

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

March 13, 2007

1:30 p.m.

MEMBERS PRESENT

Senator Johnny Ellis, Chair
Senator Gary Stevens, Vice Chair
Senator Bettye Davis
Senator Con Bunde

MEMBERS ABSENT

Senator Lyman Hoffman

COMMITTEE CALENDAR

SENATE BILL NO. 101

"An Act relating to private professional conservators and private and public guardians."

MOVED CSSB 101(L&C) OUT OF COMMITTEE

SENATE BILL NO. 97

"An Act relating to identification seals for certain articles created or crafted in the state by Alaska Native persons; relating to the Alaska State Council on the Arts; and making certain identification seal violations unfair trade practices."

MOVED SB 97 OUT OF COMMITTEE

SENATE BILL NO. 18

"An Act relating to property foreclosures and executions; and amending Rule 65, Alaska Rules of Civil Procedure."

HEARD AND HELD

SENATE BILL NO. 99

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

HEARD AND HELD

CS FOR HOUSE BILL NO. 108(L&C)

"An Act extending the termination date for the Board of Marine Pilots; and providing for an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 101

SHORT TITLE: GUARDIANSHIP AND CONSERVATORS

SPONSOR(s): LABOR & COMMERCE

02/28/07 (S) READ THE FIRST TIME - REFERRALS
02/28/07 (S) L&C, STA, FIN
03/08/07 (S) L&C AT 1:30 PM BELTZ 211
03/08/07 (S) Heard & Held
03/08/07 (S) MINUTE(L&C)
03/13/07 (S) L&C AT 1:30 PM BELTZ 211

BILL: SB 97

SHORT TITLE: ALASKA NATIVE ART IDENTIFICATION SEALS

SPONSOR(s): SENATOR(s) STEVENS

02/26/07 (S) READ THE FIRST TIME - REFERRALS
02/26/07 (S) L&C, FIN
03/08/07 (S) L&C AT 1:30 PM BELTZ 211
03/08/07 (S) Heard & Held
03/08/07 (S) MINUTE(L&C)
03/13/07 (S) L&C AT 1:30 PM BELTZ 211

BILL: SB 18

SHORT TITLE: PROPERTY FORECLOSURES AND EXECUTIONS

SPONSOR(s): SENATOR(s) BUNDE

01/16/07 (S) PREFILE RELEASED 1/5/07
01/16/07 (S) READ THE FIRST TIME - REFERRALS
01/16/07 (S) L&C, JUD, FIN
03/13/07 (S) L&C AT 1:30 PM BELTZ 211

BILL: SB 99

SHORT TITLE: POLICE STANDARDS COUNCIL MEMBERSHIP

SPONSOR(s): SENATOR(s) FRENCH

02/28/07 (S) READ THE FIRST TIME - REFERRALS
02/28/07 (S) L&C, STA, FIN
03/13/07 (S) L&C AT 1:30 PM BELTZ 211

BILL: HB 108

SHORT TITLE: BOARD OF MARINE PILOTS

SPONSOR(s): LABOR & COMMERCE

01/25/07 (H) READ THE FIRST TIME - REFERRALS
01/25/07 (H) L&C, FIN
02/14/07 (H) L&C AT 3:00 PM CAPITOL 17
02/14/07 (H) Moved CSHB 108(L&C) Out of Committee

02/14/07 (H) MINUTE(L&C)
02/15/07 (H) L&C RPT CS(L&C) 7DP
02/15/07 (H) DP: GARDNER, BUCH, GATTO, RAMRAS,
LEDOUX, NEUMAN, OLSON
02/21/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519
02/21/07 (H) Moved CSHB 108(L&C) Out of Committee
02/21/07 (H) MINUTE(FIN)
02/22/07 (H) FIN RPT CS(L&C) 9DP
02/22/07 (H) DP: GARA, CRAWFORD, HAWKER, JOULE,
THOMAS, NELSON, STOLTZE, MEYER,
CHENAULT
02/26/07 (H) TRANSMITTED TO (S)
02/26/07 (H) VERSION: CSHB 108(L&C)
02/28/07 (S) READ THE FIRST TIME - REFERRALS
02/28/07 (S) L&C, FIN
03/13/07 (S) L&C AT 1:30 PM BELTZ 211

WITNESS REGISTER

DANA OWEN

Staff to Senator Ellis
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Commented on SB 101(L&C) for the sponsor.

