

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 17, 2009

8:10 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Paul Seaton, Vice Chair
Representative Carl Gatto
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen

MEMBERS ABSENT

Representative Craig Johnson

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Commissioner, Department of Public Safety

Joseph A. Masters - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

State Commission for Human Rights

Faith Marie Peters - Tanana, Alaska

- CONFIRMATION(S) ADVANCED

Board of Parole

Lonzo Henderson - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

Alaska Public Offices Commission (APOC)

Kathleen "Kate" Ballenger - Kodiak, Alaska

- CONFIRMATION(S) ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

JOSEPH MASTERS, Commissioner
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Testified as appointed commissioner of the Department of Public Safety.

FAITH MARIE PETERS, Appointee
to the State Commission for Human Rights
Tanana, Alaska

POSITION STATEMENT: Testified as appointee to the State Commission for Human Rights.

LONZO HENDERSON, Appointee
to the Board of Parole
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Parole.

KATHLEEN "KATE" BALLENGER, Appointee
to the Alaska Public Offices Commission (APOC)
Kodiak, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Public Offices Commission (APOC).

ACTION NARRATIVE

8:10:22 AM

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:10 a.m. Representatives Seaton, Gatto, Wilson, Gruenberg, Petersen, and Lynn were present at the call to order.

CONFIRMATION HEARING(S)
Commissioner, Department of Public Safety

8:11:00 AM

CHAIR LYNN announced the first order of business, the confirmation hearing on the appointment of Joseph A. Masters as commissioner of the Department of Public Safety.

8:11:34 AM

JOSEPH MASTERS, Commissioner, Department of Public Safety (DPS), reviewed his work history [as shown on his resume included in the committee packet] and said his diverse assignments within the department have given him a broad background and a good view of law enforcement throughout the state.

8:15:40 AM

COMMISSIONER MASTERS, in response to Chair Lynn, said he thinks one of the biggest problems faced by DPS is providing quality service. He indicated that in the past, the department has been plagued with a number of vacancies, which did not allow it to fully provide service. Furthermore, the department did not, and still does not, have the technology necessary to provide the communications and information records management needed in order to be fully effective. The short-term, first objective will be to fill all the department's positions, he said. Other foci will be on highway safety, Internet crimes, child pornography, and white collar crime. Crimes occurring in Alaska would not require the department to interface with other agencies; however, there are a number of crimes happening elsewhere, and the department would work with the applicable federal or state agencies.

8:21:34 AM

COMMISSIONER MASTERS, in response to Representative Seaton, said that in addition to the Alaska State Troopers - the primary public safety officers in rural Alaska - there are also Village Public Safety Officers (VPSOs), Village Police Officers (VPOs), and Tribal Police Officers (TPOs), and all of those entities need to be considered when making improvements to the department. One improvement is to provide further training for the VPSOs, VPOs, and TPOs. Another method for improvement is to make use of federal funding through grants and other formula funding. Regarding filling positions in rural Alaska with those who want to live there, Commissioner Masters said in law enforcement, there is certain training that is best done face to face, but ongoing training and certification programs can be available on line. Police certified trainers can utilize the distance learning system already in place to offer courses to rural law enforcement.

REPRESENTATIVE SEATON related that the Kachemak Bay branch of the University of Alaska has put together an entire curriculum

now going before the board of regents for adoption into a program, and he suggested that that may be useful information for the Department of Public Safety.

[8:27:14 AM](#)

COMMISSIONER MASTERS, in response to a series of questions from Representative Gruenberg, said he: has filled out a financial disclosure form that is on file with the Alaska Public Offices Commission (APOC) and is in the process of filling out one for this year; has no financial or personal relationships with any department employee, cabinet-level officers, the governor, or vendors; has not failed to disclose anything to the committee; has no expectation of future employment with anyone; has no plans to leave service as commissioner during the present administration's term; has nothing in his personal philosophy that would affect his performance as commissioner; and knows of no ethical or philosophical hindrance to his confirmation as commissioner.

