

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 4, 2014

9:01 a.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Cathy Giessel, Vice Chair
Senator John Coghill
Senator Bill Wielechowski

MEMBERS ABSENT

Senator Bert Stedman

COMMITTEE CALENDAR

CONFIRMATION HEARINGS:

Department of Public Safety

Gary Folger- Commissioner

Alaska Police Standards Council

Luis Nieves

Alaska Public Offices Commission

Irene Catalone

- CONFIRMATIONS ADVANCED

SENATE BILL NO. 182

"An Act relating to salary differences in collective bargaining agreements subject to the Public Employment Relations Act that are based on a difference in the cost of living outside the state and the cost of living in the state; and providing for an effective date."

- MOVED SB 182 OUT OF COMMITTEE

SENATE BILL NO. 98

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

- MOVED SB 98 OUT OF COMMITTEE

SENATE BILL NO. 141

"An Act relating to vehicle registration fees for members of the Alaska National Guard."

- MOVED SB 141 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 182

SHORT TITLE: PUBLIC EMPLOYEE SALARY DIFFERENTIALS

SPONSOR(s): SENATOR(s) DYSON

02/19/14	(S)	READ THE FIRST TIME - REFERRALS
02/19/14	(S)	STA
02/25/14	(S)	STA AT 9:00 AM BUTROVICH 205
02/25/14	(S)	Heard & Held
02/25/14	(S)	MINUTE(STA)
02/27/14	(S)	STA AT 9:00 AM BUTROVICH 205
02/27/14	(S)	Heard & Held
02/27/14	(S)	MINUTE(STA)
03/04/14	(S)	STA AT 9:00 AM BUTROVICH 205

BILL: SB 98

SHORT TITLE: VPSO FIREARMS

SPONSOR(s): SENATOR(s) OLSON

04/05/13	(S)	READ THE FIRST TIME - REFERRALS
04/05/13	(S)	CRA, STA
02/11/14	(S)	CRA AT 3:30 PM BUTROVICH 205
02/11/14	(S)	Heard & Held
02/11/14	(S)	MINUTE(CRA)
02/13/14	(S)	CRA AT 3:30 PM BUTROVICH 205
02/13/14	(S)	Moved SB 98 Out of Committee
02/13/14	(S)	MINUTE(CRA)
02/14/14	(S)	CRA RPT 4DP
02/14/14	(S)	DP: MICCICHE, EGAN, BISHOP, GIESSEL
02/14/14	(S)	FIN REFERRAL ADDED AFTER STA
02/27/14	(S)	STA AT 9:00 AM BUTROVICH 205
02/27/14	(S)	Heard & Held
02/27/14	(S)	MINUTE(STA)
03/04/14	(S)	STA AT 9:00 AM BUTROVICH 205

BILL: SB 141

SHORT TITLE: NATIONAL GUARD ID & VEHICLE FEES

SPONSOR(s): SENATOR(s) WIELECHOWSKI

01/27/14	(S)	READ THE FIRST TIME - REFERRALS
01/27/14	(S)	STA, FIN

02/27/14 (S) STA AT 9:00 AM BUTROVICH 205
02/27/14 (S) Scheduled But Not Heard
03/04/14 (S) STA AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

GARY FOLGER, Acting-Commissioner
Alaska Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Addressed questions regarding his appointment as Commissioner for the Alaska Department of Public Safety.

IRENE CATALONE, Commission Member Candidate
Alaska Public Offices Commission
Alaska Department of Administration
Fairbanks, Alaska

POSITION STATEMENT: Addressed questions regarding her appointment to the Alaska Public Offices Commission.

LUIS NIEVES, Council Member Candidate
Alaska Police Standards Council
Alaska Department of Public Safety
Wasilla, Alaska

POSITION STATEMENT: Addressed questions regarding his appointment to the Alaska Police Standards Council.

KELLY ALZAHARNA, Executive Director
Alaska Police Standards Council
Juneau, Alaska

POSITION STATEMENT: Addressed questions regarding the Alaska Police Standards Council.

WILLIAM MILKS, Attorney
Civil Division-Labor and State Affairs
State of Alaska Department of Law
Juneau, Alaska

POSITION STATEMENT: Addressed departmental questions regarding SB 182.

DAVID SCOTT, Staff
Senator Olson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented an overview of SB 98.

SERGEANT CHRIS GIFFORD, Municipal Board President-Juneau

Public Safety Employees Association
Juneau, Alaska

POSITION STATEMENT: Announced that SB 98 should include additional training for Village Public Safety Officers (VPSO).

JAKE METCALFE, Executive Director
Public Safety Employee Association
Anchorage, Alaska

POSITION STATEMENT: Announced that SB 98 should include additional training for VPSOs.

MONICA SOUTHWORTH, Staff
Senator Wielechowski
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions regarding an amendment to SB 98.

MIKE COONS, representing himself
Palmer, Alaska

POSITION STATEMENT: Supports SB 98 and addressed liability insurance and departmental responsibilities.

MONICA SOUTHWORTH, Staff
Senator Wielechowski
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an overview and answered questions for SB 141.

AMY ERICKSON, Director
Division of Motor Vehicles
Alaska Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Addressed questions for SB 141.

STEPHEN BURRIS, President
Alaska National Guard Enlisted Association
Anchorage, Alaska

POSITION STATEMENT: Supports SB 141.