JOSH FINK, Director

Office of Public Advocacy
Department of Administration (DOA)
Anchorage AK

POSITION STATEMENT: Supported CSSB 101(L&C).

RICK URION, Director

Division of Corporations, Business and Occupational Licensing
Department of Commerce, Community & Economic Development
Juneau AK

POSITION STATEMENT: Supported CSSB 101(L&C).

TIM LAMKIN

Staff to Senator Stevens
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Commented on SB 97 for the sponsor.

SAUNDERS MCNEIL

No affiliation indicated
Anchorage AK

POSITION STATEMENT: Supported SB 97.

SENATOR CON BUNDE
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of SB 18.

STEPHAN ROUTH, Attorney
Routh Crabtree
Anchorage AK
POSITION STATEMENT: Supported SB 18.

BRYAN BUTCHER, Director
Governmental Affairs and Public Relations
Alaska Housing Finance Corp.
Department of Revenue (DOR)
POSITION STATEMENT: Supported SB 18.

BRYAN MERRELL
First American Title Insurance Co.
Seattle WA
POSITION STATEMENT: Supported SB 18.

SENATOR HOLLIS FRENCH
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of SB 99.

JOHN CYR, Executive Director
Public Safety Employees Association (PSEA)
Anchorage AK
POSITION STATEMENT: Supported SB 99.

SERGEANT TARA TIPPET, Patrol Division
Fairbanks Police Department
Fairbanks AK
POSITION STATEMENT: Supported SB 99.

ROB COX, President
Public Safety Employees Association (PSEA)
Anchorage AK
POSITION STATEMENT: Supported SB 99.

BRIAN DALLAS, Officer
Juneau Police Department
Juneau AK
POSITION STATEMENT: Supported SB 99.

WALT MONEGAN, Commissioner
Department of Public Safety (DPS)
Juneau AK
POSITION STATEMENT: Opposed SB 99.

TERRY VRABEC, Director
Alaska Police Standards Council
Juneau AK
POSITION STATEMENT:

JOHN LUCKING, Chief of Police
City of Soldotna
Alaska
POSITION STATEMENT: Opposed SB 99.

JEFF MARTIN, Senior Police Officer
Anchorage Police Department
Anchorage AK
POSITION STATEMENT: Opposed SB 99.

CHUCK KOPP, Chairman
Alaska Police Standards Council
& Chief of Police for the City of Kenai
Alaska
POSITION STATEMENT: Opposed SB 99.

AL CLOUGH, Chairman
Board of Marine Pilots
& Deputy Commissioner
Department of Commerce, Community & Economic Development (DCCED)
Juneau AK
POSITION STATEMENT: Supported HB 108.

PAT DAVIDSON
Legislative Auditor
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Supported HB 108.

PAUL FUHS
Southwest Pilots Association
Juneau AK
POSITION STATEMENT: Supported HB 108.

ACTION NARRATIVE

CHAIR JOHNNY ELLIS called the Senate Labor and Commerce Standing Committee meeting to order at [1:30:55 PM](#). Present at the call to order were Senators Bunde, Stevens, Davis and Ellis.

SB 101-GUARDIANSHIP AND CONSERVATORS

CHAIR ELLIS announced SB 101 to be up for consideration. He asked his staff to explain the CS, version M.

DANA OWEN, staff to Senator Ellis, explained that the CS had two significant changes. First, the requirements for bonding and licensing were removed for guardians and conservatorships in four different sections and references to them were removed from two other places.

He pointed out that the other significant change occurs on page 2, line 6, of the original bill. In the CS it occurs on page 2, line 7, where language is added to the list of things that are prohibited in order to get a license; it also applies to conservatorships. Language now reads: "any other crime the department determines would affect the individual's ability to provide the services of a guardian competently and safely for the protected person".

