

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

April 16, 2009

9:14 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. 189

"An Act relating to misconduct involving weapons in the third degree."

HEARD AND HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 19(L&C)

"An Act exempting the state and its political subdivisions from daylight saving time; and providing for an effective date."

MOVED CSHB 19(L&C) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 106(STA)(TITLE AM)

"An Act relating to grants to nonprofit regional corporations, and, in certain situations, to municipalities with populations of less than 10,000, for village public safety officers in rural areas; defining 'rural area' for the purpose of the village public safety officer program; and authorizing municipalities to accept grants under, and contract with respect to, the village public safety officer program."

MOVED CSHB 106(STA)(TITLE AM) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 189

SHORT TITLE: CONCEALED WEAPON: PARDONS/SIS

SPONSOR(S): SENATOR(S) HUGGINS

04/09/09	(S)	READ THE FIRST TIME - REFERRALS
04/09/09	(S)	STA, JUD

04/16/09 (S) STA AT 9:00 AM BUTROVICH 205

BILL: HB 19

SHORT TITLE: ELIMINATE DAYLIGHT SAVING TIME

SPONSOR(S): REPRESENTATIVE(S) FAIRCLOUGH

01/20/09 (H) READ THE FIRST TIME - REFERRALS  
01/20/09 (H) CRA, L&C  
01/20/09 (H) PREFILE RELEASED 1/9/09  
03/03/09 (H) CRA AT 8:00 AM BARNES 124  
03/03/09 (H) Heard & Held  
03/03/09 (H) MINUTE(CRA)  
03/12/09 (H) CRA AT 8:00 AM BARNES 124  
03/12/09 (H) Moved Out of Committee  
03/12/09 (H) MINUTE(CRA)  
03/13/09 (H) DP: HERRON  
03/13/09 (H) NR: GARDNER, KELLER, MUNOZ  
03/13/09 (H) CRA RPT 1DP 3NR  
03/16/09 (H) L&C AT 3:15 PM BARNES 124  
03/16/09 (H) Moved CSHB 19(L&C) Out of Committee  
03/16/09 (H) MINUTE(L&C)  
03/18/09 (H) L&C RPT CS(L&C) NT 1DP 6NR  
03/18/09 (H) NR: LYNN, BUCH, NEUMAN, HOLMES,  
CHENAULT, OLSON  
03/18/09 (H) DP: COGHILL  
03/27/09 (H) VERSION: CSHB 19(L&C)  
03/27/09 (H) TRANSMITTED TO (S)  
03/30/09 (S) READ THE FIRST TIME - REFERRALS  
03/30/09 (S) STA, CRA, L&C  
04/16/09 (S) STA AT 9:00 AM BUTROVICH 205

BILL: HB 106

SHORT TITLE: VILLAGE PUBLIC 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  
04/09/09 (H) Heard & Held  
04/09/09 (H) MINUTE(STA)

04/11/09 (H) STA AT 8:00 AM CAPITOL 106  
 04/11/09 (H) Moved CSHB 106(STA) Out of Committee  
 04/11/09 (H) MINUTE(STA)  
 04/13/09 (H) STA RPT CS(STA) NT 7DP  
 04/13/09 (H) DP: JOHNSON, GATTO, SEATON, GRUENBERG,  
 WILSON, PETERSEN, LYNN  
 04/14/09 (H) TRANSMITTED TO (S)  
 04/14/09 (H) VERSION: CSHB 106(STA)(TITLE AM)  
 04/15/09 (S) READ THE FIRST TIME - REFERRALS  
 04/15/09 (S) STA, FIN  
 04/16/09 (S) STA AT 9:00 AM BUTROVICH 205

**WITNESS REGISTER**

SHARON LONG, Staff  
 to Senator Charlie Huggins  
 Alaska State Legislature  
 Juneau AK

