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COMMITTEE REPORT
SENATE

2/4/83

FURTHER: Judiciary

Date: 5-10-83

Mr. President:

The Committee on State Affairs has had SB 115

An Act relating to individual rights of peace officers.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 115 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

SB 115 - Do Not Pass it

CHAIRMAN

Offered: 5/11/83
Referred: Judiciary

Original sponsors: Rodey, Kelly,
Ray, et al

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 115 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act relating to individual rights of police offi-
7 cers."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.65 is amended by adding new sections to read:

10 ARTICLE 7. INDIVIDUAL RIGHTS OF POLICE OFFICERS.

11 Sec. 18.65.530. INVESTIGATION OF CONDUCT OF POLICE OFFICER SUB-
12 JECT TO CRIMINAL ACTION. If a police officer is under investigation
13 for conduct that may subject the police officer to criminal action,
14 the police officer may exercise all rights granted to any other citi-
15 zen under the law.

16 Sec. 18.65.531. INVESTIGATION OF CONDUCT OF POLICE OFFICER SUB-
17 JECT TO PUNITIVE ACTION. (a) If a police officer is under investiga-
18 tion instituted by the police officer's employing agency or as a
19 result of a complaint being filed against the police officer and the
20 police officer is interrogated or interviewed by the employing agency
21 for conduct that may subject the police officer to punitive action,

22 (1) before an interrogation or interview is commenced the
23 police officer shall be informed of the nature of the investigation
24 and advised concerning the rights specified in this section;

25 (2) the police officer is entitled to select and have pre-
26 sent at each interview a witness, ~~including~~ ^{and} an attorney;

27 (3) failure to answer questions or provide information
28 relevant to the investigation or complaint can result in punitive
29 action unless the police officer's answer would tend to be self-

Separate

Somebody's investigation

1 incriminating, in which case the police officer may exercise the right
2 to remain silent;

3 (4) the police officer and employing agency may tape record
4 the interrogation or interview after advising that a recording will be
5 made and each shall have access to the other's tape recording, if any
6 is made;

7 (5) the police officer is entitled to ^{my} ~~a~~ transcript of the
8 notes made by a stenographer at the interrogation or interview;

9 (6) information that is adverse to the police officer or
10 otherwise considered by the employing agency to be confidential may
11 not be entered in the police officer's personnel file unless the
12 police officer is first given a copy of that information and an oppor-
13 tunity to file a response within ¹⁵ ~~30~~ days which response shall be
14 attached to the adverse or confidential information; the employing
15 agency shall promptly remove all pertinent information upon determin-
16 ing that the allegations are unfounded;

17 (7) the police officer may not be compelled to submit to a
18 polygraph examination and the exercise of that right may not be used
19 in any way to disadvantage the police officer, including but not
20 limited to the use of that fact in a proceeding involving the police
21 officer or notation of that fact in a personnel file;

22 (8) subject to rules of discovery of evidence, the police
23 officer may refuse to disclose personal information, including but not
24 limited to property possessed, sources and amounts of income, debts,
25 and personal or domestic expenditures; unless it is relevant to an
26 investigation into possible conflicts of interest with respect to the
27 performance of the police officer's official duties;

28 (9) the police officer may exercise the right against
29 unlawful search and seizure with respect to the police officer's

1 locker or other space assigned to the police officer by the employing
2 agency;

3 (10) the police officer is to be presumed innocent unless
4 proven otherwise.

5 (b) As used in this section, "punitive action" means any action
6 taken against a police officer by the employing agency that may lead
7 to dismissal, demotion, suspension, written reprimand, or transfer in
8 work assignments for purposes of punishment, or that may affect the
9 police officer's integrity as a police officer, but does not include
10 spontaneous admonishment for minor infractions, such as uniform vio-
11 lations or grooming and dress standards.

12 Sec. 18.65.532. REPRISALS AGAINST POLICE OFFICER FOR EXERCISE OF
13 RIGHTS. A police officer may not be subjected to any reprisals or in
14 any way be disadvantaged for exercising the rights set out in AS 18.-
15 65.530 and 18.65.531, including but not limited to the use of the ex-
16 ercise of those rights

17 (1) as evidence in any proceeding involving the police
18 officer; or

19 (2) as justification for altering the police officer's work
20 schedule, wages, or working conditions.

21 Sec. 18.65.533. DEFINITIONS. As used in AS 18.65.530 - 18.65.-
22 532 "police officer" means a "police officer" as defined in
23 AS 18.65.290, but does not include the commissioner of public safety,
24 a deputy commissioner of public safety, the director of the division
25 of Alaska State Troopers, or a police chief of a local law enforcement
26 agency.