Several smaller changes clarify language. On page 1, line 10, "a" was dropped. On page 5, line 13, a new Section (7) was added: "(b) The office of public advocacy shall notify the department of the licensee's compliance with (a) of this section." Clarifying language was added to (3) on the same page. "Documents necessary to establish financial solvency" was clarified to mean the financial solvency of the licensee.

CHAIR ELLIS asked Mr. Fink to explain the rationale behind the changes in the proposed CS.

[1:35:58 PM](#)

JOSH FINK, Office of Public Advocacy (OPA), Department of Administration (DOA), explained that currently when a guardian or conservator is appointed, rules allow for the court to impose a bond. It would look at the size of the estate and the responsibilities of the guardian and a few other factors. So, the department felt that since proof of insurance or bonding isn't required for most professions it licenses, including doctors and lawyers, and since the court is the gatekeeper on appointments and establishes the amount of a bond, it wanted the bonding and insurance requirements to be removed for

consistency. He said the court could still require bonds for individual cases.

The criminal background check on page 2 was clarified so that to receive a license, one couldn't have a crime of dishonesty within 10 years. This language had been removed from the original CS.

The other significant change came from the director of the Division of Corporations, Business and Occupational Licensing who had some concern about the division's obligation and expertise in reviewing the guardianship reports. Mr. Fink said he volunteered OPA to do that activity because in-house expertise already provides those services to about 1,000 people and could quickly review the reports and flag anything that was alarming back to the division. It would also be notified that registered guardians and conservators were in compliance or if a report had not been received.

[1:39:19 PM](#)

RICK URION, Director, Division of Corporations, Business and Occupational Licensing, Department of Commerce, Community & Economic Development (DCCED), supported the CS.

[1:39:45 PM](#)

SENATOR STEVENS moved to adopt the CS to SB 101(L&C), version M. There were no objections and it was so ordered.

[1:40:13 PM](#)

An AARP representative spoke from the audience in support of CSSB 101(L&C).

[1:40:39 PM](#)

SENATOR STEVENS moved to report CSSB 101(L&C) from committee with individual recommendations and accompanying fiscal notes. There were no objections and it was so ordered.

SB 97-ALASKA NATIVE ART IDENTIFICATION SEALS

CHAIR ELLIS announced SB 97 to be up for consideration. He said he had heard of good support for the legislation and no known opposition.

TIM LAMKIN, staff to Senator Stevens, sponsor of SB 97, said he had nothing further to add other than that several hundreds of people are lined up to testify in favor of this bill.

SAUNDERS MCNEIL, no affiliation indicated, thanked the committee for considering the bill.

SENATOR BUNDE noted the lack of fiscal note and said he therefore assumed the program would be self-supporting.

MR. LAMKIN said that was correct.

[1:43:08 PM](#)

SENATOR DAVIS moved to report SB 97 from committee with individual recommendations and attached fiscal notes. There were no objections and it was so ordered.

SB 18-PROPERTY FORECLOSURES AND EXECUTIONS

CHAIR ELLIS announced SB 18 to be up for consideration.

SENATOR BUNDE, sponsor of SB 18, said that Alaska statutes on real property and its non-judicial foreclosure process are antiquated and sometimes ambiguous and are often prone to litigation. SB 18 proposes to clarify the present statutory language, simplify it and modernized it.

He said currently the process for such a foreclosure is to go to the courthouse steps auction. Some people in the trade, known as bottom feeders, will buy a mortgage for \$1 more than is owed to the bank with the idea of churning the property very quickly - not caring for the property or using it as a home. This bill would allow others who might actually wish to own the home and establish a residence there to bid up the price on the property.

Passage of SB 18 would streamline and simplify the foreclosure language and provide for a more open, accessible and fair auction process that would benefit borrowers, lenders, title insurers, individuals and even neighborhoods, as well as reduce unnecessary litigation.

