

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 4, 2014

8:05 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**

CONFIRMATION HEARING(S)

State Commissioner for Human Rights

Immanuel Lewis - Anchorage, Alaska

Michele Christiansen - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

Board of Parole

Lonzo Henderson - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

Personnel Board

Johanna "Josie" Hickel - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

Alaska Police Standards Council

Richard Burton - Ketchikan, Alaska

Sergeant Luis Nieves - Wasilla, Alaska

Bernice Troglio - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

Alaska Public Offices Commission

Irene Catalone - Fairbanks, Alaska

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 232

"An Act relating to a voluntary disability designation on a state identification card and a driver's license; and relating to training in recognizing disabilities."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 232

SHORT TITLE: DISABILITY DESIGNATION ON ID/LICENSE

SPONSOR(S): REPRESENTATIVE(S) THOMPSON

01/21/14	(H)	PREFILE RELEASED 1/10/14
01/21/14	(H)	READ THE FIRST TIME - REFERRALS
01/21/14	(H)	STA, FIN
03/04/14	(H)	STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

IMMANUEL LEWIS, Appointee  
State Commission for Human Rights  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the State Commission for Human Rights.

MICHELE CHRISTIANSEN, Appointee  
State Commission for Human Rights  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the State Commission for Human Rights.

LONZO HENDERSON, Appointee  
Board of Parole  
Anchorage, Alaska

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

JOHANNA "HOSIE" HICKEL, Appointee  
Personnel Board  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the Personnel Board.

RICHARD BURTON, Appointee  
Alaska Police Standards Council (APSC)  
Ketchikan, Alaska

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

LUIS NIEVES, Appointee  
Alaska Police Standards Council (APSC)  
Wasilla, Alaska

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

BERNICE "BERNI" TROGLIO, Appointee  
Alaska Police Standards Council (APSC)  
Anchorage, Alaska

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

IRENE CATALONE, Appointee  
Alaska Public Offices Commission (APOC)  
Fairbanks, Alaska

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

JANE PIERSON, Staff  
Representative Steve Thompson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 232 on behalf of Representative Thompson, prime sponsor.

FRANK BOX  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 232.

EMILY LUCAS,  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 232.

JUANITA WEBB

Fox, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 232.

RICHARD WEBB

National Federation of the Blind - Midnight Sun Chapter

Fox, Alaska

**POSITION STATEMENT:** Testified on behalf of the National Federation of the Blind - Midnight Sun Chapter and himself during the hearing on HB 232.

TERESA HOLT, Executive Director

Governor's Council on Disabilities and Special Education (GCDSE)

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 232, with an amendment request.

RODNEY DIAL, Lieutenant

Deputy Commander

A Attachment

Division of Alaska State Troopers

Department of Public Safety (DPS)

Ketchikan, Alaska

**POSITION STATEMENT:** Offered information regarding the process of the Troopers during the hearing on HB 232.

AMY ERICKSON, Director

Division of Motor Vehicles (DMV)

Department of Administration

Anchorage, Alaska

**POSITION STATEMENT:** Talked about what the division would need to do to comply with HB 232.

NANCY MEADE, General Counsel

Central Office

Office of the Administrative Director

Alaska Court System

Anchorage, Alaska

**POSITION STATEMENT:** Answered a question during the hearing on HB 232.

#### **ACTION NARRATIVE**

[8:05:37 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:05 a.m. Representatives Keller, Gattis, Isaacson, Hughes, and Lynn were present at the call to order. Representative Kreiss-Tomkins arrived as the meeting was in progress.

**CONFIRMATION HEARING(S)**  
**State Commission for Human Rights**  
**Board of Parole**  
**Personnel Board**  
**Alaska Police Standards Council**  
**Alaska Public Offices Commission**

[8:06:10 AM](#)

CHAIR LYNN brought before the committee the appointments of Immanuel Lewis and Michele Christiansen to the State Commission for Human Rights, the appointment of Lonzo Henderson to the Board of Parole, the appointment of Johanna "Josie" Hickel to the Personnel Board, the appointments of Richard Burton, Sergeant Luis Nieves, and Bernice Troglio to the Alaska Police Standards Council, and the appointment of Irene Catalone to the Alaska Public Offices Commission. [Included in a committee packet is biographical information related to all eight appointees.]

[8:06:55 AM](#)

IMMANUEL LEWIS, Appointee, State Commission for Human Rights, stated that he has been an Alaska resident for about 3.5 years and is an African-American young professional currently working on a master's degree. He said he has worked with not-for-profit entities that help disadvantaged youths and adults, as well as having worked with the Chamber of Commerce in Orlando, Baltimore, Atlanta, and Anchorage.

MR. LEWIS listed reasons that he would be suited to serving on the State Commission for Human Rights. First, he said he thinks he has a well-balanced view of the way the world works. Second, he said growing up in Georgia, he experienced discrimination firsthand. Third, he indicated that his experience working with small businesses has shown him how they choose what is best for them when choosing employees, contractors, or vendors. He explained that he is interested in serving on the commission so that he can give his opinion on what is balanced and fair in terms of defending both the resident and the business. In response to the chair, he said he was born north of Atlanta.

8:09:18 AM

MICHELE CHRISTIANSEN, Appointee, State Commission for Human Rights, stated that she was born and raised in Alaska and has two adult children. She said she currently works two part-time jobs at MTA Communications, as contract support and assistant facility clearance officer, and at Crystal Clear Compliance, LLC, as a consultant. Previous to that, she said she worked at Cook Inlet Region, Inc., as a legal compliance manager responsible for overseeing the corporation's corporate compliance and governance programs and at the Alaska Native Justice Center, organizing agency and public meetings on issues affecting Alaska Natives. She said she began her career as a deputy clerk for the Alaska Court System, followed by work as a paralegal.

