

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

March 25, 2021

3:31 p.m.

**MEMBERS PRESENT**

Senator Mike Shower, Chair  
Senator Mia Costello (via Teams)  
Senator Roger Holland (via Teams)  
Senator Lora Reinbold, Vice Chair (via Teams)  
Senator Scott Kawasaki (via Teams)

**MEMBERS ABSENT**

All members present.

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

Alaska Police Standards Council

Ed Mercer - Juneau  
Gregory Campbell - Palmer

- CONFIRMATIONS ADVANCED

Alaska Public Offices Commission

Hardy "Van" Lawrence - Fairbanks

- CONFIRMATION ADVANCED

SENATE BILL NO. 102

"An Act relating to the Compact for a Balanced Budget."

- HEARD & HELD

SENATE BILL NO. 2

"An Act relating to reporting acts of misconduct by peace officers; relating to de-escalation procedures used by peace officers; relating to peace officer certificates; and relating to the Alaska Police Standards Council."

- HEARD & HELD

SENATE BILL NO. 28

"An Act establishing April 24 of each year as Vic Fischer and Jack Coghill Constitution of the State of Alaska Day; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 3

"An Act relating to the Alaska Police Standards Council; requiring a peace officer to attempt to de-escalate a situation and use alternative non-lethal methods of engagement before discharging a firearm; and requiring a peace officer to provide an oral warning before discharging a firearm."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 102

SHORT TITLE: AMEND COMPACT FOR A BALANCED BUDGET

SPONSOR(s): SENATOR(s) HUGHES

03/10/21 (S) READ THE FIRST TIME - REFERRALS  
03/10/21 (S) STA, FIN  
03/25/21 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 2

SHORT TITLE: PEACE OFFICERS: DE-ESCALATION, MISCONDUCT

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, FIN  
03/25/21 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 28

SHORT TITLE: EST. APRIL 24 ALASKA CONSTITUTION DAY

SPONSOR(s): SENATOR(s) BEGICH

01/22/21 (S) PREFILE RELEASED 1/8/21  
01/22/21 (S) READ THE FIRST TIME - REFERRALS  
01/22/21 (S) STA  
03/25/21 (S) STA AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

ED MERCER, Appointee

Alaska Police Standards Council  
Department of Public Safety (DPS)  
City and Borough of Juneau  
Juneau, Alaska

**POSITION STATEMENT:** Testified for reappointment to the Alaska Police Standards Council.

GREGORY CAMPBELL, Appointee  
Alaska Police Standards Council  
Department of Public Safety (DPS)  
Palmer, Alaska

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

HARDY "Van" LAWRENCE, Appointee  
Alaska Public Offices Commission  
Department of Administration (DOA)  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified for reappointment to the Alaska Public Offices Commission.

SENATOR SHELLEY HUGHES  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 102.

BUDDY WHITT, Staff  
Senator Shelley Hughes  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced SB 102 on behalf of the sponsor.

RILEY NYE, Intern  
Senator Shelley Hughes  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sectional analysis for SB 102.

MEADE TREADWELL, Chair  
Balanced Budget Compact  
Anchorage, Alaska

**POSITION STATEMENT:** Invited testimony in support of SB 102.

CHIP DEMOSS, CEO  
Compact for America Educational Foundation (AEF)  
Houston, Texas

**POSITION STATEMENT:** Invited testimony in support of SB 102.

SVEN LARSON, Economist and Advisor  
Balanced Budget Compact  
Wyoming

**POSITION STATEMENT:** Invited testimony in support of SB 102.

WES KELLER, representing self  
Wasilla, Alaska

**POSITION STATEMENT:** Stated appreciation for the opportunity to testify in support of SB 102.

MIKE COONS, representing self  
Palmer, Alaska

**POSITION STATEMENT:** Testified in support of SB 102.

SENATOR ELVI GRAY-JACKSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 2.

KEITH BAUGUESS, Staff  
Senator Elvi Gray-Jackson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Delivered the sectional analysis for SB 2.

ROBERT GRIFFITHS, Executive Director  
Alaska Police Standards Council  
Juneau, Alaska

**POSITION STATEMENT:** Testified that the Alaska Police Standards Council has no major concerns about SB 2.

COLONEL BRYAN BARLOW, Director  
Alaska State Troopers  
Department of Public Safety (DPS)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified that the department has no major issues with SB 102 at this time.

MIKE COONS, representing self  
Palmer, Alaska

**POSITION STATEMENT:** Testified in opposition to SB 2.

KATIE BOTZ, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Stated support for SB 2.

CELEST HODGE-GROWDEN, President and CEO  
Alaska Black Caucus  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 2 and 3.

LILIANE ULUKIVAOLA, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 2.

KAREN MALCOLM-SMITH  
David Dylan Foundation  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 2.

MAXINE DOOGAN  
Community United for Safety and Protection  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 2 and 3.

