

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 11, 2014

8:06 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Lynn Gattis
Representative Shelley Hughes
Representative Doug Isaacson
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

Representative Charisse Millett

COMMITTEE CALENDAR

HOUSE BILL NO. 274

"An Act relating to public hearings on initiatives and referenda scheduled to appear on the ballot; and providing for an effective date."

- MOVED HB 274 OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 18

Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general.

- MOVED HJR 18 OUT OF COMMITTEE

HOUSE BILL NO. 275

"An Act relating to electronic publication of certain municipal notices and to publication and electronic distribution of reports by state agencies."

- MOVED CSHB 275(CRA) OUT OF COMMITTEE

HOUSE BILL NO. 199

"An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 274

SHORT TITLE: HEARINGS ON REFERENDA

SPONSOR(s): RULES

01/24/14 (H) READ THE FIRST TIME - REFERRALS
01/24/14 (H) STA, JUD
02/06/14 (H) STA AT 8:00 AM CAPITOL 106
02/06/14 (H) Heard & Held
02/06/14 (H) MINUTE(STA)
02/11/14 (H) STA AT 8:00 AM CAPITOL 106

BILL: HJR 18

SHORT TITLE: CONST. AM: ELECTED ATTORNEY GENERAL

SPONSOR(s): STOLTZE

01/21/14 (H) PREFILE RELEASED 1/10/14
01/21/14 (H) READ THE FIRST TIME - REFERRALS
01/21/14 (H) STA, JUD, FIN
02/04/14 (H) STA AT 8:00 AM CAPITOL 106
02/04/14 (H) Heard & Held
02/04/14 (H) MINUTE(STA)
02/11/14 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 275

SHORT TITLE: ELECTRONIC DISTRIB. OF REPORTS/NOTICES

SPONSOR(s): HAWKER

01/24/14 (H) READ THE FIRST TIME - REFERRALS
01/24/14 (H) CRA, STA
02/04/14 (H) CRA AT 8:00 AM BARNES 124
02/04/14 (H) Moved CSHB 275(CRA) Out of Committee
02/04/14 (H) MINUTE(CRA)
02/07/14 (H) CRA RPT CS(CRA) 6DP
02/07/14 (H) DP: HERRON, FOSTER, REINBOLD, OLSON,
LEDOUX, NAGEAK
02/11/14 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 199

SHORT TITLE: VPSO FIREARMS

SPONSOR(s): EDGMON

04/04/13 (H) READ THE FIRST TIME - REFERRALS
04/04/13 (H) CRA, STA
01/28/14 (H) CRA AT 8:00 AM BARNES 124
01/28/14 (H) Heard & Held
01/28/14 (H) MINUTE(CRA)

02/04/14 (H) CRA AT 8:00 AM BARNES 124
02/04/14 (H) Moved Out of Committee
02/04/14 (H) MINUTE(CRA)
02/05/14 (H) CRA RPT 5DP 1NR
02/05/14 (H) DP: REINBOLD, FOSTER, HERRON, LEDOUX,
NAGEAK
02/05/14 (H) NR: OLSON
02/11/14 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

JEFF TURNER, Staff
Representative Charisse Millett
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 275 on behalf of
Representative Millett, sponsor.

REPRESENTATIVE STOLTZE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As sponsor, introduced HJR 18.

MIKE COONS
Palmer, Alaska

POSITION STATEMENT: Testified in support of HJR 18.

REPRESENTATIVE HAWKER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As sponsor, presented HB 275.

KATHIE WASSERMAN, Executive Director
Alaska Municipal League (AML)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 275.

DEBORAH L. REICH, Foreclosure Specialist
Real Estate Services Division
Department of Real Estate
Municipality of Anchorage
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 275.

REPRESENTATIVE BRYCE EDGMON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As sponsor, presented HB 199.

STEVE ARLOW, Captain
C Detachment Commander
Division of State Troopers
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions regarding the Village Public Safety Officer (VPSO) program during the hearing on HB 199.

ACTION NARRATIVE

[8:06:38 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Keller, Gattis, Isaacson, Hughes, Kreiss-Tomkins, and Lynn were present at the call to order.

HB 274-HEARINGS ON REFERENDA

[8:06:55 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 274, "An Act relating to public hearings on initiatives and referenda scheduled to appear on the ballot; and providing for an effective date."

[8:07:01 AM](#)

JEFF TURNER, Staff, Representative Charisse Millett, Alaska State Legislature, presented HB 275 on behalf of Representative Millett, sponsor. He said the proposed legislation would extend the public hearing requirements for referendums. He described it as "an add-on" to House Bill 36, which was passed by the legislature in 2010. He said referendums do not commonly occur on the ballot, but noted there would be one later this year. In response to the chair, he reviewed that an initiative is a voter initiated item on the ballot that allows the public to enact a piece of legislation in place of the legislature; a referendum repeals a law that was passed by the legislature. Mr. Powell said HB 274 would require the lieutenant governor to hold public hearings in each of the judicial districts around the states, and it would require a hearing of a standing committee of the legislature whose members would be chosen by the presiding officers of the House and Senate.

