

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

April 9, 2009

8:06 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Paul Seaton, Vice Chair  
Representative Carl Gatto  
Representative Craig Johnson  
Representative Max Gruenberg  
Representative Pete Petersen

**MEMBERS ABSENT**

Representative Peggy Wilson

**COMMITTEE CALENDAR**

HOUSE BILL NO. 24

"An Act relating to a public procurement preference for Alaska veterans."

- MOVED CSHB 24(MLV) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 31

Urging the United States Congress to pass the Honor the Written Intent of our Soldier Heroes Act.

- HEARD AND HELD

HOUSE BILL NO. 106

"An Act relating to village public safety officers and regional public safety officers."

- HEARD AND HELD

HOUSE BILL NO. 76

"An Act relating to the membership of the Alaska Legislative Council and the membership of the Legislative Budget and Audit Committee."

- SCHEDULED BUT NOT HEARD

SENATE BILL NO. 58

"An Act establishing February 2 of each year as Marmot Day; and providing for an effective date."

- BILL HEARING RESCHEDULED TO 4/11/09

CS FOR SENATE BILL NO. 72(STA)

"An Act relating to use of child safety seats and seat belts."

- BILL HEARING RESCHEDULED TO 4/11/09

**PREVIOUS COMMITTEE ACTION**

BILL: HB 24

SHORT TITLE: PROCUREMENT PREFERENCE FOR VETERANS

SPONSOR(S): REPRESENTATIVE(S) FAIRCLOUGH, GATTO, LYNN

01/20/09	(H)	PREFILE RELEASED 1/9/09
01/20/09	(H)	READ THE FIRST TIME - REFERRALS
01/20/09	(H)	MLV, STA
03/31/09	(H)	MLV AT 1:00 PM BARNES 124
03/31/09	(H)	Moved CSHB 24(MLV) Out of Committee
03/31/09	(H)	MINUTE(MLV)
04/01/09	(H)	MLV RPT CS(MLV) 2DP 2NR
04/01/09	(H)	DP: LYNN, GATTO
04/01/09	(H)	NR: RAMRAS, BUCH
04/07/09	(H)	STA AT 8:00 AM CAPITOL 106
04/07/09	(H)	Heard & Held
04/07/09	(H)	MINUTE(STA)
04/09/09	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HJR 31

SHORT TITLE: SUPPORT SOLDIERS' BURIAL DESIGNATIONS

SPONSOR(S): REPRESENTATIVE(S) THOMAS

04/01/09	(H)	READ THE FIRST TIME - REFERRALS
04/01/09	(H)	MLV, STA
04/07/09	(H)	MLV AT 1:00 PM BARNES 124
04/07/09	(H)	Moved CSHJR 31(MLV) Out of Committee
04/07/09	(H)	MINUTE(MLV)
04/08/09	(H)	MLV RPT CS(MLV) 3DP 2NR
04/08/09	(H)	DP: OLSON, BUCH, GATTO
04/08/09	(H)	NR: KAWASAKI, LYNN
04/09/09	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 106

SHORT TITLE: VILLAGE & REGIONAL PUB.SAFETY OFFICERS

SPONSOR(S): REPRESENTATIVE(S) JOULE

02/02/09 (H) READ THE FIRST TIME - REFERRALS  
02/02/09 (H) CRA, STA  
02/26/09 (H) CRA AT 8:00 AM BARNES 124  
02/26/09 (H) Moved CSHB 106(CRA) Out of Committee  
02/26/09 (H) MINUTE(CRA)  
02/27/09 (H) CRA RPT CS(CRA) NT 6DP 1NR  
02/27/09 (H) DP: CISSNA, HARRIS, GARDNER, MILLETT,  
HERRON, MUNOZ  
02/27/09 (H) NR: KELLER  
04/09/09 (H) STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

CRYSTAL KOENEMAN, Staff  
Representative Anna Fairclough  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided an update and answered a question during the hearing on HB 24, on behalf of Representative Fairclough, prime sponsor.

VERN JONES, Chief Procurement Officer  
Division of General Services  
Department of Administration  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 24.

JOSH TEMPEL, Staff  
Joint Veterans' Caucus  
Senator Charlie Huggins  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced HJR 31 on behalf of the Joint Veterans' Caucus.

NICHOLAS HENDERSON  
(No address provided)

**POSITION STATEMENT:** Testified on behalf of himself in support of HJR 31.

DAVID ROGERS  
(No address provided)

**POSITION STATEMENT:** Testified during the hearing on HJR 31.

REPRESENTATIVE REGGIE JOULE

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 106 as prime sponsor.

ELIZABETH SAGALAQ HENSLEY (ph), Intern  
Representative Reggie Joule  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 106, on behalf of Representative Joule, prime sponsor.

SIIKAURAQ MARTHA WHITING, Mayor  
Northwest Arctic Borough  
Kotzebue, Alaska

**POSITION STATEMENT:** Testified in support of HB 106.

SUE STANCLIFF, Special Assistant  
Office of the Commissioner  
Department Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Answered a question during the hearing on HB 106.

JOHN GLICK, Major, Deputy Director  
Central Office  
Division of Alaska State Troopers  
Department of Public Safety (DPS)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 106.

STAN HAWLEY  
North West Arctic Borough  
(No address provided)

**POSITION STATEMENT:** Expressed a concern during the hearing on HB 106.

JAMES KNOPKE, Director  
Village Public Safety Officer Program  
Tanana Chiefs Conference  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 106, Version T.

JACKIE HILL, Director  
Native Services  
Maniilaq Association  
Kotzebue, Alaska

**POSITION STATEMENT:** Testified in support of HB 106, Version T.

CHRISTINE HESS, Staff  
Representative Reggie Joule  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Confirmed information during the hearing on HB 106 on behalf of Representative Joule, prime sponsor.

GERALD LUCKHAUPT, Attorney  
Legislative Legal Counsel  
Legislative Legal and Research Services  
Legislative Affairs Agency (LAA)  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 106.

#### **ACTION NARRATIVE**

[8:06:11 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Seaton, Johnson, Petersen, and Lynn were present at the call to order. Representatives Gatto and Gruenberg arrived as the meeting was in progress.

[8:06:51 AM](#)

HB 24-PROCUREMENT PREFERENCE FOR VETERANS

[8:07:13 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 24, "An Act relating to a public procurement preference for Alaska veterans."

[Before the committee was CSHB 24(MLV).]

