

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 24, 2011

8:04 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Paul Seaton
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen
Representative Kyle Johansen

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

Department of Administration, Commissioner

Becky Hultberg - Anchorage

- CONFIRMATION(S) ADVANCED

Board of Parole

Daniel Morris - Soldotna

- CONFIRMATION(S) ADVANCED

Alaska Police Standards Council

Kelly Alzaharna - Barrow
Richard L. Burton - Ketchikan
Rebecca Hamon - King Salmon
Mark T. Mew - Eagle River
Bernice "Berni" Troglia - Anchorage

- CONFIRMATION(S) ADVANCED

Alaska Public Offices Commission

Kenneth Kirk - Anchorage

- CONFIRMATION(S) ADVANCED

State Commission for Human Rights

Jerrad Hutchings

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

BECKY HULTBERG, Acting Commissioner
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Spoke as a commissioner appointee to the Department of Administration.

DANIEL MORRIS, Appointee
Board of Parole
Soldotna, Alaska

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

KELLY ALZAHARNA, Appointee
Alaska Police Standards Council
Barrow, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Police Standards Council.

RICHARD L. BURTON
Appointee
Alaska Police Standards Council
Ketchikan, Alaska

POSITION STATEMENT: Had his testimony as appointee to the Alaska Police Standards Council presented by Terry Vrabec, Director, Alaska Police Standards Council.

TERRY VRABEC, Director
Alaska Police Standards Council
Juneau, Alaska

POSITION STATEMENT: Answered questions related to the Alaska Police Standards Council during the confirmation hearing for appointees to the council.

REBECCA HAMON, Appointee
Alaska Police Standards Council
King Salmon, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Police Standards Council.

MARK T. MEW, Appointee
Alaska Police Standards Council
Eagle River

POSITION STATEMENT: Testified as appointee to the Alaska Police Standards Council.

BERNICE "BERNI" TROGLIO, Appointee
Alaska Police Standards Council
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Police Standards Council.

KENNETH KIRK, Appointee
Alaska Public Offices Commission
Anchorage, Alaska

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

ACTION NARRATIVE

[8:04:20 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Keller, Seaton, Petersen, and Lynn were present at the call to order. Representatives Wilson, Johansen, and Gruenberg arrived as the meeting was in progress.

CONFIRMATION HEARING(S):...

Department of Administration, Commissioner

[8:04:53 AM](#)

CHAIR LYNN announced that the first order of business was the confirmation of Becky Hultberg, commissioner appointee to the Department of Administration.

8:05:58 AM

BECKY HULTBERG, Acting Commissioner, Department of Administration, informed the committee that she grew up in Alaska, went to college out of state, and returned to Alaska. She said she is deeply invested in the state. She said she is no stranger to state government, having served under the administration of Governor Frank Murkowski. She related that her work experience has afforded her the opportunity to gain management experience in an environment that supported its leaders, and she said this experience should serve her well as commissioner.

8:08:30 AM

MS. HULTBERG talked about leading from the heart and adhering to values. She said she values respect, justice, compassion, transparency, and integrity. She emphasized the importance of setting high standards. She said she believes in maintaining a balance between time at work and away from work, and encourages others to do the same. She posited that if people enjoy their work, they are better at it. Ms. Hultberg said she believes in collaborative effort at work and said the best ideas do not always come from management. She stated that part of her job is to take down barriers so that others can do their jobs effectively.

8:10:09 AM

MS. HULTBERG said her goal is to leave the department in better condition than that in which she found it. She relayed another goal is to focus on efficiency and productivity - to find better value for the dollars spent in the department and encourage people to change the way they do things in order to improve work flow. She emphasized the importance of providing better value through Enterprise Technology Services (ETS), making sound information technology (IT) investments on behalf of all departments, and refining the personnel processes and the human resources function.

8:14:41 AM

REPRESENTATIVE JOHANSEN asked which issues Ms. Hultberg considers as her biggest challenges.