ACTION NARRATIVE

[9:01:32 AM](#)

CHAIR FRED DYSON called the Senate State Affairs Standing Committee meeting to order at 9:01 a.m. Present at the call to order were Senators Giessel, Wielechowski, and Chair Dyson.

[9:02:07 AM](#)

CHAIR DYSON reviewed the committee calendar and said his intention is to move all of the scheduled bills.

CONFIRMATION HEARINGS
Commissioner, Department of Public Safety
Alaska Police Standards Council
Alaska Public Offices Commission

[9:02:24 AM](#)

CHAIR DYSON announced that the Senate State Affairs Committee will take up the appointees for confirmation.

[9:02:47 AM](#)

GARY FOLGER, Acting-Commissioner, Alaska Department of Public Safety (DPS), Anchorage, Alaska.

CHAIR DYSON asked Mr. Folger for a review of his background.

[9:03:14 AM](#)

MR. FOLGER read a prepared statement as follows:

I am the commissioner-designate for the Department of Public Safety. I am both humbled and honored to come before you today for your consideration. Let me start by saying this is one of the most difficult things for me to do, trying to sell oneself, it goes against everything that I was brought believing, never to talk about oneself. Even while hunting it was a taboo to point at an animal or say something like "I was going after that one."

I grew up in Cantwell, I was brought up in two worlds so to speak, a traditional Alaska native home in the western culture. Not once did I ever feel trapped in either world, to transition between the two was easy for me. Once as a small boy I saw an Alaska State Trooper get off the train in Cantwell, in those days it was the highlight to meet the train. The trooper got off the passenger train, shook a few hands and then got back on. I asked my grandmother who he was; she simply stated "He was the muscle." I often

wondered where my grandmother would get something like that. She was born at the turn of the century at the upper end of the Susitna River. It wouldn't be but a few more years when the Parks Highway was put in when I next saw another trooper, that particular trooper and I are to this day friends.

I became more interested in law enforcement throughout high school and then it happened, I got a speeding ticket. I thought it was better to give them to receive, being the nice fella that I am. In 1979 I started out in this department as a summer helper. In 1981 I went through the Trooper Academy and was stationed in Fairbanks. In 1991 I transferred to King Salmon after learning how to fly airplanes. In 1998 I transferred to Juneau as the Southeast Commander. In 2001 I transferred to Fairbanks as a Northern Region Commander. In 2007 I had the honor of becoming the Director of Alaska Wildlife Troopers; this honor included starting back up the division after the merger was undone. In May of 2013, after 32 years, I retired. I was really enjoying retirement when Governor Parnell called and asked if I would come back as Commissioner, I consider this the highest honor.

Some have asked what kind of a leader I am, if I was to characterize it I would have to say a situational leader. This department is steeped in the very proud tradition. I would be autocratic in that I hold rules, regulations, and laws. In the same token, I would be very open to change or a better way of doing business. My door is always open, I accept criticism well, I seek wisdom and understanding, and I'm never afraid to apologize. I am also one of the first ones to standup and take the right stand when it is time to do that.

During the 1960s, NASA was underway with the moon program. The media was doing a series of interviews with the NASA employees, one of these had a journalist talking to a NASA custodian; she stood behind her cleanup cart in a uniform and when she was asked by the broadcaster, "What do you do at NASA?" Her answer without hesitation, "I'm putting a man on the moon." Absolutely, bar none, the best part of this department is the employees. I have been witness to countless occasions when individuals go beyond the call of duty. It does not matter if it was the janitor, program

planner, budget analysis, dispatcher or trooper. I am honored to call them my friends and coworkers.

9:06:51 AM

MR. FOLGER continued as follows:

If selected, where do I plan to lead this department? First, I would install a sense amongst our personnel that we work for the public. Earning and obtaining the public's trust is utmost in our goals, public safety through public service. Second, whatever we do, do it well and to the best of our ability. Third, be a professional. When you go to a doctor, hairdresser, or restaurant, you hope they don't have a bad day. Why would we be anything else?

Do we have challenges ahead? Absolutely! With declining revenue, we are going to have to make this organization even more efficient, but not lose our overall effectiveness. We have an ongoing mission of providing public safety combined with fiduciary responsibilities to our citizens. Rural law enforcement is another huge challenge. How do we provide services to even the smallest community? This problem is bigger than this department. But all together, we can work towards this goal, partnering with local, state, and federal programs; this can be accomplished for the overall betterment of our folks. This undertaking is something I'm going to focus on in my tenure.

In closing, I want to offer you my services; after all, it's your department too. I have 32 years, which is almost all of my adult life. I don't even begin to know all of the answers, but as a team, we can go forward. A few years back, I saw this quote at an end of a movie; it is attributed to Edmond Burke, "The only necessary thing for evil to triumph is that good men do nothing." I am not going to let evil triumph. I plan on being the "muscle" that my grandmother spoke of.

9:08:40 AM

SENATOR GIESSEL commended Mr. Folger for his presentation. She remarked that she has huge respect for the Alaska State Troopers (AST). She noted that 75 percent of the geographic area of her district is patrolled by AST and they do a great job; but, there

are folks in her district that have had some bad experiences and noted that occasionally there are reports in the news of some "bad apples." She asked how someone who is the DPS commissioner patrols his own staff.

MR. FOLGER replied that his experience has been to weed-out the bad-apples. He explained that talking to some people is one possibility and some require progressive discipline up to and including termination. To earn that respect back from the folks is to meet with them and say the necessary actions have been taken.