**POSITION STATEMENT:** Presented SB 189 on behalf of the sponsor.

JERRY LUCKHAUPT, Attorney  
 Legislative Legal Services  
 Juneau AK

**POSITION STATEMENT:** Answered questions regarding SB 189.

BRIAN JUDY, Alaska Liaison  
 National Rifle Association  
 Anchorage AK

**POSITION STATEMENT:** Spoke in support of SB 189.

CARL THOMAS  
 Anchorage AK

**POSITION STATEMENT:** Spoke in support of SB 189.

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

**POSITION STATEMENT:** Presented HB 19 on behalf of the sponsor.

REPRESENTATIVE ANNA FAIRCLOUGH  
 Alaska State Legislature  
 Juneau AK

**POSITION STATEMENT:** Presented HB 19.

WAYNE STEVENS, President and CEO  
 Alaska State Chamber of Commerce

Juneau AK

**POSITION STATEMENT:** Spoke in opposition to HB 19.

THOMAS CARBENDER, Resident

North Pole AK

**POSITION STATEMENT:** Spoke in support of HB 19.

BOB TOBEY, Small business owner

Copper Center AK

**POSITION STATEMENT:** Spoke in opposition to HB 19.

PAULA RAK, Self

Wrangell AK

**POSITION STATEMENT:** Spoke in opposition to HB 19.

LYNN WILLIS, Self

Eagle River AK

**POSITION STATEMENT:** Spoke in support of HB 19.

JIM ADAMS, Self

Nome AK

**POSITION STATEMENT:** Spoke in support of HB 19.

FAITH BARNES, Self

Cordova AK

**POSITION STATEMENT:** Spoke in support of HB 19.

REPRESENTATIVE REGGIE JOULE

Alaska State Legislature

Juneau AK

**POSITION STATEMENT:** Presented HB 106 as sponsor.

ELIZABETH HENSLEY, Intern

for Representative Joule

Alaska State Legislature

Juneau AK

**POSITION STATEMENT:** Provided information related to HB 106.

MIKE SMITH

Tanana Chiefs Conference

Fairbanks AK

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

COMMISSIONER JOE MASTERS

Department of Public Safety (DPS)

Anchorage AK

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

## **ACTION NARRATIVE**

[9:14:00 AM](#)

**CHAIR LINDA MENARD** called the Senate State Affairs Standing Committee meeting to order at 9:14 a.m. Senators French, Kookesh, Meyer, and Menard were present at the call to order. Senator Paskvan arrived soon thereafter.

### **SB 189-CONCEALED WEAPON: PARDONS/SIS**

[:15:12 AM](#)

CHAIR MENARD announced the consideration of SB 189.

[9:15:31 AM](#)

SHARON LONG, Staff to Senator Charlie Huggins, Alaska State Legislature, said SB 189 allows felons who have received a pardon or a set-aside after a suspended imposition of sentence (SIS) to possess concealed firearms with no restrictions. There are many citizens who have faltered in the past, paid their debt to society, and turned their lives around. We acknowledge their rehabilitation and welcome them back. Sometimes felons only have partially-restored civil rights. Some go through an arduous clemency process and receive a pardon. "Others, due to youthful indiscretions and other mitigating factors, are deemed by the courts to be worthy of an SIS and receive a set-aside." It is to the few who are worthy of a pardon or SIS to whom this legislation is directed. The intention is for these individuals to regain their right to bear arms.

[9:17:00 AM](#)

CHAIR MENARD surmised that the bill will allow people who have received pardons and set-asides under Alaska law to possess guns under federal law.

MS. LONG said, "That was the instructions to the drafters." Mr. Luckhaupt is here, and he understands how federal and state laws intertwine, and how they have, in some places, conspired to prevent people with pardons in Alaska from regaining their concealed weapons rights.

JERRY LUCKHAUPT, Attorney, Legislative Legal Services, said the intent is to resolve the U.S. Supreme Court case that said a restriction under state law prevents a felon, who has received a restoration of rights, from possessing firearms. He spoke with someone in the hall and "they now believe that this doesn't do that even though this was something they seemed to think would work." Last year Mr. Luckhaupt spoke with ATF [Bureau of

Alcohol, Tobacco, and Firearms], and "this seemed to satisfy their concerns." "I guess that's something we'll explore."

9:19:41 AM

SENATOR FRENCH said he has filed a bill on this general topic. It is one of the more mystifying and difficult areas of the law to work through. He appreciates the expertise of Mr. Luckhaupt and the NRA [National Rifle Association]. It is important to get it right the first time. He asked if he could get a letter from ATF or from the relevant federal authorities for guidance.

9:20:58 AM

MR. LUCKHAUPT said ATF was not willing to put anything on paper last year. It seems to be a floating standard. There are different views on how the law will be interpreted. It would be worth the effort to contact ATF for some answers. "But as of now, we don't have any definitive answers; we're just kind of left trying to interpret what they may do." Senator French's bill and this bill meet Caron [Caron v. United States]. "Senator Huggins's bill restricts where they're going to the people who receive pardons and set-asides and not for the 10-year lapse of time felons. And your bill reaches all of them." It is attempting to meet Caron for all felons in Alaska.

