

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 13, 2008

9:09 a.m.

MEMBERS PRESENT

Senator Lesil McGuire, Chair
Senator Gary Stevens, Vice Chair
Senator Hollis French
Senator Lyda Green
Senator Con Bunde

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 284(FIN)

"An Act relating to participation in certain student fellowships as an allowable absence from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

MOVED CSHB 284(FIN) OUT OF COMMITTEE

SENATE BILL NO. 153

"An Act relating to the use of credited military service by retired peace officers and fire fighters to meet certain requirements for major medical insurance coverage benefits."

HEARD AND HELD

HOUSE BILL NO. 296

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

MOVED HB 296 OUT OF COMMITTEE

HOUSE BILL NO. 286

"An Act relating to impersonating a public servant."

MOVED HB 286 OUT OF COMMITTEE

HOUSE BILL NO. 88

"An Act relating to televisions, monitors, portable computers, and similar devices in motor vehicles; and providing for an effective date."

SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 284

SHORT TITLE: PFD ALLOWABLE ABSENCE: FELLOWSHIPS

SPONSOR(S): REPRESENTATIVE(S) HAWKER

01/04/08 (H) PREFILE RELEASED 1/4/08
01/15/08 (H) READ THE FIRST TIME - REFERRALS
01/15/08 (H) STA, FIN
01/24/08 (H) STA RPT 4DP 1NR
01/24/08 (H) DP: JOHANSEN, ROSES, DOLL, LYNN
01/24/08 (H) NR: COGHILL
01/24/08 (H) STA AT 8:00 AM CAPITOL 106
01/24/08 (H) Moved Out of Committee
01/24/08 (H) MINUTE(STA)
01/30/08 (H) FIN AT 1:30 PM HOUSE FINANCE 519
01/30/08 (H) Moved CSHB 284(FIN) Out of Committee
01/30/08 (H) MINUTE(FIN)
01/31/08 (H) FIN RPT CS(FIN) 5DP 4NR
01/31/08 (H) DP: CRAWFORD, HAWKER, THOMAS, NELSON,
CHENAULT
01/31/08 (H) NR: GARA, STOLTZE, KELLY, MEYER
02/13/08 (H) TRANSMITTED TO (S)
02/13/08 (H) VERSION: CSHB 284(FIN)
02/15/08 (S) READ THE FIRST TIME - REFERRALS
02/15/08 (S) STA, HES
03/11/08 (S) STA AT 9:00 AM BELTZ 211
03/11/08 (S) Heard & Held
03/11/08 (S) MINUTE(STA)

BILL: SB 153

SHORT TITLE: PEACE OFFICERS/FIRE FIGHTER RETIREMENT

SPONSOR(S): SENATOR(S) FRENCH

04/13/07 (S) READ THE FIRST TIME - REFERRALS
04/13/07 (S) L&C, STA, FIN
01/31/08 (S) L&C AT 2:00 PM BELTZ 211
01/31/08 (S) Heard & Held
01/31/08 (S) MINUTE(L&C)
02/07/08 (S) L&C AT 1:30 PM BELTZ 211
02/07/08 (S) -- MEETING CANCELED --
02/21/08 (S) L&C AT 1:30 PM BELTZ 211
02/21/08 (S) Moved SB 153 Out of Committee
02/21/08 (S) MINUTE(L&C)
02/25/08 (S) L&C RPT 2DP 1NR
02/25/08 (S) DP: ELLIS, DAVIS
02/25/08 (S) NR: BUNDE

03/13/08 (S) STA AT 9:00 AM BELTZ 211

BILL: HB 296

SHORT TITLE: EXTENDING BOARD OF PAROLE

SPONSOR(S): REPRESENTATIVE(S) LYNN

01/04/08 (H) PREFILE RELEASED 1/4/08
01/15/08 (H) READ THE FIRST TIME - REFERRALS
01/15/08 (H) STA, FIN
01/17/08 (H) STA AT 8:00 AM CAPITOL 106
01/17/08 (H) <Bill Hearing Postponed to 01/19/08>
01/19/08 (H) STA AT 11:00 AM CAPITOL 106
01/19/08 (H) Moved Out of Committee
01/19/08 (H) MINUTE(STA)
01/22/08 (H) STA RPT 4DP 2NR
01/22/08 (H) DP: ROSES, COGHILL, DOLL, LYNN
01/22/08 (H) NR: JOHNSON, JOHANSEN
01/30/08 (H) FIN AT 1:30 PM HOUSE FINANCE 519
01/30/08 (H) Moved Out of Committee
01/30/08 (H) MINUTE(FIN)
01/31/08 (H) FIN RPT 7DP 2NR
01/31/08 (H) DP: GARA, CRAWFORD, HAWKER, NELSON,
THOMAS, STOLTZE, MEYER
01/31/08 (H) NR: KELLY, CHENAULT
02/13/08 (H) TRANSMITTED TO (S)
02/13/08 (H) VERSION: HB 296
02/15/08 (S) READ THE FIRST TIME - REFERRALS
02/15/08 (S) STA, FIN
03/13/08 (S) STA AT 9:00 AM BELTZ 211