MICHAEL PATTERSON  
Party for Socialism and Liberation Anchorage  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 2 and SB 3.

JULIE SMYTH, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 2 and SB 3.

SENATOR TOM BEGICH  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 28.

LOKI TOBIN, Staff  
Senator Tom Begich  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sectional analysis for SB 28.

RICK HALFORD, representing self  
Chugiak, Alaska

**POSITION STATEMENT:** Invited testimony in support of SB 28.

BOB WALDROP, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Invited testimony in support of SB 28.

## **ACTION NARRATIVE**

[3:31:59 PM](#)

**CHAIR MIKE SHOWER** called the Senate State Affairs Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Holland and Costello (both via Microsoft Teams), and Chair Shower.

He read the remote meeting protocols, including the roll call that showed the presence and location of the following members:

SENATOR COSTELLO, Capitol room 119, SENATOR HOLLAND, Capitol room 113, and CHAIR SHOWER in the Butrovich room, Capitol 205.

### **CONFIRMATION HEARING(S)**

#### **Alaska Police Standards Council** **Alaska Public Offices Commission**

[3:37:11 PM](#)

CHAIR SHOWER announced the consideration of Governor Appointees to Boards and Commissions. He stated his intention to hear from all the nominees referred to the Senate State Affairs Standing Committee.

He asked Ed Mercer to introduce himself, provide a brief overview, and tell the committee why he would like to continue to serve on the Alaska Police Standards Council.

[3:37:54 PM](#)

ED MERCER, Appointee, Alaska Police Standards Council, Department of Public Safety (DPS), Chief, Juneau Police Department, City and Borough of Juneau, Juneau, Alaska, stated that he was born and raised in Sitka and has been a law enforcement officer since he joined the Sitka Police Department in 1992. In 2000, he transferred to the Juneau Police Department and worked through the ranks from officer to chief of police. He reported that he holds a Bachelor of Science degree in Criminal Justice and is a graduate of the FBI academy. He listed the boards he serves on currently. He has a strong purpose to serve and has a good understanding of the police profession and its accountability. He voiced support for maintaining the image of professional law enforcement in the state, including uniform standards for all Alaska law enforcement officers (LEOs). He stressed the importance for police departments to maintain systems of checks and balances to ensure that personnel perform properly and with integrity.

SENATOR HOLLAND thanked Chief Mercer for his service.

CHAIR SHOWER asked if he had any conflicts of interest to declare.

MR. MERCER answered no.

CHAIR SHOWER asked if he had any ethical or criminal issues that might create a problem with service on the board.

MR. MERCER answered none at all.

CHAIR SHOWER asked if he had reviewed the state ethics policy.

MR. MERCER answered yes.

CHAIR SHOWER asked if he had any skeletons in the closet.

MR. MERCER answered no.

[3:42:21 PM](#)

CHAIR SHOWER opened public testimony on the appointment of Chief Mercer to the Alaska Police Standards Council; finding none, he closed public testimony.

CHAIR SHOWER asked Gregory Campbell to introduce himself, provide a brief overview, and tell the committee why he would like to serve on the Alaska Police Standards Council.

[3:43:14 PM](#)

GREGORY CAMPBELL, Appointee, Alaska Police Standards Council, Department of Public Safety (DPS), Palmer, Alaska, stated that he served as a police officer for the state for 24 years before retiring. He served with the Alaska State Troopers statewide and finished his career as the chief of police for the North Slope Borough Police Department. His interest in serving is to review and try to improve the standards for rural police officers in Alaska.

CHAIR SHOWER asked if he had any conflicts of interest to declare.

MR. CAMPBELL answered no.

CHAIR SHOWER asked if he had any ethical or criminal issues that might create a problem with service on the board.

MR. CAMPBELL answered none.

CHAIR SHOWER asked if he had reviewed the state ethics policy.

MR. CAMPBELL answered yes.

CHAIR SHOWER asked if he had any skeletons in the closet.

MR. CAMPBELL answered no.

3:45:20 PM

CHAIR SHOWER opened public testimony on the appointment of Gregory Campbell to the Alaska Police Standards Council; finding none, he closed public testimony.

CHAIR SHOWER asked Hardy "Van" Lawrence to introduce himself, provide a brief overview, and tell the committee why he would like to continue to serve on the Alaska Public Offices Commission

3:46:05 PM

HARDY "Van" LAWRENCE, Appointee, Alaska Public Offices Commission, Department of Administration (DOA), Fairbanks, Alaska, stated that he holds undergraduate degrees in government and economics and graduated from law school. He moved to Alaska in 1978 and has owned and operated his law firm since 1980. He has participated in community service and served two terms on the Fairbanks North Star Borough Assembly. He would like to serve on APOC because it plays a vital role in ensuring that public officials, candidates, and groups comply with campaign finance and election laws and regulations. Having run in three local elections and one state House race, he understands the stress candidates are under and he feels he will be able to apply the rules with insight and fairness. Further, he said his training and experience as a lawyer helps him understand and apply campaign finance laws and regulations fairly and consistently.