MS. CHRISTIANSEN related that she was one of the first in the U.S. to earn certification as compliance and ethics professional, prior to earning her degree in organizational management and a paralegal certificate. She said she is a member of the Society of Ethics and Compliance, chair of the FEC (ph) Alaska Regional Conference Committee. She chaired the Pro Se Litigant's Subcommittee and co-chaired the Anchorage Native Concerns Committee. She listed involvement with Anchorage United for Youth, the Alaska Civil Justice Steering Committee, the Alaska Criminal Justice Commission, the Department of Health and Human Services, the Anti-Gang & Youth Violence Policy Committee, and the Chugach Electric Association Election Committee. She stated that her breadth of experience in work and community involvement illustrate her strong desire to support the community in which she was raised. She stated her belief that her knowledge, expertise, and strong belief in equality would make her a great addition to the Alaska Commission for Human Rights.

8:11:51 AM

REPRESENTATIVE KELLER noted that the Alaska Commission for Human Rights was not Ms. Christiansen's first choice, and asked her if she would like to comment on that.

MS. CHRISTIANSEN explained that she also interviewed for [a public seat on the Alaska Bar Association's Board of Governors], because she thought her experience would be a good asset there. However, she said she thinks the Alaska Commission for Human Rights has a good mission, in which she strongly believes. She

emphasized her belief in strong ethics and equality in employment practices, housing, and the legal justice system.

REPRESENTATIVE KELLER referred to the "Conflict of Interest" portion of Ms. Christiansen's application [included in the committee packet], which read as follows:

Certain boards and commissions require full disclosure of personal financial data under AS 39.50.010. If required for the board or commission for which you are applying, are you willing to do so?

REPRESENTATIVE KELLER pointed out that Ms. Christiansen had answered "no."

MS. CHRISTIANSEN admitted that was a typographical error, and offered an apology.

REPRESENTATIVE KELLER said he had hoped Ms. Christiansen would have defended the written answer, because he opined that "that disclosure has gone too far."

MS. CHRISTIANSEN said she had initially viewed the question and thought about how much that requirement exposes an applicant; however, she said she thinks "it keeps the balance that's needed." She said unfortunately there are corrupt people that make that balance necessary.

[8:16:20 AM](#)

LONZO HENDERSON, Appointee, Board of Parole, stated he has a bachelor's degree in Sociology from the University of Alaska and a master's degree in adult continued education. He said he has lived in Alaska almost his entire life - long enough to have been called a sourdough. He imparted that he has almost 30 years with the Department of Corrections (DOC), both as a probation parole officer and administrator. He said in 2001 he was a director, with the oversight of 13 district offices and the allocation of budget and resources, and a deputy compact administrator, in charge of transfer supervision to and from Alaska. He said he was instrumental in drafting the new interstate compact, which tracks offenders in all states and jurisdictions that have compacts, to ensure that all people are being supervised adequately.

[8:18:08 AM](#)

MR. HENDERSON said his 30 years of experience have led him to believe that rehabilitation works. He said the Board of Parole's role in this, under Title 33, is to consider requests for early release or people who return after a repeat violation. He talked about the board's process of considering whether a parolee has prepared to re-enter society by completing programs that reduce their risk and having a good institutional record. He listed criteria for being released: isolation, deterrence, and reaffirmation of societal norms. He mentioned the possibility of training and "tying the conditions that we impose on people to their needs." He talked about a consultant, Richard Stroker (ph), with the Parole Research Authority, who is a contract person through the National Institute of Corrections and assists probation authorities nationwide that have parole boards to consider their policies and procedures and ensure they are addressing current issues and updating policies. Mr. Henderson said the board is currently looking at the governor's initiative to update regulations. It is streamlining its condition, for example, by revising the discretionary parole application to make it more user-friendly.

[8:22:15 AM](#)

MR. HENDERSON, in response to questions from Representative Hughes, explained the meaning of two of the acronyms used in his biographical information: OSC means Offender Supervision Program, which is a program that is becoming nonexistent with the emergence of electronic monitoring; and CRC means community residential center - another name for a halfway house. To a follow-up question, he offered his understanding that the seat on the Parole Board for which he is reapplying is a public one.

[8:24:51 AM](#)

REPRESENTATIVE KELLER mentioned a bill in the Senate aimed at making justice smart so that consequences are rapid, sure, and true. He said he appreciates Mr. Henderson's background and understanding of the responsibility in determining risk. He questioned if the Board of Parole is facing a renewal or reform. He said a couple motivators behind the Senate bill are increasing incarceration rates and high recidivism rates. He invited Mr. Henderson to comment.

[8:25:54 AM](#)

MR. HENDERSON offered his understanding that Representative Keller was talking about HB 64, a part of which addresses

"24/7," which is "monitoring of people that have conditions for no alcohol, for example." He said there was a 24/7 project that was funded by grant a number of years ago; it was a good program utilized by the board. He offered his understanding that the department, as well as the Board of Parole, supports anything that will be "an asset for probation parole officers to ensure that people are complying with their conditions." He said he thinks the way a piece of 24/7 would be set up is similar to the way it was before where people can report outside of normal duty hours, which is necessary to ensure that people are in compliance with their condition. He said, "We can't put everyone on electronic monitoring because it's not for everyone, but ... that's another mechanism in order to monitor people to ensure that if they have a no alcohol clause that they are abiding by the condition." He continued:

And the other piece of that is the [Probationer Accountability with Certain Enforcement] PACE program, which is working well on our probation side, and of course the ... [Board of Parole] supports the ... PACE for parole, as well, but keeping in mind that that additional time and effort that board staff will have to do [to] address that. And I ... believe from talking to our deputy commissioner and commissioner that they're all on board and are aware ... of what the issues are ... as the bill goes forward.