[8:07:18 AM](#)

CRYSTAL KOENEMAN, Staff, Representative Anna Fairclough, Alaska State Legislature, reported that after the House State Affairs Standing Committee's last hearing of HB 24, on Tuesday, [April 7, 2009], the sponsor and her staff met with Representative Gruenberg, and were able to address his concerns without the need to create a committee substitute.

REPRESENTATIVE SEATON recalled a concern [voiced by Representative Gruenberg at the prior hearing of HB 24] regarding language beginning on page 2, line 11, [relating to qualification for bidder preference, and which read as follows]:

"or the bidder must have sold supplies of the general nature solicited to other state agencies, governments, or the general public."

REPRESENTATIVE SEATON reminded the committee that the concern had been that [that language would discriminate against someone who is new in business]. He asked if that was the sponsor's intent.

[8:08:16 AM](#)

MS. KOENEMAN explained that that language is currently used "under the Alaska bidder preference." In response to a follow-up question, she offered her understanding that if this language was changed in HB 24, it would be necessary to also change the Alaska bidder preference language.

[8:09:14 AM](#)

VERN JONES, Chief Procurement Officer, Division of General Services, Department of Administration (DOA), stated that changing the aforementioned language in HB 24 would not change the requirements for the Alaska bidder preference; a bidder would still have to be in business for six months prior to the bid opening in order to qualify for that preference. He continued:

To qualify for this preference, you also have to qualify for the Alaska bidder preference, so, unless you went back and changed that, ... the change you might be contemplating would have any affect wouldn't necessarily require you, though, to change the Alaska bidder preference either.

[8:10:07 AM](#)

REPRESENTATIVE JOHNSON asked Mr. Jones if he had had time to consider [a suggestion Representative Johnson had made, during the April 7 meeting, to add language so that the proposed definition of "Alaska veteran" as an individual who is a resident of the state was changed to require that individual to have been a resident of the state for at least 30 days]. He

said he wants to know if that change can be made without going "over the line."

MR. JONES prefaced his answer by stating that he is not an expert regarding veteran discharge papers. He said he had discussed the suggestion with some staff members and it is their consensus that "that would be a difficult thing to be able to determine and track." He said [CSHB 24(MLV)] does not require the onerous provision that the division maintain a registry. It would be necessary for the division to create a "check box" for veterans to check, and, in addition, some competitive policing would be necessary. He stated that even if the division was able to gather the initial information, it probably does not have the means and is not the right entity to track that information without a registry.

REPRESENTATIVE JOHNSON responded that although he thinks it would be nice to include that requirement, he can "see the problem" in doing so.

[8:12:00 AM](#)

REPRESENTATIVE SEATON moved to report CSHB 24(MLV) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 24(MLV) was reported out of the House State Affairs Standing Committee.

HJR 31-SUPPORT SOLDIERS' BURIAL DESIGNATIONS

[8:12:53 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE JOINT RESOLUTION NO. 31, Urging the United States Congress to pass the Honor the Written Intent of our Soldier Heroes Act.

[Before the committee was CSHJR 31(MLV).]

[8:13:02 AM](#)

JOSH TEMPEL, Staff, Joint Veterans' Caucus, Senator Charlie Huggins, Alaska State Legislature, introduced HJR 31 on behalf of the Joint Veterans' Caucus. He said the proposed resolution would express Alaska's support of H.R. 1633, a Congressional bill entitled, "Honor the Wish Act." The federal bill would allow military personnel to designate people other than their immediate family members to oversee their disposition if they are killed in the line of duty. Mr. Tempel explained that

members of armed forces fill out a DD FORM 93 to designate who will direct disposition of their remains if they die while in active duty. Current law allows these members to designate a spouse, blood relative, or adoptive parent. Mr. Tempel stated that some service members need someone who does not fall into those categories to bear that responsibility, but current law prohibits that. He said H.R. 1633 supports the nation's troops [by upholding] their dying wishes, and passing HJR 31 would be a meaningful way for Alaska to continue its support of those in the military.

MR. TEMPEL noted that two individuals were present to testify, one of whom was responsible for bringing forth the idea for HJR 31.

[8:15:48 AM](#)

NICHOLAS HENDERSON told the committee that he is a veteran, having served in Operation Iraqi Freedom, and is testifying on behalf of himself in support of HJR 31. He related a story about the loss of a "brother through service" - Specialist Christopher Fox (ph) - who was killed in action in Baghdad. Mr. Henderson said that on a DD FORM 93, Mr. Fox had specified a woman named, Amy Frost, as the person responsible for the disposition of his remains, in the event that he was killed in action. Ms. Frost was not Mr. Fox's mother, but was someone who had taken him in after he had been kicked out of his step-father's home. Mr. Henderson said Mr. Fox's mother had already died, and Ms. Frost considered Mr. Fox her son. The U.S. Army notified Ms. Frost, but told her that they were awarding custody to Mr. Fox's step-father.

MR. HENDERSON stated, "This resolution is our way of showing that not only do we support our veterans, but we want to honor them in life and in death. Their last and final wishes should be honored."

[8:18:46 AM](#)

REPRESENTATIVE JOHNSON asked who would have been next in line after the step-father if that detail had not been designated on the form.

MR. HENDERSON responded that each soldier fills out a DD FORM 93 before he/she is deployed. He said in the case of Amy Frost, the Casualty Assistance Office notified her, and additionally it sought out Mr. Fox's step-father and step-brother.

[8:19:47 AM](#)

CHAIR LYNN said he heard this bill during a House Special Committee on Military and Veterans' Affairs hearing. He opined that HJR 31 is well-intended, but has issues. He offered his understanding that today, the cost of basic life insurance in the military is \$400,000, while the cost for military funeral expenses is \$100,000.

MR. HENDERSON confirmed that is correct.

CHAIR LYNN directed attention to a list included in the committee packet, from Section 1482 of federal law, entitled, "Expenses incident to death." Included on the list is: identification, uniform, funeral services, and Hearst services. The \$100,000 is given to the person whose name is listed on the DD 93 form. He offered his understanding that that person is not obligated to spend the entire \$100,000 on those expenses. Chair Lynn stated that family members are "forever," while friends can be "transitory." The potential exists for a girlfriend to get the \$100,000 and not spend it on the necessary funeral expenses. Furthermore, the same woman could be the girlfriend of several military personnel and "end up being very wealthy rather rapidly." Conversely, Chair Lynn said anyone who is old enough to carry a gun and go into battle ought to have the right to designate whom he/she wishes. He indicated that the same argument applies to the age at which someone should be allowed to drink and smoke. He said he wants to support the wishes of soldiers, but is concerned about someone preying upon the military community.