8:16:02 AM

MS. HULTBERG answered that ETS will be a challenge. She explained that in the support function there is tension between centralization, which is demonstrated to save money, and decentralization, which is demonstrated to serve the customer. She related that there are 15 separate IT departments, which are not as collaborative as could be. Further, she stated that the state's unfunded liability is an ongoing challenge, which will affect the number of things that can be funded. In response to a follow-up question, she said her philosophy is to hire good people she trusts, and then let them do their jobs; however, she said she will be very involved in labor negotiations. She said there is a negotiating team in place currently, but as she has been in this position for only two months, she is still in the process of developing those relationships.

[8:21:29 AM](#)

MS. HULTBERG, in response to another question, said she is not aware of a steady increase in lease costs, except as it relates to what is happening in the current market; however, she said she would check into that. To another question related to the fees collected by the Division of Motor Vehicles (DMV), she said although she is not philosophically opposed to profit, she can understand that from the standpoint of state government that issue might be a concern. She expressed concern that if that revenue was replaced with general fund monies, then that may result in a reduction of services or staff somewhere else. She said she would need to study the matter more closely to comment further.

[8:24:02 AM](#)

MS. HULTBERG, in response to Chair Lynn, said the actual budget process was well underway when she took her position; however, the governor has asked the department to focus on the unfunded liability because of the burden it may put on the state in the future. She talked about the balance between meeting the constitutional obligation to retirees, while not overburdening the state so that it must reduce services elsewhere.

[8:25:42 AM](#)

REPRESENTATIVE KELLER expressed appreciation for Ms. Hultberg's attention to ETS and emphasized the need for standards.

[8:27:04 AM](#)

MS. HULTBERG, in response to Representative Seaton, talked about plans to hear feedback and make improvements regarding human resources.

REPRESENTATIVE SEATON expressed his wish that the department will consider the issue of interagency receipts and the cost of centralized services. He then asked if the department would be proposing any legislation to address the unfunded liability.

[8:32:09 AM](#)

MS. HULTBERG responded that there is no specific legislation to be brought forth from the department at this time, but many are involved in seeking answers. In response to a question, she said EST addresses issues having to do with wires, computers, and telecommunications.

[8:34:10 AM](#)

REPRESENTATIVE SEATON expressed concern regarding the inefficiency of transmitting information across the state when not everyone uses the same system.

[8:37:00 AM](#)

MS. HULTBERG responded that connection to broadband and communication between offices are important issues being addressed by the department. In response to a follow-up remark, she reemphasized the importance of identifying work flow, which she said has not always been done in the past. She offered further details.

[8:39:17 AM](#)

REPRESENTATIVE JOHANSEN noted that the department is rewriting policy for the Alaska Public Offices Commission (APOC), and he said he will be introducing a bill related to APOC. He said he wants people to know where the money is being spent as quickly as possible. He also expressed concern about APOC's lack of enforcement ability.

[8:41:13 AM](#)

MS. HULTBERG related that the relationship with APOC is unusual because it is an independent body housed within the department. She indicated that APOC has begun a regulations project to

provide the public the opportunity to understand the regulations and provide feedback. Regarding the issue of whether APOC has "teeth" in regulating, she said she would need more time to study that matter.

[8:42:49 AM](#)

REPRESENTATIVE P. WILSON echoed Representative Johansen's stated concern about the need for there to be consequences to those who do not adhere to APOC's regulations.

[8:43:24 AM](#)

MS. HULTBERG, in closing, said she is honored to have been appointed as commissioner and takes the role seriously. She invited the legislature's continued feedback.

[8:44:50 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmation of Becky Hultberg, appointee as commissioner of the Department of Administration, to the joint session for consideration. There being no objection, the confirmation was advanced.

[8:45:18 AM](#)

The committee took a brief at-ease.

Board of Parole
Alaska Police Standards Council
Alaska Public Offices Commission

CHAIR LYNN announced that the final order of business was the confirmation hearings for Daniel Morris, appointee to the State Parole Board; Kelly Alzaharna, Richard L. Burton, Rebecca Hamon, Mark T. Mew, and Bernice "Berni" Troglio, appointees to the Alaska Police Standards Council; and Kenneth Kirk, appointee to the Alaska Public Offices Commission.