[8:08:47 AM](#)

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

[8:08:57 AM](#)

REPRESENTATIVE KELLER said he appreciates the sponsor bringing forward HB 274. He said it seems like a great bill.

[8:09:07 AM](#)

REPRESENTATIVE ISAACSON said he was thinking the same thing. He said it seems necessary and is consistent. He said, "Anytime we ask people to vote on something it is good to educate and have both sides." He stated his support of the proposed legislation.

[8:09:29 AM](#)

CHAIR LYNN stated, "I, too, think it's a good thing." Regarding referendums, he opined public hearings are needed.

[8:10:05 AM](#)

REPRESENTATIVE KELLER moved to report HB 274 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 274 was reported out of the House State Affairs Standing Committee.

HJR 18-CONST. AM: ELECTED ATTORNEY GENERAL

[8:10:31 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE JOINT RESOLUTION NO. 18, Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general.

[8:10:47 AM](#)

REPRESENTATIVE STOLTZE, Alaska State Legislature, as sponsor, introduced HJR 18. He said one reason to elect the state's attorney general would be to "sanctify" that he/she would be "the people's lawyer." He indicated that a current AG may call him/herself that, but in fact is the governor's lawyer. He said the resolution is for the future of Alaska. In response to the

chair, he indicated that subsequent to 1972, constitutional amendments must appear on the General Election ballot. He said if the legislature ratifies this by a two-thirds vote in each body, it would be placed on the [General Election] ballot. He added that then it would be in the hands of the voters, in whom he trusts.

REPRESENTATIVE STOLTZE said some people have suggested that an elected attorney general may be politically influenced. He stated that anyone who has watched attorney generals in Alaska knows they already are political by nature. He said he trusts that Alaskans would vet their candidates just as they do legislators.

[8:14:11 AM](#)

CHAIR LYNN asked if it would be possible to have a governor in one political party and an AG in another.

REPRESENTATIVE STOLTZE answered yes, and said it currently happens in about a dozen other states. He surmised that it would be the will of the voters. He said he is not sure there should be a mandate that the AG and governor are of the same party, but suggested a stronger mandate would be that the AG must be a person that will support the Constitution of the United States, the Constitution of the State of Alaska, and the people of Alaska.

[8:14:55 AM](#)

REPRESENTATIVE ISAACSON said the sponsor almost had him convinced, "especially because of the events here recently." He stated, "Sometimes if you don't have a direct line of accountability in place, you might have a different outcome; you might have more scrutiny on issues and so forth." He said early in the history of the U.S. Constitution it was possible to elect a Vice President of a political party different from that of the President. He asked, "Is there a way, perhaps, that we could close that gap, so that if people are electing a governor of one party, they could also then have, similar to the lieutenant governor and so forth, a ticket, or is that going to bring too close of a ... tieback?"

REPRESENTATIVE STOLTZE answered that it could be a possibility. He said the lieutenant governor is tethered to [the governor by political party]. He indicated that the difference between the lieutenant governor and all other appointments is that the

lieutenant governor is elected by the people, does not require confirmation, and cannot be removed by the governor. He said it is part of the process for the committee to decide whether to "propose that change here."

REPRESENTATIVE ISAACSON clarified, "How would that be affecting the intent of your ... legislation?"

REPRESENTATIVE STOLTZE responded that he was "not sure it would solve everything you would want it to solve," but said he thinks "it would have the same net result, because that person would be elected by the voters [and] could not be removed by the governor."

[8:19:08 AM](#)

REPRESENTATIVE HUGHES suggested some may see an elected AG position as a training ground for governor, which may result in a lot more attorneys serving as governor. She then proffered that a positive effect of HJR 18 may be that it could reduce turnover of attorneys general. She offered her understanding that in other states, the AG often serves a full, four-year term, and go on to a second or third term, and that under HJR 18, there would be a two-term limit. She asked the sponsor if he thinks [the proposed legislation] would impact the turnover rate, and asked, "How do you see that as a plus for Alaska?"

[8:20:07 AM](#)

REPRESENTATIVE STOLTZE replied that the average turnover of the AG is 18 months, and HJR 18 would offer some stability, because the AG would not be subject to "the whim of a political disagreement." He said he does not recall a lieutenant governor who has ever resigned. He said, "The attorney general, I think, ... probably would have ... more powers than the lieutenant governor, [but] would not be in the line of succession though." He surmised that morale would be raised within the Department of Law (DOL), "knowing that they had one person" and "without the vagaries" related to the current steady turnover of attorneys general.

[8:21:44 AM](#)

CHAIR LYNN asked if there would be any additional cost in adding another [position] for election on the ballot.

REPRESENTATIVE STOLTZE indicated that the standard cost shown on a fiscal note for printing an extra page is \$1,500.

