

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

January 27, 2009

9:01 a.m.

**MEMBERS PRESENT**

Senator Linda Menard, Chair  
Senator Albert Kookesh  
Senator Joe Paskvan

**MEMBERS ABSENT**

Senator Kevin Meyer, Vice Chair  
Senator Hollis French

**COMMITTEE CALENDAR**

SENATE BILL NO. 77

"An Act relating to the Joint Armed Services Committee and its Homeland Security and Emergency Management Subcommittee; and providing for an effective date."

MOVED CSSB 77(STA) OUT OF COMMITTEE

Overview: Department of Public Safety  
HEARD

Overview: Department of Administration  
HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 77

SHORT TITLE: EXTEND JOINT ARMED SERVICES COMMITTEE

SPONSOR(S): SENATOR(S) WIELECHOWSKI

01/22/09	(S)	READ THE FIRST TIME - REFERRALS
01/22/09	(S)	STA
01/27/09	(S)	STA AT 9:00 AM BELTZ 211

**WITNESS REGISTER**

SENATOR BILL WIELECHOWSKI  
Alaska State Legislature  
Juneau AK  
Juneau AK

**POSITION STATEMENT:** Presented SB 77 as sponsor.

JOSEPH MASTERS, Commissioner

Department of Public Safety (DPS)  
Anchorage AK  
**POSITION STATEMENT:** Gave an overview of DPS.

ANNETTE KREITZER, Commissioner  
Department of Administration (DOA)  
Juneau AK  
**POSITION STATEMENT:** Gave an overview of DOA

**ACTION NARRATIVE**

[9:01:15 AM](#)

**CHAIR LINDA MENARD** called the Senate State Affairs Standing Committee meeting to order at 9:01 a.m. Senators Menard, Paskvan, and Kookesh were present at the call to order.

**SB 77-EXTEND JOINT ARMED SERVICES COMMITTEE**

CHAIR MENARD announced the consideration of SB 77, which reauthorizes the Joint Arms Service Committee. The committee was created so the legislature could provide support for Alaskans in the military and influence decisions affecting it.

[9:02:42 AM](#)

SENATOR BILL WIELECHOWSKI, Alaska State Legislature, sponsor of SB 77, said the Joint Armed Services Committee was created in 1999 when Alaska was being considered as the site for deployment of a national missile defense system. Also, at that time, the Base Alignment and Closure Commission was closing vital military installations in Alaska. The committee was created to give the legislature a voice in the national debate on these issues. It has 16 members and has been very successful in representing Alaska's interests in matters related to maintaining a strong military presence in the state. Alaska has the highest percentage of military veterans in the country. The committee was active in advocating for the establishment of a missile defense site at Fort Greely, and it continues to play a vital role monitoring developments that might affect Alaska. This May, the committee will host a ceremony for those who have lost their lives in combat. Medals will be presented to family members in recognition of their service and sacrifice. The committee will sunset, and SB 77 reauthorizes it and makes it permanent. A permanent committee is warranted because of the strategic role Alaska plays in the security of the nation. The original SB 77 sought to reauthorize both the committee and its homeland security subcommittee. But a committee substitute (CS) was drawn up because the subcommittee has not been active. Its purpose was

to review confidential materials related to homeland security, but the members were no longer allowed to get clearances to do that in the aftermath of the terrorist attacks of September 11, 2001. He suggested moving the CS.

[9:05:54 AM](#)

SENATOR KOOKESH asked if there are other committees of referral.

SENATOR WIELECHOWSKI said no. The CS takes out the repealer language.

[9:06:38 AM](#)

SENATOR PASKVAN moved to adopt the CS to SB 77 [labeled 26-LS0373\E] as the working document. Hearing no objection, Version E was before the committee.

SENATOR KOOKESH moved to report the CS to SB 77 [labeled 26-LS0373\E] from committee with individual recommendations and attached fiscal note(s). Hearing no objection, CSSB 77(STA) passed out of committee.

#### **Overview: Department of Public Safety**

[9:07:44 AM](#)

CHAIR MENARD announced the committee would hear an overview from the Department of Public Safety.

JOSEPH MASTERS, Commissioner, Department of Public Safety (DPS), Anchorage, said he is awaiting confirmation. He provided a presentation packet for the committee.