SENATOR HOLLAND thanked him for being involved and expressed appreciation for the insight into the stress candidates are under to follow the rules.

CHAIR SHOWER asked if he had any conflicts of interest to declare.

MR. LAWRENCE answered no.

CHAIR SHOWER asked if he had any ethical or criminal issues that might create a problem with service on the board.

MR. LAWRENCE answered no.

CHAIR SHOWER asked if he had reviewed the state ethics policy.

MR. LAWRENCE answered yes.

CHAIR SHOWER asked if he had any skeletons in the closet.

MR. LAWRENCE answered no.

CHAIR SHOWER asked if he sees areas within APOC that could be made better, more efficient, or more helpful to candidates. Specifically, he asked about the use of dark money on ballot measures.

MR. LAWRENCE said he believes the regulations that the commission promulgates regarding the fines for campaign violations should be revised. Currently, fines continue to accrue even when nobody is aware of the violation. This forces the commission to look for mitigating factors and sometimes that stretches the regulations, he said.

[3:51:43 PM](#)

CHAIR SHOWER opened public testimony on the appointment of Van Lawrence to the Alaska Public Offices Commission; finding none, he closed public testimony.

[3:52:20 PM](#)

SENATOR COSTELLO stated that in accordance with AS 39.05.080, the Senate State Affairs Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

[Alaska Police Standards Council]

Ed Mercer - Juneau

Gregory Campbell - Palmer

[Alaska Public Offices Commission]

Hardy "Van" Lawrence - Fairbanks

Signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or

disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

CHAIR SHOWER found no objection and the names were forwarded.

**SB 102-AMEND COMPACT FOR A BALANCED BUDGET**

[3:53:10 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 102 "An Act relating to the Compact for a Balanced Budget."

He listed the individuals who would provide invited testimony.

[3:54:07 PM](#)

SENATOR SHELLEY HUGHES, Alaska State Legislature, Juneau, Alaska, sponsor of SB 102, said she was honored when former lieutenant governor Meade Treadwell asked her to carry this bill. Alaska joined the Compact for a Balanced Budget in 2014 and SB 102 reauthorizes that membership. She said the federal debt is approaching \$28 trillion and the compact is an effort to keep from overburdening future generations. She explained that the goal of the compact is to amend the US Constitution through the Article V process. She deferred further introduction to Buddy Whitt.

[3:56:39 PM](#)

BUDDY WHITT, Staff, Senator Shelley Hughes, Alaska State Legislature, Juneau, Alaska, advised that SB 102 extends Alaska's membership in the Compact for America. He said the goal of this compact is to pass a balanced budget amendment to the US Constitution. Alaska entered the compact in 2014 after the passage of HB 284 sponsored by former Representative Wes Keller. At the time, the national debt was \$17.3 trillion, but it had not surpassed the nation's Gross Domestic Product (GDP). As of March 2021, the national debt was \$28 trillion, which exceeds the GDP by \$6.4 trillion. For perspective, the difference between the national debt and the GDP is more than the GDP of every nation on earth except for the US and China. He said this is obviously unsustainable. He urged the committee to recognize the need for a balanced budget amendment and to continue to work towards that goal.

SENATOR HOLLAND expressed appreciation for the bill.

SENATOR COSTELLO stated that it is a good idea to shine light on this situation.

4:01:16 PM

RILEY NYE, Intern, Senator Shelley Hughes, Alaska State Legislature, Juneau, Alaska, presented the following Sectional analysis for SB 102:

**Section 1 - Article I - Page 1, Line 3 through Page 2, Line 3**

Article I of the Compact is the Declaration of Policy, Purpose, and Intent of the Compact for a Balanced Budget Amendment. There are no changes to Article I of the compact.

**Article II, Sections 1 - 5 - Page 2, lines 6 through 30**

These sections of Article II of the compact contains definitions for the commonly used terms; "Compact", "Convention", "State", "Member State", and "Compact Notice Recipients". There are no changes to these definitions, so these sections to Article II are unchanged.

**Article II, Section 6 - Page 2, Lines 31 through Page 3, Line 2**

Article II, section 6 contains the notice requirement stipulations for the compact to the member states. There are no changes to this section of the compact.

**Article II, Section 7 - Page 3, line 3 through Page 4, Line 23**

Article II, Section 7 is the Balanced Budget Amendment itself. The Balanced Budget Amend contains 7 sections and outlines the details and the mechanics of the amendment. This section in unchanged.

**Article III, Page 4, line 24 through Page 6, line 6**

Article III of the Compact detail's membership and withdrawal criteria. Article III is unchanged.