27 * Sec. 2. AS 23.10.037(b) is amended to read:

28 (b) The provisions of (a) of this section do not apply to the
29 state or a political subdivision of the state when dealing with

1 [POLICEMEN IN ITS EMPLOY OR WITH] persons applying to be employed as
2 policemen.

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSSB 115 (SA)

Opposed

February 2, 1984

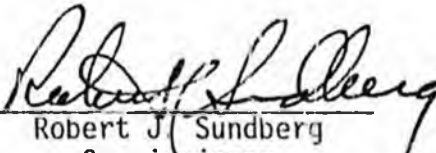
CSSB 115 (SA) - "An Act relating to...rights of Peace Officers."

Passage of this legislation will impede the management of police forces and investigations of potential law violations by police officers.

CSSB 115 (SA), in its attempt to provide peace officers with certain additional rights will, if passed, effectively prevent successful investigations of peace officers who may engage in illegal activities. In addition, and because the bill provides a statutory right, any deviation from the required procedures, even if unintentional, by the investigating agency, would most likely prohibit any evidence obtained from being used in a subsequent criminal prosecution.

Because CSSB115 (SA) creates additional constitutional rights to a select class and not to others citizens, it may be unconstitutional in itself.

A further objection lies in the infringement of this legislation into the area of employer/employee relations thereby bypassing the collective bargaining process. Labor relations is a management function which includes internal investigations as an essential administrative concern which should only be addressed through the management/union bargaining structure.


Robert J. Sundberg
Commissioner

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 11-1-83

I. REQUEST

Bill/Resolution No.: CS SB 115 (SA)
 Title: Rights of Peace Officers
 Sponsor: Sen. Rodey
 Requestor: Senate Judiciary
 Date of Request: 2-2-84

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Justice
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
TOTAL						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact is anticipated.

(Separate page not needed.)

Prepared By: Francis C. Allan G.C.A. mck Phone: 269-5691
 Division: (Adm) Alaska State Troopers Date: 11-1-83
 Approved by Commissioner: R. J. Sundberg Date: 2-3-84
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

9/14/83

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 115 Date on Bill: 2-9-83
 Title: An Act relating to individual rights of peace officers
 Sponsor: Rodey
 Requestor: SENATE STATE AFFAIRS

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operative				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
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2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 2-23-83
 Approved by Commissioner: [Signature] Date: 3/1/83
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: SB 115
Title: "Individual Rights of Peace Officers"
Sponsor: Senator Rodev
Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Crime & ID
BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Paul A. Conger Phone: 465-4338
Division: Administrative Services Date: 3-22-83

Approved by Commissioner: *[Signature]* Date: 3/23/83
Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



April 5, 1983
3:00pm

Butrovich Room
Capitol Bldg.

Members Present

Senator Vic Fischer, Chair
Senator Tim Kelly
Senator Arlis Sturgulewski
Senator Pat Rodey

SB 27--Toll free telephone calls

Held over pending House State Affairs Committee action on new proposal.

SB 115--Individual rights of police officers

Senator Rodey (prime sponsor) explained the provisions of the bill. He said that police officers support the bill but that police chiefs oppose it.

Chief Joe Ciraulo, Juneau Police Department (also representing other police chiefs in S.E. Alaska) spoke against the bill. He felt that having a representative of an officer present at each stage of a disciplinary hearing was unnecessary. He also opposed having to get a search warrant to search an officer's locker.

Senator Rodey said that management policies which address some of these problems can change over time. This bill offers uniform rights for all officers.

Senator Sturgulewski asked if this bill would change present policies regarding disciplinary investigations. Chief Ciraulo answered "yes".

Senator Kelly asked if this bill would apply to only local police departments. Senator Rodey responded that the bill would apply to all peace officers in the state.

Senator Fischer stated that this bill requires a written complaint pursuant to a disciplinary action and asked if that is current practice in the Juneau Police Department. Chief Ciraulo said that he thought so.

John Strutko, an Anchorage police officer, spoke in favor of the bill. He felt that it was a good management tool and that officers should not have to give up their civil rights when they put on a badge.

Senator Kelly asked if there was anything in this bill which is not already covered in the negotiated contract with the Anchorage Police Department. Mr. Strutko stated that the provisions prohibiting involuntary polygraph tests were not in the contract.

Richard Ross, Kenai Police Chief, spoke against the bill. He felt it would be a statutory interference with his municipal personnel system. He felt this system works well. He saw some merit to the polygraph provisions.

Senator Fischer asked if police officers have full fifth amendment rights under the present system. Mr. Ross answered "yes". Senator Fischer then asked if officers would lose their jobs for refusing to answer questions relating to a disciplinary investigation. Mr. Ross said "no".

