

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 3, 2015

8:18 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative David Talerico
Representative Liz Vazquez
Representative Louise Stutes
Representative Max Gruenberg (via teleconference)
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 43

"An Act establishing Alaska Law Enforcement Officers' Day."

- MOVED CSHB 43(STA) OUT OF COMMITTEE

HOUSE BILL NO. 65

"An Act relating to the disclosure of financial information by persons who are subject to the Legislative Ethics Act and by certain public officers, public employees, and candidates for public office."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 43

SHORT TITLE: AK LAW ENFORCEMENT OFFICERS' DAY

SPONSOR(s): REPRESENTATIVE(s) LYNN, TALERICO, VAZQUEZ, WOOL,
CLAMAN

01/21/15	(H)	PREFILE RELEASED 1/9/15
01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	STA
01/27/15	(H)	STA AT 8:00 AM CAPITOL 106
01/27/15	(H)	<Bill Hearing Postponed to 2/3/2015>
02/03/15	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

JOANNA LEWIS, Staff
Representative Bob Lynn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 43 on behalf of Representative Lynn, prime sponsor.

LISA KIRSCH, Assistant Revisor
Legislative Legal and Research Services
Legislative Affairs Agency (LAA)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 43.

SUSIE SHUTTS, Legal Counsel
Legislative Legal and Research Services
Legislative Affairs Agency (LAA)
Juneau, Alaska

POSITION STATEMENT: Provided clarification regarding a memorandum related to Amendment 1 for HB 43.

JAKE METCALFE, Director
Public Safety Employees Association (PSEA), Local 803
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 43.

LIEUTENANT KRIS SELL, Vice President
Alaska Peace Officers Association (APOA)
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 43.

BRANDY JOHNSON
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 43.

ACTION NARRATIVE

[8:18:33 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:18 a.m. Representatives Gruenberg (via teleconference), Keller, Kreiss-Tomkins, Stutes, Talerico, Vasquez, and Lynn were present at the call to order.

[8:19:11 AM](#)

CHAIR LYNN handed the gavel to Vice Chair Keller and explained he had a conflict of interest as prime sponsor of the bill and former law enforcement officer.

HB 43-AK LAW ENFORCEMENT OFFICERS' DAY

[8:19:39 AM](#)

VICE CHAIR KELLER announced that the only order of business was HOUSE BILL NO. 43, "An Act establishing Alaska Law Enforcement Officers' Day."

[8:20:23 AM](#)

REPRESENTATIVE STUTES moved to adopt the proposed committee substitute for HB 43, Version 29-LS0242\W, Shutts, 1/28/15, as a work draft. There being no objection, Version W was before the committee.

[8:20:41 AM](#)

CHAIR LYNN introduced HB 43, as prime sponsor. He related that he was raised by a Los Angeles County deputy sheriff, has a grandson who has a [law enforcement] placement in Maryland, and, himself, served as an officer in the Tucson, Arizona police department and has personal understanding why Alaska Law Enforcement Day should be regarded as a special day. He mentioned the need for technology, but moreover emphasized that law enforcement officers put their lives on the line every day. He related a harrowing experience he had as an officer. He stated his belief that law enforcement officers deserve special recognition, which is the purpose of the proposed legislation.

[8:22:36 AM](#)

JOANNA LEWIS, Staff, Representative Bob Lynn, Alaska State Legislature, presented HB 43 on behalf of Representative Lynn, prime sponsor. She explained that the original bill proposed that a [Sunday on, or preceding,] May 15 be established as Alaska Law Enforcement Officers' Day because May 15 is National Peace Officer Memorial Day, and the week in which it falls is National Police Memorial Week. Ms. Lewis said after introducing the original bill version, the prime sponsor received feedback from several law enforcement agencies that the proposed date may conflict with some of the memorial services already taking place

across the state. She explained that Version W would change the proposed Alaska Law Enforcement Officers' Day to January 9, which was recently named, "National Law Enforcement Appreciation Day," as part of a national movement led by [the FBI National Academy Associates, Inc.] and "Police Survivors, Inc." She said, there has been nothing but good feedback since making that change.

[8:26:12 AM](#)

REPRESENTATIVE GRUENBERG stated that he was not certain whether he would be allowed to offer an amendment or vote on anything via teleconference, and suggested that another committee member could [offer amendments] for him.