SENATOR FRENCH asked if Mr. Luckhaupt can go to the relevant passage in Caron and give it to the committee. Is there one little part that explains the legal problem?

MR. LUCKHAUPT said Caron dealt with a Massachusetts law that permitted felons to possess long guns but not handguns. Caron was not a good person. He had various run-ins with the law over 30 years. The federal government got word that he had long guns. Under federal law he wasn't entitled to possess any guns. Massachusetts law did not allow felons to ever have the right to possess handguns except on their own property. The federal government said that prevents him from receiving his rights to generally possess firearms. Federal law allows felons to get their federal rights back once the state has restored their full and complete rights -- with no restrictions. The way most states do it, including Alaska, is to provide restoration rights to people who receive a pardon or a set-aside, "but we also, by lapse of a period of time, give felons their rights back." That's what happened in Massachusetts, but it was limited to long guns. The U.S. Supreme Court said that because it was not a full and complete restoration of rights, a felon's right to possess handguns was limited, therefore there isn't a corresponding right under federal law.

[9:25:19 AM](#)

SENATOR FRENCH said that seems to be the question: "Whether or not you've had a full and complete restoration of your rights." The NRA stance is that any restriction under state law is going to trigger a ban under federal law. Is that where we are?

MR. LUCKHAUPT said, "I think that's where they are, and I don't read Caron that far." But people can differ.

CHAIR MENARD said she wants to work on this next year due to time constraints.

[9:26:40 AM](#)

BRIAN JUDY, Alaska Liaison, National Rifle Association, Anchorage, said it is the existing policy in Alaska to provide a restoration of rights to these individuals - either through a pardon, set-aside, or through the lapsing of a significant amount of time. The federal government recognizes that restoration. The key is that it has to be a complete restoration, and there have been court cases since the Caron decision and interpretations by the ATF and the FBI. According to the NRA, if these individuals don't have the exact rights of other individuals, it isn't a full and complete restoration for the purposes of federal law. This bill will go part of the way for those with pardons and set-asides. Although it is state policy for rights to be restored after a ten-year lapse, they would clearly not have their rights restored under this bill. NRA attorneys look at it as incomplete because it remains an affirmative defense. It's presumptively illegal for these people to have a handgun, and they will have to mount the defense. They can be arrested, incarcerated, and then have to defend themselves. That doesn't happen to other individuals, so it isn't a complete restoration of rights. NRA supports the concept of the bill, but it doesn't go as far as intended.

[9:29:09 AM](#)

SENATOR FRENCH said it is sticky. There are two prohibitions regarding a felon's handgun rights. "One is subsection 1 of the statute that we're amending," which says a person can't knowingly possess a firearm capable of being concealed -- a handgun. "That would be a handgun in your home." "The subsection that we're amending, though, is different from that one. It says you can't knowingly possess a firearm that is concealed on your person." How does fixing the concealed gun statute cure the problem if there is a parallel, broader statute?

MR. JUDY said that is a good question. NRA believes that is the problem. Addressing the affirmative defense for carrying a concealed gun goes part of the way. Not only does that need to be addressed, but "you also need to change the affirmative defense to and exception for the carrying concealed prohibition and for that separate mere possession of a handgun." There are two separate offences and two sections providing affirmative defenses. The affirmative defense for the concealed gun is more extensive, but unless the conditions are narrowed and it is changed from an affirmative defense, it is not a full and complete restoration.

[9:31:39 AM](#)

CHAIR MENARD said she wants to take the time to get it right.

CARL THOMAS, representing himself, said he supports SB 189. He was convicted of a nonviolent felony. His rights were restored in every way except when he attempted to buy a new firearm. He was denied by [indecipherable] after voluntary appeals to them. The reason he was denied the right to buy a firearm was case law: Caron v. United States. Alaska state law restricts what a felon can possess, so he is considered to be federally prohibited. Since his case was set aside and all rights restored, he should be able to purchase firearms. It is an infringement of his rights.

CHAIR MENARD held over SB 189.

**HB 19-ELIMINATE DAYLIGHT SAVING TIME**

[:33:45 AM](#)

CHAIR MENARD announced the consideration of HB 19. [CSHB 19(L&C) was before the committee.]

CRYSTAL KOENEMAN, Staff to Representative Anna Fairclough, Alaska State Legislature, said HB 19 eliminates daylight-saving time (DST) in Alaska. She has been doing research and has had discussions with constituents and the people of Alaska. There are health, safety, and annoyance issues associated with DST.