BILL: HB 286

SHORT TITLE: IMPERSONATING A PUBLIC SERVANT

SPONSOR(S): REPRESENTATIVE(S) DAHLSTROM

01/04/08 (H) PREFILE RELEASED 1/4/08
01/15/08 (H) READ THE FIRST TIME - REFERRALS
01/15/08 (H) JUD
02/01/08 (H) JUD AT 1:00 PM CAPITOL 120
02/01/08 (H) Moved Out of Committee
02/01/08 (H) MINUTE(JUD)
02/04/08 (H) JUD RPT 3DP 1NR 1AM
02/04/08 (H) DP: SAMUELS, DAHLSTROM, RAMRAS
02/04/08 (H) NR: COGHILL
02/04/08 (H) AM: HOLMES
02/11/08 (H) TRANSMITTED TO (S)
02/11/08 (H) VERSION: HB 286
02/13/08 (S) READ THE FIRST TIME - REFERRALS

02/13/08 (S) STA, JUD
03/13/08 (S) STA AT 9:00 AM BELTZ 211

WITNESS REGISTER

BILLIE JOE CALDWELL, Alaska Program Director
AmeriCorps
Seattle WA

POSITION STATEMENT: Described the AmeriCorps program.

BILL DILLON, State Program Specialist
Corporation for National and Community Service
Seattle WA

POSITION STATEMENT: Described the AmeriCorps program.

REPRESENTATIVE MIKE HAWKER
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Presented HB 284.

PAT SHIER, Director
Division of Retirement and Benefits
Department of Administration
Juneau AK

POSITION STATEMENT: Spoke in opposition to SB 153.

KATHLEEN LEA, Retirement Manager
Division of Retirement and Benefits
Juneau AK

POSITION STATEMENT: Answered questions regarding SB 153.

MAURICE HUGHES, Law Enforcement Officer
Kodiak AK

POSITION STATEMENT: Spoke in favor of SB 153

PAUL FUSSEY, Alaska State Trooper
Kodiak AK

POSITION STATEMENT: Spoke in favor of SB 153

MICHAEL SICA, Staff
to Representative Bob Lynn
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Presented HB 296

KATHY MATSUMOTO, Executive Director
State Board of Parole

Anchorage AK

POSITION STATEMENT: Answered questions regarding HB 296.

MICHAEL STARK, Member
State Board of Parole
Juneau AK

POSITION STATEMENT: Answered questions regarding HB 296.

PAT DAVIDSON, Auditor
Division of Legislative Audit
Juneau AK

POSITION STATEMENT: Answered questions regarding HB 296.

JENNIFER BAXTER, Staff
to Representative Nancy Dahlstrom
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Presented HB 286

ROB COX, President
Public Safety Employees Association
Juneau AK

POSITION STATEMENT: Spoke in favor of HB 286

ACTION NARRATIVE

CHAIR LESIL MCGUIRE called the Senate State Affairs Standing Committee meeting to order at [9:09:50 AM](#). Senators French, Bunde, and McGuire were present at the call to order. Senators Stevens and Green arrived later.

HB 284-PFD ALLOWABLE ABSENCE: FELLOWSHIPS

CHAIR MCGUIRE announced the consideration of HB 284. [Before the committee was CSHB 284(FIN).] She noted that Senator French's amendment and an objection to that amendment were pending.

