

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

January 10, 2006
8:10 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Carl Gatto, Vice Chair
Representative Jim Elkins
Representative Bob Lynn
Representative Jay Ramras
Representative Berta Gardner
Representative Max Gruenberg

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Sharon Cissna
Senator Charlie Huggins
Representative Nancy Dahlstrom

COMMITTEE CALENDAR

OVERVIEW(S): DEPARTMENT OF PUBLIC SAFETY; DEPARTMENT OF
MILITARY AND VETERANS AFFAIRS - DISASTER PREPAREDNESS PROGRAM

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

WILLIAM TANDESKE, Commissioner
Department of Public Safety
Juneau, Alaska

POSITION STATEMENT: Presented an overview of the Department of
Public Safety.

GARY POWELL, Director State Fire Marshall
Division of Fire Prevention
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Responded to overview questions for the Department of Public Safety.

MAJOR GENERAL CRAIG CAMPBELL, Adjutant General/Commissioner
Department of Military and Veterans' Affairs
Ft. Richardson, Alaska

POSITION STATEMENT: Presented an overview of the Department of Military and Veterans' Affairs' Disaster Preparedness Program.

DAVE LIEBERSBACH, Director
Division of Homeland Security/Emergency Management
Department of Military and Veterans' Affairs
Ft. Richardson, Alaska

POSITION STATEMENT: Presented an overview of the Department of Military and Veterans' Affairs' Disaster Preparedness Program.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House State Affairs Standing Committee meeting to order at [8:10:32 AM](#). Present at the call to order were Representatives Gatto, Elkins, Lynn, Ramras, Gardner, Gruenberg, and Seaton.

OVERVIEW: DEPARTMENT OF PUBLIC SAFETY

[8:12:06 AM](#)

CHAIR SEATON announced that the first order of business was an overview from the Department of Public Safety.

[8:12:22 AM](#)

WILLIAM TANDESKE, Commissioner, Department of Public Safety (DPS), named the various departments within DPS, as listed on page 2 of the handout included in the committee packet. The final three Division of State Trooper bureaus listed are set out due to their significance in the focus of DPS's reorganization, begun two and one half years ago.

[8:14:57 AM](#)

COMMISSIONER TANDESKE turned attention to page 3, regarding fire fatalities for 2005. He noted that fire deaths have increased over the previous years' statistics, which is of concern. He then moved on to page 4, regarding Project Code Red's growth and activity. He indicated that DPS is working with locally based organizations to assume the project's on-going training and

maintenance costs, utilizing alternative funds versus state dollars. Page 5 contained photos of the portable equipment used by DPS for Project Code Red.

[8:17:42 AM](#)

COMMISSIONER TANDESKE moved on to page 6, regarding the Division of Statewide Services, and informed the committee that funding is being procured to purchase an updated fingerprinting instrument. He also informed the committee that the Alaska Public Safety Information Network (APSIN) redesign is complete and the migration effort is underway. He listed other significant events related to the state crime lab as follows: the purchase of another high capacity deoxyribonucleic acid (DNA) analyzer; the National Integrated Ballistic Information Network (NIBIN), a ballistic and firearms data base that is new in the last year and is proving to be important to all law enforcement agencies in the state; and the focus on the need to plan for expansion of the existing crime lab. Professional estimates require a doubling of the existing lab's size to handle the work capacity.

[8:21:42 AM](#)

COMMISSIONER TANDESKE highlighted page 7, regarding Alaska concealed handgun permits, noting the current active number of permits and the declining trend in permits issued since the fiscal year (FY) 04 legislation. He noted that reciprocity has been established with 29 other states. The final summary topic was sex offender registration. This involves tedious work to register offenders, compare out-of-state convictions, and interface other states' statutes with Alaskan law, to determine compliance. He noted that sex offender compliance checks were done in Southeast Alaska in the last year. Although law enforcement is not ordinarily staffed to provide this compliance service, they were able to work with municipal organizations to complete some spot checks.

[8:24:11 AM](#)

CHAIR SEATON asked for an explanation of the impact of the national registry.

COMMISSIONER TANDESKE explained how the national registry allows law enforcement to search all states, utilizing certain criteria, via one hub.

8:24:49 AM

COMMISSIONER TANDESKE went on to page 8, regarding DPS's core missions: statewide drug and alcohol enforcement; statewide criminal investigative services; rural public safety services; wildlife law enforcement; highway safety; and statewide law enforcement training. He expressed his pride in the results of the core mission accomplishments, but indicated his concern with regard to being able to meet the demands of Alaska's growing constituency.

8:26:33 AM

COMMISSIONER TANDESKE introduced page 9, which outlines the challenges in the Division of Alaska State Troopers. The greatest challenge being personnel recruitment and retention. There is a shrinking pool of people who are both willing and qualified to work in law enforcement, he explained. This is a problem nationwide. With due respect, he offered his opinion that this problem is occurring because more is asked of state troopers than of other agencies in terms of often requiring relocating the family to a locale with little or no support or backup. The recruitment cycle is ongoing. He explained that it is not a matter of how many apply, but how many are qualified and finish the program.

8:28:13 AM

COMMISSIONER TANDESKE then provided an update on the Court Service Officer (CSO) hires. These positions have all been successfully filled, including the four that were newly authorized by the legislature in 2005, he related. Through last year's reorganization, DPS was able to realize a total increase of 10 CSO positions.

COMMISSIONER TANDESKE discussed page 10, which is a summary of the Alaska Bureau of Investigation (ABI), and the Alaska Bureau of Alcohol and Drug Enforcement (ABADE). He reported ABI's major accomplishment of having resolved every homicide for the last three years running (2003-2005). This division has experienced success in assisting to solve cases in other jurisdictions as well, and in working with cold cases.

COMMISSIONER TANDESKE revealed that an immediate need in the joint child abuse investigative unit is additional funding in order to provide interagency partnerships. These partnership/task forces are needed throughout Alaska, he said.

