

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

March 31, 2022

3:12 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Matt Claman, Vice Chair
Representative Geran Tarr
Representative Andi Story
Representative Sarah Vance
Representative James Kaufman
Representative David Eastman

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 7(JUD)

"An Act requiring the Department of Public Safety to publish certain policies and procedures on the department's Internet website."

- MOVED CSSB 7(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 226

"An Act relating to the compensation of certain public officials, officers, and employees not covered by collective bargaining agreements; increasing the salaries of certain attorneys employed by the state; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 124

"An Act relating to filling a vacancy in the legislature by appointment."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: SB 7

SHORT TITLE: STATE TROOPER POLICIES: PUBLIC ACCESS

SPONSOR (s) : SENATOR (s) GRAY-JACKSON

01/22/21	(S)	PREFILE RELEASED 1/8/21
01/22/21	(S)	READ THE FIRST TIME - REFERRALS
01/22/21	(S)	STA, JUD
03/04/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/04/21	(S)	Heard & Held
03/04/21	(S)	MINUTE(STA)
03/11/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/11/21	(S)	Heard & Held
03/11/21	(S)	MINUTE(STA)
04/22/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/22/21	(S)	Moved SB 7 Out of Committee
04/22/21	(S)	MINUTE(STA)
04/23/21	(S)	STA RPT 3NR 1AM
04/23/21	(S)	NR: SHOWER, HOLLAND, COSTELLO
04/23/21	(S)	AM: KAWASAKI
05/10/21	(S)	JUD AT 1:30 PM BUTROVICH 205
05/10/21	(S)	Heard & Held
05/10/21	(S)	MINUTE(JUD)
02/16/22	(S)	JUD AT 1:30 PM BUTROVICH 205
02/16/22	(S)	Moved CSSB 7(JUD) Out of Committee
02/16/22	(S)	MINUTE(JUD)
02/18/22	(S)	JUD RPT CS 1AM 2DP 2NR SAME TITLE
02/18/22	(S)	AM: HOLLAND
02/18/22	(S)	DP: MYERS, KIEHL
02/18/22	(S)	NR: HUGHES, SHOWER
03/08/22	(S)	TRANSMITTED TO (H)
03/08/22	(S)	VERSION: CSSB 7(JUD)
03/09/22	(H)	READ THE FIRST TIME - REFERRALS
03/09/22	(H)	STA, JUD
03/17/22	(H)	STA AT 3:00 PM GRUENBERG 120
03/17/22	(H)	Heard & Held
03/17/22	(H)	MINUTE(STA)
03/31/22	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 226

SHORT TITLE: PAY INCREASES FOR STATE ATTORNEYS

SPONSOR (s) : REPRESENTATIVE (s) JOSEPHSON

01/18/22	(H)	PREFILE RELEASED 1/7/22
01/18/22	(H)	READ THE FIRST TIME - REFERRALS
01/18/22	(H)	STA, FIN
03/31/22	(H)	STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

SENATOR ELVI GRAY-JACKSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided introductory remarks, as the prime sponsor of CSSB 7(JUD).

LISA RUSH
Alaska Black Caucus
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 7.

KASEY CASORT
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 7.

MICHAEL GARVEY
American Civil Liberties Union of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 7.

CHRISTIANE ALLISON
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 7.

REPRESENTATIVE ANDY JOSEPHSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 226, as the prime sponsor.

ELISE SORUM-BIRK, Staff
Representative Andy Josephson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced a PowerPoint presentation, titled "HB 226 - Increase to Pay for State Attorneys," on behalf of Representative Josephson, prime sponsor.

CATHERINE REARDON, Staff
Representative Andy Josephson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 226.

ACTION NARRATIVE

[3:12:42 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:12 p.m. Representatives Tarr, Claman, Kaufman, Vance, Story, Eastman, and Kreiss-Tomkins were present at the call to order.

^#sb7

SB 7-STATE TROOPER POLICIES: PUBLIC ACCESS

[3:14:38 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be CS FOR SENATE BILL NO. 7(JUD), "An Act requiring the Department of Public Safety to publish certain policies and procedures on the department's Internet website."

[3:15:02 PM](#)

SENATOR ELVI GRAY-JACKSON, Alaska State Legislature, prime sponsor of CSSB 7(JUD), summarized the legislation. She explained that the bill would require that the Department of Public Safety (DPS) publish on their website the department's current policies and procedures related to the conduct of peace officers employed or regulated by the department. The duty of DPS, she said, was to ensure public safety within communities and, as such, the public must be able to easily access the current policies and procedures that require peace officers to adhere to.

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CHAIR KREISS-TOMKINS opened public testimony on CSSB 7(JUD).