[9:10:35 AM](#)

SENATOR FRENCH said he had a packet of information supporting Amendment 1, [adding AmeriCorps duty as an allowable absence for permanent fund dividend (PFD) eligibility. AmeriCorps is a domestic version of the Peace Corps, made up three main programs: State and National, VISTA [Volunteers in Service to America], and National Civilian Community Corps. Volunteers work with community agencies, faith-based organizations, and non-profits, like Habitat for Humanity, the Red Cross, and the United Way. AmeriCorps volunteers are lawful U.S. citizens, at

least 17 years old, and they serve for ten to twelve months. Volunteers are eligible for an educational award of up to \$4,725, and about half of the volunteers get a modest living stipend. There are 74,000 volunteers nation-wide. He believes there are 59 Alaskans serving in the Lower 48 who will be affected by Amendment 1. They are Alaskans doing good work. He noted the inequity of a Peace Corps exemption and no AmeriCorps exemption. "It seems as least as noble to be re-building houses in the wake of Hurricane Katrina as it is to be building houses in Africa." An AmeriCorps volunteer in El Paso can see a Peace Corp Volunteer waive a PFD check from across the river in Mexico. "How can the Rio Grande keep an Alaskan in El Paso from not getting a dividend check when an Alaskan in Juarez does?"

[9:13:42 AM](#)

BILLIE JOE CALDWELL, Alaska Program Director, AmeriCorps, Seattle WA, said AmeriCorps is a national program and there are three components to it. The VISTA program fights the war on poverty. The State and National program provides opportunities for citizens and tries to build capacity within their communities. VISTA began in 1964, and the first people were placed in Alaska in 1965. It is the prototype for other AmeriCorps programs.

[9:15:08 AM](#)

CHAIR MCGUIRE said when she looks at exemptions for PFD absences she looks at the term of service. It looks like this is a 10 to 12 month program. Can it be longer than that?

MR. CALDWELL said both VISTA and AmeriCorps members have a limitation of three years. There are "allowabilities" for another one or two years with a definite five-year cap. After two education awards have been earned, a person cannot earn another one; it would have to be a stipend of \$1,200.

[9:16:42 AM](#)

CHAIR MCGUIRE said it takes years to get these exemptions through. She wants to see the actual application to determine that it is a federally-recognized program. She asked for a better understanding of the term "service." She would like it in writing in greater detail. She asked if there is a requirement to return to the volunteer's place of residency. The Peace Corps requires a plane ticket back to a person's home state. AmeriCorps seems like a great service, but she wouldn't want a person to come up to Alaska to qualify for a dividend and then leave for a program that lasts many years.

[9:18:30 AM](#)

MR. CALDWELL said that would be impossible because of the time limits. Like the Peace Corps, volunteers must declare their home of record and they get a ticket back at the end of their service. He will provide that in writing.

SENATOR BUNDE said that volunteers serve their communities, but the program sends people to other states. He asked Mr. Caldwell to clarify that.

MR. CALDWELL said he was referring to the state and national program that is set up to serve in the person's state. The VISTA program encourages locally-recruited volunteers, "but the real effort is to bring people who have completed college into a community and provide some leadership and mentoring to build the capacity of the community to deal with their own problems." The state-run program has members who are living in their community working on their problems.

SENATOR BUNDE said this bill would only refer to VISTA volunteers.

MR. CALDWELL said it would be all of them. If there is a project in Alaska, for example, and it is a tribal NCCC [National Civilian Conservation Corps] program. The volunteers could go on work assignments outside Alaska, but predominantly they would work in Alaska on a stream restoration project or any community driven and oriented project.

[9:21:28 AM](#)

SENATOR BUNDE asked if an AmeriCorps/VISTA person assigned in Alaska will be assigned temporarily outside of Alaska.

MR. CALDWELL said absolutely.

SENATOR BUNDE noted that Senator French said there were 59 Alaskans working outside. He asked for more information on them.

[9:22:23 AM](#)

MR. CALDWELL said he can get that. The VISTA volunteers are predominantly college graduates.

BILL DILLON, State Program Specialist, Corporation for National and Community Service, Seattle WA, said the corporation has been studying what happens to the volunteers after completing their service. They generally return to their communities and make significant commitments to serving their community in many

different positions, like government, non-profits, and education. As a result of their service, they tend to come back and work to build healthy communities.

CHAIR MCGUIRE said Peace Corps volunteers have a higher than average involvement in volunteerism, teaching, and nonprofit work. When putting an exemption in statute, it needs to be clear who it is for, how long, and how many Alaskan volunteers come back. She would like that information.

[9:25:00 AM](#)

MR. CALDWELL said it will be difficult. All governments are squeezed for cash, and tracking post-service volunteers is challenging. There are current studies but he is not sure if they are broken down into individual states. The information probably will not be immediately available.

SENATOR FRENCH noted that AmeriCorps service can be one to five years, and he asked what the most common length of service is.