[8:22:29 AM](#)

REPRESENTATIVE GATTIS asked why the sponsor was proposing HJR 18 now, beside the fact that other states [have elected attorneys general].

[8:22:39 AM](#)

REPRESENTATIVE STOLTZE answered that others have pushed the measure in the past. He offered his understanding that the last three to four attempts were made by [Democrats]; therefore, he called the issue bi-partisan.

[8:23:18 AM](#)

REPRESENTATIVE KELLER said he is looking forward to hearing HJR 18 in the House Judiciary Standing Committee (HJUD), and he expressed his appreciation to the sponsor for bringing it forward for consideration. He stated, "In a ... legal system where crimes are against the state and the attorney general is also the commissioner of the Department of Law, I think it's very, very valuable for the people of Alaska to be able to know who their attorney general is." He indicated intent to remain open minded during the hearing of HJR 18, but said it would be unfair to not state his bias.

[8:24:53 AM](#)

CHAIR LYNN remarked that the AG is basically a commissioner; therefore, he asked if it would be appropriate to elect "all the different commissioners."

[8:25:45 AM](#)

REPRESENTATIVE STOLTZE answered that he will not delve into that debate. He opined that the position of AG "rises to a much higher level." He stated that the average AG can make law faster than [the legislature]; the opinion of an AG can nullify a statute or regulation. He said recently the lieutenant governor turned down a citizens' initiative, based on the opinion of an assistant and signed by the AG, and he said it bothers him that an assistant AG has more power than the people of Alaska, but with no accountability.

[8:26:22 AM](#)

REPRESENTATIVE ISAACSON noted that city and borough assemblies and councils usually have the power to hire and fire their attorneys. Looking back on his experience as mayor [of the City of North Pole], he said he used whatever attorney was there and had no issues with them; however, if he had wanted to terminate the attorney for not representing the interest of the city, it would have been a political battle. He questioned what would happen if the AG was elected and turned out not to be serving the state's best interest and it was too cumbersome a process to remove that AG from office. He suggested following the municipal model by having the legislature hire and fire the AG, which might provide a quicker political process, because the legislature would know whether the interests of the state were being served and the governor would not be directly controlling "that one function." He asked the sponsor for his feedback.

[8:28:04 AM](#)

REPRESENTATIVE STOLTZE, returning to Chair Lynn's previous question, said in most states in the union, the agricultural director or commission is elected, while in Alaska it is a political appointment, and the only qualification is that the person must be a citizen of the United States. Regarding Representative Isaacson's question, he said he is not sure about bringing the legislature into the process. He surmised that the legislature has the ability to bring an attorney general before it for a hearing if there are grounds to do so; however, he said sometimes people won't show up for a hearing. For example, he related that a previous administration chose an AG, the next administration retained the AG, but the AG would often decline to appear before the judiciary committees or would send surrogates. He offered his understanding that it would require an amendment to the Constitution of the State of Alaska to give the power to the legislature to "micromanage the attorney general," which is something he said he does not want to do. He emphasized that he wants the AG to work for the people. He said, "I think an attorney general that's working for the people would have no problem with the appropriation process here, just like they don't right now." He indicated that there are critics of the way things are working right now and the way that is proposed in HJR 18.

[8:30:14 AM](#)

REPRESENTATIVE KREISS-TOMKINS expressed concern over the possible loss of coordination between a governor and attorney general of differing political parties. He asked about that situation in other states and whether the sponsor thinks it would be as pronounced in Alaska.

[8:31:23 AM](#)

REPRESENTATIVE STOLTZE indicated that it would be no different from having a governor and lieutenant governor who disagree. For example, he recollected there was a lieutenant governor who did not support the re-election of the governor's daughter. He said there are conflicts in other states, such as when an attorney general runs against the governor. He stated, "Sometimes ... [when] trying to figure out how to stop politics you inject more politics." He admitted that some people may accuse him of doing just that, but noted that he has received support from his constituents and colleagues for the proposed joint resolution. He said there have been governors and attorneys general who have worked well together and those who have not, and he indicated that there are no guarantees, irrespective of whether an AG is appointed or elected.

[8:33:37 AM](#)

REPRESENTATIVE HUGHES expressed appreciation to the sponsor for pointing out how under HJR 18, the AG would be more accountable to the people of Alaska. She said she values the public's vote and hopes [a race for AG] would not become a beauty or public speaking contest, because she ventured that someone who is not a good public speaker could be a good attorney general. She stated her support of [HJR 18] as a "healthy process." She said she thinks it is good that the House Judiciary Standing Committee will be considering whether there would be some way to recall an AG. She questioned whether the race for AG would appear on the primary ballot by party in a long list of names on the General Election ballot.

[8:35:03 AM](#)

REPRESENTATIVE STOLTZE answered that under HJR 18, the process for electing the AG would be the same as the current process for electing the lieutenant governor. He said, "The lieutenant governor is almost written as another exemption." The AG would run separately or as "a triad," depending on the will of the committee.