[9:09:56 AM](#)

COMMISSIONER MASTERS named the main divisions of the department, including administrative services, statewide services, fire and life safety, state troopers, and wildlife troopers. The DPS also houses several boards and councils, including the Alcoholic Beverage Control Board, Council on Domestic Violence and Sexual Assault, the Police Standards Council, and the Fire Standards Council. The troopers have the bureaus of alcohol and drug enforcement, investigations, judicial services, highway patrol, the village public safety officer programs, and the training academy. The DPS responded to over 119,000 calls for service last year. Generally about 10 percent of the calls are later referred to the justice system for prosecution. The DPS handled 13 homicides in 2008, and all of those have been solved. There are 6 ongoing homicide investigations that the troopers are assisting other departments with.

[9:12:24 AM](#)

COMMISSIONER MASTERS said there is a cold case unit with 72 open cases from previous years. Four full-time investigators are working these cases, and they have closed 29 and continue to make progress. He noted some of the cases, including one in the past week in Sitka. In the area of drug and alcohol enforcement, the DPS has seized illegal substances worth about \$20 million (street value). Marijuana growing and meth [methamphetamine] lab investigations have declined, and he attributes some of that to new laws limiting the availability of precursors to meth. Users, however, are getting their products in other ways, and there is an increase in drug importation seizures. There is also an increase in heroin cases. The 291 arrests for alcohol importation in 2008 was a 30 percent increase over the previous year.

[9:14:38 AM](#)

COMMISSIONER MASTERS said, "We continue to have issues with sexual assault and sexual abuse of minors, and the most significant area seems to be continuing in the Bethel region." There were 337 sexual assaults and 375 sexual abuses of a minor in the last year, which is a reduction over previous years. The Bureau of Judicial Services continues to be very active and busy. It continues to experience increases in the number prisoners that need to be dealt with and the number of courtrooms and transports. He said over 67,000 transports "were experienced last year, which is a fairly significant increase over the year before." The DPS is working with the court system to reduce unnecessary transportations for hearings. DPS also added seven court service officer (CSO) positions for rural areas, specifically two for Bethel, two for Nome/Kotzebue, one in Dillingham, one in Kenai, and one in Anchor Point. In these areas troopers are doing those duties full time, so it will free them up for other duties.

[9:16:36 AM](#)

COMMISSIONER MASTERS said there were 740 search and rescues last year with 289 "saves". There were 62 highway fatalities in 2008, and 19 were alcohol related. Both are less than last year, but there are still too many. A new effort is the creation of the Bureau of Highway Patrol, which is a dedicated unit to focus on highway safety in conjunction with the Department of Transportation and the National Highway Traffic Safety Administration. There are 22 vacancies in the troopers and 5 in the wildlife troopers. The academy starts in February, and the recruitment selection process is being finalized. He anticipates

offering 22 jobs to fill that academy. There will also be lateral transfers, so he expects to have all trooper positions filled by 2010. There is ongoing recruitment for the CSO positions. Going into Fiscal Year 2010, he expects 37 new positions, which will have direct impacts on public safety.

[9:18:41 AM](#)

SENATOR PASKVAN asked if the COSs will take a burden off the troopers so they can fulfill their other trooper duties.

COMMISSIONER MASTERS said that is correct.

SENATOR PASKVAN asked the cost difference between a CSO and a trooper.

COMMISSIONER MASTERS said he can get that, but it is a substantial savings [to the state].

[9:19:33 AM](#)

SENATOR KOOKESH asked if there is a program to evaluate VPSOs [Village Public Safety Officers] for entering the trooper academy. He expressed concerned about keeping VPSOs in the program and giving them a chance to go to a "higher level." Most VPSOs are Native, he noted.

COMMISSIONER MASTERS said the DPS has always encouraged VPSOs to apply. Commissioner Masters was a VPSO when he started his career in the early 1980s, and he took opportunities that were available. There are internal barriers for VPSOs to move up, and one is moving from their communities to take advantage of open positions. One recent thing they did was to look at upward mobility within the law enforcement system, not necessarily within the VPSO program itself. The standards council voted to accept VPSO basic training toward certification of a police officer with additional training that would meet the statutory requirements.

[9:21:31 AM](#)

SENATOR PASKVAN asked if there are concerns with the applicant pool - "as far as the quintile that they may be at and whether, once they are retained, whether there's been any difficulty keeping the troopers ... [with] all the money invested in them for this training and all of that. What are your thoughts on that?"

COMMISSIONER MASTERS said it is a constant balance, and he doesn't want to lower standards to allow unsuitable candidates into the ranks that will need to be dealt with later, either

through high turnover or as problem employees. That aspect of the process has not changed, so "we're hoping and anticipating that we haven't made any changes that would increase unsuitable candidates." There are more applicants in this past year, and he believes the process is intact and not compromised. The reality is, no matter how one tries to select the best people, some get through the system that are unsuitable (very few) and some "find that it is not necessarily the job that they had signed up for - no matter how much you tell them what the job is."