[1:46:13 PM](#)

STEPHAN ROUTH, Rough Crabtree, Anchorage, said he has practiced law for 25 years focusing on real estate matters. This bill was drafted to address issues he has seen over the years and with the knowledge he has gained about practices in 11 other states that are non-judicial foreclosure states like Alaska. The intent was to incorporate best practices into Alaska law and modernize it.

One change calls for a three-month time period between doing one act and another and that was changed to 90 days to account for a smaller number of days in February. The posting language was clarified to cover situations where there is no structure by stating you can take reasonable steps to post if you can't get to a building. This was a "litigation-breeder."

Third, SB 18 modernizes the market for the foreclosure auction by advertising foreclosures on the Internet. Now a foreclosure auction takes place at the court house steps. However, because it is done by judicial district, it requires advertising in a newspaper and a courthouse in the district, but not necessarily closest to the property. He emphasized that the newspaper piece is not taken away, but reasoned that the foreclosure notice section is probably the least-read part of any newspaper people use the Internet all the time.

MR. ROUTH further explained that in his experience having two bidders is better than one because he has found that the second bidder is usually someone who wants to move into the property and will also get the price up. You get two bidders by getting information out where it can be seen. This bill gets it out on the Internet and makes it lawful to accept an offer from someplace other than the courthouse steps.

CHAIR ELLIS said this is the first hearing and he would have the bill back before the committee in the near future.

[1:52:12 PM](#)

BRYAN BUTCHER, Director, Governmental Affairs and Public Relations, Alaska Housing Finance Corporation (AHFC), supported SB 18, but said a few technical issues have come to his attention in talking to the Attorney General's Office.

MR. BUTCHER said there were three issues. The first is on page 1 regarding the extra cost of advertising. According to the AG's office the publishing of the notice of sale of foreclosure on an Internet website would bring an additional cost that is unknown at this time. It would be borne by the borrower or possibly the lender if the property cannot be sold for the balance of the loan and the cost of foreclosure. Also, there may only be one Internet website currently that would meet the qualifications of the proposed bill.

The second change is on page 2 - the right to cure a default arisen by failure to make payments. Under current law, a default on a loan that has arisen by failure to make payments may be

cured at any time before the sale. The new language shortens the time period to cure by five days, which would reduce the borrowers' time to cure.

The third point is a terminology change on page 6 to be consistent with the beginning of the bill where the reference is to "deed of trust or trustor of the deed of trust". In section 9 it changes to use of the term "grantor in the trust deed" or "grantor". For consistency purposes the AG's office pointed out these terms should be changed to reflect what is used in the beginning portion of the bill.

He concluded saying the changes have more to do with the consumer than the corporation and he also noted a zero fiscal note from the corporation.

[1:55:04 PM](#)

BRYAN MERRELL, First American Title Insurance Co., said he practiced law in Alaska, but was transferred by his company to Seattle. He continues to oversee his company's underwriting and claims for the State of Alaska and he still visits frequently. He supported SB 18 saying he had been involved with Mr. Routh since its inception. He explained that First American and other title insurance companies are involved in foreclosure cases because they are named as the original trustee under the deed of trust and in many cases continue to perform that function through the foreclosure process.

Second he said they issue a product called "the trustee sale guarantee" which is a title report to the foreclosing trustee and the lender beneficiary under the deed of trust that recites what parties are to be provided - what notice is required and what the status of title of the property is at the time of the foreclosure process beginning.

MR. MERRELL concluded that he supported SB 18 because it clarifies foreclosure problems that have arisen because some Alaska Supreme Court rulings have made the current statute so unclear that it is, in fact, a litigation breeding ground that needs to be cleaned up.

[1:57:33 PM](#)

SENATOR BUNDE summed up that he would incorporate the concerns in a CS for another hearing.

SB 99-POLICE STANDARDS COUNCIL MEMBERSHIP

[1:58:42 PM](#)

CHAIR ELLIS announced SB 99 to be up for consideration.

SENATOR FRENCH, sponsor of SB 99, read the sponsor statement. It adds three certified police officers with at least five years of experience working with the police to the Alaska Police Standards Council (APSC). He said the idea is to allow those who are charged with the daily enforcement of the law to have input into their training standards as participating members of the state's board which certifies police officers.