[8:36:24 AM](#)

CHAIR LYNN said the concept is interesting, but expressed concern about the possibility of having a governor and AG with opposing views. He opined that the AG, who advises the governor, should have similar philosophical views.

[8:38:25 AM](#)

REPRESENTATIVE STOLTZE surmised that if the chair believes that the governor and AG should be philosophically aligned, then HJR 18 is probably not legislation he would support. He reemphasized that the purpose of changing the AG's position to an elected one is to make him/her a direct representative of the people.

CHAIR LYNN remarked that all elected officials are in office to serve the people, and he suggested that by advising the governor on the constitutionality of proposed law, he/she is serving the people.

[8:40:15 AM](#)

REPRESENTATIVE STOLTZE said he cannot predict every possible scenario in which there may be conflict. He stated, "I'm not trying to cast aspersions on anybody, but it's a different relationship when the attorney general, first and foremost, is the governor's attorney."

CHAIR LYNN suggested at least electing an AG who shares the same political party.

REPRESENTATIVE STOLTZE reiterated that he is "amenable to the deliberations of the committee." Notwithstanding that, he said, "I think philosophy isn't something we can define by statute, and party doesn't necessarily define philosophy as ... we know from some of our critics."

[8:42:05 AM](#)

REPRESENTATIVE GATTIS stated, "I think most of us get the fact that if we were appointed by somebody, we certainly have a certain allegiance by who may have appointed us, versus if we're elected by somebody else - the voters - we certainly have an allegiance there." She proffered that the question being asked is for whom [the AG] works.

[8:42:54 AM](#)

REPRESENTATIVE KELLER offered a reminder that legal counsel to the governor is not just the AG, because as head of the Department of Law, the AG has deputy commissioners, many of whom give council in specific areas. He said, "By electing ... an attorney general, I think we would begin to see that process better in the electorate."

CHAIR LYNN stated his assumption the [assistant attorneys general] would not want to irritate their boss by "coming up with opposite opinions on everything."

[8:44:11 AM](#)

REPRESENTATIVE ISAACSON noted that Wikipedia says an AG is the advisor to the governor, while the Encyclopedia Britannica says the AG is "the chief law officer of the state or nation and the legal advisor to the chief executor." He said everyone seems to recognize that the AG is going to advise the governor, but the AG is also the chief legal counsel for the state. He opined that there is a distinction between the governor and the government, the latter being of the people. At the same time, he said, the legislature is the government, as well, and makes laws, and in some aspects the AG needs to advise the legislature. Further, he said, the AG looks out for infringements of law outside the state. Representative Isaacson said he thinks the point to consider is where the line of accountability is to be drawn. He said he thinks this relates back to the Seventeenth Amendment, which he recommended should be considered as a corollary. He asked the sponsor to weigh in on the distinction between governor and government. He further asked how the sponsor would "educate his thinking" so that he might "align more to this." He said he sees value in [HJR 18], but expressed concern that it may have unintended consequences.

[8:47:29 AM](#)

REPRESENTATIVE STOLTZE said he thought Representative Isaacson made a good distinction. He said there are differences and similarities. He said he hopes that if things are working as they should, an AG representing the government is representing the people's interest as well. He said that could extend to an elected AG, who certainly would have his/her own initiatives. He mentioned "what Attorney General Sullivan did on [Governor Sean Parnell's] Choose Respect [campaign]." He indicated that activism and questioning the government is seen more often from

[an elected] AG serving the public than from a "co-employee" that does not have "that same optic or prism."

8:49:37 AM

REPRESENTATIVE HUGHES stated that currently the governor signs the paychecks of state employees, and an elected attorney general would be the boss to those working in the Department of Law. She questioned whether the governor would have any say if there were people in the department he/she did not feel should be there anymore. She offered her understanding that that relationship would be different, but questioned how.

REPRESENTATIVE STOLTZE mentioned an appropriation process in other states. He then said the Office of Management and Budget (OMB) does not review the court budget; the court system presents its budget to the legislative branch. He indicated that the proposed joint resolution outlines the implementation process for electing the AG, and that process could be fine-tuned. He stated that he envisions that the AG would present the budget through the legislative arm.

REPRESENTATIVE HUGHES indicated she was thinking of a situation in which the governor may have a problem with a particular AG outside of legislative session and the appropriation process, and asked how the relationship would be different in other states.

REPRESENTATIVE STOLTZE replied that other states have different personnel rules. He added, "I don't think we'd be eviscerating the employee rights."

8:52:45 AM

MIKE COONS noted he had submitted written testimony [included in the committee packet]. He expressed his hope that [the AG] would not be "a yes man or yes woman." He stated his support of HJR 18. He directed attention to [a sentence] on page 1, line 16, through page 2, line 1, of HJR 18, which read, "A person is not eligible to serve as attorney general unless the person meets the qualifications for a superior court judge." Mr. Coons stated that no one who has "run for a judge" will answer questions regarding subjects such as criminal penalties and minimum or maximum sentences, the stated reason being that they may have to make a decision on one of those issues. He questioned whether "we" would be reduced to candidates whose campaigns focus on the length of time they have been a judge, a

lawyer, an Alaska resident, or a part of a fine family, or if more substantive information would be given.