Ed Martin, Kodiak Chief of Police, spoke against the bill. He said that most of the procedures in this bill are now covered in current state and federal statutory and constitutional law as well as most personnel systems.

Holli Ploog, Attorney for the Anchorage Police Officers Association, spoke for the bill. She stated that current laws limiting polygraph tests exempt police officers. She favors the use of a polygraph exam as a hiring tool but opposes its use as an investigatory tool during employment. She said that locker searches without permission were probably unconstitutional. She said that the Fairbanks Police Officers Association also supports this bill as do many officers in other departments.

Brian Porter, Anchorage Police Chief, spoke against the bill. He said that the bill is a special interest of the Anchorage Police Officers Association but is not supported by other police organizations. He felt that it was inappropriate to use a criminal law standard of proof in a personnel disciplinary matter.

Senator Rodey commented that various blue ribbon commissions have recommended approaches similar to this bill.

Rick Potter, an Anchorage police officer, spoke for the bill. He said that thirteen states have similar legislation. He opposes compulsory use of polygraphs.

Louis Bencardino, Soldat Chief of Police, spoke against the bill. He said the bill would cause unneeded expenditures in overtime and other costs.

Senator Kelly commented that he is in favor of police rights but that he does not favor putting provisions into state law that are already incorporated into labor contracts.

Jean Krause, President of N.E.A. Alaska, spoke for the bill. N.E.A. believes that all employees should have full due process rights.

It was the consensus of the committee to hold the bill over.

SB 153--Punishment for obstructing a private citizen who assists a peace officer

Senator Rodey (prime sponsor) explained the bill.

Senator Kelly moved and asked unanimous consent that the bill pass from committee with individual recommendations. There was no objection.

SB 218--Disclosure of information

Senator Kelly asked that the bill be held over.

SB 227--Alaska Council on Science and Technology

Senator Fischer said that this bill is the product of the extensive hearing the committee held on the sunset of the council and that it addressed all the concerns identified at that hearing.

Senator Rodey moved and asked unanimous consent to pass the bill from committee with individual recommendations. There was no objection.

SJR 13--Urging repeal of the Jones Act

Greg O'Cleary, Maritime Trades, testified against the resolution. He said the Jones Act is a bill of rights for American Seamen. Repeal would affect 2000 workers.

Senator Fischer stated that the Administration has problems with the timing of this measure. There are political problems with related federal issues.

Greg Olsen, FOSS Alaska Lines, said that repeal would only decrease freight rates for a short time and reduce the overall quality of service.

The resolution was held over.

Meeting adjourned at 5:00 pm.

by
David Dye
Committee Aide

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



May 10, 1983
3:00 p.m.

Butrovich Room
Capitol Bldg.

Members Present

Senator Vic Fischer, Chair
Senator Bill Ray, Vice-Chair
Senator Pat Rodey
Senator Tim Kelly
Senator Arliss Sturgulewski

Agenda

SB 115 Rights of Peace Officers

SCR 24 Competitive bidding for travel

Drunk driving and related issues (SB 61, SB 226, HB 17)

SB 115 Rights of Peace Officers

Teleconference with Anchorage

Holli Ploog, representing the Anchorage Police Officers Association, testified in support of the committee substitute prepared by sta'i.

Senator Ray stated his opposition to the committee substitute. He felt that this bill is inappropriate given the nature and responsibilities of this type of occupation.

Officer Sterling, Anchorage Police Officers Association, testified for the committee substitute.

Brian Porter, Anchorage Chief of Police testified against the committee substitute. He thinks it is a special interest bill which doesn't have wide support.

Robert Henderson, Alaska Chiefs of Police Association, testified against the committee substitute.

Senator Rodey moved and asked unanimous consent to pass the bill from committee with individual recommendations. There was no objection.

SCR 24--Competitive bidding for travel

Senator Jan Faiks, prime sponsor, spoke for the bill. She said that the state travel budget is approximately \$43 million, 60% of which is airfare. She sees an opportunity for substantial savings if air travel were subject to competitive bidding procedures.

Senator Ray was of the opinion that one of the unintended consequences of such a change would be to drive air carriers out of the Juneau market.

Senator Faiks stated that the federal government has successfully used competitive bidding for travel for some years now.

Anselm Staack, Deputy Commissioner of the Department of Administration, said that some savings should be achievable but that more study was needed to select among the various options. In the past the state put out requests for bids for travel and did not receive a single bid.

Senator Kelly moved and asked unanimous consent that the bill pass from committee with individual recommendations. There was no objection.