At present, the APSC is the only board in state government that does not have any representation by the group most affected by its decisions. Although the APSC has seats assigned to the chiefs of police, the commissioners of public safety and corrections and to members of the public, it has no line officers on the board. By contrast, he said, according to a survey done by Legislative Research staff of 10 western states, only two have no line officers on their police standards boards.

SENATOR FRENCH stated that he has no quarrel with the APSC and believes it has done a fine job, but he thought it could benefit from the presence of line officers who could bring their particular experience and perspective to the board.

SENATOR BUNDE asked if a specific problem generated the legislation.

SENATOR FRENCH replied no; he just thought it would provide more balance and harmony with both the police and the board - between those who are regulating and those who are being regulated.

SENATOR STEVENS asked what the composition of the council is now.

SENATOR FRENCH listed the members referencing page 1 of the bill. It's made up of 4 chief administrative officers or chiefs of police, a commissioner of public safety or a designee, a commissioner of corrections or designee, one correctional administrative officer who is employed at the level of deputy director or higher and 4 members of the public at large with at least 2 from a community of 2,500 or less.

[2:02:08 PM](#)

JOHN CYR, Executive Director, Public Safety Employees Association (PSEA), added some background to the issue. He said about 35 years ago the Alaska Police Standards Council (APSC)

was created. Since 1972, however, the state has changed significantly; the population has grown and problems confronting officers have changed. Officers have to be versatile, organized and extremely well-trained. He said, "Giving those who work closest to crime a voice in the decision-making body that had direct effect on the training officers receive and the standards by which they work should be encouraged and welcomed."

He supported SB 99 because it adds three rank and file officers to the Alaska Police Standards Council - however, it keeps the composition of the Council at 11 members and keeps operating expenses within its budget. It adds three police officers by reducing the number of chief administrative officers or chiefs of police from four to three and it reduces the public members from four to two. It allows three representatives of police who are working law enforcement officers with five years of experience to serve. He emphasized that their years of experience are critical in the training of officers.

SENATOR BUNDE asked if a particular incident prompted the legislation.

MR. CYR replied no; but rather they want more direct input into promulgating regulations and especially the training component.

SENATOR BUNDE commented that it's not broken, but we're going to fix it anyway.

MR. CYR responded in his mind he wants folks to do a better job in the field. Their decisions are critical and they should have some say in their regulation as a matter of fairness.

[2:08:10 PM](#)

SENATOR BUNDE asked if the Council sets the standards for training.

MR. CYR replied to a large degree, yes.

SENATOR STEVENS asked if the Council has anything to do with the Academy and does it establish promotion standards.

MR. CYR replied that their packets list training, standards and curriculum and compared them to teaching standards. It has nothing to do with promotion.

SENATOR STEVENS asked if there is a connection between the Council and the State Academy.

MR. CYR replied that the Council sets the Academy's standards.

2:10:46 PM

SERGEANT TARA TIPPET, Patrol Division, Fairbanks Police Department, gave her credentials and reasons she thought her extensive police experience would add much to the Council. She is a certified police instructor and she has personally attended over 4,000 hours of police training. She also became a national certified and through delivering law enforcement training, she has trained over 1,700 multi-disciplinary students within 700 hours of training.

She said that SB 99 corrects a basic fairness issue. The APSC is the only board in Alaska that doesn't include members of those who are licensed by it. She said that many states include rank and file members on their council committees. Those members participate in the process of developing standards, training and curriculum for public safety officers.

She recapped that officers selected to serve on APSC will have at least five years of police experience giving them a depth and breadth of knowledge regarding policing issues. These officers will broaden the base involvement at the APSC and can provide a from-the-ground-up flow of communication and input that will be invaluable. "Every police officer in the State of Alaska has a stake in the decisions that are made by APSC and could potentially affect their careers."