[8:23:37 AM](#)

MR. HENDERSON said he echoes Chair Lynn's standpoint that if a person is old enough to carry a gun and go into battle, he/she should be allowed to have a drink legally.

[8:24:18 AM](#)

MR. TEMPEL, in response to Representative Johnson, confirmed that a person who has filled out a DD FORM 93 can later change the name of the designee on the form.

[8:24:55 AM](#)

REPRESENTATIVE GATTO stated his understanding that an adult male or female fills out a DD FORM 93, does so with guidance.

MR. HENDERSON responded that that is correct. He said every time a soldier deploys, he/she fills out a new DD FORM 93 and can modify that form at any time. He said he had four soldiers under his direct supervision in the last year of his service. Each time those soldiers filled out paperwork, they were counseled on the correct way to do so, and the paperwork was checked to ensure it was completed in its entirety.

CHAIR LYNN reiterated that he supports the intent of the bill, but noted that the committee must look for unintended consequences in each bill before moving it out of committee.

[8:26:43 AM](#)

REPRESENTATIVE GRUENBERG referred to the previously mentioned list from Section 1482. He noted that the list pertains to "any decedent covered by Section 1481 of this title," and said he would like to know if Section 1482 covers only those military personnel who die while engaged in battle or if it covers someone who has been sworn in but dies while still in the U.S.

MR. TEMPEL responded, "This applies to everyone."

REPRESENTATIVE GRUENBERG asked, "Does the bill apply to anyone who passes away after the effective date, even if they filled out their [DD FORM 93] 10 years before?"

MR. TEMPEL responded that if that person is still in the military at the time of his/her death, then "it does apply." He explained, "The forms you fill out will stay with you until you ... fill out new ones; however, they are redone annually - it's a requirement of every unit."

REPRESENTATIVE GRUENBERG asked, "Does it apply to National Guard and reservists during their time on active duty?"

MR. HENDERSON answered yes.

[8:29:15 AM](#)

DAVID ROGERS stated that he is the father of the late Private First Class Jesse Rogers (ph), who was killed in action on July 23, 2007, in Afghanistan. He said he does not know if he agrees with allowing a soldier to designate anyone he/she chooses

concerning funeral arrangements and for [that designee] to be the recipient of the \$100,000.

MR. ROGERS shared his story as follows:

When my son was killed, it hit me hard. The best way to explain it may be to explain my state of mind during the process the Army has set up for this situation. My son designated me to have the final word on everything related to his death. ... [My wife and I] went into the office at Fort Richardson. A military [representative] would ask me a question, I would have to look at my wife, she would then repeat the question, and I would then look at the officer and give my answer. This went on for several days. Even the most simple question didn't register until I heard my wife ask it.

I've lost two brothers in my adult life, one by suicide and one by cancer. Losing a child was far harder. I still to this day, including last night, lay awake most of the night. When my son joined the Army, I did my dead-level best to explain to him the monotony of the military life as well as the rewards. I also explained to him the best I could the reality of going in, in a time of war - not to steer him one way or the other, but to help him understand fully what he was volunteering for. No father could have been prouder than I was of Jesse. ... He was becoming a man, and seemed to have a sense of direction for his life.

The question before us today seems to come down to this: At the age of 18, does the typical teenager have the maturity or clarity of thought to make responsible choices with their life? As a father of 13 children, I can tell you they don't - not without wise counsel. My children rely on my wife and I for advice on a range of issues. Not every child has parents that are involved with them - they tend to cling to the advice of a coach or a teacher. This is not a bad thing, of course. In my own life I had a 15-year-old boy tell me, "I wish you were my dad." I squared him away promptly, however, because he had a great dad; they just didn't see eye to eye.

I try to imagine myself receiving news that my son died in war, then hearing that some teacher, coach, or neighbor is in charge of making the burial arrangements as I look on helplessly. My personal opinion is: ... at least make the soldier wait 'til they are 21 to make that decision. Most teenagers don't make these kinds of decisions in a civilian world. If a teenager has life insurance, it is because a parent is providing it. Very rare are the teenagers that actually do know everything.

One other point before I finish: There are ... opportunists out there that may see this as a way to take advantage of a gullible teenager. Kids are sent credit cards as soon as it's legal, knowing that they will overspend and be paying the coveted penalty for many years until they finally cut their credit cards up. Sometimes adults have to protect teenagers from themselves. I believe this may be one of those times. The memory of my son is one of respect and honor. The memory of a soldier that wrote a name down on a piece of paper that caused a nightmare to ensue as a result of his or her hasty decision may be something we adults should control now by not giving them that choice - not at the age of 18.

[8:34:54 AM](#)

CHAIR LYNN said if the rules are still as they were in the past, a person can enlist in the military at 17 with parental permission, thus, this issue could pertain to 17-year-olds.

[8:35:02 AM](#)

REPRESENTATIVE GRUENBERG expressed his sympathy for Mr. Rogers. He asked if the military provided any counseling to family members.

MR. ROGERS replied that the military respected and honored the family in every way possible. He said the matter is so personal that he thinks the military steers clear of giving advice. He said he and his wife could have had their son buried at Arlington, but they wanted him close, so they had him interred at Fort Richardson. In regard to the aforementioned \$100,000, he said, "It was paid for by the military; we never saw a single bill." He praised the military for allowing his family the time they needed to absorb the information, and for offering only

that which they wanted to know. Mr. Rogers said he needed to know what his son had gone through in his last moments on earth.

8:38:06 AM

MR. ROGERS said when he served in the U.S. Army, there were a lot of troubled youth in the service, some of whom were kicked out of the military. He said, "That's life. Sometimes it's tough love, sometimes it's irresponsible parenting and the kids end up in the military as a way out of their situation." He said the parent who does not love their child and treats him/her in a way that is not beneficial is the exception to the rule. He acknowledged that there are mentors who help children, and he said he hopes his own children find mentors to help them through life. He continued:

But for that child to, in a moment of -- ... because they have that deep affection for that individual and they're angry at their parents at the time -- I'm seeing this as a situation that actually could happen. I've seen some very irresponsible soldiers in the military. And I was told by the military myself, they said, "Dave, as you well know, not every soldier's a hero, not every soldier in the military is a good man." And they can make life very, very hard on their parents if they wish to, through this situation. And nobody wishes it on a soldier. And I also want to honor that soldier and his wishes. ... It is a difficult quandary. I would like to see that they wait, maybe until they're 21 - maybe until their second tour, where they've had a chance to experience life a little bit more.