In fact, the Matanuska Valley unit provides a successful model for the rest of the state.

COMMISSIONER TANDESKE related that ABADE is doing well with drug and alcohol enforcement. Methamphetamine ("meth") lab activity is on the decline for the first time in four years, that does not mean that there is less meth in the state. Like other drugs, most meth is imported, he noted. Reducing the "mom and pop" labs, in Alaska, does mean that ABADE has more time to focus on larger drug issues. These local labs are very labor intensive to eradicate, and render little effect on the overall drug scene. He explained that currently, ABADE is working with the US attorney to create a drug and alcohol task force to include the United States Postal Service (USPS). Although alcohol in the mail is not a priority for the USPS on a national level, it is a huge issue for rural Alaska. Providing "cross designation" of state troopers with the village post offices would provide law enforcement officers to respond more readily.

[8:31:45 AM](#)

COMMISSIONER TANDESKE, in response to Chair Seaton, explained that "cross designation" essentially allows cross-designated state troopers to act with the authority of a federal postal inspector, in special cases.

REPRESENTATIVE GARDNER asked what it would take to get such authority.

CHAIR SEATON requested that all questions outside the realm of immediate clarity, be held until the end of the overview.

[8:32:36 AM](#)

COMMISSIONER TANDESKE turned the committee's attention to page 11, which summarizes the Village Public Safety Officer Program (VPSO). This is one of those areas, as spoken of earlier, where it is very difficult to fill and retain personnel. He went on to explain that the standards for hiring and training have been raised for the VPSO positions, although it is difficult to attract qualified applicants from villages. Administrative costs for this program have been reduced, which allowed the wages to be brought up to a single wage scale with the possibility of bumping wages up further. As indicated, building up the VPSO positions is an ongoing challenge, he said.

[8:34:57 AM](#)

COMMISSIONER TANDESKE continued with page 12, regarding the Alaska Bureau of Wildlife Enforcement (ABWE). The division, he explained, relies heavily on aviation to perform its job. However, as current personnel retire, the question becomes who will be flying the ABWE Super Cubs. Therefore, the department is employing strategies such as recruiting troopers, who have some piloting experience, and providing them additional training, to bring them up to DPS standards. This strategy is what has allowed the unfilled positions to be filled. In fact, the St. Mary's post, which has been vacant for two years, will have it's wildlife protection pilot appointed on March 1, 2006. This has been a good direction to go, and DPS expects to continue and expand along these lines. Commissioner Tandeske went on to explain how these officers are called in to assist in areas other than wildlife protection such as with assisting domestic violence defendants. He opined that it is important to use the manpower available, on an as-needed basis.

[8:37:34 AM](#)

COMMISSIONER TANDESKE moved on to page 13, dealing with highway traffic enforcement. Although the number of alcohol and seat belt-related fatalities is down across the state, Commissioner Tandeske indicated his dissatisfaction with what is happening on Alaskan highways. Therefore, strategies are still being formed to address the state's major highways. A Driving Under the Influence (DUI) Team, based in Palmer, was started in November 2003. The commissioner would like to see this team concept expanded statewide. Funds have been requested in the FY 07 budget to provide for three such teams to be positioned in Fairbanks.

COMMISSIONER TANDESKE concluded the presentation with page 14, regarding statewide training. He highlighted the program that developed in-service training for municipal departments. He pointed out that it is difficult for departments, particularly those in smaller municipalities, to train and recertify in a variety of specific areas. The department has, in response to this need, put together training programs to offer to the chiefs of various agencies. Commissioner Tandeske highlighted the importance of expanded training for first-line supervisors and commanders, which he characterized as a valuable and worthwhile investment in the future of DPS.

[8:40:11 AM](#)

REPRESENTATIVE RAMRAS expressed his view that DPS could be renamed the "Department of Quality of Life," as it more aptly describes what the department provides the residents of Alaska. He inquired as to what the legislature could do to increase the already valiant efforts of DPS. He asked, were the state to double the department's budget, if that would serve to curb statewide law enforcement issues, or, given possible constraints on the prosecution and jail end of the spectrum, if additional funding is an issue.

COMMISSIONER TANDESKE responded that additional money would not necessarily make things perfect. When the criminal law enforcement aspect is "bumped up," it has a direct impact on the law enforcement system as a whole. Although patrol enforcement is essential as a deterrent, prosecution is not (the focus) for DPS, he said. He stated, "Our standard, in the middle of the night, is to get the hazard off of the road; what happens after that happens."

[8:43:30 AM](#)

REPRESENTATIVE GRUENBERG asked about the four suicides by arson.

GARY POWELL, Director State Fire Marshall, Division of Fire Prevention, Department of Public Safety, described the suicides and homicides involving fire. Although heretofore unusual, suicide by arson seems to be a national, unaccounted for trend, he said.

[8:46:07 AM](#)

CHAIR SEATON turned attention to those who might be setting wild fires in the state. He asked if such individuals are considered terrorists and fall under the Division of Homeland Security, or if they fall under the fire marshal's purview.

COMMISSIONER TANDESKE answered that subjects of intentionally set fires would fall primarily between the Division of Homeland Security and the Department of Natural Resources.

CHAIR SEATON clarified that the fire marshal primarily oversees issues concerning buildings and structures in the state.

COMMISSIONER TANDESKE added that the fire marshal's authority also includes inspections, plan reviews, and prevention programs.

8:47:05 AM

REPRESENTATIVE GATTO inquired about the cause of fire related deaths and what role smoke detectors play in these scenarios. He asked if it could be said that the routine use of smoke detectors would be influential in nearly eliminating fire-related deaths.

MR. POWELL surmised that in about 50 percent of the incidences in which fatalities occur, it is found that smoke detectors are absent or discovered to be inoperable. He pointed out that, statistically, smoke detectors are found to be highly effective in saving lives.