[9:23:24 AM](#)

SENATOR PASKVAN asked if the number of qualified applicants is declining.

COMMISSIONER MASTERS said, in general, law enforcement has experienced a decline in applicants. There has also been a fairly significant change in the social make-up of the applicants - their backgrounds and how they view life. There are some challenges there. The department, now and in the past, has experienced attrition and turnover of about 20 to 25 percent going into the academy. He is hoping that the lateral hire pool can help fill those.

[9:25:05 AM](#)

COMMISSIONER MASTERS said the department has 10 contracts with nonprofit corporations filling 51 VPSO [positions] statewide. The FY 2010 funding will allow 60 positions. Some have been funded through federal grant money, which the DPS continues to apply for. The grants enable the DPS to provide more frequent and higher quality training for VPSOs and villages with VPSOs. On July 1 the base wage of a VPSO went up from \$17 to \$21 per hour. It looks like that is drawing in more applicants. The turnover rate for existing VPSOs seems to be declining.

[9:27:01 AM](#)

COMMISSIONER MASTERS said 19 VPSOs started in the recent academy and there are now 12 remaining, and those 12 are expected to go on to the communities. Troopers go through training before going into the field, but there is one academy a year for VPSOs, and they start in the field immediately with close supervision. Pay and benefits, community support, and support from troopers are important in keeping employees. The department is trying to increase the number of village oversight visits. Last year there were 2,340 visits, which seem like a lot, but it can be improved. Over the past several years, the VPSOs have received increased training in DUI [driving under the influence], domestic violence, and sexual assault enforcement. They are

becoming more and more valuable. Last year, VPSOs conducted 238 domestic violence and assault arrests and 57 DUI arrests. That is up from previous years. They take the burden off of troopers.

[9:29:20 AM](#)

COMMISSIONER MASTERS said DPS continues its probation and parole RSA [reimbursable services agreement] with the Department of Corrections. The RSA allows the department to pay VPSOs a slightly higher wage for helping corrections with those functions. It is beneficial for the state and for corrections, because people released from institutions can go back to their communities and the VPSOs can assist with the oversight. The DPS is taking advantage of Drug Abuse and Resistance Education training for the VPSOs. About 20 VPSOs have been trained.

[9:30:34 AM](#)

SENATOR KOOKESH asked if recommendations from Senator Olson's task force on VPSOs have been implemented.

COMMISSIONER MASTERS said there were several recommendations and the most important was raising VPSO wages, and that has been done. There was also concern regarding the need for support, training, and housing. DPS has made headway with upgrading offices and holding facilities but not with housing. The department continues to work on that.

[9:31:41 AM](#)

COMMISSIONER MASTERS said the Alaska Wildlife Troopers have investigations, enforcement, and aircraft sections. In 2008, the wildlife troopers conducted over 58,000 resource-user contacts, which are up from the previous year. The contact to violation ratio is 8.5 percent for 2008, which is a decrease from the previous year. It appears that contacts reduce violations. Another big area for wildlife troopers is recreational boater safety. The number of deaths has been tragic. In the 1980s [Alaska] averaged 40 deaths per year. There are combined efforts of the U.S. Coast Guard, Department of Natural Resources, and the wildlife troopers to increase safety and encourage the use of personal floatation devices in rural as well as urban areas. The number of deaths in 2007 was 17, and in 2008 it was 12, and he hopes to see that trend continued toward zero.

[9:34:07 AM](#)

COMMISSIONER MASTERS said the wildlife troopers continue cooperative efforts with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). With NMFS there is a joint enforcement agreement to assist with resource

protection. It allows state oversight on joint fisheries in areas where current funding would not allow. Many of those areas are in the Bering Sea, western Aleutians, and Kodiak. It also funds some public safety technicians that assist the troopers. It has been a very beneficial program for the state. Since last year the troopers have had a focus on protecting wild stocks of salmon. Computer forensics is a growing area within the wildlife troopers to help retrieve and document evidence of crimes in commercial and sport hunting and fishing. The DPS is now dedicating one position to focus on "the computer aspect of these crimes." The challenge in the wildlife troopers continues to be relative inexperience levels. The DPS is looking at reinstating lateral transfers into the division from other experienced wildlife enforcement offices, including state, federal, and out-of-state offices.