8:40:23 AM

CHAIR LYNN indicated that voting on this issue would be difficult.

MR. ROGERS spoke about teaching children consequences and guiding them so that eventually they make wise choices on their own; however, he questioned whether that means a boy is a man the day he turns 18. He admitted that at 18, a soldier is expected to fire a weapon during battle, and regarding the consumption of alcohol, he said there are nightclubs surrounding every military base in America. He said his son was stationed in Italy, and "morally, he was slipping a little bit - falling into that trap." He said there are people in those clubs that

"prey on these young men." Mr. Rogers indicated that it may be possible that a door could be opened so that "some snake oil salesman will create some document that you just need to sign - 'You sign this and you go turn it in to your Sarge' - for an evening of fun, or whatever." He stated that the world is "real," not "one we wish we had," and he said, "There are evil people in the world who will look for ways to benefit from..."

CHAIR LYNN said his impression is that Mr. Rogers is a good father, and he said he wishes more children had parents like him.

[8:42:38 AM](#)

REPRESENTATIVE GATTO asked Mr. Rogers if he is recommending a solution wherein a soldier who has made a decision related to a DD FORM 93 subsequently dies, and "some authority would say, 'I don't care what he signed, I'm not going to allow this.'"

MR. ROGERS replied that he does not perceive non-commissioned officers (NCOs), officers, or captains as able to counsel a soldier one way or the other. He said he thinks those authority figures just "allow the soldier to fill out a form properly." He said a soldier's personal choice is his/her own. He stated that he supports 21 as the legal drinking age, and he related that his son, although remaining a responsible soldier, began drinking in Italy where the drinking age is 18. He recalled that Mr. Tempel had said this issue is related to an Act of Congress, not something over which the military has to make a decision, and he said he thinks that is wise. He added that he doesn't know if the military even would want to "enforce this kind of thing." Mr. Rogers emphasized that at age 18, an individual is not fully mature and does not "look at life in a real way." Males 18 years of age are full of testosterone and feel invincible. Mr. Rogers related that his son had told him he would rather be killed than come home wounded. Mr. Rogers said parents just want their children to come home alive. He said he does not know the answer, but said wisdom has got to prevail. Mr. Rogers concluded, "There are people out there - organizations out there - that hate our military ... and ... wouldn't think twice about taking advantage if they could ...."

[8:46:39 AM](#)

CHAIR LYNN questioned whether there may be some possible form of appeal process so that a parent or other family member could show there was fraud involved when the DD FORM 93 was signed.

8:47:30 AM

REPRESENTATIVE GATTO suggested that any soldier who enlists who is not yet 21 would have to have his/her DD FORM 93 form approved by a panel, a real judge, or a counselor. He asked Mr. Rogers if he would consider that a "resolution to preventing fraud."

MR. ROGERS answered that he knows there are exceptions to every rule, and he can see where a person might have a need to disassociate him/herself from an abusive parent and not allow that parent any say regarding his/her remains. He said there should be a record of that child abuse, and the person could use that record when filling out a form in order for an exception to be made to the general policy.

8:49:13 AM

CHAIR LYNN said he is a parent of six children, all of whom have been angry with him at one time or another - especially during their teenage years. However, that anger was transient.

8:49:35 AM

REPRESENTATIVE PETERSEN suggested having a requirement wherein if a person between the ages of 17-21 names someone other than a parent or legal guardian on his/her DD FORM 93 form, the parent or legal guardian would be notified.

MR. ROGERS responded that perhaps it would be possible that some parents would understand, admit to failing their child, and "sign off on something like that" to show they understand their child's wishes. However, he stated, "I don't think we should kid ourselves, that \$100,000 is a prize to some people." He said he and his wife considered the money sacred and made decisions on how to spend it with consideration of what would have made their son proud. He said, "I just wonder how many of these soldiers would have someone interested in their burial arrangements if they didn't have that \$100,000."

8:52:19 AM

REPRESENTATIVE SEATON reminded everyone that the committee is not creating a law, but considering a resolution. He directed attention to Section 1482, subsection (a), which stipulates that the "Secretary" concerned may pay necessary expenses and lists

[in paragraphs (1)-(11)] which expenses qualify. He added, "It doesn't say they can give somebody \$100,000 to do it." He referred to the first sentence of subsection (b), which read:

(b) If an individual pays any expense payable by the United States under this section, the Secretary concerned shall reimburse him or his representative in an amount not larger than that normally incurred by the Secretary in furnishing the supply or service concerned.

REPRESENTATIVE SEATON then referred to subsection (c), which read:

(c) Only the following persons may be designated to direct disposition of the remains of a decedent covered by this chapter:

- (1) The surviving spouse of the decedent.
- (2) Blood relatives of the decedent.
- (3) Adoptive relatives of the decedent.
- (4) If no person covered by clauses (1)-(3) can be found, a person standing in loco parentis to the decedent.

REPRESENTATIVE SEATON noted that [subsection (a), paragraph (11)] defines "parent" to include "a person who for a period of not less than one year before the death of the decedent stood in loco parentis to him". He cited the second sentence of [subsection (d), paragraph (2)], which read:

However, the amount of the reimbursement shall be determined in the manner prescribed in subsection (b) for an interment, but may not be larger than that authorized when the United States provides the grave site.

REPRESENTATIVE SEATON noted that subsection (e) states that "the Secretary concerned may pay the necessary expenses", and he cited language within the first sentence of subsection (f), which read as follows:

(f) The payment of expenses incident to the recovery, care, and disposition of a decedent covered by section 1481 (a)(9) of this title is limited to the payment of expenses described in paragraphs (1) through (5) of subsection (a) and air transportation of the remains

from a location outside the United States to a point of entry in the United States.

REPRESENTATIVE SEATON said he is not sure where reference to the \$100,000 is, and he recalled that previous testimony related that the \$100,000 was not given to someone, but expenses were paid, perhaps with a limit of \$100,000.

