

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 27, 2003

3:35 p.m.

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator John Cowdery, Vice Chair
Senator Fred Dyson
Senator Gretchen Guess
Senator Lyman Hoffman

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

Confirmation Hearings:

Commissioner, Department of Administration - Mike Miller;

Commissioner, Department of Public Safety - Bill Tandeske

CONFIRMATIONS ADVANCED

PREVIOUS ACTION

No previous action to record.

WITNESS REGISTER

Commissioner-designee Mike Miller

Department of Administration

PO Box 110200

Juneau, AK 99811-0200

POSITION STATEMENT: Confirmation candidate

Commissioner-designee Bill Tandeske

Department of Public Safety

PO Box 111200

Juneau, AK 99811-1200

POSITION STATEMENT: Confirmation candidate

ACTION NARRATIVE

TAPE 03-5, SIDE A

CHAIR GARY STEVENS called the Senate State Affairs Standing Committee meeting to order at 3:35 p.m. Present were Senators Cowdery, Guess and Chair Gary Stevens. Senators Dyson and Hoffman arrived momentarily.

The first order of business was consideration of Mike Miller as Commissioner of the Department of Administration.

CONFIRMATION HEARINGS

COMMISSIONER-DESIGNEE MIKE MILLER testified via teleconference and advised members a copy of his resume was in their packets. He was born in Fairbanks and currently lives in North Pole. He attended the University of Alaska, Fairbanks from 1970 to 1974, served in the Alaska State House of Representative from 1983 to 1993, and was elected to serve in the Alaska State Senate from 1993 to 2000. Since 2000 he has been working in the family business.

SENATOR JOHN COWDERY asked whether his previous relationship with the Legislature would be helpful.

COMMISSIONER-DESIGNEE MILLER thought it would be helpful. He's familiar with the frustrations legislators have because many regulations promulgated by various agencies frequently don't seem to follow the intent of the Legislature. Having been a legislator, he would be sensitive to that so if a question arose regarding legislative intent, he would deal with the bill sponsor directly to clear up any misunderstanding.

SENATOR COWDERY asked if he had any plans to change the method of operation for the department and whether he had discussed the department's budget with the Governor.

COMMISSIONER-DESIGNEE MILLER replied the budget has been extensively reviewed and discussed in the last several weeks and difficult times are ahead. Significant reductions should be expected in many but not all areas. For example, there will be no reduction for public defenders because a supplemental request has been submitted and it makes no sense to turn around and suggest a cut in that same area.

Departmental reorganization plans would be outlined at a press conference the following week, but his goal is to have the Department of Administration become a template for a fair and open operation. For individuals to have trust in state

government, they must be able to see that everything is running above board.

SENATOR GUESS made reference to his House State Affairs testimony and asked what the proposed cuts to the Department of Motor Vehicles (DMV) would entail.

COMMISSIONER-DESIGNEE MILLER said increasing the use of technology is of primary importance and would result in cost savings.

SENATOR GUESS noted IT is a passion of hers and she finds state use of technology to be frustratingly inefficient. She asked him to comment on how the state should approach IT use.

COMMISSIONER-DESIGNEE MILLER replied all the various IT groups should be consolidated in one agency and the Department of Administration is probably the logical choice.

SENATOR DYSON referred to the bill that requires that the budget be prioritized within each department and asked whether the Administration would be able to follow that format this session.

COMMISSIONER-DESIGNEE MILLER wasn't sure that would be possible for this budget cycle because of the number of new people, but that doesn't mean they can't do it for the next budget cycle. Also, that might be difficult in the Department of Administration due to the variety of divisions housed therein. Nonetheless, it's a worthwhile goal and is the direction in which he would like to head.

SENATOR DYSON then asked whether DOA staff members would be free to speak openly with legislators.

COMMISSIONER-DESIGNEE MILLER replied he has instructed his staff to speak openly and honestly with legislators. He won't censure dialog.

SENATOR DYSON encouraged him to review the state's purchasing and contracting and welcomed him to the job.