8:48:43 AM

REPRESENTATIVE ELKINS asked for clarity regarding the duties of the Alcohol and Beverage Control (ABC) Board and ABADE.

COMMISSIONER TANDESKE offered that ABADE deals with issues surrounding bootlegging, while licensed premises are the purview of ABC.

8:49:24 AM

CHAIR SEATON informed the committee that last year he was in conversation with the fire marshal regarding creating a program that would provide certification for residential sprinkler systems. This would allow residents the ability to negotiate more readily with insurance companies, possibly encouraging people to have these systems installed. He asked if the fire marshal is still interested in developing this program.

MR. POWELL responded affirmatively. However, he noted that in initiating this project, DPS ran into a few stumbling blocks with insurance company officials. Mr. Powell said he would like to pursue this matter further with Representative Seaton and will provide him with the existing conceptual plan, for a future meeting.

8:51:23 AM

MR. POWELL, in response to a question from Representative Gruenberg, clarified that the "other sources" of funding for Project Code Red are primarily assorted federal funds obtained through various agencies.

8:52:02 AM

CHAIR SEATON inquired as to the number of DNA tests performed by the lab.

COMMISSIONER TANDESKE responded that over the last year or so, DPS has been working through a backlog of approximately 7,000 DNA samples. In further response to Chair Seaton, he estimated that currently about 1,500 samples are left to process. The federal grant that provides funding for this program is expected to be continued.

8:53:20 AM

CHAIR SEATON inquired as to the time frame to analyze a DNA sample that isn't included in the backlog.

COMMISSIONER TANDESKE answered that given that it's priority, a sample would take a couple of weeks. In further response to Chair Seaton, Commissioner Tandeske opined that two weeks would be an accurate estimate of the time frame; a complicated process is required. Furthermore, various checks and balances are utilized to provide quality assurance and those also enter into the timeline.

8:55:14 AM

COMMISSIONER TANDESKE, in response to Representative Gruenberg, explained that APSIN is the communication highway [database] for law enforcement check warrants, driver's license status, and criminal histories.

8:55:48 AM

REPRESENTATIVE GARDNER returned to the issue of handgun permits and the reported reciprocity with 29 states. She asked if it is incumbent on the person buying the handgun in Alaska to determine with which states Alaska has reciprocity or if the buyer is provided such information.

COMMISSIONER TANDESKE pointed out that this ever-evolving list is available on the DPS web site.

8:56:41 AM

REPRESENTATIVE GRUENBERG referred to a publication published by the Council of State Governments, entitled, "Interstate Compacts

& Agencies 2003" [available in the Legislative Reference Library]. Representative Gruenberg recommended that the committee members familiarize themselves with this publication, which specifies that there isn't an interstate compact for reciprocity regarding handgun permit registration. He asked if the department would be interested in pursuing such, if it's not already in the works. Since the department is entering into [reciprocity] agreements, he suggested having a compact for interested states to sign in order to avoid separate negotiations.

COMMISSIONER TANDESKE said he would be happy to review [the recommended publication].

[8:58:17 AM](#)

REPRESENTATIVE GATTO wanted to know whether any handgun is traceable to its owner.

COMMISSIONER TANDESKE answered that a gun is not always traceable, for various reasons such as the number of times a gun has changed hands.

REPRESENTATIVE GATTO asked if a gun without recorded serial numbers that was stolen from someone's home would be traceable.

COMMISSIONER TANDESKE reiterated the difficulty in tracing a weapon without its serial numbers.

[9:00:10 AM](#)

CHAIR SEATON inquired as to whether the previous discussion was in regard to concealed handgun or concealed weapon permits.

COMMISSIONER TANDESKE clarified that he was referring to handguns.

[9:00:32 AM](#)

REPRESENTATIVE GATTO reported that Alaska is the nation's leader in reported rapes. He asked what is being done to change this.

COMMISSIONER TANDESKE highlighted a successful, pro-active sex offender unit, that serves to protect the most vulnerable individuals in the downtown Anchorage area. Commissioner Tandeske emphasized that alcohol is a huge factor in crimes, particularly in rural villages. The DPS is working hard to

reduce violence in all areas, not just sexual assaults. Enforcement maintains a broad focus and shelters that focus on teaching people how to minimize their chances of being victimized play an important role.

REPRESENTATIVE GATTO suggested that other states [with a lower rate of rapes] might have "some sort of a plan" that has been implemented, and he surmised that Alaska is probably aware of that. He added, "It's just an impossible situation."

COMMISSIONER TANDESKE said he wouldn't disagree with that. Notwithstanding that, he said one of the things that he has felt good about over his years in law enforcement has been the steady increase in "the reporting of a terribly underreported crime." He suggested the need to understand what the numbers really mean.

[9:03:11 AM](#)

REPRESENTATIVE GARDNER inquired as to the level of compliance with the sex offender registration requirements.

COMMISSIONER TANDESKE estimated that 20 percent of sex offenders in Alaska are not in compliance. Therefore, it is important for the public to know that, however limited, DPS does have a program for checking for compliance, he said.

[9:04:14 AM](#)

CHAIR SEATON asked whether law enforcement job requirements have become more stringent, or whether the number of applicants has decreased.

COMMISSIONER TANDESKE answered that [applications] are on the decline across the country and it has become commonplace for states to recruit from one another. Therefore, he said he has department staff reviewing why people are not entering the field of law enforcement. He suggested that the view of public service in law enforcement has changed over the years, which needs to be addressed. Currently, DPS's largest contact with applicants comes from on line inquiries. With this in mind, DPS is increasing its on line presence and presentation for national recruiting purposes.

[9:06:28 AM](#)

CHAIR SEATON ask whether youthful misdemeanors prevent some people from applying.

COMMISSIONER TANDESKE responded that, generally speaking, youthful indiscretions are excused. However, certain misdemeanors, such as driving under the influence and domestic violence must be reviewed.

REPRESENTATIVE ELKINS asked whether the pay rate enters into the recruitment/retention equation.

