

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 10, 2007

8:06 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Bob Roses, Vice Chair
Representative John Coghill
Representative Kyle Johansen
Representative Craig Johnson
Representative Andrea Doll
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 7

Proposing amendments to the Constitution of the State of Alaska to avoid the use of personal pronouns and similar references that denote masculine or feminine gender in that document.

- MOVED CSHJR 7(STA) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 15

Supporting the passage of a Filipino Veterans Equity Act and a Filipino Veterans Family Reunification Act.

- MOVED CSHJR 15(STA) OUT OF COMMITTEE

HOUSE BILL NO. 193

"An Act relating to the composition of the Alaska Police Standards Council; and providing for an effective date."

- MOVED CSHB 193(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HJR 7

SHORT TITLE: CONST AM: GENDER-NEUTRAL REFERENCES

SPONSOR(S): REPRESENTATIVE(S) GATTO

01/30/07 (H) READ THE FIRST TIME - REFERRALS

01/30/07 (H) STA, JUD, FIN
04/03/07 (H) STA AT 8:00 AM CAPITOL 106
04/03/07 (H) Heard & Held
04/03/07 (H) MINUTE(STA)
04/10/07 (H) STA AT 8:00 AM CAPITOL 106

BILL: HJR 15

SHORT TITLE: WW II FILIPINO VETS: BENEFITS/IMMIGRATION
SPONSOR(S): REPRESENTATIVE(S) LEDOUX

03/29/07 (H) READ THE FIRST TIME - REFERRALS
03/29/07 (H) MLV, STA
04/03/07 (H) MLV REFERRAL WAIVED
04/10/07 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 193

SHORT TITLE: POLICE STANDARDS COUNCIL MEMBERSHIP
SPONSOR(S): REPRESENTATIVE(S) ROSES

03/12/07 (H) READ THE FIRST TIME - REFERRALS
03/12/07 (H) STA, FIN
04/03/07 (H) STA AT 8:00 AM CAPITOL 106
04/03/07 (H) <Bill Hearing Canceled>
04/10/07 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

SANDRA WILSON, Intern
to Representative Carl Gatto
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Responded to concerns expressed by
committee members during a prior hearing on HJR 7, on behalf of
Representative Gatto, prime sponsor.

REPRESENTATIVE CARL GATTO
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered brief comment as prime sponsor of
HJR 7.

NORMAN COHEN, Staff
to Representative Max Gruenberg
Juneau, Alaska

POSITION STATEMENT: Offered clarification during the hearing on
HJR 7.

REPRESENTATIVE GABRIELLE LEDOUX

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HJR 15 as prime sponsor.

CHRISTINE MARASIGAN, Staff

to Representative Gabrielle LeDoux

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Offered clarification regarding HJR 15 on behalf of Representative LeDoux, prime sponsor.

CRYSTAL NOVOTNEY, Staff

to Representative Bob Roses

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Provided comment during the hearing on HB 193 on behalf of Representative Roses, prime sponsor.

JOHN CYR, Executive Director

Public Safety Employees Association (PSEA)

Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 193.

TERRY VRABEC, Executive Director

Alaska Police Standards Council (APSC)

Department of Public Safety

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 193.

ACTION NARRATIVE

VICE CHAIR BOB ROSES called the House State Affairs Standing Committee meeting to order at [8:06:17 AM](#). Representatives Coghill, Johansen, Johnson, Gruenberg, Doll, and Roses were present at the call to order. Representative Lynn arrived as the meeting was in progress.

HJR 7-CONST AM: GENDER-NEUTRAL REFERENCES

[8:07:08 AM](#)

VICE CHAIR ROSES announced that the first order of business was HOUSE JOINT RESOLUTION NO. 7, Proposing amendments to the Constitution of the State of Alaska to avoid the use of personal pronouns and similar references that denote masculine or feminine gender in that document.

[8:07:41 AM](#)

SANDRA WILSON, Intern to Representative Carl Gatto, Alaska State Legislature, responded to concerns expressed by committee members during a prior hearing on HJR 7, on behalf of Representative Gatto, prime sponsor. She explained that the resolution simply proposes to substitute all masculine pronouns with titles. For example, she said, "his" might be "governor." The meaning, she added, would not be changed.

[8:08:19 AM](#)

REPRESENTATIVE COGHILL said he had requested a legal opinion on HJR 7, as well as conducting a thorough search of the legislation himself, to discern whether or not the resolution would have any unintended consequence. He directed attention to a sentence from [a memorandum in the committee packet, from Jack Chenoweth, Assistant Revisor, Legislative Legal and Research Services, dated April 4, 2007], which read as follows:

The material in the resolution is arguably wholly technical and not intended to make a substantive change in a matter of constitutional law.

REPRESENTATIVE COGHILL said although the changes are so vast, he could not think of any concern he still has regarding the policy call of HJR 7.