SERGEANT TIPPET reasoned that APSC currently has seven people who are in top administrative positions in law enforcement and corrections for civilians. Participation by representatives from these groups is very important and rather than increase the number of Council members, SB 99 proposes a change to the number of people in two groups, chief administrative officers or chiefs of police and civilians. For that reason these groups are still adequately represented, but there is no additional fiscal note and it will still fall within budget.

There are far more police officers in the State of Alaska than there are chief administrators or chief of police. Yet their representation on APSC will be equal. He reasoned:

There are far more civilians than police officers in the State of Alaska; their positions will only be reduced by one and although their interests are very important and the public certainly has the right to be

represented, the police have a much closer vested interest in the decisions that are made by APSC.

2:15:29 PM

SENATOR BUNDE asked if she were on the Council, could she envision a problem with passing judgment on someone who has her back the next time they go out on a call.

SERGEANT TIPPET responded, "Sir, I have no desire to retain bad thoughts. There is no room for dishonest or disreputable police officers on any police force anywhere in the United States and certainly not here where I'm serving in the State of Alaska. I certainly have personally no issue with performing such a role."

SENATOR STEVENS asked if this is a volunteer or paid position.

SERGEANT TIPPET replied because this has not been enacted, she didn't know how it would happen. She saw value in serving on a voluntary basis in that position and would petition her chief for some happy medium for having time away to be able to participate in such an important role.

CHAIR ELLIS directed the question to Senator French.

SENATOR FRENCH replied that he understands it to be a volunteer position.

2:17:40 PM

ROB COX, President, Public Safety Employees Association (PSEA), said he has been employed as an Alaska State Trooper for 16 years - 14 of those years as a DPS and APSC certified instructor and instructor trainer. He believed that APSC has done a good job in determining training criteria, but some gaps will exist when there is no avenue for participation by those subject to the criteria that are set by APSC. As a trainer and an officer who works a patrol shift, he believes that he and officers like him offer practical perspectives to the APSC regarding how training courses impact the performance of police duties in the field. He explained:

It can be very difficult to understanding the practicality and impact of training policy, course content from a policy-making position without input from and a discussion with the so-called boots on the ground. Additionally, when training is determined and implemented with mutual discussion, inclusion and inclusive acceptance then the acceptance at the field

level increases. Specific valuable input that would be provided by having well-respected and experienced police officers on the APSC include: 1) appropriateness of course length; 2) practical certification requirements; 3) logical course syllabi; 4) appropriate APSC instructor requirements; 5) ongoing APSC instructor improvement courses; 6) pertinence of course content based upon up-to-date road experience; and 7) effective legislative actions on practical law enforcement and how this impacts training and training criteria - to name a few.

The vast majority, I believe, of the police officers in the State of Alaska are highly motivated, qualified, and professional individuals who desire to reach their full occupational potential in terms of understanding and fulfilling their enforcement duties....

SENATOR STEVENS asked how he saw this being funded in terms of working out volunteering for pay and asked if members could be compensated with time?

MR. COX replied this would be a voluntary position. Those officers who would potentially sit on APSC under SB 99 would not necessarily be APSC members. The governor's function of appointing the officers is still preserved.

SENATOR STEVENS was concerned about additional costs to the Kodiak Police Department. He asked if a member is from another community, who pays for him to get to a meeting that isn't held there and how often did he think the meetings would occur.

MR. COX replied that he didn't know the details, but that the number of members was not increased and a number of those who sit on the council now are from various police departments around the state. So he guessed there already was some provision for travel compensation.

[2:23:44 PM](#)

SENATOR BUNDE asked how many officers are in the PSEA.

MR. COX replied that he didn't know - more are outside of the union than in it.

SENATOR BUNDE speculated there would be ample opportunity for both union and non-union members to be on the council and

informed them that members of boards and commissions receive a per-diem.

[2:24:46 PM](#)

BRIAN DALLAS, Juneau Police Department, read his statement that supported previous testimony and SB 99. He said that adding officers to APSC would bring the high standards of their front-line knowledge and experience to the APSC training program.