[8:28:12 AM](#)

JOHANNA "HOSIE" HICKEL, Appointee, Personnel Board, stated that she is a lifelong Alaskan. She said she has been in human resources for over 20 years and has a degree in business administration, with a concentration in human resources. She said she also became certified as both a senior professional and global professional of human resources. She said she currently serves on the Alaska Miners Association, and is the co-chair of the Human Resources and Work Force Development Committee. Further, she said she has served on the Alaska Process Industry Career Consortium for about five years, and was the immediate past chair. She relayed that she currently works for the Pebble Partnership as the vice president of human resources and administration for over five years. Prior to that, she worked for the Wilson Agency, LLC, which does business in employee benefits. Before that she worked for Petro Marine Services, which is a petroleum distribution company with approximately 15 locations throughout Southcentral and Southeast Alaska and the Yukon Territory. She said she has been in both human resources

and general administration for many years, but the former is where she hangs her hat.

MS. HICKEL stated her interest in serving on the Personnel Board stems from her strong volunteer spirit and experience. She said she thinks everyone has "a strong responsibility to give back." She said she supports the state and its due process. She said she loves to see people working successfully, and she emphasized the importance for the state to uphold employment law, as well as fair and equitable employment practices and policies and ethical behavior. In addition to her role in human resources, she said, she also oversees compliance in ethics with her company, as well as legal and risk management issues, and she understands the need to ensure a "fair and equitable process in these areas."

8:31:15 AM

RICHARD BURTON, Appointee, Alaska Police Standards Council (APSC), stated that his entire adult life has been spent in the area of public safety and law enforcement, beginning before any police standards or qualifications were in place. He said years ago a person who could afford his/her own gun and uniform could go to work for the police department. Mr. Burton said that bothered him, because he saw certain individuals, including police chiefs, go to jail for misconduct. He said he became a captain of the Division of Alaska State Troopers and worked with Pat Wallington (ph), the chief of police at the time, on establishing minimum standards for law enforcement. He said with the help of then Senator Bill Ray, the Police Standards bill was passed in 1971.

MR. BURTON said he served as the commissioner of the Department of Public Safety under former Governors Jay Hammond and Walter Hickel, and started a training academy with a serious focus on training standards and psychological testing - things that were never done before. He related that he retired in 1995, and has served several terms as public member of the Alaska Police Standards Council. He pointed out that during his eight years as commissioner he served on the council in the seat held for the commissioner.

MR. BURTON said currently [the council] is rewriting and updating statutes and regulations in an effort to keep them current, and it will bring the ideas before the legislature. He mentioned the challenge of working with "the various public employees' associations." He said if he does get confirmed,

this will be his last term on the council. Mr. Burton stated that he finds his historic perspective helpful in serving on the council. For example, sometimes people come up with great ideas that were tried 20 years previously and did not work. He said one issue that needs work right now is the Village Public Safety Officer (VPSO) program. He stated, "I really resented the federal task force not talking to some of us in the state to do something about that program when they were here and then ... saying how bad law enforcement is and packing up and go home." He expressed his availability to help.

[8:34:45 AM](#)

REPRESENTATIVE HUGHES noted in Mr. Burton's biographical information that he also brings to the council international experience, because he is a lifetime member of the International Chiefs of Police and appears to have done work with Russia, Turkey, and Canada. She asked Mr. Burton to expound upon his international experience and share how it may apply to his work on the Alaska Police Standards Council.

[8:35:21 AM](#)

MR. BURTON relayed his experience as a [public safety advisor] in Vietnam, in 1971. He said the military did not have people with the background and expertise to work with civilian police. He said he worked with Saipan, when it became a territory and elected its first governor. He then worked as head of law enforcement administrative services for an Indian reservation in Oregon. He said law enforcement is much the same everywhere; the difference is in customs and cultures. Training is the biggest need everywhere. He indicated there have been multiple attempts from the public employees' sector to "water down some of the things instead of holding it to a better standard that we've been trying to create." He said there are bad policemen, and he opined, "I don't think we ought to be letting up on that."

[8:37:41 AM](#)

REPRESENTATIVE HUGHES ventured that human nature is much the same around the globe; therefore, she was not surprised by Mr. Burton's comments.

[8:37:56 AM](#)

MR. BURTON, in response to the chair, related other experiences in Vietnam.

[8:38:45 AM](#)

LUIS NIEVES, Appointee, Alaska Police Standards Council (APSC), said he was born and raised in New York City. He joined the U.S. Navy at the age of 17.5 and served for four years. After a 3-year hiatus, he followed his interest in law enforcement and joined the U.S. Coast Guard, where he traveled the world and put to use his fluent Spanish. Mr. Nieves related that he then wished to experience Alaska and, directly after [the terrorist attacks of September 11, 2001], was assigned to protect Alaska's oil resource at the Valdez terminal. In 2004, he was given the opportunity to "stand up" the Maritime Safety Security Team in Anchorage.