VICE CHAIR KELLER said he would limit the offering of amendments to the committee members [physically] present. He noted Representative Kreiss-Tomkins had agreed to offer Representative Gruenberg's amendment.

[8:27:12 AM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 1, labeled 29-LS0242\W, Shutts, 2/2/15, which read as follows:

Page 1, line 1:
Delete "**Law Enforcement**"
Insert "**Peace**"

Page 1, line 4:
Delete "**Law Enforcement**"
Insert "**Peace**"

Page 1, lines 4 - 5:
Delete "Law Enforcement"
Insert "Peace"

Page 1, lines 5 - 6:
Delete "law enforcement officers and"

Page 1, line 6:
Delete "Law Enforcement"
Insert "Peace"

[8:27:15 AM](#)

VICE CHAIR KELLER objected for the purpose of discussion.

[8:27:34 AM](#)

REPRESENTATIVE GRUENBERG explained that the handwritten addition to Amendment 1 [which read "Insert 'Alaska'"], should be deleted because he had included it as a result of previously misreading text. [Representative Gruenberg's recommendation was treated as a motion to amend Amendment 1.]

VICE CHAIR KELLER announced that there being no objection, the amendment to Amendment 1 was adopted.

[8:28:39 AM](#)

REPRESENTATIVE GRUENBERG referenced the footnote on the one-page memorandum from Legislative Legal and Research Services, which states that the definition of "peace officer" is included in [AS 01.10.060(a)(7)]. He offered his understanding that according to the memorandum, everything that falls under the category of "law enforcement officer," also falls under the general definition of "peace officer"; however, there are some categories under "peace officer" that do not fall under "law enforcement officer".

[8:29:36 AM](#)

LISA KIRSCH, Assistant Revisor, Legislative Legal and Research Services, Legislative Affairs Agency, responded that generally speaking, that is correct; however, she deferred to the drafter of Amendment 1, Ms. Susie Shutts. Nevertheless, Ms. Kirsch stated that the definition in Title 1 is a more encompassing definition that has broader application.

[8:30:12 AM](#)

REPRESENTATIVE GRUENBERG surmised that putting in the term "law enforcement officer" would be redundant because everything would be included within the definition in Title 1 of "peace officer".

[8:30:33 AM](#)

SUSIE SHUTTS, Legal Counsel, Legislative Legal and Research Services, stated that she had written the memorandum to which Representative Gruenberg had referred. She echoed Ms. Kirsch's statement that the definition in Title 1 is broad. [Due to technical difficulties, sound was briefly lost.] Ms. Shutts indicated that there is no law enforcement definition that

would, by default, apply here. She said the legislature could add one; however, if not added then the common usage of law enforcement officer would apply.

[8:31:22 AM](#)

REPRESENTATIVE GRUENBERG noted that in the footnote of her memorandum, Ms. Shutts mentioned that there are several statutes using the term "law enforcement officer." He asked whether those particular references would be covered if only the term "peace officer" was used in the bill.

MS. SHUTTS answered yes. She indicated that the usage of the term "law enforcement officer" in statute is specific, and she said she thinks "the broad definition of 'peace officer' would cover that."

[8:32:58 AM](#)

VICE CHAIR KELLER noted that the bill states that Alaska Law Enforcement Officers' Day would honor "law enforcement officers and peace officers." He queried whether that gets the job done and asked Representative Gruenberg to explain whether he has an aversion to the term law enforcement officer.

REPRESENTATIVE GRUENBERG said it seems that since law enforcement officers are peace officers, it is redundant to say "law enforcement officers and peace officers" in that law enforcement officers would be covered by just stating peace officers.

[8:33:58 AM](#)

VICE CHAIR KELLER said he does not see Amendment 1, as amended, as an improvement to HB 43. Further, he said he had considered asking Representative Gruenberg to withdraw the proposed amendment.

REPRESENTATIVE GRUENBERG said he would not belabor the point if it was the wish of the prime sponsor for Amendment 1, as amended, to be withdrawn.

VICE CHAIR KELLER asked for feedback from other committee members.