[8:10:19 AM](#)

REPRESENTATIVE CARL GATTO, Alaska State Legislature, as prime sponsor of HJR 7, said he conducted the same search as Representative Coghill, after which he was assured that HJR 7 would do what it is intended to do.

[8:11:14 AM](#)

REPRESENTATIVE COGHILL mentioned court cases, and he said there is a point at which a huge quantitative change could be considered a revision, which would require a constitutional convention.

[8:12:14 AM](#)

REPRESENTATIVE GRUENBERG revisited the issue he brought up during the prior hearing on HJR 7, regarding the occurrence of

the term "secretary of state" within HJR 7. [He had suggested the need to change that term, and had been told that that should not be done as part of HJR 7.] He related that subsequent to that hearing, [his staff had] spoken with Mr. Chenoweth, whose recommendation echoed that which Representative Gruenberg had been given at the prior hearing.

[8:12:50 AM](#)

NORMAN COHEN, Staff to Representative Max Gruenberg, on behalf of Representative Gruenberg, explained that Mr. Chenoweth's concern was that "it could then get into the area of revision"

[8:13:22 AM](#)

REPRESENTATIVE GRUENBERG recommended that the House Judiciary Standing Committee consider the issue of gender and the reference to secretary of state.

VICE CHAIR ROSES, after ascertaining that there was no one else to testify, closed public testimony.

[8:14:31 AM](#)

REPRESENTATIVE DOLL directed attention to an article in the committee packet, entitled, "States Balance He's And She's," and quoted one sentence, which read as follows: "State constitutions are living historical documents that need to reflect the day and time in which they are protecting their citizens." For that reason, she said, she strongly supports HJR 7.

[8:15:04 AM](#)

REPRESENTATIVE GRUENBERG directed attention to page 3, line 18 of the resolution, where "[HIS]" would be deleted. He said it would be awkward without a replacement such as "the election" or "the governor".

[8:15:59 AM](#)

REPRESENTATIVE GATTO concurred.

[8:16:16 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 1 as follows:

On page 3, line 18:

Before "election"
Insert "the governor's"

[8:16:52 AM](#)

REPRESENTATIVE COGHILL objected. He pointed out that the beginning of the sentence in question already makes mention of "the governor"; therefore, he questioned the need to use it again.

REPRESENTATIVE GRUENBERG said he would agree to just saying "the election".

VICE CHAIR ROSES announced that the committee is amending Amendment 1, so that the language would now read: "following the election".

REPRESENTATIVE COGHILL removed his objection to Amendment 1, as amended. There being no further objection, Amendment 1, as amended, was adopted.

[8:18:20 AM](#)

REPRESENTATIVE COGHILL said he would vote to move HJR 7 out of committee; however, he said he struggles with "changing the whole constitution this way." He explained that he can see the benefit of the resolution, but he said any move toward political correctness always make him a little nervous. He pointed out all the offices currently held by females, and he said he understands why the masculine gender is not always appropriate; however, he related that in most of the literature he has read, both historical and contemporary, the word "he" refers to gender neutral. He indicated that he supports equality, but would not support wiping out all references to the male gender.

[8:23:26 AM](#)

REPRESENTATIVE DOLL said she thinks HJR 7 is a significant step that has nothing to do with putting one gender down or bringing another up. She emphasized the necessity of recognizing equality by making language gender neutral.

[8:24:21 AM](#)

REPRESENTATIVE GRUENBERG stated his support of HJR 7.

[8:24:57 AM](#)

REPRESENTATIVE COGHILL moved to report HJR 7, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 7(STA) was reported out of the House State Affairs Standing Committee.

[VICE CHAIR ROSES handed the gavel back over to Chair Lynn.]

[8:25:21 AM](#)

CHAIR LYNN concurred with the action of the committee.

The committee took an at-ease from [8:25:40 AM](#) to [8:30:02 AM](#).

HJR 15-WW II FILIPINO VETS:BENEFITS/IMMIGRATION

[8:30:08 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE JOINT RESOLUTION NO. 15, Supporting the passage of a Filipino Veterans Equity Act and a Filipino Veterans Family Reunification Act.

[8:30:14 AM](#)

REPRESENTATIVE DOLL moved to adopt the committee substitute (CS) for HJR 15, Version 25-LS0718\M, Bannister, 4/9/07, as a work draft.

REPRESENTATIVE GRUENBERG objected.

[8:30:42 AM](#)

REPRESENTATIVE GABRIELLE LEDOUX, Alaska State Legislature, presented HJR 15 as prime sponsor. She paraphrased from her sponsor statement, which read as follows [original punctuation provided]:

This resolution from the Alaska State Legislature respectfully urges the United States Congress to pass the Filipino Veterans Equity Act and the Filipino Veterans Family Reunification Act.