[2:27:58 PM](#)

WALT MONEGAN, Commissioner, Department of Public Safety (DPS), said he was a police chief and member of the Anchorage Police Department for almost 33 years. In that time he sat on board of APSC. He was also an APSC instructor for about 12 years. He commended everyone who spoke so far; they are high caliber individuals.

He said when training comes to APSC's attention comes from the departments. It wouldn't know what a TASER was until someone brought it to their attention. The course on TASER training would be put together by the subject matter experts - in this case the instructors of any various departments' staff and then presented through their chain of command up to the chief and the chief would eventually see that it was brought up to APSC for certification. He agreed with having input from the people who are actually out on the streets, but it is already done that way. APSC does not formulate these policies or training guidelines just out of the blue. "So, the input is there."

COMMISSIONER MONEGAN said they do not want bad officers in any department, but what is missing, in his mind, is a dialogue between the PSEA or any union and the APSC Board, itself. This has not been an agenda item that APSC has entertained or looked at.

He said that communication is the lifeblood of all relationships and that includes APSC and the members that it certifies or decertifies. Finding out about this issue is counterintuitive to a good cooperative working relationship. He suggested giving them an opportunity to discuss this within the Council first before rushing off and changing something that they didn't know was broken before this.

[2:32:21 PM](#)

SENATOR BUNDE said he was concerned with cutting the number of public members from four to two.

COMMISSIONER MONEGAN replied he was also concerned that the public needs to see what they do as a police agency. By cutting the public membership from four to two, this bill would compromise that transparency. He said that people sometimes think that civilian review boards might be the right answer, but everything he has ever read and heard is that they are not. Initially they start out great guns, but eventually they blend and become part of the department because they work so closely together. He explained:

We need to keep that objectivity and APSC provides that right now - because of the distance and the experience and the civilian participation. Something - that we make decisions based on fact not on emotion. I'm not saying it couldn't be done otherwise, but my experience has shown that in times at APD, in my tenure there, I did come across very emotional responses to actions and decisions I have made.

[2:34:25 PM](#)

SENATOR STEVENS asked how frequent the meetings are and what the locations were.

COMMISSIONER MONEGAN replied they try to meet twice a year on a rotation basis between Juneau or Fairbanks and Anchorage - for transportation purposes. Meetings are an open forum with a lot of discussion. They usually last one day, but can stretch out longer. He said there is always a lot of discussion from all sides.

[2:35:41 PM](#)

TERRY VRABEC, Director, Alaska Police Standards Council, said he served as a police line officer, supervisor and as a chief of police. He said the Council has concerns with the line officers replacing higher ranking chief executive officers. They feel that the wealth of knowledge and experience is very important in dealing with very sensitive issues on the Council.

Another concern he heard expressed was having multiple union representation spots on the Council. He explained when a potential decertification case comes to the Council, if its chief of police is on it, he does not participate in the vote. The concern is that if several union representatives were on the Council and they had a member before it, they would not be able to vote on the issue at hand. A lot of potential decertification issues involve officers that may be with an organized unit. He

added that an appeals process is available with a hearing officer picked by the governor's office.

MR. VRABEC clarified that the Council covers the costs for the members' travel to meetings. The only out-of-pocket cost is for officer time and usually the departments are supportive of that. He expressed the desire to work with the various bargaining units and wanted to put this issue on the next agenda for public discussion before it comes before the legislature again.

SENATOR BUNDE asked if a union member would have to declare a conflict on a decision that would affect a fellow union member.

MR. VRABEC replied yes.

SENATOR BUNDE said he wanted clarification from Legislative Legal on that.

[2:39:34 PM](#)

JOHN LUCKING, Chief of Police, City of Soldotna, said he has climbed up through the ranks and holds high regard for all of the individuals who are testifying and he thought the Council's good work and composition as it now stands has served well in weeding out some of the bad and maintaining the best. After reviewing SB 99 he was immediately concerned about the proposed changes to the composition of the Council and how that might affect accountability and discipline in law enforcement within the state. He said:

The Council's mission is about standards, training and accountability and the removal of two public seats and a chief seat and replacement with union officers would, to me, bring an imbalance to this council. To maintain integrity and public trust I believe that a chief with, you know, with many years of experience has a need for broader vision, has direct accountability to the public through being an at-will employee. And citizens that have volunteered to serve on this board with no vested interests are just much more capable and create a cleaner composition - when it comes to discipline - than would a police officer who is a union member of a union, who by its very nature, who is obligated to stand up for and defend and represent the interests of their members at every level of discipline. So, I think it would be difficult in compromising, in some instances, in that regard."