MR. DILLON said it is typically one year, and a fifth may come back for a second year. A third year is served "not very often, and hardly ever for a fourth year."

SENATOR FRENCH said 80 percent of the volunteers serve for one year, and 15 percent serve two, and maybe 5 percent serve three?

MR. DILLON said probably over 80 percent serve for a year. He has been involved for 20 years.

[9:26:51 AM](#)

SENATOR FRENCH asked about his current assignment.

MR. DILLON said he is responsible for Washington and Alaska, and Mr. Caldwell oversees Alaska programs, administering the National Senior Service Corps program, foster grandparents, senior companion, retired senior volunteers, and VISTA.

[9:27:40 AM](#)

SENATOR BUNDE asked how people are recruited.

MR. CALDWELL said word of mouth is the most effective, and there is an electronic recruitment system. People make presentations at high schools and colleges.

REPRESENTATIVE MIKE HAWKER, Alaska State Legislature, said this is not a referendum on the merits of the AmeriCorps program, but

the issue is expanding the categories for allowable absences for the PFD program. The allowance for absences for educational purposes is well encapsulated in statute. Alaska students will need to go to universities all over the world. Alaska can't provide all opportunities in its university system. The exemption for other vocational education actually uses the criteria of "not reasonably available in the state". Some AmeriCorps programs are available in Alaska. The purpose of HB 284, which was brought to him by a constituent, pertains to regulatory language that is contrary to the intent of the law. Amendment 1 adds an entirely new program, creating questions and concerns. His concern is that there may be comparable programs in the state. The Alaska youth restoration program is dedicated to streambed restoration. The AmeriCorps website states: in exchange ... for a year of full-time service, AmeriCorps members earn an educational award of \$4,725 that can be used to pay for college or graduate school or to pay back qualified student loans. Someone may become a volunteer "truly from a volunteer interest" or for the money. He said it is nothing against the AmeriCorps process, but there is a separate bill on it, and he asked the committee to reject Amendment 1.

[9:32:45 AM](#)

MR. CALDWELL asked how he saw the AmeriCorps program different from the Peace Corps.

REPRESENTATIVE HAWKER said it is irrelevant.

CHAIR MCGUIRE said the bill goes to the Health, Education and Social Services Committee next. It took six years for her to get an allowable exemption - it is not taken lightly. Members want to see new exemptions done in a contained way that keeps it for residents of Alaska. She suggested that Mr. Caldwell work with Senator French and the sponsors of HB 401 and address the term of service, the application, and place of return for the next committee. She supports the AmeriCorps program and getting an allowable absence for doing good work. She doesn't want to put members in the position where they are pulling a bill out of the House that they haven't heard much testimony on. Senator Green maintains her objection.

[9:35:52 AM](#)

SENATOR FRENCH said there has been good testimony. The program is chartered by the federal government. There is a total of 59 Alaskans in the program, 80 percent serve one year and return to Alaska, and most are college students. They are doing good work in the lower 48, and they get a modest stipend and a modest

educational award. "I'm not sure how much more information we would need to get." This is a program of people who will do good work volunteering and then do good work when they come back.

CHAIR MCGUIRE asked if he worked with the bill's sponsor.

SENATOR FRENCH said he respects Representative Hawker, but he has not spoken to him on it.

CHAIR MCGUIRE said Representative Hawker doesn't like it. She supports the idea but will not support the amendment at this time. If the vote fails, Senator French should spend time with the sponsor and the committee can take another look.

[9:38:39 AM](#)

A roll call vote was taken. Senator French voted in favor of Amendment 1, and Senators Green, Stevens, Bunde, and McGuire voted against it. Amendment 1 failed on a vote of 1 to 4.

SENATOR GREEN moved HB 284 from committee with individual recommendations and attached fiscal note(s). There being no objection, CSHB 284(FIN) moved out of committee.

SB 153-PEACE OFFICERS/FIRE FIGHTER RETIREMENT

CHAIR MCGUIRE announced the consideration of SB 153.