From 1898 until 1946, the Philippine Islands were considered a territory of the United States. During World War II the military forces of the Philippines were drafted into service under the command of American officers in the United States armed forces in the Far East to fight against the Japanese invasion. Filipino and American soldiers fought side by side in such battles as Corregidor. Many died during the 65-mile Bataan Death March, and those who survived were imprisoned under inhumane conditions.

Filipino World War II veterans were promised military benefits, but after the War the United States Congress passed the Supplemental Surplus Appropriation Rescission Act of 1946. The act considered the services of Filipino World War II veterans not to be active service. This status change had the effect of denying Filipino World War II veterans the rights, privileges and benefits that American World War II veterans received.

There have been several attempts to reverse this injustice. In 1990, Filipino World War II Veterans were allowed to immigrate to the U.S. Many of them did and petitioned for their immediate families. In 2000, they were provided with military burial benefits and in 2003 they were provided long overdue medical and nursing home care from the U.S. Dept. of Veterans Affairs.

The Filipino Veterans Equity Act and the Filipino Veterans Family Reunification Act would correct a terrible injustice by: 1) providing veterans the full benefits they were denied; and 2) providing immediate relief for those veterans and their families who have waited for more than a decade with approved immigration petitions.

REPRESENTATIVE LeDOUX reviewed the changes that were made in Version M. The resolution, she said, used to state that Filipino soldiers fought with American soldiers, which could be construed to mean they fought against them. Therefore, the language [on page 1, line 7,] was changed to read, "Filipino soldiers fought shoulder-to-shoulder with American soldiers". Furthermore, on page 3 of the resolution, the list of those receiving copies was augmented.

8:33:43 AM

REPRESENTATIVE ROSES noted that all seven members of the House State Affairs Standing Committee had signed on as [co-sponsors] of HJR 15.

8:33:55 AM

CHRISTINE MARASIGAN, Staff to Representative Gabrielle LeDoux, Alaska State Legislature, on behalf of Representative LeDoux, prime sponsor of HJR 15, confirmed for Representative Gruenberg that "both bills" will be heard by the House and Senate Military and Veterans' Affairs Committees.

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 1, to send copies of the resolution to all sponsors and co-sponsors in each house.

8:34:56 AM

MS. MARASIGAN stated her understanding that today, at approximately 5:30 p.m., Eastern Standard Time, there will be World War II veterans from across the United States placing a wreath at the National World War II memorial in honor of their fallen comrades. The following day, they will be lobbying to get more co-sponsors on "this particular piece of legislation." She asked Representative Gruenberg if his conceptual amendment is asking that the resolution be sent to current co-sponsors.

REPRESENTATIVE GRUENBERG asked the sponsor what her wishes in the matter are.

REPRESENTATIVE LEDOUX said she would like the resolution sent to everyone who is a cosponsor as of the passage date.

8:35:51 AM

REPRESENTATIVE GRUENBERG [amended his original motion] by suggesting "to add it to all sponsors and co-sponsors of ... all four bills in Congress, as of the date the governor signs"

8:36:09 AM

REPRESENTATIVE COGHILL objected to Conceptual Amendment 1, as amended, for clarification purposes.

REPRESENTATIVE GRUENBERG explained:

There are four pending bills, and my motion is to send ... copies of this resolution to all sponsors and co-sponsors of all four pending bills. ... That would be as of the date the governor reads this resolution and she decides if it is a joint resolution.

REPRESENTATIVE COGHILL removed his objection.

[8:37:38 AM](#)

REPRESENTATIVE GRUENBERG removed his objection to adopting Version M as a work draft so that his amendment might be considered.

[There being no further objection, Version M was before the committee, and Conceptual Amendment 1, as amended, was treated as adopted.]

REPRESENTATIVE GRUENBERG named someone whom the resolution would affect. He noted that there is a bill that would allow the Filipino veterans to receive United States veterans' benefits. He recommended that the sponsor consider extending state veterans' benefits.

[8:38:37 AM](#)

CHAIR LYNN said that might be good legislation to look at in the future. He noted that he grew up during World War II, and he stated that the Philippine people have been staunch allies of the United States of America for a long time, and HJR 15 is the least the legislature can do for them.

[8:39:26 AM](#)

REPRESENTATIVE COGHILL moved to report CSHJR 15, Version 25-LS0718\M, Bannister, 4/9/07, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 15(STA) was reported out of the House State Affairs Standing Committee.

HB 193-POLICE STANDARDS COUNCIL MEMBERSHIP

[8:39:56 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 193, "An Act relating to the composition of the Alaska Police Standards Council; and providing for an effective date."