MR. COONS stated, "We need to know that the AG will stand for the law, will fight back against federal overreach, and give sound advice to the legislature without waffling as I have seen from this existing Department of Law." He paraphrased a portion of his written testimony, which read as follows [original punctuation provided]:

Lastly, I struggled about this position being appointed and vetted and approved or disapproved by the legislature. I felt that the Governor and Legislature were in a better position to determine the best AG.

MR. COONS explained that his view changed as a result of comments made by a Senator who believed he and the legislature were, by virtue of a college education and superior knowledge on the matter - especially concerning a constitutional amendment - more qualified to make that decision for the voters. Mr. Coons emphasized that he would trust his fellow voters to make a valued decision, and he would not give up his vote.

[8:55:32 AM](#)

REPRESENTATIVE STOLTZE said he appreciates the point made by Mr. Coons, but said he does not want to confuse this with the judicial appointment process.

[8:56:53 AM](#)

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

[8:57:20 AM](#)

CHAIR LYNN suggested that the committee could consider an amendment to limit the choice of AG to someone in the same party [as the governor]; however, he said such an amendment may be better addressed by the House Judiciary Standing Committee.

[8:57:43 AM](#)

REPRESENTATIVE ISAACSON said he wonders if conceptually it should be the House State Affairs Standing Committee that addresses that amendment. He indicated that if the proposed

legislation were to pass out of committee, he would recommend that the conceptual amendment was in place. He said he sees a lot of disruption of good governments, and he does not believe that's what the people want. He said back when the Seventeenth Amendment was passed, the idea was for Senators not to be "selected out of the states," but to be voted on by the people. He opined that "the people ultimately are the best government," and mistakes made by voters tend to be corrected later.

REPRESENTATIVE ISAACSON stated that one of the values of having a governor appoint the attorney general is that the governor has been elected to serve according to a vision that resonated within the voters. In order to [follow that vision], the governor must have department heads who will "toe the line." He said that does not always happen, and when it does not the result is a dysfunctional government. He opined that when it comes to matters of law, it is important to have not just a good lawyer but one who understands the state and whose philosophy is "right." He said if the people elect someone who is recently from another state, and that person is charismatic and has a great record but does not understand the issues particular to Alaska, then the state is stuck with that AG for four years, whereas, an appointed AG that is not working out could leave sooner.

REPRESENTATIVE ISAACSON opined that Alaska, at over 50 years of age, cannot afford to "play lightly" with its future, which is insecure at present because there are too many people in charge that do not understand the requirements of the state's constitution. He said he could envision how an elected AG, not knowing the "peculiarities" of Alaska's state government, could shut down resource development. He said the states lost their power to control federal overreach when they lost the power to "insert people selected by the various legislatures in to the Senate" to protect the states' interests.

REPRESENTATIVE ISAACSON stated:

I would say I could go along with this as long as we at least had alignment of parties. I don't want to see a dysfunctional government or one that's divisive to the best interests of the state.

[9:04:07 AM](#)

REPRESENTATIVE KREISS-TOMKINS said the state is hoping to build a large diameter natural gas line, and he wonders how the

coordination between DOL and the executive branch would work, under HJR 18. He explained that the project is one of unprecedented scale and, presumably, would require unprecedented coordination. He said he also worries that the AG position would be filled more by political ability than professional competence. Finally, he said he thinks the AG in Alaska is more powerful than the lieutenant governor, in terms of scope of power and responsibility. He stated, "I ... think that's a fair point to make, that the precedent exists. This would be moving that further, and that's just something we should acknowledge."

[9:06:15 AM](#)

REPRESENTATIVE KELLER stated for the record that the House Judiciary Standing Committee, [which he chairs], would consider an amendment on the partisan issue, removal standards, and qualifications.

[9:07:32 AM](#)

CHAIR LYNN echoed Representative Kreiss-Tomkins' remark that there is a difference between campaign ability and legal ability; just because someone campaigns well does not mean he/she will perform well in office.

[9:07:57 AM](#)

REPRESENTATIVE KREISS-TOMKINS admitted that as a "political junky," he would relish the idea of having another campaign to follow.

[9:08:16 AM](#)

REPRESENTATIVE HUGHES offered her understanding that 43 other states elect their AG, and she said she would like to know how many of those states require the elected AG to be of the same party as the governor.

[9:08:57 AM](#)

REPRESENTATIVE STOLTZE said committee members had asked a lot of good questions, and he stated his intent to address their concerns. Regarding the concern that someone elected as AG might not be intimately involved with Alaska, he said an AG that is appointed does not have to be a resident of the state. He recalled an AG that left the state right after service. He indicated that the qualification requirements for residency and

citizenship are the same [for an AG] as for other elected executive positions. He surmised that Representative Isaacson might take more comfort if there was an assurance that the AG is an Alaska resident - "someone familiar with Alaska and its economy and our legal system, because they've lived here and worked here." He stated that through the existing appointment process, there have been people from other states serving as attorneys general, some of whom were not even members of the bar and had to secure that credential.