[9:07:53 AM](#)

COMMISSIONER TANDESKE replied that compensation does play a role, although he said he does not tend to put it at the top of the list. He related that his experience indicates the single most important factor as being interest in the work. However, given what is asked of the troopers and their families, he recommended that they be compensated at a higher rate. Still, other aspects, such as providing rural housing, are also important [in regards to recruitment and retention].

[9:08:38 AM](#)

CHAIR SEATON inquired as to whether there was a decrease in the pool of applicants when the standard for Wildlife Protection officer changed from being a "brown shirt officer" to general public safety officer.

COMMISSIONER TANDESKE hypothesized that there may be some applicants who forfeited the opportunity to become Wildlife Protection Officers when faced with the reality of qualifying, training, and at times acting in the capacity of a state trooper. However, he didn't believe it has had a significant impact on the recruitment numbers.

[9:10:14 AM](#)

REPRESENTATIVE LYNN asked what two or three acts of legislation Commissioner Tandeske would like to see drafted to continue the mission of DPS.

COMMISSIONER TANDESKE said he would like to see a change in Title 4, particularly to bring forfeiture provisions for bootleggers more in line with the forfeiture provisions for drug dealers, and to address some of the definition issues. These are items that the Rural Justice Commission has worked on, and

identified, for legislation, that could be helpful in attacking the rural alcohol issues.

REPRESENTATIVE LYNN interjected that he [introduced] such a bill in the past and perhaps this would be the time to resurrect it.

9:11:37 AM

COMMISSIONER TANDESKE said he would also like to implement highway safety corridors in which problematic stretches of highway would be designated as "zero tolerance" corridors for which there would be double fines. Safety corridors alert drivers to particularly hazardous stretches of road and provide specific focus for the highway patrol units. Commissioner Tandeske noted that he has seen this in the State of Oregon. He said he wasn't sure if these designations would require a statutory change.

9:12:49 AM

CHAIR SEATON inquired as to Commissioner Tandeske's opinion of the most effective way to deal with those who drive with a suspended/revoked license. He asked if impoundment of the owner's vehicle would be a deterrent against people driving with a suspended/revoked license or others loaning vehicles to such individuals.

COMMISSIONER TANDESKE said that conceptually he doesn't oppose taking vehicles away from people who insist on driving illegally. However, the consequences currently enacted for these crimes are not always imposed. Furthermore, there are difficulties associated with impoundment programs due to the liens against vehicles.

9:14:41 AM

REPRESENTATIVE ELKINS asked if a mandatory headlight law would create safer highways.

COMMISSIONER TANDESKE agreed that driving with headlights on is a safety issue. Although he said he would prefer to get people to use headlights because they know it's safe, headlights on the highway are a benefit.

REPRESENTATIVE ELKINS recalled that in the past, there did not seem to be much support for legislation to impose [mandatory] headlight use.

COMMISSIONER TANDESKE acknowledged the past lack of interest and assured the committee that it did not come from him.

[9:15:33 AM](#)

REPRESENTATIVE GRUENBERG said he would support mandatory headlights, at least seasonally. Regarding the highway corridor concept, he questioned whether DPS already has the necessary authority to create such areas.

COMMISSIONER TANDESKE delineated that the setting of speed limits is the purview of Department of Transportation and Public Facilities (DOT&PF), but that the authority to double fines in an area other than a construction or school zone would have to be researched.

[9:17:17 AM](#)

REPRESENTATIVE GARDNER queried whether the changing of the state's retirement system might have an adverse effect on DPS's recruitment and retention efforts.

COMMISSIONER TANDESKE outlined his concerns about the recent changes and the proposed changes in the retirement system.

[9:19:17 AM](#)

CHAIR SEATON inquired as to why the ABWE specifies five DUI arrests but specifies there were 50 citations issued.

COMMISSIONER TANDESKE clarified that the citations are for things such as speeding or a bad pass wherein the individual was not drunk. Individuals charged with DUIs are always arrested, he said.

[9:19:48 AM](#)

REPRESENTATIVE GRUENBERG returned to the issue of "cross designation," and asked if a joint resolution from the legislature would be of assistance in obtaining that designation.

COMMISSIONER TANDESKE speculated that it may and he offered to talk with the committee about [creating such legislation].

The committee took an at-ease from [9:20:50 AM](#) to [9:31:21 AM](#).

OVERVIEW: DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

9:31:30 AM

CHAIR SEATON announced that the next order of business was the overview from the Department of Military and Veterans' Affairs regarding the department's disaster preparedness program.

9:33:07 AM

MAJOR GENERAL CRAIG CAMPBELL, Adjutant General/Commissioner, Department of Military and Veterans' Affairs, began by emphasizing the importance of emergency preparedness, which is the responsibility of the state and the local jurisdictions. He turned to Hurricane Katrina, the effects of which were devastating in Louisiana, Mississippi, Alabama, Texas, and Florida. Although the press focused primarily on Louisiana, Mississippi was hit with the most force. He pointed out that Louisiana and Mississippi handled their preparedness differently. He attributed the lack of press regarding Mississippi to its "very well thought out" plan that had been practiced. Furthermore, Mississippi's plan relied upon compacts with other states for support and was executed as it had been planned.

MAJOR GENERAL CAMPBELL announced that the overview would focus on what Alaska has done to prepare for and respond to emergencies, including Alaska's connections to local jurisdictions and the federal government. He opined that Alaska is well prepared to respond.

9:37:48 AM

CHAIR SEATON asked the committee to hold confidential Homeland Security questions for an executive session.

9:38:05 AM

DAVE LIEBERSBACH, Director, Division of Homeland Security/Emergency Management (DHS&EM), Department of Military and Veterans' Affairs, informed the committee that there are four emergency phases: mitigation/prevention, preparedness, response, and recovery. He then informed the committee that Alaska uses an "all-hazards" approach. As a result of Alaska's isolation, harsh environment, and lack of infrastructure in the Interior, Alaska has some "very challenging" logistics

situations. Since 1978, there have been 17 federal declarations and 183 state declarations. He specified that eight, or nearly 50 percent, of the federal disasters have occurred since the year 2000. Flooding is the most frequent as well as the most costly disaster in Alaska.