[8:40:11 AM](#)

REPRESENTATIVE ROSES presented HB 193 as prime sponsor. He said the group he is most familiar with that governs itself is the Professional Teacher Practices Commission (PTPC). He said in the commission, peers evaluate what they do and don't do; however, at no point in time have a majority of those serving that commission been teachers. He related that HB 193 follows that same use of peers. Regarding the Alaska Police Standards Council (APSC), he said the bill recommends a reduction in the number of chief administrative officers from four to three. Furthermore, it proposes adding three police officers to the board, reducing the number of public members down to three, and eliminating "one of the other commissions" in order to have a more balanced approach to the profession. Currently, Representative Roses noted, the standard is that the council is comprised of commissioners, chiefs, and four private citizens. He said more often than not those private citizens have been retired police chiefs. Referring again to the PTPC meetings, he noted that the people who were the hardest on policing their own ranks were the teachers themselves. He stated, "And I have no doubt in my mind that the police officers, as well, are going to hold their colleagues up to a high standard, and that would be the anticipation and the expectation." He said that was his intent in bringing forward HB 193.

[8:44:09 AM](#)

REPRESENTATIVE COGHILL directed attention to page 1, paragraph 1, which lists "correctional administrative officer", and paragraph 3, which names "the commissioner of corrections". He asked, "It's intended, then, that you have two correctional officers on this particular council?"

[8:44:41 AM](#)

REPRESENTATIVE ROSES replied, "The way I read it is it's currently the way it happens, yes."

REPRESENTATIVE COGHILL indicated that he is wary of taking members of the community off boards. He asked, "How many police organizations are in bargaining units and how many are not?"

[8:45:34 AM](#)

CRYSTAL NOVOTNEY, Staff to Representative Bob Roses, Alaska State Legislature, on behalf of Representative Roses, prime sponsor of HB 193, said she does not have that information.

REPRESENTATIVE COGHILL said that would be good information to acquire.

[8:46:02 AM](#)

REPRESENTATIVE ROSES suggested that John Cyr may have an answer to that query. Notwithstanding that, he told Representative Coghill that he is correct that the language in the bill specifies that the nominations would be made "through that mechanism." However, he pointed out that the language "doesn't hold the governor's responsibility to only accepting those nominations."

REPRESENTATIVE COGHILL said he wants to know what the balance is. If it is 50/50, he said, the committee may want to add language to allow other communities to make nominations.

[8:47:33 AM](#)

JOHN CYR, Executive Director, Public Safety Employees Association (PSEA), told the committee that PSEA represents a large number of police officers around state. In response to Representative Coghill's question, he listed the following entities represented either by PSEA or other unions: the police officers of Anchorage, Fairbanks, Juneau, Sitka, Ketchikan, Soldotna, and Unalaska, the Alaska State Troopers, and airport police and firefighters. He said there are some smaller groups with their own associations, such as Wasilla. He stated that he would have no objection to "anyone submitting names to the governor."

[8:48:50 AM](#)

REPRESENTATIVE COGHILL asked Mr. Cyr, "Do you know of any forces that are not in an association that's a bargaining unit?"

[8:49:09 AM](#)

MR. CYR answered yes. He named the following as being "nonrepresented": Haines, Skagway, North Pole, Palmer, North Slope Borough, Bethel, and Kotzebue.

[8:49:59 AM](#)

CHAIR LYNN stated his understanding that the governor could choose a beat officer that is or is not represented.

MS. NOVOTNEY answered that is correct.

[8:50:35 AM](#)

REPRESENTATIVE COGHILL said he does not have a problem with recommendations being made, but he has concerns regarding the smaller communities and the change proposed in the bill [to] "**three**" [from] "[FOUR]".

[8:51:32 AM](#)

REPRESENTATIVE GRUENBERG said his office has, in connection with other legislation, looked at the general difference between "peace officer" and "police officer." He noted that Article 2 of AS 18.65 includes all the statutes relating to the Alaska Police Standards Council. He said the council not only covers police, but also covers probation, parole, and correctional officers. He directed attention to page 2, line 9 of the bill, which shows the term, "public safety employees". He said he is not aware if that term appears anywhere in the aforementioned statute and has a definition. He asked Ms. Novotney if that term is defined anywhere in law.

[8:53:20 AM](#)

MS. NOVOTNEY said she doesn't know but can search for the answer.

[8:53:47 AM](#)

MR. CYR responded that he does not know.

[8:53:53 AM](#)

REPRESENTATIVE GRUENBERG said he would like that term defined, otherwise there could be some question as to what organizations are covered. He asked if Village Public Safety Officers (VPSOs) are covered under the Alaska Police Standards Council.

MR. CYR offered his understanding that they are. He continued:

I know that the commissioner has had long discussions with the ... APSC about changing the scope of their job, the way they do business, advanced training - those kinds of things - and frankly, that is one of the concerns that has generated this as we move into the twenty-first century with policing. I mean, our membership is very interested in how all those pieces fit together, ... the intersection between the sworn officer ... who carries a gun and is totally empowered, and the other variations of officers that we have across the state. And so, those are the concerns that we bring to the table when we ask for representation.