[9:11:23 AM](#)

REPRESENTATIVE KELLER moved to report HJR 18 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 18 was reported out of the House State Affairs Standing Committee.

HB 275-ELECTRONIC DISTRIB. OF REPORTS/NOTICES

[9:11:51 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 275, "An Act relating to electronic publication of certain municipal notices and to publication and electronic distribution of reports by state agencies."

[Before the committee was CSHB 275(CRA).]

[9:12:06 AM](#)

The committee took an at-ease from 9:12 a.m. to 9:14 a.m.

[9:14:22 AM](#)

REPRESENTATIVE HAWKER, Alaska State Legislature, as sponsor, presented HB 275. He indicated that the two main purposes of the proposed legislation pertain to the state's ability to promote efficiency and effectiveness of government and to reduce unnecessary government spending, which he said could also be called government waste. He said the first three sections of the proposed bill would affect municipalities and the last two sections would affect state agencies. The first three sections would permit a municipality to adopt an ordinance to post the following three things on its web site rather than printing them: mill rates, foreclosure listings, and [expiration of] redemption of foreclosures. He said similar legislation was proposed in the past, but did not pass. He indicated that the

provisions in Section 1-3 of HB 275 were added after listening to the concerns of the municipalities.

9:16:54 AM

REPRESENTATIVE HAWKER stated that the core of bill is in Sections 4 and 5, which would reduce paper waste. He questioned how many legislators actually read all the agency reports that are required by law. He said under the proposed legislation, it would be mandatory for those reports to be delivered electronically. He said there would be exceptions, found in language of Section 5, [beginning on page 4, line 30, through page 5, line 4], which read as follows:

An agency may not produce print copies of reports except as

(1) required

(A) under AS 14.56.120;

(B) by agreement; or

(C) by federal law; or

(2) requested under AS 44.99.260

or specifically approved by the head of a state agency or the head's designee.

9:20:16 AM

REPRESENTATIVE HAWKER said the bill would not compromise the public's right to know or the legislature's ability to access information. He directed attention to Section 4, and said the state already utilizes the Alaska Online Public Notice System, and language on page 4, line 24, would require reports of state agencies to go onto that system. Representative Hawker said HB 275 is not all-encompassing, but is a step in making government activities more efficient. He said he thinks if this works out, it will merit discussion in future years for expansion.

9:23:22 AM

CHAIR LYNN asked how much money might be saved under HB 275.

9:23:32 AM

REPRESENTATIVE HAWKER indicated that in 2011, \$1.6 million was spent on publications. He said that "as we have narrowed the scope of this legislation," the Office of Management & Budget (OMB) believes it is spending \$530,000 for this type of

reporting. He said, "The savings is going to be somewhere within that." He said he thinks it is realistic to believe that there will be material savings across all agencies under HB 275, and that future legislation could "go after the second million dollars that's out there" and "be more efficient and effective without compromising the public's need to know."

[9:24:51 AM](#)

REPRESENTATIVE HUGHES thanked the bill sponsor for what she called "common sense legislation." She said as a new legislator last year, she soon realized the difficulty in reading every hard copy report and finding space to keep them all. She said she had made a suggestion that the reports be provided electronically, with a list of all the reports for legislators to see. Representative Hughes questioned the reasoning behind the language regarding graphic design reports, on page 5, [lines 13-17].

REPRESENTATIVE HAWKER indicated that some reports seem to have more emphasis on technical beauty than content. Under the proposed legislation, an agency would not be allowed to hire a contractor to provide photographs or graphics unless there is no one in the agency qualified to do the work or hiring a contractor would cost the state less. In response to a follow-up question, he said he has no idea if an agency has ever [hired a contractor for a job that would have cost less done in house], but he has noted the "large volume of what would appear to be very costly photographs" in the reports to legislators that are delivered and "going by the wayside so very quickly." He said the concept of the bill is to allow agency heads to retain as much decision-making latitude as possible, while being mindful that the directive from the legislature is to use the state's resources more efficiently.

[9:30:02 AM](#)

REPRESENTATIVE KELLER remarked he is sure the sponsor agrees that the intent is not to quell information. He said he would not mind if agencies spent funds doing work on getting information available, such as a specialized application where a legislator could find information on an iPad. He said he does not want to propose an amendment, but would like the sponsor's response.

REPRESENTATIVE HAWKER acknowledged the importance of testimony in terms of conveying the intent of legislation, and he

confirmed that the "need in the state" suggested by Representative Keller would not be compromised under HB 275.