[8:34:37 AM](#)

REPRESENTATIVE VAZQUEZ echoed Vice Chair Keller's point that the bill includes both law enforcement officers and peace officers.

REPRESENTATIVE GRUENBERG reiterated his point regarding redundancy and restated his willingness for Amendment 1, as amended, to be withdrawn.

VICE CHAIR KELLER said he would ask for the proposed amendment to be withdrawn unless he heard an argument in favor of it from the committee.

[8:35:37 AM](#)

REPRESENTATIVE KREISS-TOMKINS withdrew his motion to adopt the proposed Amendment 1, [as amended].

[8:36:19 AM](#)

JAKE METCALFE, Director, Public Safety Employees Association (PSEA), Local 803, testified in support of HB 43. He reviewed that the PSEA represents approximately 800 law enforcement employees throughout Alaska, including: the Alaska State Troopers, court services officers, airport police and fire officers, deputy fire marshals within the Department of Public Safety (DPS), and municipal employees in Ketchikan, Sitka, Juneau, Fairbanks, Soldotna, Dillingham, and Unalaska. He said the municipal employees include: law enforcement officers, dispatchers, evidence custodians, and clerks in police departments.

MR. METCALFE mentioned transition reports from Governor Bill Walker, and offered his understanding it had been published about two weeks prior. He read a quote included in the report by the transition team on public safety, as follows:

As a state and as an employer, we have a duty to the men and women we hire to serve and protect our citizens and to enforce our laws. If we, as a state, are asking these public servants to protect all of our citizens from danger, we owe them the full measure of our support. They deserve to be well-paid, well-equipped, well-trained, and well-led. They need to know that if they're injured, we will nurse them back to health, and that if they are killed, we will comfort and assist their families.

MR. METCALFE said the PSEA believes HB 43 is an example of the policy statement included in the transition report. He said by establishing an Alaska Law Enforcement Officers' Day, the State of Alaska would show a full measure of support to the men and women hired to protect its citizens and enforce its laws. Further, the proposed legislation would give Alaska and its communities the opportunity to reflect on the ultimate sacrifices made and time to honor those who dedicate themselves and their families to serve Alaskans. He stated that the PSEA asks the committee to support HB 43.

MR. METCALFE imparted that one of the PSEA's members was injured over the weekend in a plane accident while working and is currently in the hospital. Further, he noted that two members were killed in May of 2014: Scott Johnson and Gabe Rich. He said their families are going through the grief and tragedy that resulted from that loss. He echoed a comment from Chair Lynn in that people working in law enforcement can go to work one day and end up making the ultimate sacrifice. He said the PSEA considers HB 43 to be a positive bill.

[8:41:04 AM](#)

LIEUTENANT KRIS SELL, Vice President, Alaska Peace Officers Association, stated that there are approximately 800 members, composed of active and former law enforcement officers, public safety workers, supporters of law enforcement, and a few prosecutors. She said those in the association are part of their communities. She referred to recent occurrences [in the Lower 48], which have led to distrust between police departments and citizens. She stated that it is fortunate that that is not the norm in Alaska. She indicated an event that has occurred in Juneau a few times, called, "Coffee with a Cop," during which people who participate sometimes have questions, but often just express their support. Lieutenant Sell stated that the proposed legislation would designate a formal day when people can say that "we are not a house divided in Alaska." She expressed thanks on behalf of the APOA for committee support of HB 43.

[8:43:29 AM](#)

BRANDY JOHNSON stated that she is the recent widow of Scott Johnson, a former sergeant with the Alaska State Troopers. She said she spoke on behalf of all the men and women in law enforcement and their families. She stated that in 2014, there were 121 line-of-duty deaths. She said two of those deaths occurred in Alaska, with the loss of her husband, Scott Johnson,

and Alaska State Trooper Gabe Rich, and following that incident, morale among law enforcement in Alaska was significantly diminished.

MS. JOHNSON continued as follows:

The law enforcement community within our great state should know they're appreciated. They perform the task most of us would never want to experience. They are the people that get the calls at home, while the rest of the public is sleeping, to respond to the car accident, a drowning, or a murder. Law enforcement cleans up the floor after a teenager commits suicide, so the mother doesn't have to. They cut the body out of the frozen river with a chain saw in the winter to recover someone's loved one. They are the ones who answer a call when a domestic violence situation has turned into a hostage situation. Can you imagine what it would be like to interview a suspect that you know from evidence has raped a dead child? If my words are disturbing here today, imagine having to deal with these situations every day.