REPRESENTATIVE ANNA FAIRCLOUGH, Alaska State Legislature, sponsor of HB 19, said some say that this is a frivolous issue to take up at this time. She waited two years to bring the bill forward. She has many constituents who are very concerned. She referred to a letter she sent out to those on both sides of the issue. Polls show that Alaskans support the repeal of DST. The Alaska State Chamber of Commerce did a poll that showed the opposite. Businesses are against the repeal. She found that

there are geographic differences in the answers. But there have been two statewide surveys that say most Alaskans support the repeal. Daylight and dusk doesn't mean a lot to many Alaskans for most of the year. In Nome it takes ten days to make up that hour that we jump forward. In Juneau it takes 13 days, and in Seattle it takes a little more. "We've come a long way since we argued about wax and wicks in World War I," or since Benjamin Franklin spoke about being able to manipulate energy consumption and save wax and wicks. "We have air conditioners that run in the evening now, and cooling systems that are much different in energy consumption." Alaskans believe that technology is there to help with the challenges that businesses think they will face by repealing DST. Schools don't support DST. Over 500 people responded to her with emails. Schools were disadvantaged for two to ten days with increased restlessness; teachers told her that test scores change; and school boards are taking up the issue throughout Alaska. They are trying to figure out if they can take formal positions. "Wrangell is in opposition, and Wrangell is located in Southeast."

[9:39:37 AM](#)

REPRESENTATIVE FAIRCLOUGH said there are workforce safety issues. The Anchorage Police Department said "the hour increase does reduce accidents on our road because of the transportation, and conversely, in the fall, it goes back up when we plunge people back into darkness." She asked Chugach Electric if usage went up or down. Only looking at one year, energy consumption did go down the weekend following DST, but it went up the following weekend. Weather was a bigger factor. The best reason for stopping this madness of flipping clocks and wasting people's time is health. The New England Journal of Medicine in March, 2009, noted that heart attacks increase the first three to five days by five percent "when we jump on to daylight-saving time." Everyone enjoys the extra hour of sleep a lot more than losing it. A 2008 study in Germany found that there is a sensitivity to time changes for those who have seasonal affective disorder or depression. It is like jet lag, which takes its toll on the body, "but you actively choose to do that and you know that you need to get more sleep so you either fly in early or you make up that sleep at another point." But one's health is put at risk. Doctors say that youth have a harder time with the circadian rhythm readjustment. Their hypothalamus is not fully developed.

[9:42:46 AM](#)

REPRESENTATIVE FAIRCLOUGH said there are genuine concerns in business and industry. The best argument is the inconsistency of

time "if we were off and the rest of the nation was on." This is a three step process, and the committee has what Representative Fairclough believes is the right first step: having Alaskans stop risking their health and just staying on a consistent time. Hawaii and Arizona are not on DST. Indiana just went on DST and had \$9 million in increased energy use. The second step will be a resolution asking the federal government to stop the madness. The third step will be introduced today. It will consider time zones. Western Alaska is at a disadvantage. When it is high noon there, the clocks say 3:00 p.m. It's not healthy.

CHAIR MENARD said she works in the dental field, and often has to contact the East Coast during the day. It makes it difficult when seeing an emergency patient, and the East Coast offices are closed by 1 p.m. Alaska time. This bill would add another hour.

[9:45:24 AM](#)

REPRESENTATIVE FAIRCLOUGH said she worked in retail management for years, and she was in contact with the East Coast. She asked businesses what time they start work. Typically staff come in at about 8 o'clock. Every time she called the East Coast at that time, people were out to lunch. A four-hour difference would run into their lunch time. "I understand that we would have to recognize seven months of the year we would be four hours off and five months of the year we would be four hours off." That is why it is a three step process. This should be the first step for health reasons.

SENATOR MEYER asked why this was done. "Was it for the farmers so they'd have more time out in the fields?"

REPRESENTATIVE FAIRCLOUGH said the history is in the packet. In World Wars I and II, America was faced with energy shortages. By going "dark" we could save money. Farmers were brought into it, but the farming community has been in opposition for years. The cows have to be milked when the cows have to be milked, and jumping the clocks doesn't work.

SENATOR MEYER said he grew up on a farm and never knew why the farmers got credit for daylight savings. It is more confusing to have the time difference vary from four hours to five hours.