REPRESENTATIVE SEATON directed attention to "ITEM 11a." on the front of a two-sided DD FORM 93 (INSTRUCTIONS) page [included in the committee packet], which read [original punctuation provided]:

ITEM 11a. Beneficiary(ies) for Death Gratuity **(Military only)**. Enter first name(s), middle initial, and last name(s) of the person(s) to receive death gratuity pay. A member may designate one or more persons to receive all or a portion of the death gratuity pay. The designation of a person to receive a portion of the amount shall indicate the percentage of the amount, to be specified only in 10 percent increments, that the person may receive. If the member does not wish to designate a beneficiary for the payment of death gratuity, enter "None," or if the full amount is not designated, the payment or balance will be paid as follows:

- 1) To the surviving spouse of the person, if any;
- 2) To any surviving children of the person and the descendants of any deceased children by representation;
- 3) To the surviving parents or the survivor of them;
- 4) To the duly appointed executor or administrator of the estate of the person;
- 5) If there are none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.

The member should make specific designations, as it expedites payment.

ITEM 11a. (Continued) Seek legal advice if naming a minor child as a beneficiary. If a member has a spouse but designates a person other than the spouse to receive all or a portion of the death gratuity pay, the Service concerned is required to provide notice of

the designation to the spouse. **NOT APPLICABLE to civilians.**

REPRESENTATIVE SEATON referred to language in "ITEM 12a." of the aforementioned instructions, which read, "The member may indicate anyone to receive this payment." He stated, "I'm not an expert enough to deal with this, but it seems that if the secretary is handing out \$100,000 to someone designated on a form, that's not what these things are saying, and that's not - [according to] what we've heard from testimony - ... the way it's handled by the military."

CHAIR LYNN asked, "So you're saying, basically, that we may have a non-issue?"

REPRESENTATIVE SEATON answered, "I think so, unless the secretary is not following all of the information that we have before us. I just don't have any data or testimony to tell me what to do in this issue."

[8:56:59 AM](#)

MR. TEMPEL explained that there are three separate pots of money involved. First is the \$400,000 life insurance policy given to every member of the military. Second is the \$100,000, which is not specifically for funeral expenses, but is intended to ease the lives of the recipients of that money. The third pot of money consists of unpaid allowances, and the beneficiary(ies) for unpaid pay/allowances would be designated in section 12a of the DD FORM 93. Mr. Tempel indicated that there are no restrictions regarding who can be elected to receive that money. In response to Representative Seaton, he said the \$100,000 is the death gratuity, and the beneficiary(ies) for death gratuity would be listed in section 11a of the form. Mr. Tempel noted that section 13a of the form is where the name of the person authorized to direct disposition would be written, and he specified that the name written in sections 11a and 13a would be the same. He also said the aforementioned restrictions apply regarding who can be elected to receive that money and be authorized to direct disposition.

MR. TEMPEL, in response to Representative Seaton, corrected his original statement and said the death gratuity is not the \$100,000, but is the \$400,000 life insurance. He said, "There's another form where you have your life insurance filled out, and this is just an easy way for the military to say ... this is what needs to happen here."

REPRESENTATIVE SEATON said the language of 11a, [text provided previously], instructs that the person filling out the DD FORM 93 may designate anyone as beneficiary or may enter "None." There is no exclusion regarding who can be chosen, he noted.

MR. TEMPEL clarified that the life insurance can be left to anyone, but the \$100,000 can only be left to the aforementioned exclusive list. In response to Chair Lynn, he emphasized that the \$100,000 is not just for burial costs, but for all related funeral costs. He continued as follows:

Some of these funeral expenses they talk about here are provided by the U.S. Government. As Mr. Rogers [was] saying, they end up covering a lot of these things, and if you end up paying for a flag [or] ... a tombstone that's supposed to be provided, they'll reimburse you for that. So, that's actually another separate pot. So, you'd have these expenses that the U.S. Government said, "We're going to provide a coffin; we're going to provide a tombstone; we're going to provide a few other things here." And you are not going to pay for these unless you want to pay for them in another section. ... If you want to have a funeral in your family cemetery or if you want to have it wherever you want, we will reimburse you the expenses that we would have given you to do it in the military burial ground.

Now, that's that expense, and that's what I was talking about there. \$100,000 is a completely separate expense. This is something that the government wanted to do that was good for the parents or whoever was in charge of the remains, and ... families are going through a lot of grief, as Mr. Rogers very well knows. And they ... most of them aren't wanting to work right after this happens. Most of them -- I mean, it's a very traumatic thing. This is something the U.S. Government does instantly. The day after it happens, they write out this check ... and they go straight to this form. It's an instant thing. It's meant to give these families as much reprieve as possible. [They can] do whatever they want with the money, no questions asked; they can travel to be with family, they can do whatever - that's what this money is for.

9:05:54 AM

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

9:06:02 AM

MR. TEMPEL asked that the committee consider that any 18-year-old has the right to create a will, and an 18-year-old soldier should have the right to decide who deals with his/her remains. He indicated that unfortunately the matter of the \$100,000 "starts changing things around a little bit," but the root of the matter is a soldier's right to decide who will designate his/her burial remains.

9:07:05 AM

MR. HENDERSON relayed that the Congressional [resolution] that is being considered right now would only modify [subsection (c)] of Title 10, Section 1482. The bill would delete "Only" before "the following people" and insert a new paragraph that would allow any person to be designated. The bill would also modify [paragraph (4)] of [subsection (c)] to strike "clauses (1)-(3)".

9:08:03 AM

REPRESENTATIVE GRUENBERG opined that there should be no restrictions in regard to the allowable beneficiaries of the death gratuity.

REPRESENTATIVE SEATON said there are no restrictions on the death gratuity.

REPRESENTATIVE GRUENBERG observed that the instructions for 11a say a military member may not designate "anybody else," unless that person is a "duly appointed executor or administrator." He said that person could only be appointed if there is a will or "if that occurs after the decedent dies."

REPRESENTATIVE SEATON pointed out that those provisions only come into play if "the member does not wish to appoint a beneficiary for the payment of death gratuity."

REPRESENTATIVE GRUENBERG responded that he may stand corrected.

REPRESENTATIVE SEATON remarked that there are a lot of technicalities involved, and he is unsure of what he would be

recommending the U.S. [Congress]; therefore, he said he is not prepared to vote on the resolution now.

[9:11:49 AM](#)

REPRESENTATIVE GATTO concurred with Representative Seaton, noting that the testimony of Mr. Rogers "seems to indicate along the same lines." He said he sees no harm in holding the resolution for another hearing."

[9:12:06 AM](#)

CHAIR LYNN stated that he thinks the intent of bill is good, but said he would be more comfortable holding the bill for now.