**Article V, Page 9, Lines 4 through 14**

Article V of the compact contains the resolution language to Congress for the application for an Article V Convention for the ratification of the Balanced Budget Amendment. Article V of the compact is also unchanged from the current compact.

**Article VI, Page 9, line 15 through Page 11, line 23**

Article VI of the compact contains instruction on the appointment of delegates, the limitations of delegate

powers and delegate instructions. There is a change in Article VI of the compact in that the Governor, Speaker of the House and President of the Senate or their designee will be the delegate to the Article V Convention. This section also stipulates that the vote of the majority of the members of the three-member delegation will be the vote of the member state.

**Article VII, Page 11, line 24 through Page 14, line 1**

Article VII of the compact details the rules of the convention and there are no changes in this article to the current compact.

**Article VIII, Page 14, lines 2 through 19**

Article VII of the compact specifies a prohibition on Ultra Vires (or Outside the Powers) Convention. Meaning, that any action outside the scope, purpose, and rules of the compact and the convention are out of order and invalid. Article VII is unchanged from the current compact.

**Article IX, Page 14, lines 20 through 28**

Article IX contains resolution language for each state to use in ratifying the Balanced Budget Amendment. This article is unchanged from the current compact.

**Article X, Page 29, line 29 through 30**

Article X contains the Construction, Enforcement, Venue, and Severability Clause for the compact. The only change to this Article is in the termination date of the compact, which occurs either upon ratification of the Balanced Budget Amendment or on April 12, 2031, whichever occurs first.

[4:04:30 PM](#)

CHAIR SHOWER asked Mr. Whitt to set the record straight regarding Articles IV and Article VII.

MR. WHITT advised that Article IV outlines the powers and responsibilities of the compact commission and stipulates that each commission member has one vote. This article provides the mechanism for getting the commission together and to the final goal of ratification of the constitutional amendment.

MR. WHITT said Article VII lays out the details of the rules of the convention. He noted that there are no changes from the current compact.

CHAIR SHOWER asked Mr. Whitt to introduce the invited testifiers.

MR. WHITT said former Lieutenant Governor Meade Treadwell will give opening comments and introduce the panel.

[4:06:54 PM](#)

MEADE TREADWELL, Chair, Balanced Budget Compact, Anchorage, Alaska, stated that this is a very narrowly focused compact that is intended to force a national conversation on the debt to try to avoid a US default. The compact commission has economic experts that are looking at the national default issue and who owns US Treasuries. As to why Alaska should renew its membership, he said the compact is working to force a conversation on spending and debt. Mississippi, North Dakota, North Carolina, and Arizona, either renewed their compacts or renewal is pending. He said there is no perfect compact because the federal government needs the means to spend in the event of a true emergency, but the spending sideboards Congress has put on itself have not been successful. It is important to have this conversation because Alaska would feel the effects very quickly if the federal government were to default. He said the state owns a lot of Treasury bonds and it depends on federal spending.

MR. TREADWELL introduced Chip DeMoss to explain how the compact works.

CHAIR SHOWER said he agrees with the concept.

[4:12:50 PM](#)

CHIP DEMOSS, CEO, Compact for America Educational Foundation (AEF), Houston, Texas, advised that AEF is the designated administrator for the Compact for a Balanced Budget. He related that he is a CPA and has been involved in all aspects of corporate finance for 30 years.

He explained that the written testimony he provided addresses the technical aspects of the compact document and the balanced budget amendment it contains. He thanked the State of Alaska for taking a leading role in moving the compact forward, starting in 2014. Alaska was the second member state to express its desire to exercise the power of the state legislature to propose and ratify amendments to the US Constitution without going through Congress. He also thanked Mr. Treadwell for working on behalf of the foundation and for his leadership role as chair of the compact commission.

[4:14:33 PM](#)

MR. DEMOSS provided an update. In 2017 when Arizona joined the compact, the deadline for joining was extended to 2031 to give other states time to join. The North Dakota legislature recently sent the extension bill to the governor for a signature. Georgia has indicated it wants to renew participation next session and bills will be introduced in the North Carolina legislature next week to join the compact. He said AEF believes more states will join the compact very soon because Congress is unable to address the out-of-control spending and federal debt. He highlighted that the national debt grew to over \$28 trillion last month. Now that the stimulus bill was signed into law, the federal debt is expected to exceed \$30 trillion by the end of 2021. He noted that he attached a graph to his written testimony that shows the dramatic increases in the annual deficits over the last 10 years. He offered his belief that Congress never intends to pay back what it has borrowed or to cut spending. He predicted ballooning deficits and hyperinflation, which will destroy American wealth nationwide.

MR. DEMOSS said economic experts are forecasting double-digit inflation before the end of 2021. Instilling fiscal constraints on Congress has to come from state legislatures. He said Alaska has indicated it is willing to do so and the America Educational Foundation is working to bring other states on board.

CHAIR SHOWER commented that this is not a partisan issue it is an American issue.