CHAIR DYSON asked if there was objection to forwarding Gary Folger's name forward for confirmation. He announced that seeing no objection, the committee will take up the next appointee.

9:11:04 AM

IRENE CATALONE, Commission Member Candidate, Alaska Public Offices Commission (APOC), Alaska Department of Administration, Fairbanks, Alaska, said she had worked for the State for a number of years and part of that work was providing training as a local government specialist. She detailed that she worked in a large of number of communities in Alaska, both with village, state, and borough officials by providing training and technical assistance. She stated that she is familiar with APOC and believes in public service. She said being appointed to APOC was the public service that she would like to provide for the State of Alaska.

CHAIR DYSON asked if she was familiar with APOC's work, standards, and mission.

MS. CATALONE answered yes. She explained that as a local government specialist, part of the training she provided for city council members related to APOC.

CHAIR DYSON remarked that Alaska practices the so called citizen-legislators, which means the legislators have other means of employment and are not just dependent upon their legislative job. He said Alaska is such a small state that most people who have private sector jobs will have contact with the State and its agencies and personnel; that can produce some interesting and sometime difficult situations. He asked how Ms. Catalone sees the ethics of the situations that he previously noted.

9:13:05 AM

MS. CATALONE answered that ethics is an area that she is very familiar with, having worked for the State for a number of years. She related that there will always be conflicts and misinterpretations of the rules and regulations. She set forth that her responsibility with APOC, since the position is voluntary without compensations, would be to impartially take a look at whatever the implied break in the rules was for the person that was brought up before APOC. She asserted that the rules and regulations will be applied as well as listening respectively to all of the reasons and circumstances. She noted that a review might include something as mundane as filing personal financial reports when an individual leaves office. She asserted that she can be impartial and fair.

CHAIR DYSON stated that Alaska has pretty good disclosure laws for candidates. He noted that what has often been discussed in the press pertains to candidates who accept campaign contributions from special interest groups. He asked Ms. Catalone to comment on campaign contributions.

MS. CATALONE agreed that campaign contributions from special interest groups is seen in the news all of the time. She set forth that every Alaskan has to evaluate the information within the regulatory framework.

CHAIR DYSON asked if there is an objection to passing Ms. Catalone's name forward for confirmation. He announced that the committee will pass Ms. Catalone's name forward.

[9:16:14 AM](#)

CHAIR DYSON announced that the committee will stand at ease.

[9:17:15 AM](#)

CHAIR DYSON addressed the confirmation of Mr. Folger for DPS Commissioner and read a statement as follows:

In accordance with Article 3, Section 25 of the Alaska Constitution and AS 39.05.080, the State Affairs Committee reviewed the following and recommended the appointment be forwarded for Joint Session for consideration: Commissioner of Public Safety, Gary Folger. This does not reflect intent of any of the members to vote for or against the confirmation of the individual during further sessions.

[9:18:13 AM](#)

CHAIR DYSON announced that the committee will take up the appointment of Luis Nieves to the Alaska Police Standards Council (APSC).

[9:18:43 AM](#)

SENATOR COGHILL joined the committee meeting.

[9:18:48 AM](#)

LUIS NIEVES, Council Member Candidate, APSC, DPS, Wasilla, Alaska, explained that he was from Queens, New York and served in the U.S. Navy in addition to the U.S. Coast Guard in order to focus on law enforcement. He noted that being fluent in Spanish has provided opportunities to serve throughout the world. He detailed that he had served as an instructor in addition to conducting law enforcement operations in South America, Mexico, Panama, Ecuador, Colombia, Caribbean, and Middle East.

MR. NIEVES said due to the tragic events of "911," he responded to the Valdez Terminal to provide asset protection. He remarked that his time in Valdez made him realize that Alaska was the state to raise children and start a new life. He said in 2004 he was assigned to the Maritime Safety Security Team out of Anchorage, during that time he had the honor and privilege of providing maritime protection for the cruise ship industry as well as Alaska's other maritime assets and resource interests.

He revealed that in 2006 he joined AST. He noted having the opportunity of being an investigator for the Child Abuse Investigations Unit out of the Mat-Su Valley, as well as serving as the law enforcement liaison for the Mat-Su Crime Stoppers Program. He accepted a position with AST in Kotzebue and Selawik, working daily with entities within the Tribal Council, Elders Council, and City Council. He revealed that he is currently the Recruitment Sergeant for the DPS-Recruitment and Backgrounds Unit.

He asserted that his experience in international law enforcement, AST, and AST recruitment allows him to see what it takes to wear the AST uniform. He noted witnessing AST candidates from Lower 48 law enforcement agencies that fail to qualify due to lower standards. He set forth that he sees the importance of being an APSC member and noted his goal will be to contribute to maintaining the highest standards in law enforcement.

[9:23:18 AM](#)

CHAIR DYSON noted that the seat Mr. Nieves will be taking is the one that is designated for a DPS officer.

MR. NIEVES answered correct.

SENATOR GIESSEL noted Mr. Nieves' impressive résumé. She stated that Mr. Nieves will be a great addition to APSC. She noted Commissioner-Designee Gary Folger's interview and her own statement that 75 percent of her district is patrolled by AST. She asked how does someone sitting on the APSC would raise and enforce the standards or create a high standards atmosphere.