[8:32:30 AM](#)

COMMISSIONER MASTERS, in response to Representative Wilson, said the department needs to consider a long-range plan for the VPSO program, including what the primary function of the program should be. The conditions of rural Alaska have changed since the inception of the program in the late '70s. He stated that he does not believe VPSOs should be armed as long as the program is contracted through non-profit organizations; however, if that changes, the issue "should and could be looked at."

[8:33:58 AM](#)

COMMISSIONER MASTERS, in response to Representative Gatto, clarified the difference between VPOs and VPSOs, and confirmed that all citizens can make an arrest. He also confirmed that in a domestic violence situation, a VPSO has full authority. To a question regarding [President Barack Obama's] stimulus package, he said the department is currently discussing how the money could be spent without creating a situation wherein there would have to be cutbacks once the money is gone, or at least how to prepare for that possibility. He suggested that the stimulus money could be used on both state and local levels. He suggested some uses may include personnel, equipment, training, and coordination and collaboration with other agencies. Regarding methamphetamines, Commissioner Masters said much attention has been given to reacting to the problem, and the

resources the department has tend to keep it that way. He said there are programs that probably would be more effective than law enforcement in the area of prevention, treatment, and education, although he said one area he thinks law enforcement can get involved with more is in the area of education. He said there are several existing programs that have been utilized in schools, the effectiveness of which are debatable; however, he said he thinks the programs can be effective when introduced to younger children.

COMMISSIONER MASTERS, asked whether or not the state is "turning the tide" when it comes to drug use, Commissioner Masters said it is difficult to measure crimes that are prevented, and he said it will take continual evaluation to determine whether or not state money is being spent in the best manner. He emphasized the importance of continuing to put state resources toward attempting the end of drug use and the prevention of crimes that are caused by the use and abuse of drugs and alcohol.

[8:41:23 AM](#)

CHAIR LYNN talked about massive cultural changes that have taken place over the decades.

[8:43:12 AM](#)

COMMISSIONER MASTERS, in response to a question from Representative Seaton, said he has worked with the "brown shirts" - the Alaska Wildlife Troopers - and the "blue shirts" - the Division of State Troopers - both when the entities operated as one and when they were separated, and he stated his belief that the current system of operating those systems separately is the better choice. He offered further details. Regarding the public's trust that officers are held to a reliable standard, he said he agrees that there is a level of trepidation in regard to knowing whether or not a complaint will be made against an officer and whether that complaint will be swept under rug. He relayed that he cannot say that he would be comfortable laying out all complaints publicly, because he has concerns that there would be abuses of the system. He said there certainly are a number of complaints that are valid and need to be addressed, and he said he wants to assure complainants that something is being done, even though they may not be told what that is specifically. He said when a member of the public files a complaint and hears nothing after that, "that's a big gap." In response to Chair Lynn, he said the department is currently

looking for a balance regarding this issue. Not all cases involve the union, he noted.

[8:52:01 AM](#)

REPRESENTATIVE SEATON said he would appreciate Commissioner Masters' continued address of the issue.

CHAIR LYNN remarked that when one member of an entity gets into trouble, it "tars and feathers" the entire entity.

[8:55:37 AM](#)

COMMISSIONER MASTERS, in response to Representative Gruenberg, said he does not know of any written policy in place to address allegations of conflict of interest and potential pressure put on cabinet officials by the governor and his/her staff, but he said there has been no pressure on him. In further response, he said currently there is no legislation being planned by the department to put before the legislature.

[8:58:05 AM](#)

COMMISSIONER MASTERS, in response to Representative Petersen, said the department has a number of issues to address in order to ensure response to crime. The most critical issue, he related, is for the department to fill all its positions. The next concern is to ensure that the troopers out in the field are doing work that is law enforcement related, not other duties. He offered examples. Furthermore, the department is continually looking to expand its line of first responders, which right now are the VPSOs.

[8:59:46 AM](#)

REPRESENTATIVE SEATON moved to advance the confirmation of Joseph A. Masters to the joint session of the House and Senate; he requested unanimous consent. There being no objection, the nomination of Joseph A. Masters as commissioner of the Department of Public Safety was advanced.