SENATOR COSTELLO asked if issues other than the balanced budget could be brought forward at the convention.

MR. DEMOSS said no, only the balanced budget amendment may be considered at the convention. The compact limits the convention to 24 hours and the balanced budget amendment must be ratified by 38 states.

MR. TREADWELL added that Article V has never been used to amend the US Constitution and the compact was carefully crafted to prevent a runaway convention.

SENATOR HOLLAND asked how many states have joined and if there was a projection for getting 38 states to join.

[4:20:17 PM](#)

MR. TREADWELL mentioned states moving in the direction of joining and suggested the committee members should work through interstate legislative groups to encourage other states to join.

SENATOR HOLLAND said this is a noble effort that could snowball once it picks up momentum.

[4:22:48 PM](#)

SVEN LARSON, Economist and Advisor, Balanced Budget Compact, Wyoming, stated that he participated in the initial drafting of the Balanced Budget Amendment. He highlighted that the budget deficit today is 15 percent of GDP and in 2020 the federal government borrowed the equivalent of 15 percent of GDP.

MR. LARSON said both Alaska and Wyoming have structured their state and local governments on the premise that minerals will continue to produce revenue. That is no longer the case so both states have to realign to a new revenue stream. In this circumstance, it is easy to become more dependent on federal money, he said, particularly for Medicaid. Should the federal government default or even see the potential for that, it will quickly cut expenditures and Medicaid money for states will be at the top of the list. He asked members to imagine what the Alaska government would do if it were to lose even 10 percent of its Medicaid funding.

MR. LARSON said the benefit of the Balanced Budget Compact is that it gives states a seat at the table, so the federal government never reaches the point of drastic cuts in aid to states. That is probably the most important component of the Balanced Budget Compact for state legislatures to consider. He said a final point about that is that the federal money to states cannot be used as a quid pro quo to allow Congress to increase its debt limit.

MR. LARSON concluded that as an economist he cannot emphasize strongly enough how important the Balanced Budget Amendment is for states.

SENATOR HOLLAND said he appreciates the enthusiasm.

CHAIR SHOWER expressed hope that the state continues to work on this.

[4:28:04 PM](#)

WES KELLER, representing self, Wasilla, Alaska, said he appreciates the opportunity to testify in support of SB 102. He

thanked the sponsor and Mr. Treadwell for their work on the bill and pointed out that the Compact for American will cost the state nothing. He said he was honored to carry the bill in 2014 and he believes there is more reason to be enthused today. He explained that the compact provides for the use of Article V to amend the US Constitution to require a balanced budget. Alaska was the second state to join the commission. He drew an analogy between having a compact on the books and having a high-quality damper control on a raging wood-fired stove. He said the compact enables three-fourths of the sovereign states to slow federal spending, which he believes is long overdue. He said a point that has not been made is that the compact can provide the catalysis that Congress needs to regulate itself. He asked the committee to support this very well vetted bill. SB 102 gives states the opportunity to cooperate and compel Congress to limit spending.

SENATOR HOLLAND thanked him for the enthusiasm.

CHAIR SHOWER said he believes the committee understands the importance of the bill and the danger of an unsustainable national debt.

MR. TREADWELL thanked the committee and Alaska for the support it has given to this compact.

MR. WHITT thanked the committee for hearing the bill.

[4:35:00 PM](#)

CHAIR SHOWER opened public testimony on SB 102.

[4:35:19 PM](#)

MIKE COONS, representing self, Palmer, Alaska, reported that according to the Balanced Budget Taskforce website, 6 more states or 34 states in total need to join the compact to authorize holding a convention and 38 states are needed to ratify the amendment. He said he has been advocating for a balanced budget amendment to the US Constitution for years. He stated support for SB 102 and states taking back their government through Article V of the US Constitution.

[4:37:03 PM](#)

CHAIR SHOWER closed public testimony on SB 102. He advised that written testimony could be sent to [ssta@akleg.gov](mailto:ssta@akleg.gov) and it would be added to the record.

[4:37:29 PM](#)

CHAIR SHOWER held SB 102 in committee for further consideration.

**SB 2-PEACE OFFICERS: DE-ESCALATION, MISCONDUCT**

[4:37:41 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 2 "An Act relating to reporting acts of misconduct by peace officers; relating to de-escalation procedures used by peace officers; relating to peace officer certificates; and relating to the Alaska Police Standards Council."

He listed the individuals who were available to answer questions and provide invited testimony.

[4:38:10 PM](#)

SENATOR ELVI GRAY JACKSON, Alaska State Legislature, Juneau, Alaska, sponsor of SB 2, read the following introductory statement for SB 27 into the record: [Original punctuation provided.]

First, I would like to thank the hard-working men and women peace officers and office staff who provide the services that protect lives and welfare of the people within Alaska's communities. Thank you all for your service.