MR. NIEVES replied that DPS has the Office of Professional Standards (OPS) that investigates allegations of wrong doing by anyone in uniform within DPS. He said OPS consists of 13 members that bring many layers of experience and professional opinions about what a professional in uniform would look like. He set forth that OPS maintains high standards and there is zero tolerance for people that abuse the "power of the badge." He asserted that lowered standards for filling vacancies should not be risked and OPS represents what the people of Alaska demand of their law enforcement.

[9:26:26 AM](#)

CHAIR DYSON asked to verify that APSC does not go looking for problem conduct, but responds to complaints.

MR. NIEVES answered correct.

CHAIR DYSON addressed issues in the past with APSC where misconduct from a police officer involves the representing union bargaining for retirement or resignation without the inappropriate conduct showing up on the officer's record. He asked Mr. Nieves if anything could be done with the scenario he previously noted.

MR. NIEVES answered that Ms. Kelly Alzaharna, APSC-Executive Director, initiates investigations and presents her finding to APSC. He explained that APSC has difficulty ruling on something if a department does not report misconduct. He asserted that APSC does everything it can to hold people accountable once issues are brought to its attention.

[9:29:35 AM](#)

CHAIR DYSON asked to clarify that APSC can only respond to an official report that is brought to APSC and cannot respond to "whistle blowers."

MR. NIEVES replied that he did not know if Chair Dyson's assumption was true. He set forth that investigations are brought forward regardless of whether the incident involves whistling blowing or a formal complaint.

9:30:22 AM

KELLY ALZAHARNA, Executive Director, APSC, Juneau, Alaska, explained that APSC takes complaints or concerns from any medium. She remarked that there are certain instances where the various law enforcement agencies are required to report. She noted that APSC takes citizens' complaints on misconduct in addition to incidents that are revealed through the media. She asserted that APSC does investigate misconduct when the incident rises to APSC's authority level.

CHAIR DYSON noted an incident where there was an egregious offense committed by a Village Public Safety Officer (VPSO) and the individual was immediately fired. He revealed that the VPSO firing resulted in a complaint that due process was not contractually followed. He asked Ms. Alzaharna to comment on the circumstances that he previously presented.

MS. ALZAHARNA responded that discipline that an employing agency institutes against an employee is separate from what APSC does. She revealed that APSC does act if egregious behavior occurs when an officer no longer meets their certification standards. She specified that agencies may have a certain level of behavior that they handle with a certain discipline level. She asserted that APSC investigates behavior that falls below standards and takes action against their certification.

9:32:15 AM

CHAIR DYSON asked if the committee had any objection to forwarding Mr. Nieves' name. He noted that there was no objection. He announced that Ms. Catalone's and Mr. Nieves' appointments were being forwarded and read a statement as follows:

In accordance with Article 3, Section 25 of the Alaska Constitution and AS 39.05.080, the State Affairs Committee has reviewed the following and recommended the appointments be forwarded for Joint Session for consideration: Alaska Police Standard Council, Sargent Louis Nieves, Anchorage, was appointed June 1, 2013; and Alaska Public Offices Commission, Irene Catalone, Fairbanks, appointed March 1, 2014. This does not

reflect intent of any of the members to vote for or against the confirmation of the individual during further sessions.

[9:33:28 AM](#)

CHAIR DYSON announced that the committee will stand at ease.

SB 182-PUBLIC EMPLOYEE SALARY DIFFERENTIALS

[9:34:01 AM](#)

CHAIR DYSON announced that the committee will take up SB 182, an act relating to the salary difference and collective bargaining agreements, subject to Public Employment Relations Act that are based on the difference of cost of living outside of the state and the cost of living within the state.

He noted that a copy of a letter has been distributed to the committee from Mr. Bill Milks, Assistant Attorney General, Alaska Department of Law. He noted that Mr. Milks specializes in labor law. He explained that Mr. Milks' letter confirms that there is no legal or constitutional issue with the Senate State Affairs Committee or the Twenty Eighth Legislature in dealing with SB 182. He added that Mr. Milks stated that the consideration of SB 182 does not contravene the National Labor Relations Act. He said Mr. Milk states that if and whenever SB 182 might become law, then the underlying statutes would change; but any negotiations that are completed before that date would be under current law and have no effect. He said as he understands, the maritime unions' negotiations are ongoing and their contracts expire in June. He noted that the effective date for SB 182 is immediate. He revealed that if SB 182 passes the current legislative session before a contract is negotiated, the law will be in place.

He asked Mr. Milks if his summary on the bill's impact on negotiations was accurate.

[9:36:24 AM](#)

WILLIAM MILKS, Assistant Attorney General, Civil Division-Labor and State Affairs, State of Alaska Department of Law, Juneau, Alaska, answered yes.

SENATOR WIELECHOWSKI addressed Section 17.02 of the Masters Mates & Pilots contract and noted that the contract says the following:

The Cost of Living Differential (COLD) is a mandatory subject of collective bargaining; it should not be changed, modified, adjusted, re-determined, or altered in any way by the state unilaterally and no change shall be made without the consent and agreement with the union.

He set forth that SB 182 was a timing issue and the Administration was arguing for a modification without union consent. He asserted that if the bill passes, the Administration was seeking to circumvent the collective bargaining agreement.

SENATOR WIELECHOWSKI conceded that the issue does not pertain to the National Labor Relations Act, but does apply to the Public Employee Relations Act. He asserted that the modification from the bill was an unfair labor practice, particularly if SB 182 goes into effect before the end of the contract. He asked if there is Supreme Court case law on what he previously addressed.