[9:48:33 AM](#)

REPRESENTATIVE FAIRCLOUGH said, "If you deal with Arizona or Hawaii, it's already happening." It depends on how much someone deals with marketers. "You still would have three hours to communicate." They are the same three hours because they are out

to lunch. It is confusing. "They would spring forward; we would not." More Alaskans would live, and that's a good thing.

WAYNE STEVENS, President and CEO, Alaska State Chamber of Commerce, said there will be unforeseen economic difficulties associated with the passage of HB 19. The state chamber supports any proposal to eliminate DST at the federal level, because that would maintain the current differentiation in time zones across the United States. Passage of HB 19 should be postponed until there is an exploration of the economic effects on Alaska's businesses. Eliminating DST will disadvantage Alaska businesses by reducing the number of hours to interface with business partners, advisors, customers, and suppliers for a substantial portion of the year. Private and public finance entities will obviously be negatively affected. Digital technology is programmed for daylight savings, and Alaska would have the cost of synchronizing. Alaskans must be assured that vendors would be willing to provide program patches in a timely manner to all equipment and devices, like cell phones, medical equipment, and others that adjust automatically to DST.

[9:52:11 AM](#)

THOMAS CARBENDER, North Pole, said he figures Alaska has DST because "the folks in Washington DC would like to get in an extra nine." Most electronic devices have a checkbox for DST, so the electronics issue is moot. A website gives plenty of reasons why Alaska shouldn't have daylight savings, and Ms. Koeneman presented most of them. DST is now two weeks earlier, so the older electronics don't even work. The House [of Representatives] has spent a great deal of time on DST, and the conclusion is that Alaska doesn't need it. The Senate has to have three hearings, and so go ahead and hold the other two hearings to get this to the Senate floor for a vote. Most people in Alaska see DST as a pain. "Twice a year you have to fight the clocks and try to figure out what to do and not to mention the health risks and everything else."

BOB TOBEY, small business owner, Copper Center, said he lives in rural Alaska and opposes this bill. This will put Alaska behind the East Coast for half of the year. As a business owner that deals with East Coast distributors, this will cost time, money, and convenience. The added delay to the Lower 48 also increases the difficulty in communications with family and friends. Outside travel and connections become more difficult. "We should not increase our isolations by adding another hour delay." He remember the difficulties in the 1970s when Alaska was one to four hours off of the time in the Lower 48. Health studies only

look at the impacts on one day a year. What about the health, cost, and inconvenience many Alaskans will have on a much more frequent basis when conducting business? A detailed study of the real costs to Alaskans will likely find it to be overwhelming negative and far outweigh the brief benefit of one hour of extra sleep. He supports one time zone, and it would be far better to stay on DST so at least for half of the year Alaska would only be separated from the East Coast by three hours.

[9:56:59 AM](#)

PAULA RAK, Wrangell, said she is opposed to HB 19 as she has been every time it comes up. When Alaska first switched from four time zones to one, Southeast Alaska compromised by losing the extra hour of daylight in the evening so it could be on the same time zone as Anchorage. "We're not happy about it, but, none-the-less, that's the way it is." If DST were eliminated it would be as if the Railbelt area were on its original time zone, and Southeast would be two hours off -- "we like being on Pacific Standard time." The bill reneges on a deal that was made years ago. The trend in the states is to have DST. Arizona is the only state left that doesn't have it. DST has been lengthened by starting earlier. She has heard that people want to eventually stay in one time zone all year round and - [she was told to wrap it up]. It is a lifestyle issue. "We would gain an hour in the morning before work when we couldn't use it. The kids would lose an hour of play time after school; we'd all lose an hour of fishing time after work. It's just not worth the inconvenience."

[9:59:54 AM](#)

LYNN WILLIS, Eagle River, said he has no financial interest in this bill, but he strongly supports HB 19. Alaska's population is 683,000, and they depend on knowing the time of day, and their lives are impacted by DST. There ought to be a clear and compelling reason to keep a law that has such impact. It is not energy savings or public safety. Department of Transportation data showed that vehicle accidents in 2009 decreased following the onset of DST with the caveat that it was dependent on the weather. When sunset is delayed, sunrise is delayed. Making it safer for outdoor activity in the evening makes the same activities less safe the next morning. "Is the clear and compelling reason public health? No." DST forces a change to our internal clocks like traveling between time zones. Recent studies are quantifying the affects of sleep disturbance, and they show an increase in health problems attributable to the onset of this jetlag-like sleep disturbance. DST is not necessary for commerce. Alaska business has relations with

Pacific Rim nations, Hawaii, Arizona, and Saskatchewan, none of which use DST. The permanent two-hour difference between Alaska and the Pacific Coast was reduced to one hour with the creation of the current Alaska time zone. Communication technology allows commercial transactions "24-7." Personal convenience is not a compelling reason to mandate use of DST by every Alaskan. DST is not popular with Alaskans. A clear majority either favor the end of DST or have no opinion. Four previous bills calling for the repeal of DST and a bill calling for a statewide referendum have been blocked in various committees. He read a letter from the newspaper. "They say they support the repeal. A lack of sleep may be to blame for the Swedish study that says there's an increase in heart attacks cited in the Readers Digest." For elderly people, they found that it aggravated their health problem. "You owe these people an explanation if you oppose HB 19."