SENATOR HOFFMAN asked if he had hired any staff "off schedule" and whether a pay equity study was warranted.

COMMISSIONER-DESIGNEE MILLER said he had not hired anyone "off schedule" but a number of individuals accepted positions with

the new Administration at a hardship. Pay structure is a serious issue that needs attention at some point.

There were no further questions.

CHAIR GARY STEVENS asked for a motion.

SENATOR COWDERY made a motion to forward Commissioner-designee Mike Miller's name to the joint Senate House session for confirmation.

There being no objection, it was so ordered.

CHAIR GARY STEVENS announced the committee would next hear from Commissioner-designee Bill Tandeske.

BILL TANDESKE, Commissioner-designee for the Department of Public Safety, asked members to review the email message he sent to all members of the department when Governor Murkowski selected him for the position. [See committee file.]

His family moved to Alaska in 1957; after graduating from high school in Delta Junction he enrolled in the air traffic control program at the University of Alaska Anchorage. He joined the Alaska State Troopers in 1973 and worked his way through the ranks. Highlights as Judicial Services Commander in Anchorage include: development of the video arraignment system, establishing the troopers' permits and licensing function, implementing statutes for sex offender registration, and concealed carry permits. After serving nearly 26 years as a trooper, he retired in June 1999 as Deputy Director.

His management style is straightforward and asks, "How can we do this?" not, "Why can't we do this?" There's a big difference in how you approach problem solving and the answer can't always be more money.

A cornerstone of his philosophy is, "Don't forget from where you came." It is a huge responsibility to support those individuals working the graveyard shift; "as you move on in your career it's important not to forget those things. While we're home in bed there will be troopers out there working and dispatchers on the radio console and the things we do in our day to day functions in Anchorage or Juneau affect those people."

He believes in a foundational approach; missions and allocation of resources should be periodically evaluated. Although it's not

the easy way to do things, it's necessary and the department is currently working through those issues. Some decisions will be more popular than others but all decisions will be made with the best of intentions.

SENATOR COWDERY asked what the most challenging aspect of the position would be.

COMMISSIONER-DESIGNEE TANDESKE replied it's back to basics. He understands missions and measures, but things that hamper law enforcement's effectiveness don't show up on a pie graph. They're the intangibles; the attention to detail and the caring about the impact that law enforcement has on people's lives. It's the service attitude and the positive problem solving attitude. Field training programs that take recruits to Palmer, Fairbanks and Kenai do not prepare a trooper to address issues in the Bush. Rural issues and doing business associated with being a trooper is very different than being a city police officer. The same applies to being a fish and wildlife trooper working in rural Alaska. He welcomes the challenge because he sees the opportunity to do many good things.

SENATOR COWDERY asked for his interpretation of the controversy regarding the incorporation of fish and wildlife officers with the State Troopers.

4:05 pm

COMMISSIONER-DESIGNEE TANDESKE replied they are examining the issue and it could be done in a number of ways. They are in the process of doing a complete departmental overview. In his mind, the question regarding the two uniform divisions within the Department of Public Safety is, "Can those functions be under one director and still keep their autonomy in terms of expertise." He thought they could, but the question is, "Do we need two colonels, three majors and ten or twelve captains? Are we doing things as well as they could be done?" The challenges continue to increase, which is why they are looking at the foundation. He doesn't agree with doing things a certain way simply because that's the way they've always been done. Progress comes from giving issues a hard look. Thus, the issue isn't decided but it is being scrutinized.

He pointed out the statewide drug and alcohol enforcement units and the statewide criminal investigation units are working well and there is no clear reason there couldn't be a statewide resource protection unit. Positions that used to be part of the

superstructure could be replaced with people at the base of the structure that deliver service to the public. After that, the question is what support structure is required?

SENATOR COWDERY advised he would like to have a private conversation in his office.

SENATOR DYSON said if the public is safer when law-abiding citizens are able to have firearms in the home.