[9:40:18 AM](#)

SENATOR FRENCH said SB 153 gives peace officers and firefighters the opportunity - not the obligation -- to buy five years of medical benefits when they buy five years of retirement benefits. Former members of the armed forces who work as peace officers or firefighters in Alaska and are eligible for retirement can buy five more years of retirement. The problem is that the people buying that retirement believe that they are buying medical benefits as well. Current law allows them to count five years of military service toward their public employee retirement system (PERS) if the employee isn't eligible for a federal retirement benefit. The legislation corrects what many with former military service assume when purchasing military time, and that is that the time purchased will be credited to their medical benefits as well as to their retirement. The bill simply allows for the same purchase of years to count toward retirement and medical benefits. It doesn't allow double-dipping because the potential state retiree must not be eligible for federal military benefits. SB 153 recognizes the military and civilian service of these employees.

SENATOR STEVENS asked about the qualifying issue.

SENATOR FRENCH said for Tier I it is one set of rules. For the next two tiers, a person has to be 60 years old or work for 25 years. He supplied a chart to clear any confusion.

[9:43:50 AM](#)

SENATOR GREEN said she has just been through the most difficult bill to try and restore the PERS and TRS system to make it a funded program. Does the buy-in fully pay for "what would have been in and any interest that [it] would have created for those five past years?"

PAT SHIER, Director, Division of Retirement and Benefits, Department of Administration, said there has been a discussion about a mechanism to have individuals pay for the health care, but the current bill adds about \$5.3 million to the unfunded liability. That is why the administration is not excited about it. There are issues that may deserve consideration, but the administration won't support a measure that adds that liability.

[9:45:38 AM](#)

SENATOR GREEN said she cannot possibly support creating more debt for those programs.

SENATOR BUNDE asked about the fiscal note of \$350,000.

MR. SHIER said it represents the first five years. There are 203 individuals who have already elected to use their military time in order to qualify for increased retirement benefits, and they are either paying for those or they are saving money right now in other places like SBS in order to pay for that when they step out the door. He assumes that those 203 people would also go for this additional enhancement. The fiscal note is the current year's cost of the \$5.3 million. The unfunded liability is amortized over 25 years. The fiscal note represents a small portion of the service costs, and most of it is in the beginning to amortize the significant addition to the liability. It flattens out at 2013, "we're assuming that that percentage of individuals, which is around 8 percent, would grow to as much as 15 percent of the police/fire population. We don't know who those people are. They're not required to tell us who they are when they walk in the door and take a job." There are other things associated with declaring military time under the current law, but some do it right away and others wait until they are walking out the door.

[9:48:13 AM](#)

SENATOR BUNDE assumed that new hires would not be affected.

MR. SHIER said yes, except for rehires who are in the system.

SENATOR FRENCH asked the cost for buying that retirement.

KATHLEEN LEA, Retirement Manager, Division of Retirement and Benefits, said the calculation for military service is about 8.5 percent of the vesting-year salary for each year that is claimed. A military claim right at five years would be about \$25,000. It will gain interest as long as it is unpaid. Interest begins the year after they vest. The amount would grow even if they claimed it later. At retirement they have the choice of making the payment in full or taking it as a lifetime reduction to their retirement benefit.

[9:50:32 AM](#)

MS. LEA said when people retire and claim military service, they can still see an increase to their retirement benefit without making a payment at all. They can take a lifetime reduction.

SENATOR FRENCH said the payment is mortgaged.

MS. LEA said yes.

SENATOR FRENCH asked about the medical costs.

MS. LEA said the way SB 153 is structured there is no additional cost to the members.

SENATOR BUNDE said there would be an additional cost to the state, and that is the fiscal note.

MR. SHIER said this fiscal note is for adding the medical benefit that doesn't exist in statute. "We have the old law, which still allows an individual with military time to present that retirement and without writing a check at all, simple say 'oh I would get \$400 if I wrote the check, but I can get [\$200] if I do nothing. Pay me the [\$200] - I'm happy'." That is stacked on top of their underlying pension benefit. Whatever the medical benefit they have remains constant. There is a subtlety. There are two things the state calculates at retirement. One is the years of service for eligibility to vest. The other is years of service in dollars for the pension amount.

[9:53:13 AM](#)

MR. SHIER said, "So in this case what we're talking about is years of service for eligibility to even have access to the medical, not what amount it might be."

SENATOR GREEN asked if they automatically receive this benefit at age 65.

MS. LEA said they would receive system-paid medical premiums at age 60 unless there was 25 years of membership service in the police or fire work.

[9:53:55 AM](#)

SENATOR GREEN said, so, the bar is very much lower than the average person in the world. "You could essentially do this at age 50" with five years of military and 20 years of state service, and then pay these fees and qualify for full benefits for the rest of your life. "It's not quite like you get to the qualifying year and don't get health insurance ever."