[8:55:14 AM](#)

REPRESENTATIVE GRUENBERG said "police officer" is defined in AS 18.65.290(7), which read as follows:

(7) "police officer" means

(A) a full-time employee of the state or a municipal police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations, and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace;

(B) an officer or employee of the Department of Transportation and Public Facilities who is stationed at an international airport and has been designated to have the general police powers authorized under AS 02.15.230(a);

(C) a University of Alaska public safety officer with general police powers authorized under AS 14.40.043;

REPRESENTATIVE GRUENBERG said he wonders whether the definition should be expanded to include VPSOs. He said, "We don't very often have a bill that deals with the Alaska police standards council, and it sounds like there are some things ... that the legislature might want to bring up to date."

[8:56:21 AM](#)

REPRESENTATIVE COGHILL said most VPSOs are under contract with local Native organizations. He concurred with Representative Gruenberg that the issue should be addressed, but questioned whether now is the best time to do so, since the new commissioner has already said he would be looking at these issues.

[8:57:28 AM](#)

CHAIR LYNN directed attention to a sentence on page 2, [beginning on line 7], which read as follows:

(b) When making appointments of police officer members of the council under (a) of this section, the governor may consider police officers who have been nominated by labor organizations that represent public safety employees.

CHAIR LYNN asked Mr. Cyr if he would object to the addition of language to clarify that the governor may consider both police officers who have been nominated by labor organizations and those who are not affiliated with labor organizations.

[8:58:17 AM](#)

MR. CYR yielded to the sponsor of the bill to make that choice, but he said he would have no objection. He stated, "We would like to see police officers represented on this committee, and whether they ... come from our organization or APD or the City of North Pole, ... I think they all have something in common and something to offer at this level. And that was our intent to begin with."

[8:58:52 AM](#)

REPRESENTATIVE COGHILL said he would like to know more about the various types of training.

[8:59:43 AM](#)

MR. CYR responded as follows:

The difference between ... a labor organization like IBEW [International Brotherhood of Electrical Workers] or the Teamsters is: to get an IBEW card and to be

trained, you need to go through their training organization and become a member before you get a job.

With a public sector union, it actually is the opposite. Our members go to the ... academy in Sitka, they work through that basic program, [and] then they ... move into the [field training evaluation program (FTAP)] program where they're given to a field training officer in the field They spend a year, basically on [on-the-job training (OJT)] and then get a basic police certificate. They become our members when they get their job.

So, the point you make is, I think, exactly why we are concerned. A lot has been made about the training - how it works, is the system broken, what is happening - and I have, in all my testimony, said ... this is not about the system being broken; this is about trying to make it better.

Having said that, if we look at the ... graduation rates at the academies that have gone for the last four or five years, those rates have been dismally low. Folks have been leaving the academy, not because they have failed, but because they - for whatever reason - no longer wish to attend. The training programs in the field: our members are those field training officers, and they talk to me daily about the folks that they're getting and what their concerns [are], and who we have in the public. Those training standards, that schooling - all of that - is handled by the [Alaska] Police Standards Council.

The input that we have now runs through the chain of command. If you are a State Trooper in Soldotna, and you have concerns about the training, you go to your sergeant, who goes to the lieutenant, who goes to the captain, who goes to the major, who -- I mean, you understand that. And yeah, that is input and that does help ..., but what we really are interested in is being able to sit at the table and look at those programs, and try to make them better, so that they are more responsive and that we move into the twenty-first century together. I think this ... is critical for Alaska. We have, as you all know, a host of problems out there that get worse every day - from "meth" [methamphetamine] labs to gang violence. And I

guess I think that those guys who are on the ground - whether we represent them or not - the working police officer who interacts every day should have a place - a forum, if you will - to sit as equals and talk about the programs that affect their lives and the community at the end.

9:02:52 AM

REPRESENTATIVE COGHILL said this is the type of discussion that the committee needs to have. He stated his appreciation of bargaining units, but admitted that he has not been one of the greatest fans of public bargaining, even though he understands the value of it. He expressed concern that there would be people nominated to the standards council, but not based on training capacity. He said he thinks bringing valuable police officers to the council is appropriate, because they work "at the ground level" and know what is going on at that level.

9:04:24 AM

REPRESENTATIVE ROSES said members of the Alaska Retirement Management (ARM) Board are nominated by labor organizations such as the National Education Association (NEA)-Alaska and APEA, and "it says they 'shall' pick from those nominations." The same is true regarding PTPC: names are forwarded by NEA-Alaska or AFT to the governor, who "shall" choose from that list of nominees. He said there was a recent court case regarding that issue. Representative Roses said he made certain the language in HB 193 read "may" rather than "shall". He specified, "And on every one of those boards, they do not hold a majority position on the board; they never are going to be able, as an entity, to control the vote. And so, ... the intent was representational." He stated, "It is not the intent of this bill to have somebody who's currently serving be removed. ... When their term expires then the person would step in." He said he does not think anyone has done a poor job; he just wants to improve upon representation.

