

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 19, 2009
9:02 a.m.

MEMBERS PRESENT

Senator Linda Menard, Chair
Senator Kevin Meyer, Vice Chair
Senator Hollis French
Senator Albert Kookesh
Senator Joe Paskvan

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 79

"An Act waiving payment of premiums for major medical insurance under the defined benefit retirement plan for public employees for disabled peace officers who have at least 20 years of credited service as peace officers."

MOVED CSSB 79(STA) OUT OF COMMITTEE

SENATE BILL NO. 72

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

MOVED CSSB 72(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 79

SHORT TITLE: MED BENEFITS OF DISABLED PEACE OFFICERS

SPONSOR(S): SENATOR(S) MCGUIRE

01/26/09	(S)	READ THE FIRST TIME - REFERRALS
01/26/09	(S)	STA, L&C, FIN
02/12/09	(S)	STA AT 9:00 AM BELTZ 211
02/12/09	(S)	Heard & Held
02/12/09	(S)	MINUTE(STA)
02/19/09	(S)	STA AT 9:00 AM BELTZ 211

BILL: SB 72

SHORT TITLE: CHILD SAFETY SEATS & SEAT BELTS

SPONSOR(S): SENATOR(S) FRENCH

01/21/09	(S)	READ THE FIRST TIME - REFERRALS
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01/21/09 (S) TRA, STA
02/10/09 (S) TRA AT 1:00 PM BUTROVICH 205
02/10/09 (S) Moved SB 72 Out of Committee
02/10/09 (S) MINUTE(TRA)
02/11/09 (S) TRA RPT 5DP
02/11/09 (S) DP: KOOKESH, MENARD, DAVIS, MEYER,
PASKVAN
02/19/09 (S) STA AT 9:00 AM BELTZ 211

WITNESS REGISTER

TREVOR FULTON, Staff
to Senator Lesil McGuire
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Presented SB 79 on behalf of Senator Lesil McGuire, sponsor.

KEVIN BROOKS, Deputy Commissioner
Department of Administration
Juneau AK

POSITION STATEMENT: Answered questions regarding SB 79.

DAN WAYNE, Attorney
Legislative Legal Services
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Answered questions regarding SB 79.

JOHN CYR, Executive Director
Alaska Public Safety Employees Association
Anchorage AK

POSITION STATEMENT: Spoke in support of SB 79.

ANDY MODEROW, Staff
to Senator Hollis French
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Answered questions regarding SB 72.

ACTION NARRATIVE

9:02:21 AM

CHAIR LINDA MENARD called the Senate State Affairs Standing Committee meeting to order at 9:02 a.m. Senators Meyer, Paskvan, Kookesh, and Menard were present at the call to order. Senator French arrived soon thereafter.

SB 79-MED BENEFITS OF DISABLED PEACE OFFICERS

CHAIR MENARD announced the consideration of SB 79.

SENATOR MEYER moved to adopt the committee substitute (CS) to SB 79, labeled 26-LS0389\E, as a working document. Hearing no objection, Version E was before the committee.

[9:04:06 AM](#)

TREVOR FULTON, Aide to Senator Lesil McGuire, Alaska State Legislature, said the changes in the CS are outlined in an accompanying legal memo. The two questions that came up last week were who was included in this legislation and if it can be retroactive. The drafter explained that it is explicit in statute as to who qualifies as a peace officer. The CS also makes the bill retroactive to July 1, 2006, "so anybody who may have slipped through that gap should be covered."

[9:05:28 AM](#)

SENATOR KOOKESH asked who pays the premium if it is waived. The insurance company doesn't belong to the state. The insurance company is not going to do it out of the goodness of its heart.

MR. FULTON said it is his understanding that what is being waived is the state's payment of those premiums. So if the disabled individual chooses to continue the coverage, he or she will have to pay that premium.

SENATOR PASKVAN said it is the other way around. If there was no change, the officer would have to pay the personal premium if he or she was disabled during the gap. Under SB 79 the peace officer will not have to pay the premium. It will be paid by the state because of the disability in the line of duty.