SENATOR FRENCH said at age 65 they go on Medicare. Nobody stays on state insurance past that age.

MR. SHIER said Medicare becomes primary [at that age], but the state still has significant obligations to pay what Medicare doesn't pay. The state pays \$384 million a year in retiree medical benefits.

SENATOR FRENCH asked if that was for people over 65.

MR. SHIER said it was for all retirees.

[9:55:22 AM](#)

SENATOR FRENCH asked about the retirees on Medicare.

MR. SHIER said "We are always aware of how many people are out there right now or who could present themselves for retirement prior to age 65 or Medicare age." There is a benefit to retire before age 65.

SENATOR FRENCH noted that the \$384 million figure is not for people over 65.

MR. SHIER said the figure is for all retirees.

SENATOR FRENCH asked if it becomes more or less expensive when a person goes on Medicare.

MR. SHIER said it becomes less expensive. He will find out.

CHAIR MCGUIRE said the bill will be held over until this information is provided.

SENATOR GREEN said the calculation for the person that will buy in should go back to their date of coming into the program. Normally anyone who is going to qualify for a future program would be paying their share and watching it grow over those 20 years. What would be the difference for the person who buys in on their way out and the one who is in from the beginning? She is concerned about the cost to the state.

[9:58:05 AM](#)

MR. SHIER said actuaries have estimated that the average cost per member per year of claimed military service to add this additional year of medical coverage, for which they would not otherwise be eligible, is \$6,292 per year. That will be looked at every year as medical costs change. If someone wants to buy several years of military service, this is the amount that the state would attempt to collect. The language in SB 153 doesn't provide a mechanism for collecting that money from the individual for medical care. It does for retirement service.

[9:58:57 AM](#)

SENATOR GREEN asked what the calculation would be if they had bought in early, "and you had the expectation for their 20 years of service what they were accruing, just like any other employee." It is hard to say a person doesn't have to participate fully for 20 years of service, only for the five. "But if you had to calculate what the value of that would be early on -- that's all I want."

MR. SHIER said he needs clarification and can get those numbers.

MAURICE HUGHES, Law Enforcement Officer, Kodiak, said he is also a veteran and a Tier II employee. SB 153 is good for law enforcement and firefighters who have served their country. It allows them to have medical benefits when buying their military service. Public safety workers are under tremendous stress on a daily basis, and the medical component is very important for retirement. It is an appropriate thing for our veterans. He said to look at the on-going problem of retention and recruitment in these jobs. SB 153 could keep past military employees in the job. It can be used for recruiting previously hired personnel, and it shows support for Alaska's veterans.

[10:02:31 AM](#)

PAUL FUSSEY, Alaska State Trooper, Kodiak, said he is a Tier III employee, and SB 153 will benefit him. He has had nine years in the air national guard. He has purchased five years under the assumption that it would count for his medical too. The average lifespan of police officers is 66, based on a 40-year study by John Volanti. This bill will help the police and fire personnel.

[10:03:55 AM](#)

CHAIR MCGUIRE set SB 153 aside.

HB 296-EXTENDING BOARD OF PAROLE

CHAIR MCGUIRE announced the consideration of HB 296.

[10:04:42 AM](#)

MICHAEL SICA, Staff to Representative Bob Lynn, said HB 296 extends the Board of Parole for another eight years, as recommended in the legislative audit report.

SENATOR FRENCH requested a description of what the board does.

MR. SICA said its primary responsibilities are to determine prisoner suitability for discretionary parole and setting conditions for that. They also hold revocation hearings.

KATHY MATSUMOTO, Executive Director, State Board of Parole, Anchorage, said the board has about 1,200 cases on active supervision at any given time. There were 497 hearings, and the board set mandatory parole conditions for 800 offenders who are released into supervision. The board sees quite a number of people who are incarcerated and who request an early release. Those hearings are conducted throughout the state, and some are conducted electronically because the board can't always travel. The five members of the board are very busy. They conduct preliminary hearings for those on parole supervision who get arrested and consider if they need to be incarcerated pending a final hearing, or if there are any options for releasing them back into the community. The board has a lot of contact with the Department of Corrections and victim groups. The board works with transition programs to help offenders stay out of jail. It has an active role in helping protect the public and working with offenders to make them productive citizens.

[10:09:06 AM](#)

SENATOR FRENCH asked what percentage of discretionary parole requests the board grants.

MS. MATSUMOTO said last year it was 57, or 40 percent of the people seen by the board.