The recent casualties surrounding civilians has drawn even greater attention to issues around policing and police to community relationships. This moment seems to have created real momentum to address one of the longest standing injustices in society.

During last summer and into the Fall, my office - along with Senator Begich's office - worked together to develop a series of bills. These bills were drafted by Legislative Legal as a bill packet that our offices refer to as TPIP- Turning Pain into Progress. TPIP was crafted after the national 8 Can't Wait campaign which is eight specific policies that have been proven, with data, to reduce police violence by as much as 72 percent, when implemented. I recognize that the national campaign can't and shouldn't be applied to a place as unique as Alaska. Therefore, I spent a great deal of time talking to stakeholders and gaining input throughout the process of drafting these bills to ensure that the proposal would be fitting for Alaska. I am pleased to say that I have engaged public

safety agencies to include the Anchorage Police Department, Anchorage Police Employees Association, Public Safety Employees Association, and the National Organization of Black Law Enforcement Executives during the process. Because of my proactive approach, I am confident in moving forward with the implementation of public safety policy changes that will benefit both the citizens of Alaska and our law enforcement officers.

[4:40:11 PM](#)

SENATOR GRAY-JACKSON read the following sponsor statement for SB 27 into the record: [Original punctuation provided.]

The vast majority of law enforcement officers in this country perform their difficult duties daily with respect to their communities and in compliance with the law. There are, after all, incidents in which this is not the case. Police misconduct can include, among other things, excessive force, failure to intervene when an officer sees another officer not following protocol or practicing safety measures.

These above issues portray the need for additional training specifically for police officers, probation officers, parole officers, municipal correctional officers, or correctional officers.

SB2 seeks to mandate training around de-escalation and the duty to intervene as an officer. Additionally, this bill would set new parameters around de-certification, denial and revocation of certificates.

[4:41:14 PM](#)

KEITH BAUGUESS, Staff, Senator Elvi Gray-Jackson, Alaska State Legislature, Juneau, Alaska, paraphrased the following sectional analysis for SB 2: [Original punctuation provided.]

**Section 1.** This section amends AS 18.65.220, the statute regarding the powers of the Alaska Police Standards Council by adding a new subsection. It would adopt regulations that require a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer to de-escalate an encounter with a person who resists or responds aggressively to officer contact or arrest by using nondeadly or less lethal means before using

deadly force, if de-escalation is safe to attempt. It would also require such officers listed to intervene when the officer knows, or reasonably should know, that another officer is engaged in an act of misconduct, unless the officer cannot intervene safely. That officer also is to immediately report to a supervisor the incident involving another officer engaged in an act of misconduct.

**Section 2.** This section amends AS 18.65.240(a) the statute regarding Alaska Police Standards Council Standards, setting forth that a person may not be appointed as a police officer, except on a probationary basis, based on completing training regarding domestic violence, and sexual assault, and having the qualifications established for employment. The Council shall prescribe the means of presenting evidence of fulfillment of these requirements.

**Section 3.** This section amends AS 18.65.240(c) to deny or revoke the certificate of a police officer who does not meet the standards or who fails to comply with the regulations adopted under AS 18.65.220(b)(1)-(3), or who has been the subject of a substantiated report of an incident involving misconduct filed in accordance with AS 18.65.220(b)(3).

[4:43:05 PM](#)

**Section 4.** This section amends AS 18.65.242(b), the statute regarding standards for municipal correctional, probation, and parole officers, to set a [training] requirement for certification. Conforming language is reflected in section 2 of this bill.

**Section 5.** This section amends AS 18.65.245, the statute pertaining to denial or revocation of certificate of municipal correctional, correctional, probation, or parole officer with conforming language that reflects section 3 of this bill.

**Section 6.** This section amends AS 18.65.280(b), the statute regarding Alaska Police Standards Council exceptions to set requirements for police training programs.

**Section 7.** This section amends AS 18.65.670(c), the statute regarding village public safety officer

program. Specifically, it sets requirement for training subjects with conforming language that reflects section 6.

[4:44:16 PM](#)

CHAIR SHOWER expressed support for including improvements to the VPSO program in the bill. He said he was interested in hearing what officers think about the bill. He asked if the members had questions for Robert Griffiths or Colonel Barlow.

SENATOR HOLLAND asked for a short statement from each of the individuals on their perspective of the bill.

[4:47:20 PM](#)

ROBERT GRIFFITHS, Executive Director, Alaska Police Standards Council, Juneau, Alaska, stated that SB 2 reflects many of the concerns about performance and training standards for officers in the state that APSC is addressing in a new regulatory package. The council is ready to embrace this type of change and has no major concerns with the bill.

CHAIR SHOWER asked Colonel Barlow to comment on the balance between giving police officers leeway and not putting them in harm's way unnecessarily and "throwing the book" at officers who do not follow the rules.