COMMISSIONER-DESIGNEE TANDESKE couldn't definitively speak to the issue, but he has no doubt about the right to keep and bear arms. The sense of safety is whatever one makes of it, but the argument can certainly be made that having arms in the home may discourage some people from certain activity.

SENATOR DYSON then asked whether people on the street were safer with criminals knowing that there may be any number of qualified legal, concealed weapon carriers.

COMMISSIONER-DESIGNEE TANDESKE replied most criminals he has dealt with didn't think that far ahead.

SENATOR DYSON said the rate of robberies has gone up five-fold in Great Britain and about three and one half fold in Canada and his argument for that is it's unlikely there is an armed citizen in either culture.

He asked whether the pay scale and benefit package was good enough to attract and keep the best troopers.

COMMISSIONER-DESIGNEE TANDESKE thought both were near the low end of the scale. Currently a big issue is that the Anchorage Police Department (APD), which is the largest law enforcement organization in Alaska, is under PERS. Now someone can go from being a State Trooper to being an Anchorage police officer and transfer his or her retirement. "In terms of trooper issues, both from the brown and the blue side, particularly the blue side, if somebody wants to live in Anchorage their whole life they ought to join APD. That's not what being a trooper is about." It's his belief that you haven't been a trooper until you've served in rural Alaska and it's the most rewarding time a trooper will have.

Nationally, pay and benefits are a difficult issue and should be reviewed in Alaska.

SENATOR DYSON asked about the 20 years and out clause and the burnout versus experience arguments.

COMMISSIONER-DESIGNEE TANDESKE opined both arguments were valid but there is no substitute for experience in many areas of public safety.

SENATOR DYSON asked if there was a way to modify retirement so individuals would gain by staying on and the state could better take advantage of their maturity, judgment and experience.

COMMISSIONER-DESIGNEE TANDESKE replied that is a long-term issue and it's important but it's difficult to have an organization in which workers aren't burned out.

SENATOR HOFFMAN referred to the Governor's statement that he would crack down on bootleggers in rural Alaska and asked for a benchmark he could use to determine whether or not he was accomplishing that goal.

COMMISSIONER-DESIGNEE TANDESKE replied he received a briefing on the topic and although many good things are being done, a very large impediment has been the U.S. Postal Service. A recent change in management indicates the old cooperative relationship will return and he looks forward to being kept apprised of the situation. However, if there isn't a return to the old cooperation, he'll make changes to get the requisite cooperation. Regardless of the effort he puts forward, the tools must be in place for officers to be effective. Again, the biggest challenge to the department is getting out of the norm.

SIDE B
4:20 pm

SENATOR HOFFMAN remarked he would be following the bootlegging issue closely to see whether there are more convictions and whether the flow of alcohol into rural Alaska is stemmed.

The number of Alaska Native women that are victims of domestic violence is staggering and he wondered if the commissioner might have a different approach for addressing that serious issue.

COMMISSIONER-DESIGNEE TANDESKE stressed he feels very strongly about domestic violence and sexual assault and the Department of Public Safety will handle those cases appropriately. Many issues, including alcohol, go hand in hand but this is a zero tolerance issue and it is something they will do well.

SENATOR HOFFMAN advised he too would like a personal meeting. In 16 years he has received nothing but good comments about the department, but in the last month he received complaints about a "brown shirt" in the Bethel area.

SENATOR GUESS expressed appreciation regarding his conviction on domestic violence and sexual assault. She asked about the rumors that the Council on Domestic Violence and Sexual Assault would be moved from his purview to the Department of Health and Social Services (DHSS). Commissioner Gilbertson didn't think that would happen but because this is a victims issue, she strongly believes it should remain in the Department of Public Safety.

COMMISSIONER-DESIGNEE TANDESKE admitted a move has been discussed. He agrees the council is a victims issue, but public safety is primarily an enforcement agency so there are aspects of the program that make it more properly aligned with DHSS. Accountability is one of his big concerns and any time large amounts of federal money are taken in, the departmental infrastructure must be in place to account for the expenditure of that money. That being said, he gave assurance public safety would remain committed to the issues regardless of where CDVSA was located.