[9:12:58 AM](#)

MR. TEMPEL, in response to Chair Lynn, said he would be happy to work with committee to meet the intent of the bill.

CHAIR LYNN commented that Mr. Rogers' testimony was compelling.

[9:13:31 AM](#)

CHAIR LYNN announced that HJR 31 was held over.

HB 106-VILLAGE & REGIONAL PUB.SAFETY OFFICERS

[9:13:41 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 106, "An Act relating to village public safety officers and regional public safety officers."

[Before the committee was CSHB 106(CRA).]

[9:14:33 AM](#)

REPRESENTATIVE REGGIE JOULE, Alaska State Legislature, introduced HB 106 as prime sponsor. He reviewed that in the Northwest Arctic, the regional nonprofit corporation that provides public safety services. He said the borough and Maniilaq Association are in mutual agreement that the borough should take over the program from the Department of Public Safety (DPS), but this cannot be done without changing existing law. Representative Joule referred to the language in Section 2 of [CSHB 106(CRA)], which read as follows:

**\*Sec. 2.** AS 18.65.670(b) is amended to read:

(b) With funds appropriated for that purpose, the commissioner of public safety shall provide grants to nonprofit regional corporations or municipalities for village public safety officers in rural areas of the state and municipalities with populations of less than 10,000. The commissioner of public safety shall coordinate with the commissioner of corrections when providing grants under this section, and the commissioners shall jointly execute an agreement with the nonprofit regional corporations or municipalities. For areas within a borough that exercises areawide law enforcement powers, the commissioner may provide grants under this section only to the borough.

REPRESENTATIVE JOULE said the regional nonprofit corporations expressed concern that that wording would leave the door open for DPS to "bypass" them. He drew attention to a committee substitute (CS) for HB 106, [Version 26-LS0402\T], which would "allow the department to enter into an agreement with the municipality, which would be inclusive of a borough, when there's an agreement between the department and the regional nonprofit [corporation]." The language in Section 2 of Version T read as follows:

**\*Sec. 2.** AS 18.65.670(b) is amended to read:

(b) With funds appropriated for that purpose, the commissioner of public safety shall provide grants to nonprofit regional corporations or municipalities with populations of less than 10,000 for village public safety officers in rural areas of the state. The commissioner of public safety shall coordinate with the commissioner of corrections when providing grants under this section, and the commissioners shall jointly execute an agreement with the nonprofit regional corporations or municipalities. Before providing a grant to a municipality under this section, the commissioner of public safety shall obtain the concurrence of the nonprofit regional corporation for the area.

[9:17:03 AM](#)

REPRESENTATIVE JOHNSON moved to adopt the committee substitute (CS) for HB 106, Version 26-LS0402\T, Luckhaupt, 4/2/09, as a work draft.

[9:17:18 AM](#)

REPRESENTATIVE GRUENBERG objected to ask a question. He noted that Section 4, on page 2, lines 14-16, of the House Community and Regional Affairs Standing Committee version was eliminated, and he asked why it was there and why it was removed.

[9:18:27 AM](#)

ELIZABETH SAGALAQ HENSLEY, Intern, Representative Reggie Joule, Alaska State Legislature, on behalf of Representative Joule, prime sponsor of HB 106, responded that the removal of that language was the bill drafter's choice, and she offered her understanding that it was a matter of being consistent with current law.

REPRESENTATIVE JOULE indicated that that language had referred to a regional village public safety officer (VPSO), and he said that program no longer exists.

[9:19:43 AM](#)

REPRESENTATIVE GRUENBERG removed his objection.

[9:20:25 AM](#)

CHAIR LYNN announced that there being no further objection, Version T was before committee.

[9:20:42 AM](#)

REPRESENTATIVE JOHNSON noted that language on page 2, line 8, of Version T, read: "The commissioner of public safety may adopt regulations related to village public safety officers". He asked if it is the sponsor's wish to leave this to the discretion of the commissioner or if he would like to direct the commissioner.

REPRESENTATIVE JOULE responded that that language is found in current law, and he said he has not heard of any problems with the way the language is currently structured.

[9:21:27 AM](#)

SIIKAURAQ MARTHA WHITING, Mayor, Northwest Arctic Borough, testified in support of HB 106. She listed the borough's top

three priorities: to bring down the cost of energy, to acquire new sources of revenue, and to ensure the safety of communities. She said there is a Northwest Arctic Leadership Team, which is comprised of the NANA Regional Corporation, the Maniilaq Association, the Northwest Arctic Borough School District, and the Northwest Arctic Borough. In 2006, the membership of all four boards got together to consider all areas of education, health care, healthy communities, culture, language, and societal issues. At that time, she said, the team agreed that the best organization to oversee public safety would be the Northwest Arctic Borough. Currently, she said, Maniilaq Association takes care of the VPSO program and public safety. She said Maniilaq Association is a health [association].

[9:23:03 AM](#)

MAYOR WHITING stated that in 2006, the Northwest Arctic Borough was directed to take care of the public safety needs in the region. The borough has a public safety commission, which is comprised of memberships from each community, including the Alaska State Troopers and the Kotzebue Police Department. The commission meets on a quarterly basis to address issues such as search and rescue, bootlegging, suicide, neighborhood watch, Arctic survival, equipment and training needs, and funding. The public safety commission is housed by the Northwest Arctic Borough, she said, and all areas of public safety in the region are considered.

MAYOR WHITING said right now the Northwest Arctic Borough is addressing public safety on its own, without adequate authority. She stated, "Everybody comes to the Northwest Arctic Borough for any type of issues with regards to public safety, so we want to make sure that we have that opportunity to do that." She stated that the mission of the Northwest Arctic Borough is to provide quality of life for the people of the Northwest Arctic Region. She said public safety is a matter of equity; it is a basic human right. She talked about the time that it takes to get help in rural Alaska compared to in Anchorage. She mentioned a dog team accident that occurred right outside of Kotzebue this fall and the unfortunate death of a doctor. She emphasized that hours passed before help arrived at the scene of that accident, but said if it had occurred in a smaller village, and if the weather had been bad, then the wait could have been days. There are no [health] facilities in the villages. She a female aide is often put in the position of having to deal single handedly with inebriated people, without benefit of training related to self-defense. The health aide for the region often ends up

being the unofficial VPSO. She credited the people of the region for looking out for each other and the elders for acting as law enforcement.