MR. LIEBERSBACH specified that the authorities and statutory guidance that DHS&EM work under are AS 26.20 and AS 26.23. In addition, the division [takes direction] from a number of federal statutes, most importantly the Stafford Act and 44 CFR. These are the federal laws that authorize disaster assistance and the law under which the Federal Emergency Management Agency (FEMA) operates. Mr. Liebersbach noted that the mission of DHS&EM is to protect lives and property from terrorism and all other hazards and provide rapid recovery from all disaster events.

[9:42:03 AM](#)

MR. LIEBERSBACH defined mitigation/prevention as the efforts to eliminate hazards and/or reduce the effects of the hazards. The all-hazard mitigation planning is a requirement of the Disaster Mitigation Act of 2000, a federal law requiring all state and local governments to have plans in order to be eligible for federal disaster assistance. The State of Alaska's plan was promulgated over a year ago, and now the division is working on local disaster mitigation plans. He informed the committee that 75 percent of post-disaster mitigation assistance is from federal funds and 25 percent is from state funds. When there is a federal disaster declaration, the state gets an additional 7.5-15 percent to perform disaster mitigation work anywhere it chooses to in the state.

[9:44:26 AM](#)

MR. LIEBERSBACH, in response to Chair Seaton, confirmed that the mitigation plan is on the division's web site, www.ak-prepared.com. In regard to anti-terrorism, DHS&EM is using a vulnerability assessment process, which identifies critical infrastructure, determines the vulnerability it would have in a terrorist attack, and reviews the vulnerability to a natural hazard event. Following the assessment, DHS&EM works on developing plans with the entity responsible for the infrastructure, in order to reduce the vulnerability of an attack or a disaster.

[9:46:10 AM](#)

REPRESENTATIVE GRUENBERG expressed concern regarding the amount of time and effort to look at a relatively small potential group of terrorists, as opposed to the much larger risk of natural disasters. He inquired as to the likelihood of a terrorist attack versus a natural disaster in Alaska.

[9:46:56 AM](#)

MR. LIEBERSBACH estimated that there is an 80-90 percent chance of a natural hazard versus a terrorist attack. Of the 51-52 positions in DHS&EM, 10-11 positions have been allocated for homeland security. The rest of the positions are on the emergency management side. He noted that both sides support the other. He explained that DHS&EM doesn't do any work in terms of the law enforcement side of terrorism, rather it addresses the aftermath. The division does some preventative planning, but the preventative work is actually performed by the state agency or private industry that has the facility. On the emergency management side, DHS&EM has a lot of responsibility.

[9:49:04 AM](#)

MR. LIEBERSBACH relayed his understanding that Representative Gruenberg was inquiring as to what DHS&EM has done to engage private industry to participate in all-hazards. In response, he said that DHS&EM does work with private industry on all-hazards, particularly the larger employers because they affect so many employees. The division works with private industry in regard to preparedness training of employees, what the industry can do to help DHS&EM in providing training, and what the industry can do to sponsor some of DHS&EM's outreach work in emergency management and homeland security.

[9:50:39 AM](#)

CHAIR SEATON asked if terrorism is separated from natural disasters in the vulnerability assessment so that the natural disaster vulnerability assessments can be made available to the public.

[9:51:14 AM](#)

MR. LIEBERSBACH explained that the vulnerability assessment is being conducted in areas that are considered critical, because the funding comes from anti-terrorism funds. He said that currently no information has been held back. The team

performing vulnerability assessments was created under Administrative Order 203 and is made up of personnel from the following departments: Department of Administration, Department of Environmental Conservation, Department of Health and Social Services, Department of Military and Veterans' Affairs, Department of Public Safety, and Department of Transportation and Public Facilities. Thus far, the team has conducted assessments on about 30 facilities, including: hospitals, schools, the petroleum industry, state agencies, and the power industry. Mr. Liebersbach informed the committee that DHS&EM also participates in the Alaska Partnership for Infrastructure Protection (APIP). The division also does natural hazard warnings, most of which are not originated by DHS&EM, but are rather re-broadcasted by the state emergency coordination center. These are warnings of severe weather, tsunami, and coastal sea storms that come from the National Weather Service. He noted that DHS&EM also performs intelligence dissemination, threat level changes, and a daily situation report.

[9:54:45 AM](#)

MR. LIEBERSBACH clarified that DHS&EM does intelligence dissemination as required, but it does not collect intelligence; the division is not an intelligence agency. He explained that sources such as the FBI, CIA, and State Troopers provide the division with access to intelligence information as necessary. The division also has the Homeland Security Advisory System - Alaska's advisory system, which doesn't necessarily change when the federal government's advisory changes. The process in Alaska determining whether or not the state needs to elevate its threat level involves the commissioners of the Department of Public Safety and the Department of Military and Veterans' Affairs. The commissioners make a recommendation to the governor, who decides whether or not to move Alaska's threat level up or down. Mr. Liebersbach then turned to preparedness, which he defined as planning, training, exercise, and resources. He opined that planning ahead is "very important" and that the process of planning is more important than the actual plan.

[9:57:19 AM](#)

MR. LIEBERSBACH introduced the various planning entities and relationships with which DHS&EM is involved: state and local agencies, individuals, local governments, Local Emergency Planning Committees (LEPC), and Citizen Corps Councils. The state agencies that DHS&EM most commonly works with are: the Division of Homeland Security and Emergency Management, the

Division of Public Health, the Department of Environmental Conservation, the Department of Public Safety, the Department of Natural Resources and the Department of Transportation and Public Facilities. The division also works with federal agencies such as Regional Interagency Steering Committee (RISC), which is under FEMA. Mr. Liebersbach mentioned the division's involvement in the Anti-Terrorism Advisory Council of Alaska (ATACA), which is a combined state/federal entity. Citizens are advised to be prepared to be on their own for up to seven days in Alaska. For example, the Kaktovik disaster in January 2005 left people cut-off for several days. Since the residents of Kaktovik were prepared, everyone survived.