[10:03:04 AM](#)

JIM ADAMS, Nome, urged support for HB 19. Many people turn the heat down at night, and if the clock is moved up, they have to turn their heat up sooner. He was on a cruise ship, and when the captain announced they were going off DST, everyone cheered.

FAITH BARNES, Cordova, said she is in favor of HB 19. Time change contributes to sleep disturbance, depression, and obesity in children and adults. A person who already has a hard time sleeping will have difficulty changing time - it's just another obstacle to overcome. Lack of sleep contributes to depression and that can contribute to eating disorders. Health should come before business. Alaska should do what is best for its people and be a leader and not a follower.

SENATOR MEYER said the bill has a few more committees, so he would like it moved. He moved to report CSHB 19(L&C) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

The committee took a brief at-ease.

#### **HB 106-VILLAGE PUBLIC SAFETY OFFICERS**

[10:06:59 AM](#)

CHAIR MENARD announced the consideration of HB 106. [CSHB 106(STA) (Title AM) was before the committee.]

[10:07:06 AM](#)

REPRESENTATIVE REGGIE JOULE, Alaska State Legislature, said he has worked for some time on HB 106. Alaska's regional nonprofits contract with the Department of Public Safety (DPS) to provide village public safety officer (VPSO) services around much of rural Alaska. In his area, the Northwest Arctic Borough (NWAB), the regional nonprofit that runs the VPSO program had an interest in allowing NWAB to run the program. The borough was willing to take it, but current law prohibits that. HB 106 allows a nonprofit, with agreement with DPS, to decline a grant and then the commissioner can provide the grant to a municipality. This would only occur after the regional nonprofit declines to administer the grant. This is not intended to take away from the regional nonprofits.

CHAIR MENARD said she has a soft heart for nonprofits, and this is good for the western region.

[10:10:28 AM](#)

SENATOR FRENCH said he was on a VPSO task force. It is a program that needs strengthening, and he is in complete support. He asked if there are municipalities that are ready to go, or is this a structure for the future.

ELIZABETH HENSLEY, Intern for Representative Joule, said the NWAB is prepared to take on the program. There will be additional discussions and work with the commissioner.

SENATOR FRENCH asked if the NWAB would be viewed as a municipality.

MS. HENSLEY said, yes, the definition of municipalities includes five different statuses of cities and boroughs.

[10:12:09 AM](#)

SENATOR PASKVAN mentioned the issue of the municipality having or not having police powers. He asked if accepting the grant creates a police power that hasn't been accepted by the municipality.

MS. HENSLEY said the intent is to provide VPSOs in villages where there are no police or other public safety officials. The definition of rural area would help with that. It relates to who can receive a VPSO; they have to be in a rural area. Boroughs that use their police powers don't use VPSOs. For example, the North Slope Borough would qualify as a municipality that could receive a grant because the population is less than 10,000, but

they wouldn't go for it because they are already using their policing powers.

[10:13:53 AM](#)

MIKE SMITH, Tanana Chiefs Conference, Fairbanks, said the conference runs the VPSO in the Interior, and originally had concerns with the bill. He thanked Representative Joule for the changes. Now the conference supports the bill.

SENATOR MEYER said HB 106 is an excellent idea.

COMMISSIONER JOE MASTERS, Department of Public Safety (DPS), said he worked closely with Representative Joule. The bill will allow the DPS to contract with a borough when it is less than optimum for a nonprofit to administer the VPSO program. It is in the best interest of the state to have the most suitable agency administer the program to make it most effective. DPS supports HB 106.

[10:15:55 AM](#)

SENATOR FRENCH moved to report CS for HB 106 from committee with individual recommendations and attached fiscal note(s). There being no objection, CSHB 106(STA) (Title AM) moved out of committee.

[10:16:28 AM](#)

CHAIR MENARD adjourned the committee at 10:16 am.