MR. MILKS replied that there is no Supreme Court case law that he is directly aware of. He explained that the point he was trying to make was that the agreement itself would continue for the term of its agreement. He stated that the section Senator Wielechowski mentioned is subject to negotiation like all of the terms of the contract and is subject to negotiation under the rules that apply, which are what the Public Employment Relations Act states right now. He remarked that the Alaska Department of Law could not envision unfair labor practice. He said he believed that SB 182 states that it does not affect the existing agreement and the existing agreement would continue to be in effect.

[9:38:42 AM](#)

SENATOR WIELECHOWSKI noted that the bill has an immediate effective date. He set forth that if the bill goes into effect before the end of the contract, COLD statutorily goes away. He asked if it would be better for the bill to go in effect after the end of collective bargaining agreement.

MR. MILKS replied that the second part of Senator Wielechowski's question is up to the Legislature. He remarked that as far as changing the terms of the current collective bargaining agreement, the change in law does not affect agreements that were entered prior to the effective date.

SENATOR WIELECHOWSKI addressed the collective bargaining agreement from the Inland Boatmen's Union and read the following:

This agreement includes a pay plan providing a cost of living differential between employees living in state and those living out of state in accordance to AS 23.40.210.

He set forth that the collective bargaining agreement would be citing a statute that does not exist if the bill goes into effect prior to the end of the agreement. He asserted that the safer approach would be to have an effective date after the current collective bargaining agreement expires.

CHAIR DYSON asked to clarify that the legal reference to the "State of Alaska" was a term of art that pertained to the executive branch that also includes the judicial and legislative branches.

MR. MILKS answered that SB 182 addresses the entities covered under the Public Employment Relations Act. He explained that the law is referring to the general law of the State of Alaska. He reiterated that SB 182 also states that it does not affect agreements that are already in place.

[9:41:39 AM](#)

CHAIR DYSON disclosed that he was thinking of the classic separation of powers and that a section of law noted could not bind and prohibit the Legislature from changing statute.

MR. MILKS answered that he agreed.

CHAIR DYSON announced that the Chair will entertain a motion.

[9:42:18 AM](#)

SENATOR GIESSEL moved SB 182, labeled 28-LS1432\N from committee with individual recommendations and attached fiscal note.

CHAIR DYSON asked if there was an objection.

SENATOR WIELECHOWSKI announced that he objects.

CHAIR DYSON asked if Senator Wielechowski cared to speak to his objection.

SENATOR WIELECHOWSKI stated that SB 182 is fundamentally inappropriate for the Administration to come before the Committee during the middle of a collective bargaining agreement and support a change to what they agreed to. He set forth that the Administration specifically agreed to a provision that says they would not seek to change, modify, adjust, or alter in anyway without the consent of the union. He said the unions are not consenting and the bill potentially goes into effect before the expiration of the contracts. He said his second objection is his fundamental disagreement with what the Committee is trying to do which would result in a pay cut to Alaska employees while keeping the pay the same for out of state employees.

SENATOR GIESSEL replied that she does not agree with Senator Wielechowski. She explained that SB 182 allows the unions to negotiate the wage they have been receiving as they negotiate the next contract. She set forth that there is nothing in the bill that forces a pay cut and the bill simply places the process in a negotiated arena.

CHAIR DYSON noted that having been a mariner most of his life, he is very appreciative of the skills and experience that are necessary and it is very important for the passengers, particularly on the Alaska Marine Highway System (AMHS) to be safe. He stated that he expects the Administration will negotiate a contract that not only keeps, but recruits very qualified people. He said he understands the demand on the North American continent for experienced mariners and most "landsmen" have no idea how much of the world's commerce moves by sea. He noted his recognition and expects a responsible action from the Administration, treating the AMHS folks fairly.

[9:44:54 AM](#)

CHAIR DYSON asked for a roll call vote. Senators Giessel, Coghill, and Chair Dyson voted yea; Senator Wielechowski voted nay, therefore, SB 182 moved out of the Senate State Affairs Standing Committee by a 3:1 vote.

[9:45:20 AM](#)

CHAIR DYSON announced that the committee will stand at ease.

SB 98-VPSO FIREARMS

[9:46:14 AM](#)

CHAIR DYSON announced that SB 98 was before the committee.

[9:46:48 AM](#)

DAVID SCOTT, Staff, Senator Olson, Alaska State Legislature, Juneau, Alaska, said the sponsor wanted to state on the record that he objects to the characterization of Village Safety Police Officers (VPSO) as a private police force. He said VPSOs are public safety officers of the state; they were created in state law and are paid from state funds. The VPSO program is a unique partnership between the state and the regional nonprofits and also municipalities. He said VPSOs work daily with the Alaska State Troopers (AST). He added that when VPSOs make arrests, they transfer perpetrators to AST. He asserted that VPSOs are not a private prison and not a private police force. He said the sponsor would also like to note, and it has been talked about in committee, that Alaska is a very unique place and we all take a lot of pride in that uniqueness. The VPSO program is a unique Alaskan solution to a unique Alaskan issue. He pointed out that AST cannot travel to rural Alaska as it can in the state's other rural regions. He said there is a difference between rural Alaska and the rest of rural America, the difference is lack of roads. He said the sponsor is very supportive of the VPSO program and noted that VPSOs are on the first line of defense. He remarked that VPSOs are the first responders in a place in Alaska where it is tough to have AST fulltime.