[3:16:15 PM](#)

LISA RUSH, Alaska Black Caucus, expressed her support for SB 7. She said studies had shown that public access to information about how law enforcement agencies make critical organizational decisions, and the outcomes of such decisions, had the potential to increase public and organizational accountability and promote trust between police and the citizens they serve. She argued that effective police leaders must work to establish a culture of transparency and accountability in order to build public trust. She reiterated the Alaska Black Caucus's support for the bill.

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KASEY CASORT stated her support for SB 7. She recalled the death of Bishar Hassan, who was shot 12 times by Anchorage police officers. The officers fired more than 21 shots and failed to administer any medical help for several minutes while Mr. Hassan was lying on the ground. She explained that the information about that incident was gathered from dash cam footage, which was released years after his death. She stated that police brutality was a deadly problem in Alaska and believed that the passage of SB 7 would initiate the bare minimum to providing basic transparency around policing in the state. She expressed support for the package of police reform bills that were introduced by Senator Gray-Jackson [SB 1, SB 2, SB 3, SB 4, SB 46, and SB 7] and urged passage of the proposed legislation.

3:20:26 PM

MICHAEL GARVEY, Anchorage, Alaska, stated his support for SB 7, which would further the objective of transparency, he said. He pointed out that police officers interacted with the public every day and were taxpayer funded public servants. For that reason, he argued that the public should be allowed know their standards of conduct and hold them accountable. He highlighted the public's distrust and frustration due to the inability to access police policy and records. He argued that SB 7 would be a concrete step to counter that distrust.

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CHRISTIANE ALLISON recounted what she characterized as emotional and mental torture that she endured from two Alaskan State Troopers on January 23, 2009. She opined that there was little transparency and less accountability among police officers. She believed that the posting of public policies would empower the public to seek accountability and urged the committee to pass the proposed legislation to protect Alaskan citizens.

CHAIR KREISS-TOMKINS requested further clarity on the incident Ms. Allison endured.

MS. ALLISON explained that her daughter had passed away from a household fall. She said the state made an accusation against her husband based on a "junk science" theory, called "chicken baby syndrome." She believed that in an effort to forcibly turn her against her spouse, the troopers subjected her to graphic

photos of her child for four hours. She said the officers did not allow her to leave the room until she agreed with their record of events.

CHAIR KREISS-TOMKINS closed public testimony on CSSB 7(JUD) and invited final comment from committee members.

REPRESENTATIVE TARR thanked Ms. Allison for calling in and reminding the committee that the system could work better in times of difficulty, pain, and stress. She expressed her hope that CSSB 7(JUD) would accomplish that.

[3:27:41 PM](#)

REPRESENTATIVE STORY emphasized the importance of continuing to build and improve trust between the public and public safety officials.

[3:28:10 PM](#)

REPRESENTATIVE EASTMAN shared his understanding that the department was already publishing its policies and procedures on the website; for that reason, he was unsure of the bill's necessity. He addressed the Village Public Safety Officer (VPSO) provision in the bill, opining that there may be a gap in the policy.

[3:29:17 PM](#)

REPRESENTATIVE CLAMAN moved to report CSSB 7(JUD) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 7(JUD) was reported from the House State Affairs Standing Committee.

^#hb226

HB 226-PAY INCREASES FOR STATE ATTORNEYS

[3:29:55 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 226, "An Act relating to the compensation of certain public officials, officers, and employees not covered by collective bargaining agreements; increasing the salaries of certain attorneys employed by the state; and providing for an effective date."

[3:30:17 PM](#)

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, prime sponsor, introduced HB 226. He paraphrased the sponsor statement, which read in its entirety as follows [original punctuation provided]:

The Alaska Department of Law, Public Defender Agency and Office of Public Advocacy have struggled in recent years to attract and retain attorneys. HB 226 provides a much-needed boost in pay for these essential legal personnel by raising pay rates for state employed lawyers by 10 percent across the board.

The State, as an employer, is unable to compete with salaries offered by the private sector and has even started to lag other public sector employers in compensation. Further aggravating this difficulty is the fact that state lawyers fall into the classification of "partially exempt" employees, meaning they do not belong to a union and can only receive pay increases at the behest of the legislature. A pay increase for this employee class has not taken place since 2015.

Factors that previously attracted attorneys to state service like certain pensions or a chance for more work life balance are no longer a reality. Lawyers across state agencies are experiencing a higher-than-average volume of work due to vacancies and this has led to increased turnover. A lack of adequate compensation and large workloads create a self-perpetuating cycle of burn out and non-retention.