[9:26:33 AM](#)

MAYOR WHITING said even though the borough is not the public safety authority, it recently hired a public safety coordinator to handle the needs of its people. The person hired will be working on the priorities of the public safety commission.

[9:27:27 AM](#)

MAYOR WHITING said in 2007, the Northwest Arctic Borough hosted a law enforcement summit with the State of Alaska. Former commissioner, Walter Monegan, was involved, and statewide and regional public safety issues were considered. She said the borough wants local and state entities to partner to ensure the right of public safety to all its communities. She stated that despite the current non-authority status for the Northwest Arctic Borough to administer the VPSO and public safety program, the borough was recently awarded \$500,000 from the Department of Justice via Congressman Don Young's office. The money is to be spent on planning and training of VPSOs.

MAYOR WHITING emphasized that the borough does not want to take away any authority from Maniilaq Association, but said the borough is better equipped to address public safety concerns in the region. She said the borough will continue to partner with not only the Maniilaq association, but also with all local, state, and regional organizations to deliver "the service that we have." She said the borough's intent is to administer the VPSO program, not to take care of law enforcement in the whole region. She relayed a message to Commissioner Masters that she would like to know how the Northwest Arctic Borough can help him and his staff succeed in providing public safety service. She thanked that committee, the bill sponsor, and Ms. Kensley for "keeping this out in the forefront."

[9:30:23 AM](#)

REPRESENTATIVE SEATON, regarding the aforementioned population cut off of 10,000, questioned if a situation may occur in which cities with populations of less than 10,000 would eliminate their police department and ask for money from the state to have VPSOs instead.

[9:30:39 AM](#)

MAYOR WHITING said the borough considered the 10,000 population level. Currently, she said, there are approximately 7,500 people in the region. She stated, "Once we get to that 10,000 threshold, then we deal with it at that time, because we know that laws [and] resolutions are subject to change based on the need." She said, "Right now we're able to take care of the needs within that population number." The VPSO program can work effectively in the borough, provided the training, lodging, and equipment is made available.

REPRESENTATIVE SEATON said he supports the intent of the borough. He clarified that he is talking about an unintended consequence wherein a community of less than 10,000, which has a police department, eliminates that department in order to contract VPSOs. He explained, "Because it says ... the commissioner 'shall' contract with those entities for providing VPSO service."

MAYOR WHITING opined that it would be up to each municipality to choose which entity is best equipped to provide public safety.

[9:32:20 AM](#)

REPRESENTATIVE GATTO directed attention to page 1, line 15, and asked for the definition of "rural areas".

MAYOR WHITING answered that most of Alaska's rural areas have VPSO programs. In response to a follow-up question, she indicated that an area is designated as rural depending on its population.

[9:33:48 AM](#)

MS. HENSLEY noted that the regulations related to the VPSO program state that the program is intended for villages of 1,000 or less people. She recollected two years ago, when the Senate convened a task force which recommended that rural areas be considered villages of less than 150.

[9:35:19 AM](#)

MS. HENSLEY said the intent of the program is to provide VPSOs in villages. She said, "There are different ways to look at that." For example, she said one indicator of which village should have a VPSO program could be whether or not that village

has a road system, because Alaska State Troopers have access via road systems. She concluded, "So, it's not exactly set in stone, I guess is what I'm trying to say."

The committee took an at-ease from [9:36:42 AM](#) to [9:36:59 AM](#).

[9:37:03 AM](#)

SUE STANCLIFF, Special Assistant, Office of the Commissioner, Department Public Safety, in response to Representative Seaton, said she is not aware of a definition of "rural" in statute. She noted that Copper Center is on the road system and has a VPSO.

[9:37:57 AM](#)

REPRESENTATIVE GRUENBERG said he knows there are definitions of "rural" in statute, because he said he remembers a lengthy discussion on the House floor regarding this issue about 20 years ago. He offered to go summon the bill drafter.

[9:38:42 AM](#)

JOHN GLICK, Major, Deputy Director, Central Office, Division of Alaska State Troopers, Department of Public Safety, stated that he is quite familiar with the VPSO program, having served as a deputy commander and then commander of the rural detachment of the Alaska State Troopers, which is responsible for the oversight of the state bi-level DPSO program. He stated that by regulation, VPSOs are placed in rural communities with populations of 1,000 or less, with priority given to those areas with locations that are logistically difficult to reach. He said there are VPSO programs in the Copper Center region, in Copper Center and Tazlina, and one being considered for Gulkana. He concurred with the comments of Mayor Whiting and Representative Joule regarding the specific situation in the Northwest Arctic Borough. He continued as follows:

At one point a few years ago, Maniilaq man power - which was then the non-profit who administered this program and whom the department contracted with - went under, and we were put into a position of how to provide VPSO services to that region. We tried working with another non-profit region that was logistically far-removed from the Northwest Arctic Borough, and although administratively it seemed to work, there seemed to be some disconnect with regards

to having intimate knowledge of what the needs of those particular rural communities in that region were and how to address those and how to interact on a continuous and consistent basis with those communities and within that region.

[9:41:43 AM](#)

So, Maniilaq, who is the current non-profit corporation, stepped up to the plate and, although it ... did so very hesitantly, it was totally for the recognition and support of the needs of that region and realizing there needed to be some feet on the ground in that area that had some input to how things worked in the various communities they also served in their health service capacity.

MAJOR GLICK said the addition of municipalities in the proposed legislation gives an option in the event a non-profit entity does not feel it is capable or willing to provide those services. He continued as follows:

The big caveat to the consideration of this is we can only do so with the concurrence of the nonprofit for that region. ... It takes away our ability just to ... be competitive, if you will, and see who would provide the services for the best bang for the buck .... By putting the language in there, we'd need the concurrence of the ... non-profit for that region.

MAJOR GLICK said what would still exist would be the collaborative effort, working to identify the specific needs and issues of each region and utilizing the VPSO program which best serves each area.

[9:43:28 AM](#)

MAJOR GLICK, in response to Chair Lynn, confirmed that the Department of Public Safety supports HB 106.

[9:43:59 AM](#)

STAN HAWLEY, North West Arctic Borough, noted that his supervisor had expressed concern about the inclusion of "municipalities" in the language of the bill. He explained that historically, the municipalities in villages are classified as second-class cities, which means there is less revenue-sharing

with the state than in first-class cities. Many cities are financially non-solvent and using individual cities to administer VPSO contracts would result in higher administrative costs.