9:07:00 AM

REPRESENTATIVE JOHNSON asked if the bill would go so far as to allow a biologist working for the Department of Natural Resources, who witnesses someone dumping toxic waste, to issue a citation.

9:08:38 AM

MS. NOVOTNEY directed attention to language in the bill which outlines the composition of council. [Paragraph 4] lists "**three police officers, each of whom has been certified for five years or more by the council under this chapter**". She said the DNR biologist in Representative Johnson's example would not "fall into that category."

REPRESENTATIVE JOHNSON pointed out that that biologist could go through all the training, so that in five years he/she could be certified, without actually ever having frontline experience in police law enforcement. He continued:

Or a [Department of Fish & Game (ADF&G)] person who has full police authority can carry a firearm. Is that someone we want to look at as being on the police standards council, when most of their job is ... very narrowly targeted to game ...? And I think they would qualify under "police officer."

[9:09:52 AM](#)

REPRESENTATIVE ROSES responded that the critical part of Representative Johnson's remark was whether that person had gone through all the training, in which case he/she would qualify. He said the distinction between those working in DNR and the officers being discussed is that "they are certified currently under the chapter of the council, and that they have five years of experience." He added, "Also, nothing stops them from being one of the public at large members."

[9:10:58 AM](#)

MR. CYR noted that in order to obtain a basic police certificate, a person must: graduate from academy, complete the field training officer program, and spend a year on the street doing police work. He said, "We're talking about professional police officers here."

REPRESENTATIVE JOHNSON asked if the "brown shirts" in ADF&G have been through the academy.

MR. CYR answered that those employees are actually Alaska State Troopers and, as such, are fully certified police officers.

[9:12:25 AM](#)

REPRESENTATIVE GRUENBERG handed out copies of AS 18.65.290(7) [text provided previously]. He directed attention to the bill, page 2, line 8, and said he thinks the language should include correctional officers.

9:13:53 AM

MS. NOVOTNEY indicated that she is willing to check on that.

9:14:18 AM

TERRY VRABEC, Executive Director, Alaska Police Standards Council, Department of Public Safety, clarified that VPSOs, although they receive extensive training, are not certified police officers. He directed attention to a 2-page letter, dated April 5, 2007, which he had sent to Representative Bill Thomas [included in the committee packet]. The letter expresses the reaction to a recent council meeting, at which Mr. Cyr spoke. He paraphrased two paragraphs on the second page, which read as follows [original punctuation provided]:

A poll of each Council member showed deep concern over changing the current composition of the Council. Council membership is extremely concerned that PSEA is attempting to push Council into a "labor-management" role by their use of the term *equity*. APSC has never been a labor-management influenced group, and for good reason. The Council is an executive level decision-making body that deals with complex decertification matters of police, correction and probation officers. It is these decisions that require seasoned executives of law enforcement, correction/probation, and of our public, all of whom are appointed by the Governor to provide a necessary balance of professional knowledge, training with public transparency and trust.

The attempt to remove chief administrative officers and public members from the Council and replace them with organized labor-nominated, line officers severely impinges on the professional standards and certification role of the Council -- the number one priority here is to maintain the public trust. Organized labor's number one priority is to its membership.

MR. VRABEC confirmed what was mentioned earlier, that the council deals with not only police officers, but also

correction, probation, and parole officers, even though the probation and parole offices "fall under the corrections unit." He said he has spoken with people in the commissioner's office in the Department of Corrections, and that office expressed concern that it could be losing a position on the council. Furthermore, the office expressed that if line officers were to be considered for police officer positions, it would like to consider line officers for corrections officers.

MR. VRABEC said after speaking with Mr. Cyr, the council felt that some issues were training related and would not change by putting police officers on the council. He explained that even though the council demands a certain amount of hours for police academy and field training, it does not regulate the independent departments' training. He suggested that some of the labor employees' concerns are department issues that "we're not going to be able to address, on account that it's just not in our purview." He said the commissioner of DPS discussed the possibility of having an ad hoc committee to submit concerns to the council, but Mr. Vrabec reiterated that the council will not be able to regulate what some of the departments do for training.

MR. VRABEC, in conclusion, stated that the council does not support HB 193 at this time.

[9:18:11 AM](#)

REPRESENTATIVE ROSES said he understands there is more involved in this issue than just training. He emphasized the seriousness of taking someone who has worked towards a profession and no longer allowing them to do so. He said he does not question the integrity of the council. He stated his concern is equal representation. He said medical review boards, for example, are not made up solely of hospital administrators, but also include physicians. Every board that makes the decision whether or not to remove someone from a profession is made of peers. He said the five police chiefs who came to his office said they think "this became an opportunity for the union to have a second bite of the apple when it came to discipline." Representative Roses said he told the police chiefs he agreed and that he sees the situation as "the administrators having a second bite of discipline, as well." All five police chiefs, he said, voiced concern that "a bill was brought forward when the PSEA had not taken the time to come to the council and at least request that this council membership be revised." He said HB 193 was ready to be heard a month ago, but he had specifically requested that

it be held until after the council held its April 2 meeting, because he hoped that [PSEA and the council] would come to some agreement without the legislature's intervention. That did not happen, he said.