MR. NIEVES stated that in 2006, he began his career with the Division of Alaska State Troopers in Palmer, first as a patrol trooper and then as a member of the Driving Under the Influence (DUI) Enforcement Team, now known as the Bureau of Highway Patrol. Following that, he served as a member of the Child Abuse Investigations Unit within the Alaska Bureau of Investigation, during which time he also served as the law enforcement liaison for the Matanuska-Susitna (Mat-Su) Crime Stoppers program. Mr. Nieves said following that he transferred to Kotzebue, Alaska, where he was the oversight trooper for the village of Selawik, and where he learned to work successfully with tribal, elder, and city councils, and he appointed two recruitment sergeants for DPS. Mr. Nieves said currently he recruits for the following: Alaska state trooper, Alaska wildlife trooper, court service officer, and fire marshal.

MR. NIEVES stated his belief that all his experience makes him a strong asset to the Alaska Police Standards Council, because he understands what it takes to wear the uniform - to be a law enforcement officer in Alaska. He said he sees 3,000 to 4,000 people a year attempt to become law enforcement officers. He said he knows how important it is for law enforcement officers to maintain high standards. He indicated that Alaska's standards are higher than those of some other states, and he said he would like to see them remain that way.

[8:44:18 AM](#)

BERNICE "BERNI" TROGLIO, Appointee, Alaska Police Standards Council (APSC), stated that she has both a bachelor's degree in

psychology and an associate's in applied science in chemical dependency counseling. She said she moved to Alaska approximately in 1992. She said she currently holds the vice chair seat on the Alaska Police Standards Council and said she is humbly asking to retain that seat. She said her biographical information shows that she has extensive experience working with the sex offender criminal population, providing organization, support, and supervision to probation officers statewide, and volunteering her services to the community, while upholding the highest code of ethics, both personally and professionally.

MS. TROGLIO relayed that she has designed, delivered, and evaluated organizational training sessions and programs throughout her career, the focus of which have been on the understanding and consistent application of policies and procedures. She said she has been able to develop best practices that have improved statewide sex offender supervision and assisted them and the department in meeting goals. She stated that she has been an Alaska police standards certified probation/parole officer since January 1999, and since then her behavior on and off duty has never been questioned. She stated her desire is to build upon her overall effectiveness and efficiency in law enforcement by working with the Alaska Police Standards Council in ensuring the ethical behavior of every law enforcement professional. She said that desire matches the mission of the Alaska Police Standards Council, which is to produce and maintain professionals capable of meeting law enforcement standards.

[8:47:45 AM](#)

IRENE CATALONE, Appointee, Alaska Public Offices Commission (APOC), stated that she is seeking to serve as a public member on the Alaska Public Offices Commission (APOC). She stated her belief that her background and experience qualify her to serve in this voluntary position. She said she believes in public service, and she expressed her hope that she would be given the chance to continue this public service to the State of Alaska.

CHAIR LYNN closed public testimony on the confirmation hearings.

[8:48:51 AM](#)

REPRESENTATIVE KELLER moved to forward the names of Immanuel Lewis and Michele Christiansen, appointees to the State Commission for Human Rights; Lonzo Henderson, appointee to the Board of Parole; Johanna "Josie" Hickel, appointee to the

Personnel Board; Richard Burton, Sergeant Luis Nieves, and Bernice Troglio, appointees to the Alaska Police Standards Council; and Irene Catalone, appointee to the Alaska Public Offices Commission, to the joint session of the House and Senate for confirmation. There being no objection, the confirmations of Immanuel Lewis, Michele Christiansen, Lonzo Henderson, Johanna "Josie" Hickel, Richard Burton, Sergeant Luis Nieves, Bernice Troglio, and Irene Catalone were advanced from the House State Affairs Standing Committee.

**HB 232-DISABILITY DESIGNATION ON ID/LICENSE**

8:50:10 AM

CHAIR LYNN announced that the final order of business was HOUSE BILL NO. 232, "An Act relating to a voluntary disability designation on a state identification card and a driver's license; and relating to training in recognizing disabilities."

8:50:34 AM

JANE PIERSON, Staff, Representative Steve Thompson, Alaska State Legislature, presented HB 232 on behalf of Representative Thompson, prime sponsor. She stated:

The goal of HB 232 is to assist in communications between justice professionals, law enforcement professionals, emergency responders, and other agencies that may interact with people who have hidden disabilities, whether these individuals encounter the system as victims, witnesses, or alleged perpetrators. Hidden or invisible disabilities are those physical or mental impairments that are not readily apparent to others. They include such conditions as intellectual disabilities, traumatic brain injuries, mental health conditions, epilepsy, hearing impairment, [fetal alcohol spectrum disorders] FASD, autism, and post-traumatic stress disorder.

MS. PIERSON said HB 232 has two components. The first would be to institute a voluntary statewide identification (ID) system, which would discretely inform officials that the individual with whom they are interacting has a hidden disability. She said the indicator would be "intentionally unobtrusive," similar to the water mark currently used on the Alaska ID card and driver's license to indicate an organ donor. An individual would have the option to display a larger indicator, for example, on

his/her vehicle. She said one woman in Fairbanks wears a certain vest as an indicator.

MS. PIERSON relayed that the second component in HB 232 would be to require training of all justice professionals, law enforcement professionals, emergency responders and other agencies to recognize a person with a hidden disability and to learn to appropriately interact with that person. She relayed that the sponsor was still working on the training component of HB 232. She said the original idea was to have the Governor's Council of Disabilities and Special Education be responsible for the training, but said "unfortunately, this is not a good fit, and we're working to find the right departmental organization to oversee this portion of the bill." She stated that it is the sponsor's intent that the training portion of HB 232 be a short, computer-based, educational program that will give basic instruction and provide resources for further education or information.