[9:07:09 AM](#)

MR. FULTON said he misunderstood the question. Senator Paskvan is correct.

SENATOR KOOKESH asked if the premiums are included in the fiscal note.

MR. FULTON said he believes they are. Pat Shier compiled the fiscal note, and he can speak to that.

SENATOR MEYER asked for clarification that village public safety officers (VPSOs) and dispatchers are not included in this.

MR. FULTON said he doesn't know.

SENATOR KOOKESH said VPSOs are not state employees; they are independent contractors with the nonprofits around the state. Eventually he wants to get them into the state benefit system.

[9:08:59 AM](#)

KEVIN BROOKS, Deputy Commissioner, Department of Administration, Juneau, said correctional officers are included in P-retirement, but dispatchers are not. VPSOs as contractors are not included, but it is conceivable that a VPSO could work for a municipal or state PERS employer.

SENATOR KOOKESH said VPSOs are all employed by non-profits.

MR. BROOKS said, in that case, they will not be covered.

[9:10:42 AM](#)

SENATOR PASKVAN said there had been a question of adding correctional officers and firefighters, but he does not see them expressly included in the language.

MR. BROOKS said he worked with Senator McGuire. Current statutes identify who is in P-retirement, and by referencing that statute it includes correctional officers in Title 39.

SENATOR PASKVAN said the referenced statutes include law enforcement officers, correctional officers, and firefighters.

MR. BROOKS said that is the definition section in statute that clearly lays those out. Regarding the question of who pays, the state self-insures. There is a health premium for active employees that covers the cost of claims. When a person retires, it is factored into the retirement rates determined by actuaries. That is the \$570,000 present value in the fiscal note, "and that would be reflected at increased rates over time to cover the costs that the actuaries estimate would be impacted by this piece of legislation."

MR. BROOKS said he checked to see if anyone has fallen through the cracks and found four inquiries to the Division of Retirement and Benefits. One went to an appeal and was denied. He doesn't know how many people did not inquire. Mr. Brooks would like a discussion on what defines a disability. One example of an actual case was a firefighter who had an allergic reaction to the masks required in his job, "and under the

definitions, he's disabled for that line of work but able to do all the other functions of the job." The statute and rules create a disincentive to try and find gainful employment for that individual. This person was very interested in working. He couldn't wear the mask, but he could carry the weight and do all other parts of the job. Disability can be a tragic injury in the line of duty, but there are other types of disabilities. Getting a person back to work would hold down costs. There are a lot of barriers to reemployment.

[9:16:00 AM](#)

SENATOR PASKVAN said there was a discussion about adding correctional officers and firefighters to the language, and he wants to confirm that they will be covered with this CS.

DAN WAYNE, Attorney, Legislative Legal Services, Alaska State Legislature, said the definition in AS 39.35.680 covers the whole chapter including this statute. The definition of peace officer includes "a long list of folks including firefighters." It is unambiguous. By adding names, it might create the impression that some others will be left out. Rather than moving the whole definition into the statute, the standard practice is to have the statute rely on the definition.

SENATOR PASKVAN said he is looking at AS 39.35.680 (30) and sees the specific definition. "I want to make sure that we're following that."

JOHN CYR, Executive Director, Alaska Public Safety Employees Association, Anchorage, said his association supports the bill. The problem has affected at least one of its members.

SENATOR KOOKESH said this hearing establishes a record. He asked if anyone opposes the bill.

MR. FULTON said no one has expressed opposition to his office.

SENATOR MEYER asked if the administration supports SB 79.

[9:21:27 AM](#)

MR. BROOKS said it is neutral on the bill because of the cost and the debate regarding pension funds, but it recognizes the need to address this gap. There is a cost involved and Alaska is billions of dollars underfunded in these pension funds.