Our criminal justice system relies on prosecutors to ensure that laws are being enforced and public defenders to guarantee that low-income defendants receive the representation they are entitled to. Additionally, Department of Law attorneys deal with litigation on varied and important topics like consumer protection, oil tax disputes and child support. Without quality pay we will not be able to keep quality legal professionals working in the public sector. HB 226 is a small and concrete step the legislature can take to make employment as a state lawyer more attractive and palatable to those in the legal profession.

I urge your support for this measure. Please feel free to discuss this issue with me in more detail.

[3:41:14 PM](#)

ELISE SORUM-BIRK, Staff, Representative Andy Josephson, Alaska State Legislature, on behalf of Representative Josephson, prime sponsor of HB 226, introduced a PowerPoint presentation, titled "HB 226 - Increase to Pay for State Attorneys" [hard copy included in the committee packet]. She began on slide 2, which read as follows [original punctuation provided]:

WHAT HB 226 DOES-

- Section 5 of the Bill is the Core
- Increases Pay for State Attorneys by 10%
 - As Partially Exempt Employees this must be done through statutory change
- Applies to attorneys under AS 39.25.120(c)(3)
 - "attorney members of the staff of the Department of Law, of the public defender agency, and of the office of public advocacy in the Department of Administration"

[3:43:48 PM](#)

MS. SORUM-BIRK skipped slide 3 and proceeded to slide 4, which highlighted the aging attorney pool in Alaska. She explained that the aging segment of attorneys would lead to a shortage of lawyers in the state, ultimately threatening people's access to justice.

[3:45:56 PM](#)

MS. SORUM-BIRK advanced to slide 5, which displayed graphics from the annual 2021 salary report. The graphics illustrated the median salary for prosecutors in anchorage in addition to the recommended salary of \$87,576.

[3:46:38 PM](#)

MS. SORUM-BIRK concluded on slide 6, which read as follows [original punctuation provided]:

EXAMPLES OF OTHER SIMILAR JOB CLASSES TO CONSIDER
ADDING

- Partially Exempt Legal Support Positions in Department of Law
- e.g. Associate Attorneys
- Administrative Law Judge Positions
- Workers' Compensation Adjudicators

[3:47:50 PM](#)

REPRESENTATIVE JOSEPHSON shared that the administration had indicated unequivocal support for increasing attorney pay.

REPRESENTATIVE EASTMAN shared his understanding that the process by which salaries were adjusted in statute was a slow and cumbersome process. He asked how the process could be simplified.

REPRESENTATIVE JOSEPHSON deferred to Ms. Reardon.

[3:49:56 PM](#)

CATHERINE REARDON, Staff, Representative Andy Josephson, Alaska State Legislature, on behalf of Representative Josephson, prime sponsor, opined that the legislature could consider passing legislation that provided flexibility through regulation or other processes to make adjustments within the partially exempt category of employees.

REPRESENTATIVE EASTMAN asked which public officials would be impacted by the bill.

REPRESENTATIVE JOSEPHSON answered attorneys in 39.25.120(c)(3), which included attorney members at the Department of Law (DOL), the Public Defender Agency, Department of Administration (DOA), and the Office of Public Advocacy (OPA), DOA.

REPRESENTATIVE EASTMAN asked why those positions were classified as public officials, as opposed to "attorney" or "staff" within a non-public official category.

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MS. REARDON shared her understanding that "public officials" was the general term for different subsections of partially exempt employees.

[3:53:51 PM](#)

REPRESENTATIVE VANCE requested information on retention rates in the Municipality of Anchorage. She asked whether the increase in pay by 10 percent, or roughly \$6,200, was lower than the bonuses that were included in the subcommittee process.

REPRESENTATIVE JOSEPHSON answered yes.

REPRESENTATIVE VANCE requested a comparative analysis that illustrated a scaled approach to salary increases. She agreed that an increase of 10 percent was not enough.

REPRESENTATIVE JOSEPHSON conveyed that a 10 percent increase would be in the \$5 million range for all three agencies. He agreed to follow up with the requested information.

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REPRESENTATIVE CLAMAN directed attention to Section 1, which detailed the new salary schedule. He inquired about the reflected increase from current levels.

MS. SORUM-BIRK clarified that sections 1-3 would not make changes to the current salary schedule, which was adopted by the legislature in 2013. She directed attention to Section 2, AS 39.27.011(e), which reflected the updated salary schedule from 2014. She continued to note that Section 3 reflected the updates from 2015. She reiterated that Sections 1-3 were updating the salary schedule in Section 1 to reflect the current reality, as opposed to increasing the salary schedule.