SENATOR GIESSEL commented that Alaska is very unique and noted that the State has other unique programs like Community Health Aides in addition to Community Dental Aides, all because of the state's rural configuration. She said her examples are analogous and asserted that the noted aides were also professionals that meet high standards.

[9:49:31 AM](#)

CHAIR DYSON asked if anyone in the committee room would like to testify.

[9:49:48 AM](#)

SERGEANT CHRIS GIFFORD, Public Safety Employees Association (PSEA), Juneau, Alaska, addressed Senator Giessel's statement pertaining to health aides in rural Alaska. He opined that the health aides are probably certified health aides through the training and education required to provide those services. He said SB 98 can be improved upon and noted that SB 98 essentially authorizes VPSOs to carry a firearm in the same manner as a police officer. He set forth that PSEA believes that VPSOs should be trained to the same standards that police officers and AST are. He explained that the purposes of the stringent training is to ensure that in a deadly force or a potential deadly force situation, the VPSO is capable to determine whether

deadly force is in fact authorized and that no other option is available. He said it is the job of citizens and lawmakers to guide those responsible for protecting the public by making sure that those who do protect the public have the best training that they can get. He summarized that PSEA's position is that VPSOs should receive full police training if they are going to carry firearms and possibly using deadly force.

[9:51:48 AM](#)

JAKE METCALFE, Executive Director, Public Safety Employee Association (PSEA), Anchorage, Alaska, noted his background with VPSOs. He referred to the Alaska Rural Justice and Law Enforcement Commission Report of 2006, a report that pointed out a lack of public safety in rural Alaska. He noted a comment in the report as follows:

It is safe to assume that no group of Caucasian communities would tolerate similar circumstances and that would demand equal protection under the law.

MR. METCALFE pointed out that the VPSO program training covers five basic areas: law enforcement, firefighting, search and rescue, water safety, and emergency medical services. He stated that VPSO training differs from basic law enforcement training. He said VPSOs have different duties and do not work under the same standards as law enforcement. He set forth that PSEA takes great pride in the members that it represents and it is concerned about the standards and the training that its members get. He asserted that bad-apples are unfortunately in every group in society. Standards and training provide the opportunity to make sure that the best people are working in positions of trust. He asserted that if the VPSOs are state employees, carry weapons, and perform law enforcement duties, VPSOs should work under the same training and standards that other state and local law enforcement employees work under. He set forth that PSEA thinks it is important to the community that VPSOs have equal protection under the law, just like everybody else in Alaska. He said PSEA urges the committee to include the same training that other law enforcement officers in Alaska have. He asserted that PSEA believes that the same training for VPSOs protects the state, the native nonprofits, the VPSOs, and the people within the village. He summarized that PSEA urges the committee to make sure that VPSOs work under the same training and standards with enough money provided so that VPSOs can get the needed training.

[9:57:05 AM](#)

SENATOR WIELECHOWSKI announced that he has an amendment and offered Amendment 1.

CHAIR DYSON objected for discussion.

SENATOR WIELECHOWSKI explained that Amendment 1 is a simple amendment that requires VPSOs who carry firearms meet the minimum standards that are consistent with the standards adopted for police officers. He asserted that fundamentally the VPSOs should have the same training as those in urban Alaska.

SENATOR GIESSEL said the North Slope Borough employs its own VPSOs who are armed. She asked how many issues or problems have the North Slope Borough had with armed VPSOs.

[9:58:26 AM](#)

MONICA SOUTHWORTH, Staff, Senator Wielechowski, Alaska State Legislature, Juneau, Alaska, answered that she is available to answer technical questions about Amendment 1.

SENATOR GIESSEL stated that the amendment's sponsor indicated that unless the more defining amendment is adopted, VPSOs will not be competent to carry firearms. She pointed out that there have not been firearm incidents with VPSOs in the North Slope Borough. She recalled her comment about certified health aides hired by the Alaska Native Tribal Health Consortium (ANTHC) that are not state licensed. She revealed that the ANTHC health aides program has demonstrated competency in hiring professionals.

SENATOR COGHILL noted that the original language is "Meet minimum standards training for carrying firearms" and the amendment states "Minimum standards consistent with standards adopted by the Police Standards Council." He asked what the difference was between minimum standards and the standards by the Police Standards Council.

[10:00:40 AM](#)

MS. SOUTHWORTH replied that the amendment before the committee directly addresses some of the concerns that were brought up by Sergeant Gifford and by Mr. Metcalf in regards to having extensive training which is more than the bill currently requires.

SENATOR WIELECHOWSKI pointed out that the amendment specifically referenced AS 18.65.240, a statute that specifies the standards for training. He explained that the amendment sets forth that

the training should be the same as police officers under AS 18.65.240. He read the following:

The person may not be appointed as a police officer except on a probationary basis unless the person:

1. Satisfactorily completed a basic program of police training approved by the Council which includes at least 12 hours of instruction regarding domestic violence as defined in AS 18.66.990.
2. Possesses other qualifications the council has established for the appointment of police officer including minimum age, education, physical and mental standards, citizenship, moral character and experience. The Council shall prescribe the means of presenting evidence of fulfillment of these requirements.

SENATOR WIELECHOWSKI summarized that the difference is the statute as currently written has minimum standards and without definition. He said the amendment will define the minimum standards. He added that the North Slope Borough employs police officers and not VPSOs. He explained that the North Slope Borough police officers would be required to meet the standards under the amendment.