9:21:39 AM

MR. VRABEC responded that the discussion was taken seriously, but in the end, no agreement related to HB 193 was reached. In response to a question from Representative Roses, he said the current make-up of the board includes: four police chiefs, the commissioner of the Department of Corrections, the commissioner of the Department of Public Safety, a designee of the Department of Corrections, and four public members. He mentioned the backgrounds and experience of the public members.

9:24:08 AM

MR. VRABEC, in response to a question from Representative Coghill, said even if public members of the council are former law enforcement workers, they have a different perspective and will "come from views of their respective city or organization" He said the council does not get to pick its members; the governor selects them. In response to a follow-up question from Representative Coghill, he said the public members on the board would have been part of a bargaining unit in the former positions in law enforcement, but they are not now. In response to questions from Representative Gruenberg, he said his own position is a full-time one.

REPRESENTATIVE GRUENBERG asked Mr. Vrabec if he finds the fact that there are no representatives of employees on [the board] at all unbalanced.

MR. VRABEC answered no. He explained that the council feels strongly that it should not be mixing labor issues when it is attempting to remain neutral on council issues. He stated:

Quite often, if a chief of police had an officer that was coming in front of council for issues, they would either recuse themselves, or there would be a vote to have them taken out of the discussion or the vote for decertification. Our feeling is if we had labor organized individuals on the council, and a vote came up with one of their own prospective members, that they would also need to recuse themselves, and that

... would mean several more people who would not be able to vote on a situation.

REPRESENTATIVE GRUENBERG noted that the council has certain powers. For example, it establishes standards for employment and determines whether or not a person should lose his/her license to be police officer. He stated:

It's one thing to have only representatives of the management side on that, but - and I don't care whether they're members of a bargaining unit or not - ... to have a member who is a police officer or correctional officer - don't you think that would provide more balance?

MR. VRABEC answered that the chief administrative officers who serve on the council are police officers and, thus, fall under the same rules and regulations of all police officers in the state.

REPRESENTATIVE GRUENBERG said that is his point. He asked, "Why limit it to only them?"

MR. VRABEC said the council and the association of police of chiefs feel that their expertise and years of experience benefit the council "versus the individuals as a line officer position."

[9:29:37 AM](#)

REPRESENTATIVE COGHILL asked how many police units, outside of the small towns previously named by Mr. Cyr, are not within a bargaining unit.

MR. VRABEC estimated that there are 15-20 smaller agencies in the state that are not affiliated with a labor unit, and they comprised of 1-15 employees.

REPRESENTATIVE COGHILL said although he is in favor of the bill's permissive nature, he would like to drop the reference to "public safety employees" on page 2, line 9. He also reiterated that he would like the number of public members of large to be four, while the number of police officers would be dropped to two. He said, "I think you need the folks who are kind of the ground pounders to be able to speak at the table."

[9:33:59 AM](#)

REPRESENTATIVE JOHANSEN noted that the chief of police in Ketchikan is not a police officer, and he asked how common an occurrence that is. He said theoretically there could be zero members on the [council] with street experience. He asked Mr. Vrabec to comment.

[9:34:34 AM](#)

MR. VRABEC offered his understanding that Ketchikan's set up is unique.

[9:34:55 AM](#)

REPRESENTATIVE JOHNSON cautioned that the bill may create "another urban/rural divide" by excluding smaller communities from representation. He said he thinks there are unique aspects of those smaller communities that make them deserving of representation on the [council]. He said he also has a problem with reducing the number of public members. He stated, "I do believe that we do need a line officer or a beat officer - something that's [yet undefined]. I do believe that there needs to be that representation on the board" He said the language of the bill directs; it does not mandate.

[9:36:47 AM](#)

REPRESENTATIVE ROSES said he appreciates Representative Johnson's concern regarding urban/rural divide. He directed attention to page 2, line 4, of bill, [which shows the proposed drop from four to three members of the public at large], and he noted that a similar bill in the Senate dropped that number to two public members, while changing the number of police officers to four. He pointed out that under HB 193, at least two of the three members of the public at large would be appointed from communities of 2,500 population or less. He said he would not be opposed to Representative Coghill's recommendation to have four members of the public at large and two police officers.

REPRESENTATIVE JOHNSON reiterated his concerns.

[9:38:51 AM](#)

CHAIR LYNN, after ascertaining that there was no one to testify, closed public testimony.

[9:39:07 AM](#)

REPRESENTATIVE COGHILL moved to adopt Amendment 1 as follows:

On page 1, line 14:

Delete "**three**"

Insert "two"

On page 2, line 4:

Delete "**three** [FOUR]"

Insert "four"

There being no objection, Amendment 1 was adopted.