[8:53:25 AM](#)

MS. PIERSON said the Ninth Circuit Court has just held for the first time that Title 2 of the Alaskans with Disabilities Act is applicable to arrest and to police investigations. Specifically, she said, the court notes that there are two types of Alaskans with Disabilities claims for policies investigators and arrests. The first, she said, is wrongful arrest, which is when the police arrest someone with a disability, because they misperceive the effects of that disability as criminal activity. The second is reasonable accommodation, which is when police properly investigate and arrest a person with a disability for a crime unrelated to the disability, they fail to reasonably accommodate the person's disability in the course of the investigation or arrest, causing the person to suffer greater injury or indignity in the process than other arrestees.

[8:54:25 AM](#)

MS. PIERSON said people with hidden disabilities can face many disadvantages when interacting with the criminal justice system. She said disabled people may not want their disabilities recognized, so they try to hide them. She said, "This would hopefully make it more open for people to discuss that they do have a disability." She listed other disadvantages as follows:

They may not understand commands.

They may be overwhelmed by the presence of authority.

They may have trouble processing or remembering information.

They may not be able to follow instructions and may be perceived as belligerent or unmotivated.

They may have a low level of frustration, causing them to act out in anger.

They may not understand why they are being detained and try to run away or become upset or combative.

They may have difficulty remembering or describing details, actions, or facts.

They may not understand what they are agreeing to.

They may be easily led or persuaded by others.

They may eagerly confess in order to please or answer questions in ways they think will please who they are talking with.

MS. PIERSON said understanding that a person [has] a disability is the first step to creating equality with those with hidden disabilities when they interact with police officers, first responders, or court officers. She said without the knowledge that the person has the hidden disability, reasonable accommodations cannot be provided.

[8:55:41 AM](#)

MS. PIERSON covered the bill sectional, which read as follows:

Section 1. Adds a new section to AS 18.08 That directs an emergency medical service system to provide its employees training in recognizing hidden disabilities.

Section 2. Adds a new section to AS 18.65.310 Providing that a person may voluntarily designate on their State of Alaska Identification Card that they have a disability.

Section 3. Adds a new section to AS 18.65 - Training in Recognizing Disabilities. Providing the framework for establishing the disability training program.

Section 4. AS 18.70.020 is amended instructing the Department of Public Safety to provide a training program to recognize and interact with a person with a hidden disability.

Section 5. AS 22.20 is amended by adding a new section - Instructing the Alaska Court System to provide

training in recognizing and interacting with people with hidden disabilities.

Section 6. AS 28.15.111 is amended by adding a new subsection, providing that a person may voluntarily designate on their Alaska State Driver's License a disability designation and the fee that the department can charge.

[8:56:37 AM](#)

CHAIR LYNN related an incident that happened when he served as a police officer in Tucson, Arizona, in which a man was arrested for being drunk in public, when actually the man was experiencing a diabetic coma. He asked Ms. Pierson if the proposed bill would protect someone in that situation.

MS. PIERSON confirmed that the intent of the bill is to provide awareness that there is a problem, thus making the first communication with the person non-combative and more understanding.

[8:57:47 AM](#)

REPRESENTATIVE KELLER questioned whether one designator would be enough for the broad range of disabilities when "it's dependent upon the communication between the disabled person and ... whoever needs to have the information."

MS. PIERSON answered that there is a universal symbol, and that or something similar could be used as the designator. She indicated that research for HB 232 revealed that there are already many training programs in existence. She offered her understanding that that is reflected in the fiscal notes [included in the committee packet].

[8:58:38 AM](#)

REPRESENTATIVE KELLER noted that the cost of the bill is tied to the Division of Motor Vehicles and "getting the mechanical part of it done." He said he was pleased that the entities that would have to respond to the proposed bill have indicated their support of it.

MS. PIERSON responded that is true; however, she said she thinks there is still more work to do with the departments to ensure

those actually working with the public have the necessary training.

[8:59:18 AM](#)

REPRESENTATIVE HUGHES asked if a physical disability would include medical conditions. Further, she asked for an explanation of the difference between cognitive and mental disabilities.

MS. PIERSON responded that under HB 232, diabetes would be a hidden disability. She said HB 232 was brought to the sponsor by the local disability community in Fairbanks. She said she found it interesting that that community addressed "all sorts of things." She added, "So, ... a hidden disability can cross all sorts of lines."

REPRESENTATIVE HUGHES questioned whether the word "medical" needs to be added. She then asked if other states have passed similar legislation.

[9:00:55 AM](#)

MS. PIERSON answered that she did not know, but would find out.

[9:01:06 AM](#)

CHAIR LYNN said whether or not alcoholism is a disease has long been debated. He asked if, under HB 232, someone could designate him/herself as an alcoholic who is unable to drink responsibly.

MS. PIERSON answered that that is not intent of bill.

CHAIR LYNN suggested that could be an unintended consequence.

[9:01:36 AM](#)

REPRESENTATIVE KELLER directed attention to the second sentence in the analysis section of the fiscal note from the DMV [provided in the committee packet], which read as follows [original punctuation provided]:

Proof of the disability (cognitive, mental, neurological, or physical) must be provided at the time of the request and must be issued by a person licensed as a medical doctor or physician assistant

under AS 08.64, an advanced nurse practitioner under AS 08.68, or a licensed psychologist under AS 08.86.

REPRESENTATIVE KELLER ventured that someone who had a problem with alcohol would not be given the designation without both asking for it and getting documentation from a doctor.