[10:02:24 AM](#)

SENATOR COGHILL asked the aide to the bill's sponsor of the bill to respond to Senator Wielechowski's comments.

MR. SCOTT addressed Senator Coghill's question and noted that the sponsor objects to Senator Wielechowski's amendment. He specified that the sponsor has received assurances from the Department of Public Safety (DPS) that VPSOs, those who apply to carry firearms, will receive the identical arms training of ATS and municipal police with the very same instructors at the very same training facility. He added that DPS is on record stating that VPSOs will receive identical psychological evaluations that AST and municipal police receive. He said the arming of VPSOs is going to happen, possibly as soon as May 1 when the regulations are done. He revealed that DPS is changing the regulations to allow VPSOs to be armed.

SENATOR COGHILL asked what would happen if the VPSOs were placed under the Police Standards Council requirements.

[10:04:15 AM](#)

MR. SCOTT replied that the issue comes down to funding. He said the sponsor is very concerned that the fiscal note would get to the point where the increased costs would threaten the communities and the VPSOs who serve.

SENATOR COGHILL remarked that he is hearing that the State would have an additional cost. He noted that the communities would have a choice and would bear the cost if they choose to arm their VPSOs. He disclosed that he likes the idea of mandating the same standards, but stated that he would honor the wishes of the sponsor. He set forth that the issue comes down to who will be paying the added cost.

CHAIR DYSON asked what the proposed amendment's fiscal impact would be.

SENATOR WIELECHOWSKI explained that training would cost approximately \$9,000 for each VPSO; an amount that is not much different than what the proposed training cost.

[10:06:10 AM](#)

CHAIR DYSON announced that he will maintain his objection and asked for a roll call vote. Senators Wielechowski voted yea; Senators Giessel, Coghill, Chair Dyson voted nay; therefore Amendment 1 fails.

[10:06:48 AM](#)

MIKE COONS, representing himself, Palmer, Alaska, noted his support in arming VPSOs. He said his biggest concern pertains to the VPSO training and how DPS handles investigations when a firearm is used.

[10:10:37 AM](#)

CHAIR DYSON announced the committee will stand at ease.

[10:10:50 AM](#)

CHAIR DYSON remarked to Mr. Coons that his concerns are addressed in the bill's fiscal note. He asked Mr. Scott to address Mr. Coon's concerns.

MR. SCOTT replied that the liability issue has been raised and addressed by DPS.

CHAIR DYSON asked what was stated by DPS.

MR. SCOTT answered that DPS has stated that every incident will be fully investigated. He said DPS has also stated on the record that part of the fiscal note covers liability insurance that goes to the regional nonprofits or local municipality administering the VPSO program.

CHAIR DYSON noted that DPS representatives have spoken quite a bit in favor of arming VPSOs with active supervision, training, and cooperation. He conceded that there will be some inadequate performances due to human nature. He recalled that arming VPSOs has been an issue that has come up for the last six or seven years. He noted seeing an opinion shift from not arming VPSOs to arming VPSOs.

CHAIR DYSON revealed that he recently raised the question of what is done with a VPSO who has to deal with a nuisance bear in a local dump. He said clearly the response was that the VPSO is expected to use his shotgun and do whatever is necessary to scare the bear away or shoot the bear if there are no other options. He questioned where a VPSO is allowed to use a weapon to protect a village from bears but the same VPSO is the only person in a village who cannot be armed in other dangerous situations that are less predictable than dealing with a bear. He shared with the committee that life changes when a gun is pulled. He said even for a VPSO to pull their weapon to point at another individual that significant things change. He added that if there is ever a firearm discharge and someone is wounded or killed, huge investigations will follow. He explained that given so many communities that are very small and the State's inability to cover the small communities with AST, doctors, or expert teachers, there has got to be some adjustments to deal with a real situation. He remarked that AST has nearly as good of reputation as the Canadian Mounties. He explained that the Canadian Mounties have very similar responsibilities and have to cover vast territories where there may be no law enforcement ever or a community constable and it is a symbiotic relationship not unlike what Alaska expects with ATS in rural areas. He set forth that the state has come to about as good a solution as the State can at this time.

[10:16:03 AM](#)

CHAIR DYSON asked if there was objection to SB 98 going forward. He closed public testimony.

[10:16:10 AM](#)

SENATOR GIESSEL SENATOR moved to report SB 98, labeled 28-LS0754\A from committee with individual recommendations and attached fiscal note(s).

[10:16:20 AM](#)

CHAIR DYSON announced seeing no objection, SB 98 is reported from the Senate State Affairs Standing Committee.

[10:16:29 AM](#)

CHAIR DYSON announced that the committee will stand at ease.

SB 141-NATIONAL GUARD ID & VEHICLE FEES

[10:17:20 AM](#)

CHAIR DYSON announced that the committee will take up SB 141.

SENATOR WIELECHOWSKI, bill sponsor, said SB 141 is a very simple bill. He said SB 141 will provide for a vehicle registration fee waiver for National Guard members, approximately \$100 per year. He remarked that National Guard members get paid a pittance, approximately \$212 for the weekend an individual works per month. He added that the two weeks a National Guard member works is also a small amount. He revealed that the total annual amount a National Guard member earns is approximately \$3000, more if deployed. He said providing a vehicle tax exemption is something other states have done for National Guard members.

[10:18:27 AM](#)

MONICA SOUTHWORTH, Staff for Senator Wielechowski, Alaska State Legislature, Juneau, Alaska, said she has a lot of background information about the National Guard and other benefits that the State of Alaska provides compared to other states.