[10:00:06 AM](#)

MR. LIEBERSBACH explained that AS 26.23.060 specifies that local governments are responsible for preparedness in their jurisdiction, by developing and executing local emergency plans as well as plans for special needs populations. To help local governments, DHS&EM has Local Emergency Planning Committees (LEPC), which are all-hazard plans in Alaska. Mr. Liebersbach specified that LEPCs develop all-hazard emergency plans for their jurisdiction, although they do not execute the plans. The local jurisdiction must execute the plans and, therefore LEPCs must have the support of the local government before the plan is developed. There are 20 LEPCs in Alaska, which received at least \$7,500 each. The division also includes the Citizen Corps Program, a federally funded program that supports LEPC's work in local jurisdictions as well as training volunteers who can assist local jurisdictions during an emergency or disaster.

[10:03:47 AM](#)

MR. LIEBERSBACH moved on to the State Emergency Response Commission (SERC), which is an all-hazards SERC. He noted that SERC is a federally mandated entity. He then turned attention to the Anti-Terrorism Advisory Council of Alaska (ATACA), which began as the Anti-Terrorism Task Force that was established in every state. Alaska also had a state Anti-Terrorism Task Force. Therefore, the division suggested combining the two, which is the case now. Mr. Liebersbach highlighted that it's being reviewed as a model organization. Furthermore, the division is reviewing the notion of moving the state's natural hazards work into that arena. The executive committee is co-chaired by the commissioner of the Department of Military and Veterans' Affairs and the US Attorney for Alaska. Another aspect of preparedness is the Small Community Model Plan. The plan is designed for

communities with limited infrastructure and 50-1,000 people. It's in partnership with the Alaska Native Tribal Health Consortium. Mr. Liebersbach likened the plan to a "checklist." He noted that the plan can be found online.

[10:06:17 AM](#)

MR. LIEBERSBACH informed the committee that the state is required to have the State Emergency Response Plan, most recently promulgated in November 2004. The State Emergency Response Plan is coordinated with numerous agencies. Continuity of Operations Planning/Continuity of Government (COOP/COG) is a federal Homeland Security grant requirement. At this point the plan is being drafted by all of the state agencies. He then turned to Mutual Aid Agreements, and noted that DHS&EM is involved in a couple of "major" compacts. The Emergency Management Assistance Compact is a national compact, with 49 of the 50 states currently in the compact. The compact presents the opportunity for states to provide state-to-state assistance. The resources are paid for by the requesting state. Mr. Liebersbach mentioned that Alaska also belongs to the Pacific Northwest Emergency Management Arrangement, which is a compact of Alaska, Washington, Oregon, Idaho, British Columbia, and the Yukon Territory. Both compacts are "congressionally sanctioned" compacts. He noted that there are also local government agreements with each other and military installations.

[10:10:59 AM](#)

MR. LIEBERSBACH provided the committee with a list of the following training topics: incident command system; hazardous materials response; chemical, biological, radiological, nuclear, explosive terrorist attacks; recognizing terrorism; terrorist tactics; emergency operations plan development; exercise design and evaluation; disaster response and recovery; and emergency management professional development. He noted that DHS&EM does not conduct all of the training itself. Mr. Liebersbach also provided a list of the various training audiences: citizens and volunteers; first responders; emergency managers; local emergency planning committee members; elected officials; state and local government employees; private sector employees; and school staff. He highlighted the training performed by the division in 2005. He then presented information regarding DHS&EM's outreach efforts. A popular outreach effort is the "quake cottage" that is used at community events, state and regional fairs, schools, small businesses, safety events, and

health fairs to demonstrate nonstructural mitigation of furniture and office equipment.

[10:15:10 AM](#)

MR. LIEBERSBACH described DHS&EM's Three-Year Exercise Plan 2004-2006. In response to Chair Seaton, Mr. Liebersbach clarified that a functional exercise may be specific to a type of function - a law enforcement or a fire department function, or an ambulance or a hospital. A full-scale exercise is "very integrated" and would include a disaster event. For example, a full-scale exercise would include what a hospital, in conjunction with the police, does in the event of a disaster. Alaska Shield/Northern Edge 2005 was the largest, most complex homeland security/homeland defense exercise in the history of the nation. It involved air and land forces, both military and civilian, federal, state, local, private sector at dozens of venues over hundreds of thousands of miles. As a result, various agencies got to know one another, worked together, and assisted one another, all of which had a positive outcome. In terms of planning, the Alaska Shield/Northern Edge 2007 is already underway.

[10:20:05 AM](#)

MR. LIEBERSBACH discussed the Emergency Management Accreditation Program (EMAP), which is an assessment and accreditation program for state/territorial, tribal and local government emergency management programs. The program is evaluated against a set of 54 standards developed nationally by state, local and federal emergency management personnel. Alaska's baseline assessment met 29 of the 54 standards. The bare minimums are set by the Department of Homeland Security (DHS) and DHS FEMA. One of Alaska's major shortfalls was a lack of continuity of operations plans, affecting seven of the standards. A couple of the standards raise some questions as to constitutionality in Alaska, and therefore there may be a question as to whether the state can ever achieve them.