MS. PIERSON concurred.

[9:02:29 AM](#)

REPRESENTATIVE GATTIS said she was thinking about the many differences of people. She said she has friends who stutter. She offered her understanding that the proposed legislation would encourage a heightened sensitivity in first responders to discover another reason for a person's behavior. She related that she is the legal guardian of her father-in-law, who is diabetic, and he wears something around his neck that lets first responders know to call her. She said there was a situation where her father-in-law had not fallen in to a coma, but was acting "really goofy," and that situation could have gone wrong, but did not. Representative Gattis asked Ms. Pierson to talk about the impetus for HB 232.

[9:04:40 AM](#)

MS. PIERSON indicated that Representative Thomas held meetings with "the disability services people in Fairbanks" in the summer of 2013. Local stories were relayed. She said no one was at fault; it was "misperceived from the get-go." She relayed that the bill sponsor is trying to provide an avenue for a first line of communication.

[9:05:32 AM](#)

REPRESENTATIVE KREISS-TOMKINS said he is also curious to know if similar legislation exists in other states. He then opined that Section 2 makes sense, because it seems to solve a problem. He said Sections 3-5 give him pause, because he believes in frugality when it comes to statutes. He questioned whether requiring training could best be accomplished through a dialog with the departments, through more informal means. He recollected conversations with school board members and superintendents who have talked about the onerous accumulation of regulation and law over decades. He clarified that "while all of this is wonderful and important," he questions establishing the proposed training programs by law.

[9:07:18 AM](#)

MS. PIERSON indicated that a next step may be to gather those people who work with those with disabilities to discuss exactly what sort of training is needed and decide whether that needs to be in statute or how it needs to be referenced, as well as to find out "what is already being done."

[9:08:46 AM](#)

REPRESENTATIVE KELLER recalled that Representative Gattis had mentioned people who stutter. He directed attention to language in Section 6, on page 3, lines 14-15, of HB 232, which read: "the owner has a disability, including a cognitive, mental, neurological, or physical disability, or a combination of them." He said he thinks the DMV needs to know that the scope of possibilities would not be limited by a licensed doctor. He opined that the language is clear.

[9:10:07 AM](#)

REPRESENTATIVE HUGHES said she appreciates the list, but would like to know what a medical professional may or may not include. For example, one doctor might include alcoholism and another might not. She said there is nothing that would prevent a person who is, for example, a diabetic from wearing special identification indicating his/her condition. She questioned whether there is a way for a person to carry that ID without the state's involvement. She asked, for example, if there might be a national organization already in existence.

[9:11:34 AM](#)

REPRESENTATIVE GATTIS indicated that just because one doctor may consider alcoholism a disability that does not mean it is all right for the person to be drinking and driving. She said she thinks the first responder would note the disability but still tell the person if they are doing something against the law, and she said she does not think the bill would change that.

MS. PIERSON responded that Representative Gattis is correct that a person, whether or not with a disability, would be punished for a crime.

[9:13:27 AM](#)

CHAIR LYNN ventured there would not be enough room on a driver's license or state ID to include a description of a person's disability; therefore, he questioned how a first responder would be able to figure it out.

MS. PIERSON confirmed that there is not enough room on the license to include the information, but she surmised that the first responder would ask the person to find out what kind of disability he/she had. She said she would need to talk to [the director of the DMV], Amy Erickson, to find out if the signifier on the driver's license or state ID would be linked in to the division's database.

CHAIR LYNN pointed out that it had been impossible to talk to the aforementioned man in the diabetic coma.

[9:15:02 AM](#)

REPRESENTATIVE HUGHES said she would be interested to know if the signifier on the ID would be linked in to the DMV's database. She asked if part of the proposed training for first responders would be to ask the person with the signifier on the driver's license or state ID what his/her disability is.

MS. PIERSON answered she hoped it would be. She indicated she would need to find out if there would be any issues related to the Health Insurance Portability and Accountability Act (HIPAA), because the DMV would receive a letter from a doctor regarding the disability.

[9:16:53 AM](#)

FRANK BOX testified that he is a two-time brain cancer survivor who has experienced sensory processing disorder. He said he facilitates a head injuries support group in Anchorage, Alaska. He said when [a first responder] shines a light into a car, that light will bother most people's eyes, but it can induce a seizure in some individuals. He relayed that the support group has given cards to its members, but the act of reaching into a coat pocket for the card can appear threatening to an officer; therefore, if the aforementioned icon were placed on the person's driver's license, it would give the officer a heads up to either check for a medical alert bracelet or ask further questions. He said strobe lights [from a police vehicle] could cause someone to appear drunk or impaired. He stated that if the person is then asked to get out of the vehicle and cannot use his/her vision to balance, he/she will fall down and appear

even more inebriated, and may become upset because the officer is asking for something that could harm the person. He stated, "A little bit of understanding at the beginning would help a lot." He said he has appeared "out of it," and when people ask him questions he gives them his medical history.

MR. BOX spoke of one man who could type 40-50 words a minute, but could not talk because of a problem with stuttering. He indicated that the man did just fine using a communication board, which Mr. Box indicated was supplied by the support group. He said the man, who had a drug problem, did not drive but traveled by bus. If he was asked a question while on the bus, he would have to dig in to his backpack to get his tablet, which would result in the man being tackled; therefore, the support group made the man a card to wear on a lanyard, and when he showed the card, he would then be allowed to reach into his backpack for the tablet. He indicated that the man on the bus with the lanyard and tablet is an example of giving someone the space he/she needs before reacting.