MR. LUCKING gave an example where he decertified someone and the city attorney negotiated a deal afterwards and he had no power to change that decision. In short, he thought the unions would support the issues that would make their service on the Council very difficult. He saw it as a removal of public trust.

[2:43:33 PM](#)

JEFF MARTIN, Senior Police Officer, Anchorage Police Department, said he is a member of the APEA and that he had been with the department since 1990. Over that time he has been awarded with Canine Officer of the Year in 1997 and Police Officer of the Year in 1998, along with numerous police commendations.

His testimony is from a unique perspective because in 1999 his police certificate was forwarded to the Alaska Police Standard Council for decertification. He argued that a majority of members should remain higher ranking administrators because of their education, training, life-experience and leadership abilities better prepare them to deal with complex issues that the APSC is faced with.

MR. MARTIN said he also looked at it as a checks and balance issue. "Somebody has to police the police when the time calls."

[2:46:15 PM](#)

CHUCK KOPP, Chairman, Alaska Police Standards Council, and Chief of Police for the City of Kenai, focused on some of the comments about the abilities of the chief administrative officers on the Council to understand the experiences of the troops on the ground. His response is that the chiefs on the Council right now are all life-time career Alaskan law enforcement officers that have resume's rich in experience and diversity in all patrol, investigative and administrative functions. He has found that the network in the minds of the people that serve on the Council is very diverse in the sense of the need to understand how an officer's actions affect a community.

He said that everyone understands that perspectives change with more responsibility. This issue has never been brought to his attention as a problem as Council chair. He spoke with Mr. Cyr last week who told him he did not have a specific issue in mind and he asked if it's not broke, what is to fix.

He encouraged letting them have a public dialogue at the APSC meeting coming up in April that coincides with Alaska Peace Officers Association Crime Conference, the largest conference of training for officers in Alaska. The Council could provide a

resolution of support or not and the reasoning behind it. The Alaska Association of Chiefs of Police meeting immediately follows and those agencies probably represent the folks that are most impacted by a structural change to the Council and are in the best position to come forward with a resolution that he would hope the Legislature would want to hear.

MR. KOPP said he thought the integrity of the Council would suffer in the eyes of the public if the two public positions were replaced with three officers nominated by organized labor. He has spoken to all of the Council members and they are a strong group; not one of them is afraid to look at this issue. The reasons for composing it this way were very wise and he said this change is very significant.

[2:52:30 PM](#)

CHAIR ELLIS said he would hold SB 99 for further consideration.

HB 108-BOARD OF MARINE PILOTS

CHAIR ELLIS announced CSHB 108(L&C) to be up for consideration.

AL CLOUGH, Chair of the Board of Marine Pilots, said he is also Deputy Commissioner for the Department of Commerce, Community & Economic Development (DCCED). He said the board fully supported this bill as written.

CHAIR ELLIS asked if the Legislative Auditor recommended extending the board.

MR. CLOUGH answered yes.

PAT DAVIDSON, Legislative Auditor, said she recommended that it have only a six-year extension because she identified operation issues she thought the board needed to deal with. One of those is making better progress on rate-setting issues.

[2:55:31 PM](#)

PAUL FUHS, Southwest Pilots Association, said he would answer question they might have. He gave a brief overview saying the board maintains its balance of two pilots, two agents and two public members. It sets training, points of pick up and also sets a tariff that can be challenged. It is a required state activity to have a pilot so they can't go on strike and stop commerce. He supported the bill.

CHAIR ELLIS said he would hold HB 108 for a meeting in the near future. There being no further business to come before the committee, he adjourned the meeting at [2:57:36 PM](#).