[9:32:29 AM](#)

REPRESENTATIVE KREISS-TOMKINS opined that the proposed legislation is fantastic. He echoed Representative Hughes' remark about being a new legislator and noticing the money being spent on reports. Regarding graphics, he said he thinks there is an incentive for state agencies to out-do each other in design, in an attempt to garner the most attention from the legislature to secure funds for their causes. He surmised that the cost of design has got to be extraordinary. He stated, "When we're hearing numbers like half a million to over a million, it's not ... just a symbolic gesture, but it's real savings." He said he suspects the aforementioned language on page 5, regarding graphics, would result in even greater savings.

[9:34:04 AM](#)

KATHIE WASSERMAN, Executive Director, Alaska Municipal League (AML), testified that AML supports HB 275. She remarked that this is the first time in her many years involved in local government that she has witnessed the state relax a mandate on municipalities, and she said that is reason for celebration. She stated that most communities know best how to relay information to their people. She pointed out that, unlike legislators who must leave their constituents to take part in the 90-day legislative session, municipal officials are in the vicinity of the people they serve every day; therefore, municipal officials know early on whether information has been delivered or not. She said as a former mayor in many small communities, she was required many years ago to post everything in the closest newspaper, which, with any luck, was delivered to her community six days later. She said that was a waste, but she knew how to get the information to the people, and other municipalities do, as well. She thanked the bill sponsor for bring HB 275 forward.

[9:35:52 AM](#)

CHAIR LYNN suggested that perhaps [legislators] should not be so isolated.

[9:36:08 AM](#)

REPRESENTATIVE ISAACSON said he echoes the testimony of Ms. Wasserman and thinks the proposed legislation is "extremely helpful." He said the elective aspect of posting requirements is good. He asked Ms. Wasserman what kind of feedback she may have received regarding HB 275.

[9:37:13 AM](#)

MS. WASSERMAN said she has heard from a few communities, but AML's winter meeting is not until another week, at which point the issue will be discussed at length. She said she thinks she has been in her job long enough to know that for the most part, if a legislative bill "falls under local control," AML would never oppose it.

[9:38:05 AM](#)

DEBORAH L. REICH, Foreclosure Specialist, Real Estate Services Division, Department of Real Estate, Municipality of Anchorage, testified in support of HB 275. She said the Municipality of Anchorage appreciates the provision in the proposed legislation that would give municipalities across the state the option to publish foreclosure notices on line or in local news publications. She said that change would save the municipality a minimum of \$20,000 annually, a significant savings in times when budgets are so tight. She expressed appreciation to the bill sponsor and offered to answer questions from the committee.

[9:39:37 AM](#)

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

[9:39:46 AM](#)

REPRESENTATIVE KELLER moved to report CSHB 275(CRA) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 275(CRA) was reported out of the House State Affairs Standing Committee.

[9:40:05 AM](#)

The committee took an at-ease from 9:40 a.m. to 9:43 a.m.

HB 199-VPSO FIREARMS

[9:42:45 AM](#)

CHAIR LYNN announced the final order of business was HOUSE BILL NO. 199, "An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms."

[9:43:05 AM](#)

REPRESENTATIVE BRYCE EDGMON, Alaska State Legislature, as sponsor, presented HB 199. He prefaced his introduction of the proposed legislation by offering an overview of the Village Public Safety Officer (VPSO) program. He said the program was established "in the late '70s and early '80s" to provide safety to outlying rural communities that did not have access to regular law enforcement presence. He stated that the program has, for the most part, been successful. He said there were 125 VPSOs working in the early '90s, but currently, of the authorized 120-plus authorized positions there are 92 or 93 working VPSOs. He explained the reasons for the ebb and flow in the numbers of VPSOs are related to circumstances in the particular communities and underscore one of the fundamental issues of the program, which has been turnover.

[9:44:45 AM](#)

REPRESENTATIVE EDGMON said having grown up in Dillingham, a rural part of the state, he is familiar with the circumstances surrounding the VPSO program. He said his research in preparing to present HB 199 has taught him to appreciate what VPSOs do throughout rural Alaska. He expressed pride in some of the changes that have occurred in rural Alaska over the years in the areas of transportation, health care, and education, as well as opportunities for living a subsistence/cash lifestyle; however, he said the increased use of hard drugs and pervasive use of alcohol have resulted in increased violence in rural Alaska communities. He indicated that these problems have created a more lethal environment in which VPSOs must operate.

[9:46:11 AM](#)

REPRESENTATIVE EDGMON explained that all this came to a head on March 19, [2014], when a VPSO lost his life in the line of duty. He said on a recent trip home, he listened to harrowing accounts of the experiences of two VPSOs, who sometimes dealt with perpetrators with high powered rifles and other arms that put a VPSO in danger. Representative Edgmon said he introduced HB 199 to require [the commissioner of the Department of Public Safety]

not to prohibit VPSOs from carrying firearms. He emphasized that under HB 199, VPSOs would have to meet minimum standards and training in order to qualify to carry firearms.