[4:50:25 PM](#)

COLONEL BRYAN BARLOW, Director, Alaska State Troopers, Department of Public Safety (DPS), Anchorage, Alaska, stated that the department provides public safety training for troopers and police officers at the academy in Sitka that incorporates the mindset of de-escalation and intervening when excessive use of force is observed. Blocks of training are devoted to professional police communication, critical incident intervention, and multiple scenario-based training exercises. In the latter, the role players are evaluated and rated in each scenario, all of which have a de-escalation or intervention component.

COLONEL BARLOW explained that after troopers complete more than 1,000 hours of training at the public safety academy, they are involved in a months-long field training and evaluation program where a training officer evaluates de-escalation techniques and use of force. Following that training, the recruits are on probationary status.

COLONEL BARLOW said the department takes de-escalation and professionalism in service and communication with the public very seriously. Officers are expected to hold themselves to a high standard and policies require troopers to intervene and report if excessive use of force is observed.

CHAIR SHOWER asked if he had any specific comments on or concerns with the bill.

COLONEL BARLOW replied the department has no big issues with SB 2 at this time.

[4:54:28 PM](#)

SENATOR COSTELLO advised that Senator Kawasaki was online, but his audio was not working. He sent a message asking how frequently officers take refresher training on de-escalation and specifically when an academy graduate takes the refresher training.

MR. GRIFFTHS answered that current regulations do not require annual or biannual recertification in de-escalation training. Each individual department addresses that topic currently, but next week APSC will consider a package of regulation change. These include mandatory refresher training for all officers in the state every year to maintain certification in de-escalation, constitutional rights and other topics.

CHAIR SHOWER noted that Senator Kawasaki showed on the board, but his audio was muted.

[4:57:16 PM](#)

CHAIR SHOWER opened public testimony on SB 2.

[4:57:55 PM](#)

MIKE COONS, representing self, Palmer, Alaska, stated that he strongly opposes SB 2 in addition to SB 1, SB 4, SB 7, and SB 46. He maintained that these bills are what Black Lives Matter is trying to do, which is to create a new socialist-approved police force. The bill is more harassment of law enforcement.

[4:59:40 PM](#)

KATIE BOTZ, representing self, Juneau, Alaska, stated support for SB 2. She cited a case last August where a police officer escalated a domestic dispute. She said she was concerned about the level of training the officer went through. She offered her belief that there should be stricter rules and policies, so officers do not misjudge and mistreat people on scene. She asked

the committee to strengthen the bill and hold police officers accountable.

[5:02:00 PM](#)

CELEST HODGE-GROWDEN, President and CEO, Alaska Black Caucus, Anchorage, Alaska, said the Alaska Black Caucus is a nonprofit organization that champions the lives of Black people in the areas of health, economics, education, and justice. She stated strong support for both SB 2 and SB 3 and urged the committee to support de-escalation bills. She said policing practices must build community trust and foster collaboration to protect public safety and all citizens. This legislation is a positive step toward bridging the gap between law enforcement and all citizens, including Black and indigenous people of color.

[5:03:31 PM](#)

LILIANE ULUKIVAOLA, representing self, Anchorage, Alaska, said she supports SB 2 because law enforcement needs more training and to be held accountable for their actions. She recounted a situation where law enforcement was called to de-escalate a situation with a suicidal person, but the officers ridiculed the individual.

[5:05:10 PM](#)

KAREN MALCOLM-SMITH, David Dylan Foundation, Anchorage, Alaska, stated strong support for SB 2. She related a personal story where officers acted with no compassion when she was suicidal. She declined a trip to the hospital and the officers put her in handcuffs and used what she believes was excessive force to put her in the back of the squad car. She said the officers were young and appeared to be untrained.

[5:07:32 PM](#)

MAXINE DOOGAN, Community United for Safety and Protection (CUSP), Fairbanks, Alaska, stated that CUSO is an ally for current and former sex workers and is urging the committee to support both SB 2 and SB 3. These bills codify important public safety measures so there is no arbitrary enforcement between jurisdictions, and the public will be clear about the expectations.

[5:08:42 PM](#)

MICHAEL PATTERSON, Party for Socialism and Liberation Anchorage (PSL), Anchorage, Alaska, stated that PSL held demonstrations in Anchorage last summer and had conversations with thousands of Alaskans about their personal interactions with the police. It was disheartening to hear many people describe how police

treated them with violence and aggression when they were experiencing a mental health crisis. This escalated the situation. Thus, PSL Anchorage supports SB 2 and SB 3 to codify standards for police officers.

MR. PATERSON related a personal encounter with Anchorage Police Department (APD) officers when he was age 15. He described this and other interactions with law enforcement in Alaska as "pretty bad" and said SB 2 is a modest and necessary first step to modernize Alaska's public safety laws.