[9:39:44 AM](#)

REPRESENTATIVE JOHNSON moved to adopt Conceptual Amendment 2, which would specify [in Section 1, paragraph 4, of the bill] that of the two police officers, one would be from a community of less than 2,500 people.

[9:40:03 AM](#)

REPRESENTATIVE ROSES objected.

[9:40:09 AM](#)

REPRESENTATIVE COGHILL indicated that although he appreciates Representative Johnson's sentiment, he thinks having two [members of the council from the public category] is sufficient.

[9:40:29 AM](#)

REPRESENTATIVE JOHNSON said he thinks having public members from a smaller community is different than having a frontline officer from a smaller community. He explained that the public member may not be aware of the situations that the officer member has to face. He concluded, "When we have the police officers - which [are] the expertise we're trying to place on the board - from those varying communities, we're getting a wide variety of discretion throughout the state as opposed to possibly one from Anchorage, one from Fairbanks."

[9:41:03 AM](#)

REPRESENTATIVE ROSES responded:

Right now the governor could actually pick two that are from small communities. If we specify it has to be one from each, we've limited the governor's choices.

... I would assume that the 10 names that would come in nominations for these two positions would be fairly well balanced between urban and rural; otherwise they're cutting off their own nose to spite their face.

REPRESENTATIVE ROSES maintained his objection.

REPRESENTATIVE ROSES, in response to Representative Johnson, stated that across Alaska, all teachers and other education support personnel - with the exception of one school district - are represented by PTPC, and there has never been an issue of union versus management. He said he does not see that as being an issue with the Police Standards Practice Council either. He said, "It is in everyone's best interest that the professionalism of the job be upheld and the standards be upheld, and the expectation is ... that there isn't a police officer out there that doesn't want to make sure that all the other police officers are held to a high standard, as well. Their life depends on it."

[9:44:11 AM](#)

REPRESENTATIVE JOHNSON clarified Conceptual Amendment 2, then withdrew Conceptual Amendment 2, because he said he does not sense there is a lot of support for it.

[9:44:56 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 3 as follows:

On page 2, line 8:

Between "police" and "officers"
Insert "and correctional"

There being no objection, Conceptual Amendment 3 was adopted.

[9:46:12 AM](#)

REPRESENTATIVE COGHILL, in response to Representative Gruenberg, moved Amendment 4 as follows:

On page 2, line 9:

Between "organizations" and "."

Delete "that represent public safety employees"

[9:46:44 AM](#)

REPRESENTATIVE ROSES responded, "The only problem with ... the way it states right now is that NEA-Alaska could nominate police officers if you leave it to any labor organization; so, I think that we have to be specific in that the labor organizations are related to either police or correctional officers."

REPRESENTATIVE COGHILL emphasized the specificity of the qualification level shown on page 1, line 4. He said another organization that does not represent police or correctional officers could not put forth those names [with authority].

REPRESENTATIVE ROSES responded, "I have no problem, and I believe the way it would state would be a 'labor organization that represents police and correctional officers covered by the council'."

REPRESENTATIVE COGHILL said he would "expect that language to find its way in"; however, at this point, he said, "to leave it in this would be confusing for us to pass it out."

[9:48:07 AM](#)

REPRESENTATIVE GRUENBERG stated his intent to offer a conceptual amendment to insert a modifier of the phrase "labor organizations". He asked the sponsor for input.

REPRESENTATIVE ROSES said the APSC has authority over a certain group of individuals.

REPRESENTATIVE GRUENBERG suggested he wanted clarification that the labor organizations are those that represent people governed by the council. He asked Representative Coghill if he would be willing to withdraw his motion to adopt Amendment 4.

REPRESENTATIVE COGHILL withdrew his motion to adopt Amendment 4, although he said he thinks Representative Gruenberg's suggested language is "messy."

REPRESENTATIVE GRUENBERG [moved to adopt] Conceptual Amendment 5, as follows:

One page 2, line 9:

Between "labor organizations that represent" and "."
Delete "public safety employees"
Insert "employees governed by the council"

[9:50:16 AM](#)

REPRESENTATIVE COGHILL objected to request that the sponsor carry that intent into the next committee. He said, "Otherwise, if it comes to the floor in such a way that I can't agree, I might make an amendment to strike Section 2."

REPRESENTATIVE ROSES responded, "No problem."

[9:50:47 AM](#)

REPRESENTATIVE COGHILL removed his objection to Conceptual Amendment 5. There being no further objection, it was so ordered.

[9:50:49 AM](#)

CHAIR LYNN said he thinks HB 193 [as amended] is a good bill. He commented that he knows from experience that the police "on the beat" have a different perspective than that of the police chiefs.

[9:51:28 AM](#)

REPRESENTATIVE ROSES moved to report HB 193, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 193(STA) was reported out of the House State Affairs Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [9:52:01 AM](#).