SENATOR FRENCH asked if only 110 people asked for discretionary parole release and 57 were granted.

MS. MATSUMOTO said the board saw about 140 individuals and granted parole to 40 percent and denied it to 46 percent. There are some who the board was not prepared to make a decision on.

CHAIR MCGUIRE asked about parole at the federal level.

SENATOR FRENCH said it may be that a person can win discretionary parole in the federal system. Why is there such a high rate of discretionary parole? He noted recent incidents of people released and committing other crimes, and the community has zero tolerance for that. He acknowledged that the board is under a mandate to look closely at each set of circumstances, but "folks in my community are hostile to individuals who get out of prison and then commit another crime."

[10:11:36 AM](#)

MICHAEL STARK, State Board of Parole, Juneau AK, said he is in Fairbanks at a board meeting. Discretionary parole hearings are only a small part of the board's duties. They are only 28 percent of the hearings that the board conducts. There are probably hundreds of prisoners who are eligible for parole that don't bother applying because they don't believe it will be granted. "And in most cases, they're probably right." It is only those with the most promising records that even seek a discretionary parole, although there are exceptions and those are denied by the board. Parole is granted to persons with the most impressive records and are very good risks in the community. That is borne out because only a very small handful of discretionary parolees commit crimes. Technical violations are more frequent. The board has the same concern that constituents have; the board feels that its client is the people of Alaska, and its primary obligation is the protection of the public, and secondarily it wants to assist offenders in succeeding in the community. Almost all offenders are out in the community eventually, "and we want to make sure that they have the tools to succeed."

[10:14:00 AM](#)

SENATOR FRENCH asked about success rates.

PAT DAVIDSON, Division of Legislative Audit, Juneau, said there was a review and the report is in the packet. The review looked at the risk factors that the parole board uses for making decisions and tested those based on parole revocations. For people with the lowest category of risk, the board granted the highest percentage of paroles. The highest risk got the lowest percentage of discretionary paroles. Running those numbers against parole revocations, "we saw the correlation that we had hoped to see." Those with the lowest risk had the lowest rate of revocations. There was not a sufficient apples-to-apples comparison when trying to compare the revocation rate between discretionary parolees and mandatory parolees. The evidence suggests that discretionary parole revocation rates are lower than those with mandatory parole. The audit report asked the board to put out more information so that the public can see it. The board concurred with that recommendation.

[10:17:08 AM](#)

SENATOR BUNDE said it seems logical. The board cherry picks those with the greatest potential of rehabilitation.

MR. STARK said anyone who gets a sentence of two years or longer, except repeat sex offenders, gets out on parole automatically for the amount of good time that they have earned - a third off for good time for those who follow the rules. So they are supervised on mandatory parole for the amount of good time they have earned, and the board has no say in that, and they are much more likely to violate their parole than the discretionary parolees.

SENATOR BUNDE said the good-time carrot should be looked at.

[10:19:21 AM](#)

SENATOR BUNDE moved HB 296 from committee with individual recommendations and attached fiscal note(s). There being no objection, HB 296 passed out of committee.

HB 286-IMPERSONATING A PUBLIC SERVANT

CHAIR MCGUIRE announced the consideration of HB 286.

JENNIFER BAXTER, Staff to Representative Nancy Dahlstrom, Sponsor of HB 286, said the bill will increase the penalty for impersonating a peace officer to a Class C felony. It is now a misdemeanor. People lure unsuspecting victims by pretending to

be someone they are not, and there should be a stronger punishment. There is growing concern for community safety, and HB 286 provides another tool for law enforcement. It also serves as a deterrent. It doesn't make impersonating a public servant a Class C felony, but "what we are doing is adding an additional section here that would separate impersonating a public servant from impersonating a peace officer." It is for impersonating a state trooper or police officer.

CHAIR MCGUIRE asked where that is defined.

MS. BAXTER said line 4, page 1. "So we added a classification." First degree would be a Class C felony; second degree would remain a Class B misdemeanor.

CHAIR MCGUIRE asked how "public servant" is defined. It is in AS11.81.900 b 54, as follows: whether compensated or not, but does not include jurors or witnesses, it's an officer, employee of the state, municipality, or other political subdivision of the state, or a governmental instrumentality of the state, including lawmakers, members of the judiciary, and peace officers. A person acting as an advisor, consultant, or assistant at the request of, the discretion of, or under contract with the state.. "This is pretty expansive actually."

[10:23:01 AM](#)

MS. BAXTER said that is correct.