[5:10:19 PM](#)

JULIE SMYTH, representing self, Fairbanks, Alaska, advised that she is an Inupiaq from Fairbanks who entered the foster care system because of police brutality against her dad. Family members and others have also talked about how the police treat her people and the differences in treatment between a female and a male. She said she has called the Alaska State Troopers several times asking for help as recommended by the Interior Alaska Center for Nonviolent Living and the troopers did not follow through. She said it is almost taboo for people in her community to call police because there is so much mistrust. She urged the committee to do the research to see how bills like SB 2 and SB 3 have helped communities. She suggested the language in SB 2 could be even stronger and require officers to prove that their life was in danger when they opted to use deadly force. She pointed out that per capita, Alaska is the second worst state in the nation for police brutality against Alaska Natives and Blacks. SB 2 is a step in the right direction.

[5:13:38 PM](#)

CHAIR SHOWER closed public testimony on SB 2 and held the bill in committee.

**SB 28-EST. APRIL 24 ALASKA CONSTITUTION DAY**

[5:14:03 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 28 "An Act establishing April 24 of each year as Vic Fischer and Jack Coghill Constitution of the State of Alaska Day; and providing for an effective date."

[5:14:25 PM](#)

CHAIR SHOWER recognized that Senator Reinbold and Senator Kawasaki were present via Teams.

[5:14:55 PM](#)

SENATOR TOM BEGICH, Alaska State Legislature, Juneau, Alaska, sponsor of SB 28, introduced the legislation paraphrasing the following sponsor statement:

On April 24, 1956, the citizens of Alaska ratified the Constitution of the State of Alaska, "guaranteeing that the individual will always be in-charge," enshrining our State's values of individual freedom, local control, and personal anatomy at the core of our Statehood. The purpose of our Constitution was to "transmit to succeeding generations our heritage of political, civil, and religious liberty within the United of States."

Over the past 65 years, the laws and policies of our state have remained relevant and true. Those 55 delegates so long ago provided a visionary template for guided governance that has served this state well. Now is the time to recognize the persistence of our Constitution by establishing an annual reminder and celebration of the continuity of our state's values.

SB 28 provides a bridge from the past to the future by establishing the Vic Fischer and Jack Coghill Constitution of the State of Alaska Day. If we know where we have come from, we will better attend to where we are going. As Alaska grapples with an unprecedented pandemic and increasing fiscal instability, let us all take a moment to remember the actions and efforts that shaped the state we are today and focus on the state we wish to become.

[5:17:34 PM](#)

LOKI TOBIN, Staff, Senator Tom Begich, Alaska State Legislature, Juneau, Alaska, presented the following sectional analysis for SB 28:

*Section 1.*

Amends AS 44.12.010(a) by inserting subsection (5) which denotes the 24<sup>th</sup> day of April, or Vic Fischer and Jack Coghill Constitution of the State of Alaska Day, as a legal holiday in the state of Alaska.

*Section 2.*

Conforms exceptions under AS 44.12.020 to align with newly created subsection (5) under AS 44.12.010(a) to

ensure every Sunday continues to be recognized as a legal holiday in the state of Alaska.

*Section 3.*

Inserts applicability language to ensure this legislation does not void or create an unintended impact on any existing state contract.

*Section 4.*

Establishes an effective date of July 1, 2021.

[5:19:18 PM](#)

CHAIR SHOWER opened public testimony on SB 28.

[5:19:28 PM](#)

RICK HALFORD, representing self, Chugiak, Alaska, stated that when he was first in the legislature in the late 1970s he had some of the best teachers possible. They had worked on statehood and created the Alaska Constitution. He interacted with both Jack Coghill and Vic Fisher and while they came from opposite perspectives, they reflected the commitment to the long-term future of the state. The constitution itself represents that balance and that should be protected. He described SB 28 as a step in the right direction in recognition that the Alaska Constitution is the best of all the states.

[5:20:59 PM](#)

BOB WALDROP, representing self, Anchorage, Alaska, stated that he was speaking in support of SB 28 and his comments are made with respect for the history and confidence in the future. He related that in the 2011 message to citizens in the constitutional booklet, Jack Coghill, former state senator, lieutenant governor, and delegate to the constitution convention, said the Alaska Constitution is a product of Alaska pioneers, the spirit of independence, and self-government. It is the guarantee that the individual will always be in charge.

MR. WALDROP said he believes that the Alaska Constitution strikes a fair balance of the power of the people and the executive, legislative, and judicial branches. He cited the first article of the constitution that says all political power is inherent in the people. Since statehood, the constitution has guided Alaska through good and bad times, he said, and the principles continue to be as relevant today as when Alaskans ratified the constitution. He said SB 28 would serve as an annual reminder of the debt owed to all the founders and the means to navigate the seas ahead.

5:22:39 PM

CHAIR SHOWER closed public testimony on SB 28 and held the bill in committee for future consideration.

5:23:56 PM

There being no further business to come before the committee, Chair Shower adjourned the Senate State Affairs Standing Committee meeting at 5:23 p.m.