REPRESENTATIVE EDGMON relayed that he has been contacted by many not-for-profit organizations around the state, as well as members of the rural community, and he said he thinks the support [for HB 199] is widespread. He said there are a few communities that have some trepidation and may not want to have an armed VPSO; however, the way HB 199 is structured, that decision would be made between the department, the regional Native association, and the community itself.

[9:49:18 AM](#)

REPRESENTATIVE EDGMON said there is a fiscal note of approximately \$62,000 a year, which is based on the department's premise that about 20 VPSOs would be sent to the training academy in Sitka, Alaska. He said the fiscal note is broken down into three components: travel; liability, under the services component; and commodities, including the cost of the firearms, holsters, and ammunition.

REPRESENTATIVE EDGMON relayed that last week he learned of a VPSO program oversight issue, which the department is currently in the process of rectifying. He recommended the committee invite Captain Steve Arlow to explain the oversight and have the deputy commissioner provide details about the training program that would be offered under HB 199. He said during the last legislative session, the department began putting regulations into effect that would not prohibit a regional association in a community to work towards the process of getting a VPSO armed. He said the thrust of the bill is to make the proposed change in perpetuity and to help legitimize the program, in terms of any secondary issues that may follow the arming of VPSOs in Alaska. In response to the chair, he confirmed that under HB 199, the arming of VPSOs would be optional for rural communities.

[9:51:44 AM](#)

STEVE ARLOW, Captain, C Detachment Commander, Division of State Troopers, Department of Public Safety (DPS), testified that he has run the Alaska VPSO program for the last eight years. He brought to the attention of the committee an event wherein a nonprofit organization hired a VPSO with a felony conviction. In response to the chair, he said conviction was for a Driving Under the Influence (DUI) incident, which resulted in the harm

of another individual, but he indicated that there were no firearms involved. He said there is a procedure, written in regulation 13 AAC, which gives guidelines on what investigators are supposed to consider and what they can and cannot approve in a person's background. The regulation makes clear that a person with a felony conviction cannot enter into the VPSO program and a nonprofit cannot use state funds to hire someone with a felony conviction as a VPSO. Nevertheless, he pointed out that there is regulation that allows the commissioner of DPS or his designee to review any denials in the process by a nonprofit, if the nonprofit requests the review. He said that is what happened in the aforementioned case. He said this case came to his desk after an investigator reviewed the background, which showed that the person interested in becoming a VPSO was from the community, and his father had been a VPSO for over 20 years. The application was the first the department had received from this village since the father had left.

CAPTAIN ARLOW stated that it is challenging to find people who will fill VPSO positions, and the nonprofit organization said the community really supported the selection of the individual as its VPSO; he had only one felony event, and that was twelve years ago. He said he reviewed the case yesterday and it appears it is complex, because the details are unclear. He said there is a letter from the district attorney, who wanted to decline prosecution because of insufficient evidence, but the case went forward and a plea agreement was made to a different level of assault, but it was still a felony. He said it also appears that the information surrounding the event is "a little muddy." He offered further details.

CAPTAIN ARLOW explained that he shared this information as an example not only of why there are guiding regulations, but also why there is a stipulation that allows a commissioner or his/her designee to "look at these on a case-by-case basis to determine" whether each meets "the intent of the law, the letter of the law." He said this is the only individual in the program who has the background of a felony conviction. He said, "We don't make it a practice, but it is something that in this case we did have one." In response to follow-up questions, he reiterated that the person was convicted of a felony, and he said the person is still working as a VPSO and appears to be doing a very good job.

[9:57:20 AM](#)

CHAIR LYNN asked what the entry pay is for a VPSO.

CAPTAIN ARLOW answered it is currently \$25 an hour, and there could be benefit packages included, depending on which nonprofit employs the VPSO. Further, he said in some instances the communities provide housing and stipends for fuel "and other things" for those living in a rural village.

[9:57:56 AM](#)

REPRESENTATIVE HUGHES recollected that the sponsor had said there are currently 93 VPSOs working, and she asked how many villages that covers. Also, she asked how long a rural community might expect to wait until an armed Alaska State Trooper arrived.

CAPTAIN ARLOW answered that currently there are 69 communities serviced by VPSOs; however, some VPSOs are assigned to hub communities that touch other communities beyond those 69. Regarding response time, he relayed that having been the detachment commander for Western Alaska for many years, he can say that there are times Alaska State Troopers have arrived in villages the same day, even within hours of an event. He said there are not enough troopers to respond to all communities simultaneously, but they do their best to respond to calls and have to prioritize them.

REPRESENTATIVE HUGHES said having lived out in Bush communities, response time is a concern. She added, "Thus the need for this legislation."

[10:00:28 AM](#)

CHAIR LYNN said he thinks HB 199 is an important bill.

[10:00:30 AM](#)

CHAIR LYNN closed public testimony.

[10:01:08 AM](#)

CHAIR LYNN reopened public testimony.

[HB 199 was held over.]

[10:01:13 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:01 a.m.