[8:47:49 AM](#)

DANIEL MORRIS, Appointee, Board of Parole, told the committee that he has lived on the Kenai Peninsula for 30 years, and during that time amassed 23 years of experience working with the police department, the last 9 of which he served as chief of police. He relayed that he has served on various boards and committees, as well as having served the last four years on the

Alaska Police Standards Council. In response to Chair Lynn, he said he is excited to come back to work within the field of public safety. He said he anticipates the job will be both challenging and satisfying.

[8:49:24 AM](#)

KELLY ALZAHARNA, Appointee, Alaska Police Standards Council, informed the committee that she is currently the chief of police with the North Slope Borough Police Department, based out of Barrow, Alaska. She said she has served in law enforcement since [1987], with the North Slope Borough Police Department since 1990. She listed the positions she has held on her way to becoming the chief of police. Ms. Alzaharna stated that she has been with the Alaska Police Standards Council for two years and likes working with the council to maintain high standards in all areas of law enforcement. She thanked the committee for its consideration of her appointment. In response to Chair Lynn, she said she started her law enforcement career in New Mexico.

[8:51:46 AM](#)

RICHARD L. BURTON, Appointee, Alaska Police Standards Council, had his testimony as appointee to the council presented by Terry Vrabec, director of the council. Mr. Vrabec said Mr. Burton is retired, with over 40 years of law enforcement experience, has worked in various groups, and has served for the last two years on the council. He noted that Mr. Burton was involved in the development and writing of most of the state regulations that are currently enforced within the law enforcement community.

[8:53:04 AM](#)

TERRY VRABEC, Director, Alaska Police Standards Council, in response to a request from Representative Keller, listed the duties of the Alaska Police Standards Council, and spoke about the recourse for an officer who may be decertified.

[8:56:37 AM](#)

REPRESENTATIVE JOHANSEN pointed out that Mr. Burton is from his district and previously served two terms as the commissioner of the Department of Public Safety, and he opined that Mr. Burton would be a valuable asset to the Alaska Police Standards Council.

[8:58:30 AM](#)

REBECCA HAMON, Appointee, Alaska Police Standards Council, told the committee that she has lived in King Salmon for approximately 12 years, and has been involved in the community, primarily through the Bristol Bay Chamber of Commerce, the arts, and issues related to subsistence fishing and hunting. She offered her understanding that she is being appointed to the seat on the council reserved for a member from a community with a population of fewer than 2,500. She related that she currently is employed by Safe & Carefree Environment, Inc., which is a women's shelter and advocacy organization in Dillingham for victims of domestic violence and sexual assault. She said she is a village and legal advocate, which means that she works directly with victims to assist and support them during crises and to help them navigate the legal system. She related that in this capacity she also assists members of law enforcement, including the police, the Alaska State Troopers, the local assistant district attorney, and other social services agencies. She said she works with victims who live in King Salmon, Naknek, and South Naknek, as well as other jurisdictions within that court system.

MS. HAMON stated that she is interested in serving on the Alaska Police Standards Council because police matters affect those with whom she works. She emphasized that the occurrence of domestic violence and sexual assault is near to epidemic proportions in Southwest Alaska. She said she feels that she can bring a different view to the table as a result of her experience with law enforcement from the perspective of the victims she helps and because of her understanding of the limited resources of those victims.

[9:01:55 AM](#)

REPRESENTATIVE GRUENBERG noted Ms. Hamon's involvement in fine arts.

[9:03:01 AM](#)

MARK T. MEW, Appointee, Alaska Police Standards Council, informed the committee that he is up for reappointment to the council, and said he has served as the Chief of Police in the Anchorage Police Department (APD) for one year. He said he began his career in Eugene, Oregon, as a corrections officer, came to Alaska in the late 1970s, and was hired by the Anchorage Police Department as a patrol officer in 1983. He listed some of his positions with the APD over the years, and he said he was

involved in the upgrade of technology systems related to 911 systems, computer aided dispatch, and mobile data in police cars. After 20 years with APD, he related, he worked for the school district for six and a half years, in a job related to security and emergency preparedness, before returning to the APD in his current position in January 2010.

MR. MEW said he thinks the Alaska Police Standards Council provides a valuable service to the state and to Anchorage. He indicated that the seat he fills on the council is often the voice of the larger urban departments. He offered his view that the main function for the council concerns setting standards for officer conduct. He offered further details. He stated that he wants to do his part to keep the state's standards high. He indicated that simply because of its size, the Municipality of Anchorage produces opportunities both to excel and to face difficulty.