[9:36:41 AM](#)

COMMISSIONER MASTERS said the Division of Fire and Life Safety is comprised of the Life Safety Inspections Bureau, Plan Review Bureau, Training and Education Bureau, Office of Rural Fire Protection, and the Joint Pipeline Office. Fire deaths in 2007 were 24, and in 2008 there were 19. There has been a significant spike in frequency of fire deaths in 2009 that may be attributed to the cold snap and heating with alternative fuels. To increase the efficiency of the division there are 11 jurisdictions that have the expertise to help with inspections. There is a two-year audit cycle for those jurisdictions, and it will allow better oversight. The division did 1,543 inspections, which is an increase of 143 percent from 2007 with a compliance rate of 35 percent. The division has other cooperative efforts including a new annual fire and building officials forum. The forum unites state personnel with building managers and fire service professionals to talk about common issues in the fire and life safety realm. Initially that idea was met with skepticism, but now the outside partners are wholeheartedly embracing it.

[9:39:59 AM](#)

COMMISSIONER MASTERS made note of the Raven Island interactive fire safety computer game where kids can play online. The DPS is opening an office of oil and gas system facilities, an expansion of the joint pipeline office that is operating for plan review and inspections. It expands the unit to do inspections along all of the pipelines that are under state control, not just the Alyeska line. The natural gasline will be included, if built.

[9:40:58 AM](#)

COMMISSIONER MASTERS said the Division of Statewide Services needs to develop the technologies that are available, including a good records management system and the ability to share data with other divisions, agencies, and departments. There are initiatives moving forward now. The DPS is requesting funding for the Alaska Law Enforcement Information Sharing System (ALEISS) in 2010. ALEISS connects agencies and their records. For example, a trooper near the border could run suspect description information through a system used by all participating agencies. So far it has been very successful. Alaska is not currently a contributing member but the Juneau, Anchorage, Kenai, and Seward police departments are. Getting DPS information will double the capability of the system. "We're currently 75 percent of the users of the system now, just from our intelligence department and our drug units. So we already know it's a critical system, we just gotta get connected in."

COMMISSIONER MASTERS said the noncompliance rate of registered sex offenders is about 4.5 percent. There are 2,458 registered sex offenders and 7,802 concealed handgun permittees. The Automated Fingerprint Identification System processed over 60,000 fingerprint cards last year; 26,000 were for criminals.

[9:44:25 AM](#)

COMMISSIONER MASTERS noted the Office of Professional Standards in DPS. Internal investigations with DPS have been conducted by supervisors and field commanders. Those have been done well, but they tend to lag because supervisors are overtaxed. This office will bring those investigations under the commissioner's office with trained investigators, so these complex cases can be done quickly. It will also allow for better monitoring. DPS is looking at software to track trends and to use as an early warning tool to flag potential problem officers. The Alaska Police Standards Council was legislatively expanded last year to include two line officers. The Alaska Fire Standards Council is offering training and certification to 6,100 career firefighters and volunteers. The Council on Domestic Violence and Sexual Assault (CDVSA) provided funding to 24 victim service programs across the state, servicing over 8,000 victims. It participated in 77 training sessions for law enforcement advocates.

[9:47:10 AM](#)

COMMISSIONER MASTERS said CDVSA will focus on strategic planning with local and state entities to boost prevention efforts. The Alcohol Beverage Control (ABC) Board has a new director who is a long-time Alaskan and was a police chief in Soldotna. He expects to see "great strides" with her. The ABC board has had a short-

term investigator in the last few years. It has been a very good program so the position was made permanent. The crime lab has had a backlog in DNA and case analysis because of staff vacancies. Over the last year the lab has filled all of the positions -- some are in training. So the backlog has significantly decreased. There were 8,000 backlog DNA samples, and the lab is catching up by 2,000 per month. The lab had 4,500 cases submitted last year, and 78 percent were turned around within 30 days. The lab renewed its national accreditation. It has some challenges but it is the best run lab in the state. The quality of personnel and procedures are at the national level, so the lab is one of the finest in the country.

[9:50:15 AM](#)

COMMISSIONER MASTERS said the current lab lacks for space. There are 42 scientists in a lab built for 23. The biggest emerging trend is the advancements in DNA testing. "Low-copy" and mitochondrial DNA testing are new and much more effective. The existing lab doesn't have the space to support these procedures. Last session, the legislature allocated money for a new lab. The land lease is near completion, and the design work was completed and is under validation review.

[9:52:55 AM](#)

SENATOR PASKVAN asked what court records officers need access to while on the street.

COMMISSIONER MASTERS said if he were an officer on the street, it would be valuable to have writs, domestic violence restraining orders, conditions of release, and any information in the Alaska Public Safety Information Network, which is housed in DPS and is part of an initiative for mobile data terminals - laptops within the patrol cars. Some laptops are being tested in western Alaska. Real-time information is valuable.