[9:46:26 AM](#)

JAMES KNOPKE, Director, Village Public Safety Officer Program, Tanana Chiefs Conference (TCC), stated that TCC understands the reasoning behind HB 106 and wants to support VPSO positions in the Northwest Arctic Borough. He indicated that TCC had reservations about provisions proposed in an earlier version of the bill: "allowing the boroughs" and "the inclusion of the municipalities." He stated his understanding that [Version T] would require the commissioner to obtain the concurrence of the relevant nonprofit regional corporation, and he stated that TCC supports [Version T] as long as that concurrence remains.

REPRESENTATIVE SEATON asked Mr. Knopke if it is his interpretation that Version T would give nonprofit regional corporations veto power over the commissioner's decision to grant VPSO services to a municipality.

MR. KNOPKE answered no. He said TCC understands that the commissioner would make the final decision regarding VPSO position placements. He said, "We would just like to retain our ability to be in that decision-making process - especially for the interior."

[9:49:20 AM](#)

CHAIR LYNN said he was just supplied with the definition of "rural", [in AS 14.43.700], which read as follows:

Sec. 14.43.700. Definition.

In AS 14.43.600 - 14.43.700, "rural" means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks.

[9:49:52 AM](#)

JACKIE HILL, Director, Native Services, Maniilaq Association, testified in support of HB 106, Version T.

[9:51:15 AM](#)

CHRISTINE HESS, Staff, Representative Reggie Joule, Alaska State Legislature, on behalf of Representative Joule, prime sponsor of HB 106, confirmed Mr. Glick's previous statement that by regulation, VPSOs are placed in rural communities with populations of 1,000 or less.

[9:51:34 AM](#)

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

[9:51:38 AM](#)

REPRESENTATIVE GRUENBERG noted that in addition to the definition of "rural" found in AS 14.43.700, there is a second definition found in AS 44.33.239(7), which read as follows:

(7) "rural area" means a community with a population of 1,500 or less or a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks.

REPRESENTATIVE GRUENBERG indicated that there is a third definition, in AS 18.56.300(2). He concluded, "It sounds like VPSO is 1,000 or less, and it doesn't say anything about the connection by road."

[9:53:40 AM](#)

REPRESENTATIVE SEATON remarked that none of the definitions previously noted "fit" for VPSOs, so, if a definition is needed, the committee should adopt one. He said he wants to figure out if Version T would give nonprofit [regional corporations] veto power over the statutory requirement to provide a grant.

[9:55:20 AM](#)

GERALD LUCKHAUPT, Attorney, Legislative Legal Counsel, Legislative Legal and Research Services, Legislative Affairs Agency (LAA), offered his understanding that through the language in Version T, the bill sponsor is attempting to ensure that nonprofit regional corporations - the only entity that can receive the grants under current law - would still have some say in the process and would not be hurt by the proposal to provide grants to a municipality. He told Representative Seaton, "So, You are correct in your interpretation."

[9:56:03 AM](#)

REPRESENTATIVE SEATON said he does not have a problem with "the intent of getting there." He noted that the language directs the commissioner through the use of the word "shall", and he indicated that he would like to find a way to maintain the intent while avoiding "illegal construction."

[9:56:56 AM](#)

MR. LUCKHAUPT responded that there are ways to ensure that the nonprofit [regional corporation] is "involved in the decision that stops short of what I think you're seeing as the problem."

REPRESENTATIVE SEATON suggested changing the language [on page 2, lines 5-6], so that the commissioner would provide the grant in consultation with the nonprofit regional corporation rather than having to "**obtain the concurrence of the nonprofit regional corporation for the area**".

MR. LUCKHAUPT responded that he is not entirely sure this is a legal problem, but if the language is of concern, Representative Seaton's suggestion would "solve it."

[9:58:26 AM](#)

REPRESENTATIVE SEATON, in response to Chair Lynn, said he would be willing to offer that change as a conceptual amendment. He remarked that the City of Seldovia, which has a police department, is having a huge problem making its budget. He offered his interpretation that the language would allow a municipality that is not on the road system to eliminate its police department, and a nonprofit regional corporation could veto the grant that the commissioner was directed to make. He indicated that the corporation might choose to exercise that veto if it did not want that area to have VPSOs, for example.

[9:59:50 AM](#)

REPRESENTATIVE GATTO said communities will try to work the system to their advantage; therefore, it is important to ensure that the language in the bill is "right."

MR. LUCKHAUPT, in response to a question from Representative Gatto, said the corporations involved must be nonprofit regional corporations. He added, "They are for-profit corporations in

some ways, but they also have [a] nonprofit ... sub-corporation that's set up to run these programs."

[10:01:41 AM](#)

REPRESENTATIVE JOHNSON asked if a village corporation would take precedence over a regional corporation - both being nonprofit.

[10:02:08 AM](#)

MS. HENSLEY responded that the nonprofit regional corporations to which the bill refers are the twelve nonprofit regional corporations that were created by the Alaska Native Claims Settlement Act (ANCSA).

REPRESENTATIVE JOHNSON suggested that the word corporations be capitalized in the bill to differentiate between those corporations intended and other village corporations.

MR. LUCKHAUPT indicated that the language has been around awhile and has always been interpreted to mean [the twelve] regional corporations.

[10:03:15 AM](#)

REPRESENTATIVE SEATON moved to adopt Amendment 1, labeled 26-LS0402\T.1, Luckhaupt, 4/8/09, as follows:

Page 1, line 6:  
Delete "and"  
Insert "or"

[10:03:47 AM](#)

CHAIR LYNN asked if there was any objection to Amendment 1. There being none, it was so ordered.

[10:04:21 AM](#)

REPRESENTATIVE GRUENBERG noted that in Section 2, language specifies that the only municipalities that can get [the grants] would be those with populations of less than 10,000. He then noted that Section 4 would amend [AS 29.35.010] - which lists the general powers of all municipalities - to include the receipt of grants. He asked, "Shouldn't that be broken out to be limited to municipalities of less than 10,000 to conform to Section 2?"

MR. LUCKHAUPT answered that he does not see the need for that change, because [the proposed language in Section 4, which would amend the aforementioned statute] refers to [AS 18.65.670], which he said limits the municipalities that can receive the grants to those with populations under 10,000. He said Tamara Cook, a Legal Services Advisor, concurs.

[10:05:28 AM](#)

CHAIR LYNN announced that HB 106 was held over.

[10:06:30 AM](#)

CHAIR LYNN briefly discussed the upcoming committee calendar.

[10:06:51 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:07 a.m.