CHAIR MCGUIRE said, "So it is a lawmaker."

MS. BAXTER said under current law, impersonating a public servant in the second degree is a Class B misdemeanor.

SENATOR FRENCH said there is only one crime on the books: impersonating a public servant, which is a Class B misdemeanor.

MS. BAXTER said that is correct. "I believe what we are doing is separating or adding this new classification that it is a public servant, but we are saying impersonating a public servant in the first degree would be impersonating -- by pretending to be a peace officer -- and the definition of a peace officer, I believe, is anyone ... such as a state trooper; policeman; VPSOs, I believe, are included as well."

[10:24:15 AM](#)

SENATOR FRENCH asked if it includes firefighters.

MS. BAXTER said not in the statute that she found.

CHAIR MCGUIRE referred to a legal memo dated February 11. It looks like public servant is defined that way: 54 A through D. It that your understanding?

MS. BAXTER said yes.

CHAIR MCGUIRE said it is pretty expansive. It includes legislators, judiciary, peace officers, and so on. Is that your understanding?

MS. BAXTER said that is her understanding.

SENATOR BUNDE said, "Why not just say peace officer? Why are we concerned about somebody impersonating a legislator?"

[10:25:57 AM](#)

MS. BAXTER said under current law, impersonating a public servant is a Class B misdemeanor. "Now it is another classification that if you're impersonating someone in the first degree, they separated it here on line 5 and 6. A person commits the crime of impersonating a public servant in the first degree if the person violates Alaska statute 11.56.830 by pretending to be a peace officer, and impersonating a public servant in the first degree is a Class C felony."

SENATOR BUNDE asked if a peace officer is the expanded penalty.

MS. BAXTER said, "That's the addition."

CHAIR MCGUIRE said it is odd that the law is on the books.

[10:27:23 AM](#)

ROB COX, President, Public Safety Employees Association, Juneau, spoke in favor of HB 286. Impersonating a public servant, including a peace officer, is such a low class of crime that it rarely gets prosecuted at a B misdemeanor level. Unless it is committed in the presence of a peace officer, it is not an arrestable offense, unless a citizen affects that arrest, which seldom happens. There is a great potential for loss of public trust when people impersonate peace officers. He knows of no tragic outcomes in Alaska, but there have been some in other states. "You don't know what the intent of the person pretending to be a police officer is until there is some tragedy or not." It is too late once it happens. He knows of three incidents of apprehending someone impersonating a peace officer. A citizen's

report stated that someone was attempting to pull people over in a car equipped like a police officer. Unfortunately, since it was not committed in the presence of an officer he could not be arrested nor his car impounded. The man was DUI, so he was arrested. He had been charged before with the same offense, so obviously the misdemeanor was not a deterrent. The Public Safety Employees Association and the troopers and police officers it represents are very much in support of HB 286.

[10:30:41 AM](#)

SENATOR STEVENS asked about Halloween costumes.

MR. COX said there are three levels of filtering before someone is prosecuted, and the first is the officer's discretion. There needs to be a complaint. If charges are forwarded the district attorney would see if it is prosecutable. If so, there would be the due process of a court. "It would really be difficult to prosecute somebody on something like that."

[10:32:07 AM](#)

MS. BAXTER said the legal opinion states that the person would also have to engage in some activity impersonating an officer.

CHAIR MCGUIRE said she recalls a series of incidents of a man impersonating a police officer in Anchorage and assaulting women. It is very serious because of people's respect for law enforcement. She asked if the committee had any concerns.

SENATOR FRENCH noted that the bill goes on to the judiciary committee. He has an issue with the level of the crime. If the uniform is used to commit a heinous crime, that crime is punishable by a lengthy prison sentence. There are times when that person can be stopped by arresting them for having a uniform -- but they still have to do the act. "You're still left with that one act they have to commit." Under what circumstances is it appropriate to put a felony on someone when the only thing they have done is act like a cop? An A misdemeanor can be a year in jail, and that is a long time. "I'm concerned about going all the way up to a C felony - skipping over the misdemeanor." There was a bill yesterday about burning cars, and a fire marshal said it happened 60 times in one area every year. This is a serious issue, but he has a concern about the level of the crime.

[10:35:31 AM](#)

SENATOR STEVENS moved to report HB 286 from committee with individual recommendations and attached fiscal note(s). There being no objection, HB 286 passed out of committee.

The meeting was adjourned at [10:35:58 AM](#).