[10:23:03 AM](#)

MR. LIEBERSBACH emphasized that no matter how prepared one is, "bad stuff happens" and a response is required to save lives and property. The State Emergency Coordination Center (SECC) has 24-hour capability, although it is only staffed 24/7 during a disaster. He explained that SECC provides warning to communities, coordinates initial disaster responses, tracks

Alaska situations, and produces a daily situation report. He highlighted that under the Local Government Response, as stated in the State Emergency Response Plan, local officials direct local response operations unless the governor decides otherwise. Similarly, federal assistance is intended to support state and local efforts, not to be a substitute for them. When requested, the state will provide assistance to the degree that it legally can. Even during a state-declared disaster, DHS&EM is in support of local government. There are local and state disaster processes as well as a federal declaration process. The federal declaration process occurs when the magnitude of the emergency is beyond the capability of the state to manage and the governor submits a request for assistance to the President. This request is submitted to FEMA. The governor's Disaster Policy Cabinet (DPC) provides recommendations to the governor, who decides whether or not to declare a disaster.

[10:28:36 AM](#)

MR. LIEBERSBACH said that there are also National Guard considerations. He explained that whenever there are life safety responses within the first 72 hours, the National Guard can be activated "fairly immediately." Once the situation is beyond the 72 hours, a number of things are taken into account such as competition with local vendors, which has to be waived by them. He highlighted that the National Guard is very expensive. He then pointed out that following the response comes the recovery. "Response saves lives; recovery saves communities," he said. Therefore, recovery is the heaviest workload on a day-to-day basis.

[10:30:21 AM](#)

MR. LIEBERSBACH then informed the committee that DHS&EM is currently involved in a state-declared 2005 South East Storm. In fact, extension for a federal declaration has been requested and DHS&EM is in the process of conducting federal damage assessments to determine if the damage reported in six communities is sufficient to meet the threshold for a federal declaration. In the meantime, DHS&EM has an ongoing state declaration. In regard to recovery programs, Alaska has one of the few individual assistance programs. Mr. Liebersbach explained that the state maximum is \$5000, but obtaining a federal declaration raises the cap about five fold for a family. However, even with a federal declaration, federal individual assistance isn't guaranteed. The federal government declares program by program. In regard to long-term disaster management,

disasters have to remain open until all of the paperwork and post-disaster mitigation work associated with the disaster has been completed.

[10:34:18 AM](#)

MR. LIEBERSBACH said that with only 51 people in DHS&EM, the division depends a lot on partnerships. He explained that DHS&EM works with most of its partners on a weekly basis and often times a daily basis. The division is also involved in various professional associations that further its cause, both within the state and national associations.

[10:34:54 AM](#)

REPRESENTATIVE LYNN requested that in a future executive session, the terrorist defense measures that have been implemented for the protection of the state capitol in Juneau be addressed, particularly in comparison to similar measures that may have been implemented in the other 49 states.

[10:36:41 AM](#)

REPRESENTATIVE GARDNER, in regard to the 30 vulnerability assessments that Mr. Liebersbach said have been completed, asked how many are yet to be completed and the time frame to complete those.

MR. LIEBERSBACH said that he didn't have the number or the time frame, but offered that it was 100 or fewer in terms of critical infrastructure.

[10:38:23 AM](#)

MAJOR GENERAL CAMPBELL returned to ATACA, a policy committee that melds the state and federal issues in order to avoid conflict and facilitate communication. Of significant interest is identifying the critical infrastructure in the state and the entity responsible for it. In most cases, it is a cooperative responsibility of more than one entity.

[10:40:08 AM](#)

REPRESENTATIVE GRUENBERG expressed his appreciation of the overview on natural disasters, and inquired as to how often the plans are reviewed.

MR. LIEBERSBACH answered, "No less than annually." However, he noted that sometimes plans are reviewed more frequently, based upon information DHS&EM may receive and/or information from exercises.

MR. LIEBERSBACH, in further response to Representative Gruenberg, said that he feels that FEMA is "very effective" in Alaska. In addition, he opined that FEMA wasn't ineffective in the southeast, rather FEMA was made ineffective by a situation in Louisiana. He mentioned that there's information, due to ongoing legal actions prior to Hurricane Katrina, that he couldn't discuss.

[10:42:41 AM](#)

REPRESENTATIVE GRUENBERG clarified that his interest is only to ensure that Alaska does not have similar problems. He asked, "Is there anything that you feel needs to be done to help improve our relationship and the effectiveness of FEMA in Alaska?"

[10:43:12 AM](#)

MAJOR GENERAL CAMPBELL confirmed that Alaska is in good shape with FEMA. He remarked that FEMA Region 10, out of Washington State, is responsible for Alaska and is "extremely responsive" to Alaska.

REPRESENTATIVE GRUENBERG asked if it's effective, since Alaska is so far away from Seattle, to be placed in Region 10, or if Alaska should have its own regional FEMA.

MAJOR GENERAL CAMPBELL said that is a discussion that he has been having with John Pennington, FEMA Regional Director, Region 10. Although Region 10 has served Alaska well, the distance issue is a point of discussion that should continue. He specified that the discussion should address whether Alaska should at least have a sub-office. He related that FEMA, from the Region 10 perspective, is agreeable to that.

[10:44:15 AM](#)

REPRESENTATIVE GRUENBERG said he would appreciate it if Commissioner Campbell would, later this session, advise the House State Affairs Standing Committee and the House Special Committee on Military and Veterans' Affairs regarding whether he would like to see an official request from the legislature.

MAJOR GENERAL CAMPBELL agreed to do so.

[10:44:33 AM](#)

REPRESENTATIVE GRUENBERG asked if FEMA was involved in the Kaktovik disaster, and, if so, he inquired as to how effective it was.

[10:44:56 AM](#)

MR. LIEBERSBACH informed the committee that the response was state and local, but the recovery did get a federal declaration and FEMA has been "very responsive, once we asked them to come in and provide recovery." He explained that FEMA was not involved in the initial response; that was all handled through the programs that are set up with the different agencies in the federal and state government and the oil industry on the North Slope.