State Commission for Human Rights

[9:00:26 AM](#)

CHAIR LYNN announced the next order of business, the confirmation hearing on the appointment of Faith Marie Peters to the State Commission for Human Rights.

[9:00:33 AM](#)

FAITH MARIE PETERS, Appointee to the State Commission for Human Rights, shared her background with the committee, [as shown on her resume included in the committee packet]. She said it would be an honor to be appointed to the commission.

[9:02:19 AM](#)

MS. PETERS, in response to a line of questioning from Representative Gruenberg, described herself as honest, fair, open to questions and giving advise, and considerate of "every aspect of everyone." She said neither she nor any member of her family has had experience as a litigant, witness, or in any other capacity, with respect to the State Commission for Human Rights. She said she choose to volunteer to serve on the commission after being asked to do so, and following advise from her supervisor.

[9:04:45 AM](#)

REPRESENTATIVE SEATON moved to advance the confirmation of Faith Marie Peters to the joint session of the House and Senate; he requested unanimous consent. There being no objection, the nomination of Faith Marie Peters to the State Commission for Human Rights was advanced.

Board of Parole

[9:05:35 AM](#)

CHAIR LYNN announced the next order of business, the confirmation hearing on the appointment of Lonzo Henderson to the Board of Parole.

[9:05:56 AM](#)

LONZO HENDERSON, Appointee to the Board of Parole, discussed his background, [as shown on his resume included in the committee packet].

MR. HENDERSON, in response to Chair Lynn, said as a parole officer, he made the best, informed decisions possible about

allowing someone parole, but sometimes that person would commit a crime after being granted parole.

[9:11:48 AM](#)

MR. HENDERSON, in response to a question from Representative Seaton regarding recidivism, said when considering whether to grant someone parole, the person's background - social and criminal - is considered, and if the person has a history of substance abuse, conditions are set to address that. For example, if the person is taking classes to control his/her substance abuse, those classes will be part of the condition of parole. If the classes, for example, are not available in the community to which the person would be paroled, then he/she would be released to another area in which the class is available, and would not be sent home until the class or treatment was completed.

[9:14:04 AM](#)

REPRESENTATIVE SEATON moved to advance the confirmation of Lonzo Henderson to the joint session of the House and Senate; he requested unanimous consent. There being no objection, the nomination of Lonzo Henderson to the Board of Parole was advanced.

Alaska Public Offices Commission

[9:15:02 AM](#)

CHAIR LYNN announced that he last order of business was the confirmation hearing on the appointment of Kathleen "Kate" Ballenger to the Alaska Public Offices Commission (APOC).

[9:15:18 AM](#)

KATHLEEN "KATE" BALLENGER, Appointee to the Alaska Public Offices Commission (APOC), offered her background and experience, [which is listed on her resume included in the committee packet]. She said she is concerned about the ethics, honesty, and integrity of Alaska's elected officials. She said she has enjoyed working with APOC and hopes the committee will vote to forward her confirmation so that she can continue her work with the commission.

[9:19:01 AM](#)

MS. BALLENGER, in response to a question from Representative Gatto regarding feedback for those who have filed with APOC, said she is not familiar with all the documentation that is handled through the Anchorage and/or Juneau APOC office. She spoke of a project currently in progress that will allow all those required to file financial disclosure statements to do so via the Internet. She offered her understanding that that system will be in place for lobbyists by April and for everyone else by the end of the year.

[9:20:44 AM](#)

MS. BALLENGER, in response to Representative Gruenberg, said she has been with APOC since her appointment the end of May 2008.

CHAIR LYNN emphasized the importance of APOC to Alaskans.

[9:21:48 AM](#)

REPRESENTATIVE SEATON moved to advance the confirmation of Kathleen "Kate" Ballenger to the joint session of the House and Senate; he requested unanimous consent. There being no objection, the nomination of Kathleen "Kate" Ballenger to the Alaska Public Offices Commission was advanced.

[9:22:16 AM](#)

CHAIR LYNN discussed the upcoming committee calendar.

[9:22:55 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:23 a.m.