[9:55:00 AM](#)

CHAIR MENARD asked about the retention of officers, and if he hears grumbling about defined benefits.

COMMISSIONER MASTERS said he has had conversations with some department employees and many conversations with labor unions. He hesitates to express an opinion as there are arguments both ways. "Whether or not the existing system is a detriment to recruitment and retention, those arguments certainly are out there, and I'm hearing them."

[9:56:36 AM](#)

The committee took an at-ease.

**Overview: Department of Administration**

[10:03:13 AM](#)

CHAIR MENARD announced the committee would hear an overview from the Department of Administration.

ANNETTE KREITZER, Commissioner, Department of Administration (DOA), Juneau, said she provided information to the committee describing the DOA. She included a summary of DOA's executive working groups. Administrative Order 237 created an executive working group on issues of recruitment and retention. The information also includes a list of the contracts that the state enters into to save money.

[10:04:32 AM](#)

CHAIR MENARD noted that Senator Kookesh left the room, and she introduced committee aide Deborah Prater.

[10:04:54 AM](#)

COMMISSIONER KREITZER said DOA has three main parts but one main function. It is the place where the legislature will put an agency when it wants it to have an arm's distance from other agencies that it might have to rule against. For example, the Alaska Oil and Gas Conservation Commission (AOGCC) resides in the DOA instead of the Department of Natural Resources (DNR) because AOGCC may have to rule against DNR. The DOA also provides centralized services to other departments. It houses the Office of Public Advocacy and the Public Defender's Office. The main function of DOA is to save the state money by centralizing services so functions like payroll are not replicated across each department. The AOGCC, the Alaska Public Broadcasting Commission, the Alaska Public Offices Commission, and the Violent Crimes Compensation Board are under DOA, and the commissioner's role is to work with them and offer services. Instead of having the volunteer members knowing how to recruit members of the board, the DOA provides that expertise. The DOA works with those groups in preparing budgets, personnel issue and potential legislation.

[10:07:11 AM](#)

COMMISSIONER KREITZER said it's a fine line to walk, because they are independent. Centralized services handle all labor grievances and arbitrations for state agencies. Commissioner

Kreitzer negotiates the contracts with the 11 state employee unions. Recent work has focused on recruitment and retention.

10:08:30 AM

COMMISSIONER KREITZER noted the Office of Administrative Hearings. An issue within a department previously went through division directors or to a commissioner. Commissioners might side with a director, and it left some people with the impression that commissioners were just rubber stamping director decisions and not sitting as an unbiased reviewer. Senator Therriault sponsored the legislation that created the Office of Administrative Hearings. It works well for an objective person to make a determination. It is like going through a judge and not someone in the agency. The service is provided for many state agencies. Division of Motor Vehicles is something she could talk about "forever." Risk Management assesses risk for the state. Enterprise Technology Services is the backbone for communications for the state. The Division of Finance has the new online checkbook. The governor wanted to make state purchases more open, and the division did it for a very low cost. It is basically an excel spreadsheet. Other states ask for advice on how to do the same thing. She said it is a very searchable system, and it will be refined over time.

10:11:30 AM

COMMISSIONER KREITZER said the State Travel Office is under the Division of Finance, and it is designed to bring down the cost of travel. The state could never say what it spent on travel, and this office can do that. The office provides travel reports to managers as well. Travel management reports are helpful to make sure people only travel when necessary. It has changed behavior, because people used to buy expensive tickets that could be upgraded to first class. It saves the state money.

10:13:58 AM

COMMISSIONER KREITZER spoke of the Division of General Services and the state's purchasing power. Outreach is working, she said, "because now when we have meetings and we go and talk to groups who are representing municipalities, we'll have people stand up and say 'I've used it; it works; it's helpful.'" The commissioner said she used to run a rural Alaska clinic, and a big issue would have been getting oxygen, so this type of contract approach can help small communities where they need every dime. The DOA has made an effort to get the word out to communities on how they can save money. The Public Defender Agency is constitutionally mandated, and it provides a defense for persons who can't provide their own. "Sometimes people don't

like the idea that we have to defend the adults but constitutionally we don't have to defend the children, but that's the way that it is." The Office of Public Advocacy also has the guardian ad litem and the CASA (Court Appointed Special Advocate) program. The DOA houses the Retirement and Benefits Division. She is cognizant that legislators are only in Juneau for 90 days and will quickly respond to questions for them. She introduced two staff: Deputy Commissioner Kevin Brooks and Administrative Services Director Eric Swanson.

[10:17:39 AM.](#)

The meeting was adjourned at 10:17 a.m.