Law enforcement also comforts people on the worst days of their life. They demonstrate infinite patience and put their life on the line to protect their communities. They do it when they are tired, when they miss their daughter's birthday, and even when it's Christmas. Most calls are requests for help or to file a complaint; seldom are the calls to just say thank you: Thank you for finding and returning my rifle; thank you for the compassion you showed when I felt scared, violated, threatened; or thank you for patiently answering my questions. Those letters of thank you from the public often mean the most, yet many do not call to say thank you.

Do troopers and officers do their duty without our appreciation? Yes. Do they expect our appreciation? No. Does appreciation encourage them to come to work and do well at their job? Yes. I have spent the last 23 years living the law enforcement life. It is extremely draining. A day to recognize law enforcement in Alaska would mean a great deal to the men and women in the law enforcement community. I ask you to consider HB 43 and tell Alaska's law

enforcement their sacrifice and risk have not gone unnoticed.

8:47:01 AM

VICE CHAIR KELLER indicated that [Ms. Johnson's testimony] certainly confirms the value of the proposed legislation. He said, "We are deeply indebted to our law enforcement officers."

8:47:12 AM

VICE CHAIR KELLER closed public testimony after ascertaining no one further wished to testify.

8:48:23 AM

VICE CHAIR KELLER noted that in the committee packet were three amendments from Representative Gruenberg, and asked if all three were intended to be moved for adoption.

REPRESENTATIVE GRUENBERG answered no. He explained that the amendment labeled "\W.3" was a combination of the amendment already adopted and the forthcoming amendment.

8:48:45 AM

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 2, labeled 29-LS0242\W.1, Shutts, 2/2/15, which read as follows:

Page 1, line 7, following "observed by":

Insert "
(1)"

Page 1, line 7, following "public":

Insert "
(2) activities directed at encouraging people of all ages to increase their involvement in preventing and reporting crimes, assisting peace officers with solving crimes, and keeping their communities safe"

VICE CHAIR KELLER objected for the purpose of discussion.

8:49:03 AM

REPRESENTATIVE GRUENBERG stated that Amendment 2 would add language encouraging people to help law enforcement officers

maintain the peace. He opined that Amendment 2 would not hinder HB 43, but would strengthen it by encouraging people to get involved. He stated, "It was to avoid things like the Kitty Genovese case ... where people just stand around and don't do anything."

[8:49:58 AM](#)

CHAIR LYNN said he thinks the proposed legislation already encourages people's support, and Amendment 2 would be redundant.

[8:50:27 AM](#)

REPRESENTATIVE GRUENBERG said he would support the withdrawal of Amendment 2, if that was the wish of the prime sponsor.

[8:50:45 AM](#)

VICE CHAIR KELLER expressed his wish for Amendment 2 to be withdrawn.

[8:51:28 AM](#)

REPRESENTATIVE KREISS-TOMKINS withdrew his motion to adopt Amendment 2. There being no objection, the motion to adopt Amendment 2 was withdrawn.

[8:51:52 AM](#)

REPRESENTATIVE GRUENBERG reiterated his understanding that he was not allowed to vote via teleconference, and related that he supports [HB 43, as amended] and would give a "do pass."

[8:52:12 AM](#)

[Due to technical difficulties sound was lost briefly.]

REPRESENTATIVE KREISS-TOMKINS [moved to report CSHB 43, Version 29-LS0242\W, Shutts, 1/28/15, as amended, out of committee] with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 43(STA) was reported out of the House State Affairs Standing Committee.

[8:52:36 AM](#)

VICE CHAIR KELLER handed the gavel back to Chair Lynn.

8:52:41 AM

CHAIR LYNN noted that HB 43 was conceived before the recent events in Ferguson, Missouri, and New York City. He stated, "Because these things happen all the time, we must support our law enforcement. We have a lot of problems, we have a lot of challenges in Alaska, but unless we survive, with the help of law enforcement and other first responders, those problems don't mean a heck of a lot."

8:54:03 AM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:54 a.m.