REPRESENTATIVE CLAMAN recognized that the legislature should be considering increases for other classes of state employees as well. He pointed out that faced with current inflation rates, the 10 percent increase would not go very far towards addressing the hiring problems. He wondered whether the increase should be greater and whether the effective date should be earlier.

REPRESENTATIVE JOSEPHSON said those suggestions would be considered friendly amendments.

CHAIR KREISS-TOMKINS associated himself with Representative Claman's comments and Representative Eastman's question regarding flexibility within the executive branch.

[4:03:51 PM](#)

The committee took a brief at-ease.

[Chair Kreiss-Tomkins passed the gavel to Vice-Chair Claman.]

[4:04:27 PM](#)

REPRESENTATIVE VANCE asked whether the state [attorney] salaries would have to be increase by approximately 40 percent to be reciprocal to attorney salary in the Municipality of Anchorage.

REPRESENTATIVE JOSEPHSON answered yes.

REPRESENTATIVE VANCE requested a comparative analysis of benefit packages. She directed attention to Section 6, which stated that Section 1 would apply to employees hired before, on, or after the effective date. She asked why the sponsor worded the language as such.

REPRESENTATIVE JOSEPHSON deferred to Ms. Sorum-Birk.

MS. SORUM-BIRK said the intent was to ensure that all current state attorneys in DOL, OPA, and the Public Defender Agency were included.

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The committee took a brief at-ease.

[Vice-Chair Claman returned the gavel to Chair Kreiss-Tomkins.]

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REPRESENTATIVE JOSEPHSON offered to follow up with the information requested by Representative Vance.

[4:08:57 PM](#)

REPRESENTATIVE CLAMAN recalled the DOL budget subcommittee meetings that shared the starting salaries for attorneys in the Washington Office of the Attorney General. He requested a comparative analysis that included attorney salaries in Washington and Oregon in addition to DOL and the Municipality of Anchorage.

REPRESENTATIVE JOSEPHSON acquiesced.

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REPRESENTATIVE EASTMAN inquired about the effective date in Section 5.

REPRESENTATIVE JOSEPHSON was unsure whether the effective date was a quick decision or a method "to coax the administration and legislature into seeing the wisdom of the bill by not implementing it too fast."

REPRESENTATIVE EASTMAN surmised that essentially, Section 5 would create a new effective date for Section 5; however, there was no separate effective date clause to be voted on by the legislature. He characterized it as "strange."

REPRESENTATIVE JOSEPHSON pointed out that the bill would take effect July 1, 2022, per Section 9.

[4:18:00 PM](#)

REPRESENTATIVE TARR wondered whether a sunset provision was considered by the bill sponsor as a mechanism to prompt the reconsideration of the bill in five years, for example.

REPRESENTATIVE JOSEPHSON said that had not been considered.

REPRESENTATIVE TARR remarked:

If we put the bonuses in this year, that would be the FY 23, and then if this dovetails on the July 1, 2023, then that would be the FY 24, so it should be a seamless transition into this bonus then to pay raise.

REPRESENTATIVE JOSEPHSON opined that it was drafted in a seamless way; however, he expressed concern about what could happen in a conference committee or by veto, which explained the two-pronged approach.

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REPRESENTATIVE TARR opined that the FY 23 bonuses should match the salary increase, so that in FY 24, attorneys would not experience a pay cut even if that meant increasing salaries by 13 percent, for example, as opposed to 10 percent.

REPRESENTATIVE JOSEPHSON agreed that Representative Tarr had highlighted a reason to increase Section 5.

REPRESENTATIVE TARR asked whether someone from the bill sponsor's office could calculate what percentage pay increase would stabilize the bonus pay from FY 23 to FY 24.

REPRESENTATIVE JOSEPHSON answered yes.

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REPRESENTATIVE STORY commented on the high turnover in OPA.

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REPRESENTATIVE CLAMAN asked whether it would be simpler to remove the bonuses entirely and make the effective date July 1, 2022, with a 25 percent pay increase.

REPRESENTATIVE JOSEPHSON touched on the difficulty of turning a bill into law. He indicated that it would depend on the administration.

REPRESENTATIVE CLAMAN recalled that in the DOL Budget Subcommittee, the department repeatedly declined to answer where they stood on the proposed legislation.

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REPRESENTATIVE VANCE asked whether anyone had analyzed State of Alaska employee salaries at the macro level.

REPRESENTATIVE JOSEPHSON answered no. Nonetheless, he shared his belief that this was a problem that stretched across departments.

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REPRESENTATIVE STORY emphasized the importance of this issue for all state employees. She expressed concern that a two-parent household could not afford to let one parent stay at home with the children on a current state employee salary.

CHAIR KREISS-TOMKINS announced that HB 226 would be held over.

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[4:32:08 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:32 p.m.