MR. BOX remarked that police officers have a tough job, and he stated that "their first duty is to come home alive to their family." He said, "I work with that population now, so I can really appreciate it, but I can appreciate it from the point of being up here. So, I hear about it all the time."

[9:20:04 AM](#)

MR. BOX, referring to previously expressed concerns about alcoholism as a disability and drunk driving, said, "I don't think this should be a get-out-of-jail free card." He said he knows how even a little bit of alcohol affects him, and he does not like it. He talked about people in the support group claiming that they only drank one beer six hours ago, and he said they should know better than to drink at all when they have a neurological impairment. Mr. Box opined that a person who knows he/she should not drink but does so and breaks the law by driving while intoxicated or being drunk in public is "probably done" and gets what he/she deserves and "ruins it for the rest of us."

MR. BOX stated, "I'm an advocate, and I'm a survivor, and I would really appreciate this bill being passed." He recommended the committee investigate some of the crisis intervention teams that are working with the Anchorage Police Department (APD). He indicated that he and Wendy Shackelford (ph) offer training on the last day of the crisis intervention team training. He said

it is a great program, and he offered his understanding that it is voluntary. He related that over 120 police officers in Anchorage have completed the training.

[9:22:08 AM](#)

EMILY LUCAS stated that she is a 33-year-old woman who, while working as a rafting guide in Denali National Park and Preserve a year and a half ago, suffered a (indisc.) that resulted in a stroke. She said she is doing well, although she has hidden cognitive and neurological disabilities, which she indicated are not expected in someone her age or just by looking at her. She related an incident in Colorado, last September, during the floods, when she ended up walking to an area that she did not realize had been closed off by police, and she was almost arrested, because she was not able to process the officer's direction and move quickly enough. She said she did not explain her disability, because she did not want to complicate the situation, but she was able to apologize and move on and avoid arrest. She said she has heard stories of people who have been arrested in similar situations.

[9:25:08 AM](#)

MS. LUCAS, regarding the idea of wearing a card, said she has heard of situations where officers are not able to verify that the card is from a reputable source, which she said she understands, and the situations have resulted in arrest. She expressed appreciation of the proposed legislation, especially the treatment of people with hidden disabilities as a great way to open the dialog "to explain these things," not only from the perspective of first responders and courts, but also from the perspective of the victims or survivors.

[9:26:31 AM](#)

REPRESENTATIVE GATTIS said she agrees with Ms. Lucas, with the exception of her remarks about the card. She said she thinks all first responders would look at a card, which would give them pause to "look deeper." Further, she said a tag on the driver's license or state ID would have merit. She opined that any time an individual indicates to others "what may be a problem or a concern," he/she has done a better job of communicating.

[9:27:56 AM](#)

JUANITA WEBB stated that she is part of "Wall Busters," an advocacy group in Fairbanks that helped bring the proposed legislation forward. She indicated that she has trouble with the idea of wearing a card announcing a disability. She explained, "If I have a hidden disability, I'm going to try to live my life as normally as I can." She opined that a person with a disability has the right to privacy. She recollected that someone had spoken of people having the cards without the state getting involved. She said, "I think it's more than that. It's the combination of the card and the training together. ... You can have everybody work hard, but if there's not training behind that that tells people how to interact or what symptoms some of these disabilities may create, we're not solving anything at all."

[9:29:47 AM](#)

RICHARD WEBB, National Federation of the Blind - Midnight Sun Chapter, stated that he was testifying on behalf of the National Federation of the Blind - Midnight Sun Chapter and himself. He said he is involved in many committees throughout the state. He said there are many key words in the proposed legislation that the federation likes. One is "discreet". He said the disabled population is vulnerable, and wearing a placard tells everybody, whether good-intentioned or not, about the disability. He said he is legally blind and carries a white cane; therefore, he already shows any onlooker that he has a disability. Nevertheless, he said he is amazed how many people do not know the meaning of a white cane. He said he has not had many interactions with law enforcement or the court system, but emphasized the importance of training both. He highlighted that under HB 232, the wearing of a card to signify a disability would be voluntary. He said the blind community wants to be treated equally.

MR. WEBB said he has heard various stories about people with disabilities who were arrested or close to arrested because police officers made an assumption based on their speech or walk, for example. He said those who do not know the significance of his white cane or wrap-around sunglasses may think that he is looking at them, because he is not completely blind. He said that in fact, a very small portion of the blind population is 100 percent blind. He stated his belief that [HB 232] is a great step forward. He noted that there is nothing really to model the bill after; there is something similar in the State of Illinois, but "it is not quite the same as this

bill would create." He said the proposed bill is not "a fix-all," but reiterated that it is an important step.

[9:34:25 AM](#)

CHAIR LYNN noted that his mother had undergone a laryngectomy at one point, and he commented on the tendency of some to speak louder to a person who cannot speak, forgetting that there is nothing wrong with the person's hearing.

[9:35:11 AM](#)

TERESA HOLT, Executive Director, Governor's Council on Disabilities and Special Education, testified that the council supports HB 232, but respectfully asked the committee to remove the council's name from the language [in subsection (b)], on page 2, beginning on line 17, which read as follows:

(b) In providing a training program under this section, each agency or institution offering a police training program shall consult with the Governor's Council on Disabilities and Special Education established under AS 47.80.030.

MS. HOLT explained that the council's main purpose under federal law is to advise the state regarding the needs and systems changes for individuals with intellectual and developmental disabilities, which is only a fraction of all the individuals that may have disabilities. The council would not, for example, feel qualified to address the needs of someone who is diabetic or someone with a mental health issue. Ms. Holt indicated her support of an earlier comment regarding the APD, and suggested that either the APD, with its extensive program, or the Alaska Mental Health Trust Authority (AMHTA) could give better direction; however, she said no one entity covers all disabilities.