[10:45:20 AM](#)

MAJOR GENERAL CAMPBELL added that when the Kaktovik disaster occurred, he received a personal call from John Pennington, asking whether there was anything that FEMA needed to do. Major General Campbell advised Mr. Pennington that he would let him know should he determine that the need is there. Furthermore, Major General Campbell also received a personal call from General Howie Chandler, asking the same thing. Therefore, Major General Campbell opined that Alaska has a fantastically integrated organization that works with the federal government very well. He said that it is a perfect example of how the system should work.

[10:46:08 AM](#)

REPRESENTATIVE CISSNA informed the committee that she spent a great deal of time this summer working with the Civil Air Patrol in Alaska, which she characterized as an untapped resource. Therefore, she inquired as to how the Civil Air Patrol is being used in Alaska. Also, as a community patrol member in her neighborhood, she recognized the talents available for use in emergency response.

[10:47:49 AM](#)

MAJOR GENERAL CAMPBELL clarified that the Civil Air Patrol is an auxiliary of the United States Air Force, which provides funding to the Civil Air Patrol to provide the services it offers. The Civil Air Patrol is integrated into the DHS&EM's plan. Therefore, when DHS&EM is notified of a lost aircraft or any type of emergency over land in the state that goes through the rescue coordination center in Anchorage, the division goes through a priority list of resources available to respond, including: state troopers, The National Guard, local police, fire departments, the Civil Air Patrol, the Coast Guard, et cetera. Depending on where the incident occurs, the division determines what resources should respond. Major General Campbell related that every resource wants to respond to every emergency, but every resource is not asked to respond. He noted that he has talked to the Civil Air Patrol about its relationship with the search and rescue community as well as to the U.S. Air Force regarding the Civil Air Patrol's funding to ensure that it remains intact and is not lost. The services that the Civil Air Patrol provides are "very valuable" and DHS&EM does try to use them to the degree that it can. Although the Civil Air Patrol would like to do more, it doesn't necessarily mean that there is an ability to use it much more.

[10:49:58 AM](#)

REPRESENTATIVE CISSNA informed the committee that the Civil Air Patrol is comprised, for the most part, of volunteers and is an incredible resource.

MAJOR GENERAL CAMPBELL, in response to Representative Cissna, said that he would talk with her more about maximizing the state's use of the Civil Air Patrol.

[10:51:24 AM](#)

CHAIR SEATON noted that he is a member of the Civil Air Patrol, which has a plane in Homer and continuously does training to upgrade the members' skills.

[10:51:49 AM](#)

MR. LIEBERSBACH, in further response to Representative Cissna, said that the SERC community emergency response teams are formed and trained at the local level by the local jurisdictions.

[10:52:48 AM](#)

REPRESENTATIVE CISSNA opined that as a result of global warming, there will be more potential natural disasters. She asked what considerations Alaska is making in that regard in order to be prepared.

[10:53:42 AM](#)

MR. LIEBERSBACH responded that although Alaska does not have a "great" concerted effort in that area, agencies such as the National Oceanic & Atmospheric Administration (NOAA) and the National Weather Service (NWS) are doing some "major" research up on the Polar Regions. Translating that into what that means from a disaster standpoint is just beginning to be reviewed, both as a state and as a nation. Mr. Liebersbach reiterated that flooding is one of the disasters affected by global warming.

[10:56:10 AM](#)

CHAIR SEATON stated that out of the ten still open state disasters, nine were flood or storm related.

[10:56:34 AM](#)

REPRESENTATIVE GRUENBERG, referring to page 9 and LEPCs, surmised that the primary jurisdiction of LEPCs deals with hazardous chemicals. He asked if that is correct.

MR. LIEBERSBACH clarified that LEPCs were originally, under federal statute, created to deal with hazardous materials. However, because most of the LEPC funding in Alaska has come from the oil and hazards fund [470 fund], LEPCs have kept hazardous materials as the primary focus. However, LEPCs address all hazards, including natural hazards.

MR. LIEBERSBACH, in further response to Representative Gruenberg, said that \$7,500-\$15,000 per committee is not adequate. Therefore, he suggested an analysis to determine the amount necessary.

[10:58:45 AM](#)

REPRESENTATIVE GRUENBERG, referring to page 10 of the PowerPoint presentation, asked if the numerous committees overlap and whether any streamlining could be done. Referring to page 11 and the Pacific Northwest Emergency Management Arrangement, he asked if the International Emergency Management Assistant

Memorandum of Understanding is a newer version of the present compact.

MR. LIEBERSBACH responded that it is not a newer version of the present compact and he would have to review whether it's worth implementing.

[10:59:57 AM](#)

REPRESENTATIVE GRUENBERG, referring to page 15, requested a chart consisting of: types of disasters; when in the calendar year these have occurred; the geographic location where these occurred; the type of damage incurred; and amount of damage incurred, broken down by the type of damage. In Alaska, there are a lot of relatively small disasters in the Bush. Therefore, he expressed interest in determining whether the State of Alaska and the Department of Military and Veterans' Affairs are as well trained, prepared, and coordinated with FEMA and the local organizations as they can be.

[11:01:56 AM](#)

MAJOR GENERAL CAMPBELL clarified that in the smaller communities, the state assumes a lot of the responsibilities up front.

[11:02:39 AM](#)

REPRESENTATIVE GRUENBERG, referring to page 16 and EMAP, informed Major General Campbell that he would like to go over the 25 standards that Alaska did not meet. He also expressed interest in discussing the major shortfall in the COOP as well as any constitutional questions. He also wanted the chart on page 16 to go back several years regarding the mix of federal and state funding.

[11:03:18 AM](#)

CHAIR SEATON asked Representative Gruenberg to limit his questions to the overview and save his remaining questions for Major General Campbell for another time.

REPRESENTATIVE GRUENBERG characterized Alaska's \$5,000 maximum reimbursement for recovery programs as "paltry." Therefore, he questioned whether it's outdated.

[11:04:02 AM](#)

MAJOR GENERAL CAMPBELL assured the committee that he will make time to sit down, one-on-one with the members.

[11:06:22 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 11:06 a.m.