR. SHELDON replied that the canons are a national overlay, which are amendable to align interests across jurisdictions. He said that the U.S. Supreme Court just adopted many of the canons. He expressed his belief that the Alaska Chief Justice presides over an independent, decision-making panel. He explained that Executive Director Marla Greenberg was a member of that panel, which informed the Commission of the proposed changes and invited its feedback. He said the Commission offered no significant recommendations.

1:52:50 PM

CHAIR CLAMAN said public testimony is limited to two minutes on the appointments of Terrence Haas, Public Defender, and Robert Sheldon, Commission on Judicial Conduct.

1:53:25 PM

HOLLY LEE, representing self, Talkeetna, Alaska, testified in opposition to the appointment of Robert Sheldon to the Commission on Judicial Conduct. She stated that, according to the Alaska Council on Judicial Conduct website, his term is listed as expiring on March 1, 2028. She did not expect to see his name under consideration again so soon. She reported that she had sent all legislators documentary evidence on Mr. Sheldon. The evidence showed rule violations and a conflict of interest in a private, pyramid, equity firm during his previous term. She identified herself as Mr. Sheldon's older sister and spoke about family and personal concerns regarding his character.

[1:55:48 PM](#)

ED MARTIN, representing self, Kenai, Alaska, testified on the appointment of governor appointee Robert Sheldon to the Commission on Judicial Conduct. He said that he had attended Commission meetings over the past year due to concerns about public official bonding. He stated that the Alaska Court System requires all state public officials to be bonded. He asserted that the Commission intended to exclude him from its January meeting. He informed every legislator about a statute requiring public official bonds and argued that a \$500,000 deductible insurance policy is not a substitute for proper bonding. He intends to bring the matter before a Grand Jury if the Commission fails to secure bonding. He reported that Executive Director Marla Greenstein said the statutory requirement does not apply to the Commission. He listed various government personnel that are subject to bonding requirements. He said that Ms. Greenstein and Mr. Sheldon are joined at the hip and that he has served too long on the Commission.

[1:58:22 PM](#)

CHAIR CLAMAN closed public testimony on the governor's appointees.

[1:58:28 PM](#)

CHAIR CLAMAN found no further comments from committee members and solicited a motion.

[1:58:36 PM](#)

SENATOR KIEHL stated that [in accordance with AS 39.05.080,] the Senate Judiciary Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Public Defender

Terrence Haas - Anchorage

Commission on Judicial Conduct

Robert Sheldon - Talkeetna

SENATOR KIEHL reminded members that signing the report(s) regarding the appointments 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.

[1:59:03 PM](#)

CHAIR CLAMAN announced the committee would forward the names to Joint Session.

1:59:14 PM

There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 1:59 p.m.