[9:37:34 AM](#)

MS. PIERSON reiterated that the sponsor is working on finding a go-to source. In response to the chair, she said she does not disagree with [Ms. Holt].

[9:39:36 AM](#)

RODNEY DIAL, Lieutenant, Deputy Commander, A Attachment, Division of Alaska State Troopers, Department of Public Safety,

stated that the division does train its officers to look for any indication of illness, disability, or injury as part of the investigative process. The reports done when someone has been stopped for DUI have checklists, whereby the officer would document any signs of injury or disability. He told the committee that additionally any person who is brought into the department who complains of illness or injury is taken in for medical clearance before he/she is incarcerated. If the illness or injury is severe, the division will usually wait until treatment is complete before arresting the individual "to protect the state from paying for medical services." He said there are some limitations on what the Alaska Public Information System - used by the DMV and law enforcement - can store, regarding medical conditions. For example, when the division deals with individuals with known infectious diseases, it uses a general system of notification with universal precautions and then leaves specific medical information off the system to protect the individual's privacy.

LIEUTENANT DIAL said if, under HB 232, a person's disability was indicated on his/her driver's license, the division may have some question as to what types of medical questions could be asked. He concluded, "If we suspect any in the field, for example, prior to giving field sobriety testing, we will certainly ask those currently." He offered to answer questions.

[9:41:30 AM](#)

REPRESENTATIVE HUGHES noted that the Alaska Police Officers Association expressed concern in a letter about the proposed bill, and the association argued that it is currently offering training programs. She asked Lieutenant Dial if there is anything in the bill that he would want changed and whether he feels that the Division of Alaska State Troopers is already ascertaining in every situation whether there may be a disability.

[9:42:14 AM](#)

LIEUTENANT DIAL said he would expect officers to use common sense in looking for "any evidence of anything." He offered his understanding that HB 232 would require the department to develop training, perhaps in consultation with the Governor's Council on Disabilities [and Special Education] or some other entity that meets the qualifiers in the bill. He said his search of various law enforcement jurisdictions across the country indicates that "training of this nature usually averages

about four hours in length for those areas that provide it." He said the department anticipated it could develop a training video or in-house training program that would allow compliance with HB 232, with no fiscal impact. He indicated that the division's only concern would be that a requirement for training beyond that could be a fiscal burden. He noted that in other jurisdictions, the training seemed to center around how people with disabilities might react to a situation, wherein actions are misinterpreted as aggressive, which would lead to an escalation and use of force situation. He said those are elements that would be taken into consideration as a training program was developed to teach at the Public Safety Academy and Safe Fire Service Training Program.

[9:44:14 AM](#)

AMY ERICKSON, Director, Division of Motor Vehicles (DMV), Department of Administration, stated that the DMV would have no problem implementing HB 232. She said Representative Keller is correct that the DMV would have to expand its database to include a new field for the designator, and estimates doing so would take approximately 320 program hours and \$45,000. She said it is difficult to estimate how many Alaskans would volunteer for the designator; therefore, it did not offset its fiscal note [included in the committee packet] with any revenues that may be generated. She stated that the proposed legislation would require DMV employees to review potentially sensitive medical documents in order to authenticate a disability; therefore, it would recommend language included in the bill so that the DMV could develop the application in such a manner such that medical providers could sign off on the person's qualifying disability. She offered to answer questions. In response to Representative Hughes, she said she does not anticipate that under HB 232 the DMV would be a repository for any medical information, but would just make the indication in its records that the person with the disability would get that designation.

[9:46:26 AM](#)

REPRESENTATIVE HUGHES recollected that someone had mentioned a need to exclude some members of the court system that do not interface with the public. She questioned if language may need to be changed in HB 232 to address that issue.

[9:46:45 AM](#)

NANCY MEADE, General Counsel, Central Office, Office of the Administrative Director, Alaska Court System, referred to [Section 5 of the bill, on page 3, lines 7-10, which read as follows]:

**\*Sec.5.**AS 22.20 is amended by adding a new section to article 1 to read:

**Sec. 22.20.038. Training in recognizing disabilities.** The administrative director of the Alaska Court System shall provide to judicial officers and employees training that meets the requirements of AS 18.65.350.

MS. MEADE said the Alaska Court System has approximately 800 employees, many of whom work in technological services and do not have contact with the public and perhaps could be excluded from the proposed bill. She said she has suggested that using the phrase "court clerks who contact with the public" might fulfill the sponsor's intent.

[9:48:06 AM](#)

MS. PIERSON expressed her hope to work with all parties in perfecting the proposed legislation.

[9:48:32 AM](#)

REPRESENTATIVE HUGHES clarified that she had played devil's advocate through some of her questions, but has compassion on this issue and understands from reading the information in the committee packet that there have been some actions taken and arrests involving people with disabilities that should not have occurred, and "something like that could possibly eliminate or at least reduce some of that from happening." She expressed appreciation for the sponsor's bringing forward the proposed legislation.

[9:49:14 AM](#)

REPRESENTATIVE GATTIS suggested that the testimony today has shed light on the issue, and she expressed appreciation to the bill sponsor and Ms. Pierson.

[9:49:50 AM](#)

CHAIR LYNN closed public testimony.

CHAIR LYNN announced that HB 232 was held over.

[9:50:19 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:50 a.m.