[9:09:19 AM](#)

MR. VRABEC, in response to Representative P. Wilson, related that the Alaska Police Standards Council has 13 positions, 5 of which are being reviewed today. He said those positions are listed under statute [AS 18.65.150, which read as follows]:

Sec. 18.65.150. Composition of council.

The council consists of the following persons:

(1) four chief administrative officers or chiefs of police of local governments;

(2) the commissioner of public safety or a designee of the commissioner;

(3) the commissioner of corrections or a designee of the commissioner;

(4) two persons, each of whom has been certified for five years or more by the council under this chapter, one of whom serves as a police officer and one of whom serves as a probation officer, parole officer, municipal correctional officer, or correctional officer;

(5) one correctional administrative officer who is employed at the level of a deputy director or higher; and

(6) four members of the public at large with at least two from the communities of 2,500 population or less.

CHAIR LYNN opined that it is good to have a public member on the council.

[9:12:27 AM](#)

MR. VRABEC, in response to Representative Johansen, said it has worked well to have a public member on the council, and expressed appreciation for the requirement that that member must have some experience related to the public safety field.

[9:13:54 AM](#)

REPRESENTATIVE GRUENBERG expressed appreciation for the service of Mr. Mew.

[9:14:21 AM](#)

BERNICE "BERNI" TROGLIO, Appointee, Alaska Police Standards Council, told the committee that she became a probation and parole officer for the state in January 1999 and was promoted through the ranks to her current position as the statewide sex offender mental health program manager. She said she works within the Division of Probation and Parole, and has been serving on the council since November 2008. She stated that she lives by a high ethical standard on and off duty and said all officers take an oath in that regard. Ms. Troglio said she is currently a member of both the Internet Crimes Against Children Task Force and the Anchorage Child Safety Team Task Force. She referred to the council's mission statement, which is: "To produce and maintain a highly trained and positively motivated professional, capable of meeting contemporary law enforcement standards of performance." She stated her belief that she is an asset to the council because she takes her code of ethics seriously on and off the council.

REPRESENTATIVE P. WILSON expressed appreciation for the pride she said she perceived in the testimony of Ms. Troglio.

[9:18:46 AM](#)

KENNETH KIRK, Appointee, Alaska Public Offices Commission (APOC), said he is a lifelong Alaskan and has worked as an attorney in Anchorage for the past 23.5 years. He said he has been involved as the state legal counsel for one of the major political parties and, in the last year, has been before APOC as a result of two contested matters. He said there were a lot of other matters, for which he reviewed APOC decisions and

regulations. He indicated that his experience would be useful to APOC. He shared his impression of APOC as a sincere organization that is trying to do a good job, and he said he thinks he could help the commission find better ways to operate. In response to Chair Lynn, he said he is still in private practice; however, he added that he resigned his party-related position as soon as he was nominated. He said his specialty used to be family law, but now he is involved in estate planning, adoptions, and Medicaid planning.

[9:20:51 AM](#)

MR. KIRK, in response to Representative Gruenberg, said although the vast majority of people are trying to do a good job, it is too easy for people to make a mistake. He suggested that APOC could be flexible for those cases. He said another concern relates to Citizens United v. Federal Election Commission ("Citizens United") which addresses limitations on First Amendment rights. He stated, "I think they need to be narrowly tailored to meet whatever the compelling state interest is." He said APOC is not really limiting financial contributions, but limiting speech in a way that is concerning. In response to a question, he said he is not sure if he would be the only lawyer on APOC.

[9:27:04 AM](#)

MR. KIRK, in response to Representative Gruenberg, said Citizen's United is a U.S. Supreme Court decision to which the state will have to adhere. He indicated that the [executive director] of APOC had recommended that the chair of the party for which Mr. Kirk was an attorney seek an advisory opinion regarding Citizens United. He said it was a long-standing policy of that party to divide state contributions under state law into three categories as they came in: House candidates, Senate candidates, and gubernatorial candidates. There was concern that doing so for gubernatorial candidates may be acting as a conduit for a particular candidate, which is not permissible. Mr. Kirk offered further details, concluding that APOC ruled against it and the party changed its method to comply with the ruling. He said, given the recent nature of the decision, he is reluctant to be disloyal to his former client, but he said the party has accepted the decision.