SENATOR GIESSEL asked how many other states waive vehicle registration fees for National Guard members.

MS. SOUTHWORTH answered that three other states waive fees: Tennessee, New Mexico, and Hawaii. She added that Virginia gives National Guard members a 50 percent discount for their registration fee. She noted that Alaska offers special license plates to National Guard members for an additional \$30, most states charge \$5 to \$25.

CHAIR DYSON noted that he saw somewhere in the documentation that there are 4,000 National Guard members in Alaska.

MS. SOUTHWORTH answered correct.

CHAIR DYSON asked how many National Guard members are fulltime.

MS. SOUTHWORTH answered that there are 3,773 active National Guard members and 1,015 in the Reserves.

CHAIR DYSON asked to clarify that the active members work fulltime with the National Guard.

MS. SOUTHWORTH answered yes.

CHAIR DYSON added that the 1,000 Reserve members are "weekend warriors."

MS. SOUTHWORTH answered yes.

10:20:40 AM

SENATOR GIESSEL asked to clarify that a National Guard member working fulltime makes a higher wage than the "weekend warrior." She asked what the wages were for National Guard members.

MS. SOUTHWORTH replied that the starting entry level pay for the lowest rank starts at \$1,531.50 per month.

SENATOR GIESSEL asked if the 1,000 National Guard members work other jobs.

MS. SOUTHWORTH answered yes. She explained that the National Guard members do make more money in their other jobs and financial security is not why members participate in the Reserves.

She said Alaska offers a lot of benefits to active and reserved National Guard members: free fishing licenses, hunting licenses, educational benefits, job training, low cost insurance, travel benefits, and base privileges. The Alaska National Guard Enlistment Association has increased benefits over the years for members and to entice others to join.

She shared that she had spoken with a National Guard recruiter who favors the bill and noted that each small benefit adds up and helps with recruitment. She shared that in the past 12 years since forces have been deployed to Iraq and Afghanistan, over 2.6 million soldiers have returned on a national level. She explained that the National Guard does not have funding levels of the other military branches for advertising. She pointed out

the National Guard members primarily joined based upon word of mouth, job fairs, visiting schools and speaking with community members. She reiterated that the small perks aid recruitment.

10:22:52 AM

SENATOR GIESSEL addressed the fiscal note and noted that the \$100 is a biannual vehicle registration fee. She asked if the \$100 includes the local tax that is paid to the local government.

MS. SOUTHWORTH replied that local tax is not included.

SENATOR GIESSEL addressed the fiscal note and asked if the annual deficit from waiving the license fee is \$200,000.

MS. SOUTHWORTH answered yes.

10:24:10 AM

AMY ERICKSON, Director, Division of Motor Vehicles (DMV), Alaska Department of Administration, Anchorage, Alaska, stated that DMV has no problem with implementing SB 141's directive if enacted. She stated that DMV does anticipate that there will be approximately 80 hours of programming time and approximately \$11,400 in programming cost to add a new field for the National Guard exemption. She noted that Senator Giessel's fiscal note calculation was correct.

10:25:13 AM

STEPHEN BURRIS, President, Alaska National Guard Enlisted Association (ANGEA), Anchorage, Alaska, explained that ANGEA is not a part of the National Guard. He said ANGEA represents the National Guard soldiers and airmen in Alaska. He explained that he brought the bill forward based upon Hawaii members who noted that their state enacted a waiver for National Guard vehicle registration. He revealed that Florida and Vermont also offer free special license plates. He added that there are 12 to 15 other states who offer a reduced rate for special license plates. He said the big thing that ANGEA is trying to show is when ANGEA members are called up to state active duty and work at a military base pay rate, members do not receive Basic Allowance for Subsistence (BAS) or Basic Allowance for Housing (BAH). He explained that when a National Guard members do not receive BAS or BAH when in active duty for the State to take care of flooding and snow removal. He asserted that the bill's intent is to help compensate members. He concurred that added benefits are great for recruiting and retention.

He noted a correction for Ms. Southworth's testimony. He pointed out that there approximately 1,200 to 1,400 fulltime National Guardsmen and the rest are part-time "weekend warriors."

He explained that the fiscal note was calculated based upon approximately 4,000 members receiving an annual \$100 waiver that is derived from the biannual \$200 registration.

CHAIR DYSON noted that he suspected that the numbers Ms. Southworth provided had been flipped.

[10:27:43 AM](#)

SENATOR COGHILL asked to verify that the bill benefits active duty members and not retired members.

SENATOR WIELECHOWSKI answered yes.

SENATOR COGHILL noted that his son-in-law was a fulltime Guardsman and he might have a conflict.

CHAIR DYSON asked if wanted to recuse himself.

SENATOR COGHILL replied no. He added that his daughter may very well benefit from the bill.

CHAIR DYSON stated that the bill will make at least a small difference and a significant symbolic one.

CHAIR DYSON announced that the Chair will entertain a motion.

[10:28:34 AM](#)

SENATOR GIESSEL moved to report SB 141, version 28-LS1139\U, from committee with individual recommendations and attached fiscal note(s).

[10:28:50 AM](#)

CHAIR DYSON stated that seeing no objection, SB 141 is reported from the Senate State Affairs Standing Committee.

[10:29:02 AM](#)

There being no further business to come before the committee, Chair Dyson adjourned the Senate State Affairs Standing Committee at 10:29 a.m.