SENATOR GUESS said the troopers have done a tremendous job and she would like to see the program remain under the public safety purview. She then asked whether a statewide 911 program would be a priority of this Administration.

COMMISSIONER-DESIGNEE TANDESKE advised 911 and Alaska Land Mobile Radio (ALMR) are interconnect issues on which he has been briefed and he appreciates the Lt. Governor's view that emergency communication infrastructure should be incorporated in road building and renovation projects.

SENATOR GUESS commented most of the population has 911 access but most communities do not.

She advised statute calls for a unit for child sexual assault and child exploitation but it is now in major crimes. She asked whether there was a movement to look at the focus of that organization.

COMMISSIONER-DESIGNEE TANDESKE replied this is part of the overall department review and whether or not all investigative units should report to one central authority continues to be a

question. Also, where are the department's resources allocated and will they continue to be able to respond to every type of call?

SENATOR GUESS asked him to review the situation because statute says there should be a unit but no unit is there, which places the department at odds with statute.

With reference to a constituent letter, she asked him to address the protocol for dealing with troopers that have a history of violence.

COMMISSIONER-DESIGNEE TANDESKE said the use of force policies that are in place are good but any policy is only as good as its application and review. The question also goes back to the "foundational, attention to detail things." All Use of Force report forms are reviewed up the line and each supervisor from the sergeant up to the major must read and initial the form. Without commenting on right or wrong, he advised he would have registered alarm if he reviewed a form that spoke of a fight with someone in a wheelchair. Individuals in leadership positions are obligated to ask tough questions.

SENATOR GUESS then asked about procedures for handling violent off duty incidents.

COMMISSIONER-DESIGNEE TANDESKE replied any unlawful conduct or conduct that brings disrepute to the department is treated as a violation and procedures are in place to deal with allegations of off duty criminal conduct.

CHAIR GARY STEVENS requested an evaluation of and his intentions regarding the continuation of the village public safety officers (VPSO) program.

COMMISSIONER-DESIGNEE TANDESKE advised he had lots of experience with VPSOs and although he supports the concept, there is no easy fix for rural enforcement issues. About 165 rural communities fit the profile of a VPSO and at its peak there were 125 positions. However, there is only enough money budgeted for 75 positions, which leaves 90 communities with no VPSO. Encouraging communities to adopt the village police officer concept instead of a village public safety officer is a win win situation because the former are not part of the non-profit contract system.

Inherent issues with the VPSO program make it problematic and when it comes down to asset allocation, it must be understood that state troops can stand alone, but VPSOs can't get along without state trooper support.

CHAIR GARY STEVENS asked for his vision for the academy and his intentions regarding its future.

COMMISSIONER-DESIGNEE TANDESKE replied it is very important but it will undergo change in the future. Before he retired from the troopers he became concerned that it had gone from a Department of Public Safety issue to the Division of Alaska State Troopers at the director level. Since his retirement it became a detachment issue, which means a detachment commander is also the academy commander. The academy is a statewide function that serves the Coast Guard, the VPSOs, the VPSs, and municipal police officers. It not a detachment issue and he argues it is not a Division of Alaska State Trooper issue. It is a central asset of the Department of Public Safety and deserves to be at that level. Beyond that, he is committed to ensure that what they do they do well, which means it needs to be cutting edge in terms of technology and methods of teaching.

SENATOR COWDERY asked whether domestic violence increases at dividend time.

COMMISSIONER-DESIGNEE TANDESKE thought that might be true in parts of the state.

There were no further questions.

CHAIR GARY STEVENS asked for a motion.

SENATOR DYSON made a motion to forward the nomination to the joint body for confirmation.

There being no objection, the nomination of Bill Tandeske as Commissioner of the Department of Public Safety was forwarded to the joint body for confirmation.

CHAIR GARY STEVENS adjourned the meeting at 4:50 pm.