[9:22:22 AM](#)

SENATOR MEYER moved to report the CS to SB 79, labeled 26-LS0389\E, from committee with individual recommendations and attached fiscal note(s). There being no objection, CSSB 79(STA) moved out of committee.

The committee took an at-ease at 9:23 a.m.

SB 72-CHILD SAFETY SEATS & SEAT BELTS

[9:24:46 AM](#)

CHAIR MENARD announced the consideration of SB 72.

SENATOR MEYER moved to adopt the committee substitute (CS) to SB 72, labeled 26-LS0376\R, as a working document. Hearing no objection, Version R was before the committee.

SENATOR FRENCH said the bill is about booster seats for children who fall into a gap. Between about 20 to 80 pounds a kid is too big for an infant seat and too small for a seat belt. The bill is to make sure that kids riding in cars in Alaska are safe by lifting them up a couple of inches with a simple booster seat so that the seat belt meets them at the appropriate place on their bodies to restrain them in event of an accident. The CS changes the phrase from "over 20 pounds" to "20 pounds or more," to clarify that children exactly 20 pounds are included. On page 2, line 12, "not yet 16 years of age" was changed to "less than 16 years of age" to make the bill more understandable.

[9:27:37 AM](#)

SENATOR FRENCH said the passage of this bill will make Alaska eligible for up to \$200,000 in federal highway funds. Up to 50 percent of that may be used to fund programs to purchase and distribute booster seats to low income people. Some people need to watch every dollar, and these federal funds will help them comply with the law. The remaining money shall be used for child safety seat enforcement, promotion, and education. There are a lot of people who support the bill. He pointed out a letter from the Alaska Auto Dealers Association. They have been extremely helpful. He read a statement by them, dated February 4, 2009:

As automobile dealers, we can assure you that no vehicle manufacturer recommends placing a small four-year-old in a seat belt only. Doing so could result in serious injury or death to the child.

SENATOR FRENCH said he is thankful for the letter.

SENATOR MEYER asked the penalty for not complying.

SENATOR FRENCH said the first ticket received will be a "fix-it ticket," whereby the person who is busted for not having a booster seat can go buy one and present the purchase receipt to the magistrate, and the ticket will be voided. The second and subsequent offense provides for a \$50 fine.

[9:31:24 AM](#)

SENATOR KOOKESH asked where the bill says that.

ANDY MODEROW, staff to Senator Hollis French, Alaska State Legislature, said the penalty is specified in AS 28.05.099 and won't change. The bill is clarification language.

SENATOR MEYER said it seems like it should be in the bill.

SENATOR FRENCH said he will defer to the drafters. A new law would need to spell out the penalties, but there are current safety seat laws and the bill just creates a new subsection. Currently a person taking a new baby home from the hospital without an infant seat can get a fix-it ticket that can then be waived once the seat is purchased.

[9:33:26 AM](#)

SENATOR KOOKESH said one hospital would not let a new baby leave the hospital without one.

SENATOR FRENCH said he remembers strapping his baby boy into a seat for the first time, and he knew he was entering a new era.

SENATOR PASKVAN said he suspects that this is enforced like seat belts. If someone runs a red light and strikes a car with a mother and an infant who isn't in a safety seat, the mother would be at fault for not complying with the law.

[9:35:18 AM](#)

CHAIR MENARD said she received this bill from Safe Kids in the Kenai Peninsula, and it states that SB 72 will clarify that Alaska has booster seat legislation in line with the National Highway Transportation Safety Administration. The legislation will make it clear that children need to be in booster seats until they are at least 4'9" tall and less than 80 pounds. Vehicle belts do not secure small children properly, leaving them at high risk during a crash. It will save children's lives.

SENATOR MEYER moved to report the CS of SB 72, labeled 26-LS0376\R, from committee with individual recommendations and attached fiscal note(s). There being no objection, CSSB 72(STA) moved out of committee.

[9:37:56 AM](#)

There being no further business to come before the committee, Senator Menard adjourned the Senate State Affairs meeting at 9:37 a.m.