[9:30:42 AM](#)

MR. KIRK, in response to Representative Gruenberg, said he holds a somewhat different philosophy to APOC's past rulings, but mostly agrees with the commission's philosophy. In response to another question, he talked about a column in which he used humor to portray how lawyers often overreact to keep their clients from stepping out of bounds and how frustrating that may be for politicians and elected officials.

[9:34:11 AM](#)

REPRESENTATIVE JOHANSEN opined that Mr. Kirk would be a great asset to APOC.

[9:35:00 AM](#)

REPRESENTATIVE KELLER said he has no reason to think Mr. Kirk would not serve well on APOC.

MR. KIRK, in response to Representative Keller, said he had represented the Republican Party. He noted that of the five positions on APOC, four have to be appointed from the two major political parties, and he has been nominated for one of the Republican positions.

[9:37:11 AM](#)

MR. KIRK, in response to a question from Representative Petersen regarding current disclosure requirements for groups and candidates, said he has not seen much in statutes that he disagrees with, but opined that some regulations go further than statute intended. He offered an example.

[9:39:39 AM](#)

MR. KIRK, in response to Representative Gruenberg, said the Alaska Supreme Court does not give APOC any more discretion than any other agency. He said regulations and interpretations have to be consistent with statute, but [APOC and other agencies] can "flesh out the statute or interpret it where it's not 100 percent clear." He indicated that APOC currently is considering standards in regulation related to reducing or waiving a fine, but he remarked that "that's specifically given by the statute."

MR. KIRK, in response to a question regarding whether Citizens United goes far enough in protecting First Amendment rights, characterized Citizens United as a problematical case. He explained that the although the basic point - that there are

restrictions being made on free speech - is fair, saying that a corporation has the same rights as an individual raises many other questions, which APOC will have to address. He said although Citizens United relates only to separate independent expenditures, some of the same principles could apply to contributions. Mr. Kirk ventured that Citizens United probably goes far, and he is not sure the state needs to go further than that. He concluded that the Alaska Supreme Court gives greater protection in some situations, but he does not know if there is "a particular need to go farther than that in this particular instance with Citizens United."

[9:44:56 AM](#)

MR. KIRK, in response to a question, said he does not think that a contest in a judicial retention election would be treated differently from a contest in any other election. Furthermore, he said most of those elections are not contested. He indicated that the [Alaska] Judicial Council published some statements that it had reviewed "all of those" and taken public comment and believed that all the judges should be retained or, in a recent election, all but one should be retained. He said [the council's] view has been that "that has not been beyond the boundaries of what's allowed" and is just a statement "that's not particularly advocating." Mr. King said he thinks that is somewhat questionable; however, since that is an issue that may come before APOC, he said he does not want to take a position on it now before considering all the viewpoints.

[9:46:53 AM](#)

REPRESENTATIVE JOHANSEN expressed concern that Jerrad "Shea" Hutchings, appointee to the State Commission for Human Rights, was not present for his confirmation hearing today, and he said he would like an explanation and a contact number.

REPRESENTATIVE GRUENBERG asked that Mr. Hutchings be rescheduled so that the committee has the opportunity to talk with him.

CHAIR LYNN concurred that it would be beneficial to have some sort of interaction with [Mr. Hutchings] before his name is brought to a vote on the House floor.

[9:49:56 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmations of Daniel Morris, appointee to the State Board of Parole; Kelly

Alzaharna, Richard L. Burton, Rebecca Hamon, Mark T. Mew, and Bernice "Berni" Troglia, to the Alaska Police Standards Council; and Kenneth Kirk to the Alaska Public Offices Commission, to the joint session for consideration. There being no objection, the confirmations were advanced. Representative Keller specified that the name of Jerrad "Shea" Hutchings had not been included in that motion.

[9:51:04 AM](#)

REPRESENTATIVE GRUENBERG stated for the record that had he been present during the previous vote regarding Ms. Hultberg, he would have voted in favor of advancing her confirmation.

[9:51:45 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:51 a.m.