Drunk driving and related issues (SB 61, SB 226, HB 17)

This was an informal work session to consider CSSB 61 [which is identical to CS+HB 6(Jud)] along with a series of amendments agreed upon by the committee. The committee was joined at the table by Cayle Horetski, Department of Law, Peggy Berck, Public Defender Agency, Russ Josephson, Legislative Legal Services, and Karla Forsythe, Alaska Court System.

Six of the proposed seven amendments were adopted by the committee (see attached). Two other changes were considered and added to the bill. Senator Rodey wanted to have "sobriety check points" included as a purpose clause to the bill as he didn't think that a letter of intent would have enough impact. Karla Forsythe of the Alaska Court System related the concerns of the court system about the impact of having the license revocation hearing under the court system. She said that one of the most important aspects of the administrative license revocation process is the swiftness in which the hearing could be done.

She said that this hearing would bog down the court system, and that the purpose of the administrative license revocation process would not be accomplished. She suggested that the hearing be done administratively under the Department of Public Safety. The committee agreed to put the administrative under the Department of Public Safety.

Some questions were raised about the impoundment provision that was in the original HB 6. Senator Rodey agreed to look into impoundment and come back to the committee with conclusions about its feasibility.

The meeting adjourned at 5:12pm.

by
David Dye
Committee Aide

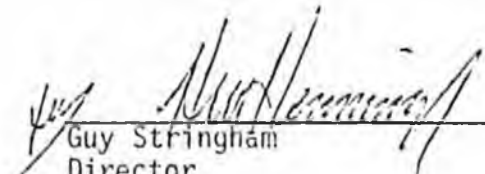
POSITION PAPER
SENATE BILL 115

This bill would provide, in great detail, individual rights for peace officers facing investigation which might lead to criminal action or civil liability, discipline, or "punitive action". Areas dealt with include written complaints, scheduling and conduct of interrogations, transcripts and recordings, polygraphs, personnel files and the right to representation or assistance.

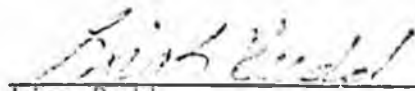
We oppose this bill. Peace officers by definition are public employees, with rights to collectively bargain. Much of this bill deals with "personnel policies affecting the working conditions of employees" [AS 23.40.250(7)], which are subject to collective bargaining. In one State employee bargaining unit, extensive negotiations have occurred on the subjects addressed by the bill, and agreement has been reached on most of them (see Article 7 of the attached contract).

Prepared by:


Approved by:



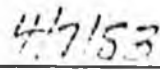
Guy Stringham
Director
Division of Labor Relations



Lisa Rudd
Commissioner
Department of Administration



Date



Date

7/0323-08-4/BDGSF1

LETTER OF UNDERSTANDING #1
between
STATE OF ALASKA
and
PUBLIC SAFETY EMPLOYEES ASSOCIATION

Re: ARTICLE 7

It is understood and agreed between the parties that the provisions of Article 7 do not necessarily apply to all situations or incidents which may result in the discipline of a member of the bargaining unit. The Employer may immediately discipline any member if the Employer, after considering the circumstances of each individual case, deems it necessary that prompt disciplinary action be administered. When it becomes necessary for the Employer to initiate disciplinary actions against any member, such actions shall be administered in a fair and impartial manner, with due regard for the circumstances of the individual case.

Article 7 shall apply only to investigations or interrogations of a member conducted by the Commissioner or his authorized representatives, and which is for the purpose specified in Section 1(d). The Article shall not apply to communications between the member and his/her present chain of command (up to and including the level of Detachment Commander), unless such communications are a direct result of an administrative investigation authorized by the Commissioner.

It is further agreed that information which is obtained in the course of a criminal investigation of a member may be used in the disciplining of a member, whether or not an administrative investigation has been conducted. However, any discipline resulting from the use of such information must meet the test of just cause, and the member shall be entitled to Association representation in any meetings between the Employer and the member regarding discipline which has, or is to be, administered.

Article 7, Section 1(m), shall mean that no more than two (2) Association representatives may be present at such interviews.

This Letter of Understanding will be effective from January 1, 1983 through December 31, 1983, after which the Agreement language once again will become the sole authority of the collective bargaining application of this procedure.


Tim S. Rudd
Commissioner of Administration
State of Alaska
Date: 1/25/83

Edward J. Hester
President
Public Safety Employees Association
Date: Jan 25 1983

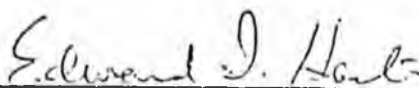
Robert M. Peay
Spokesperson
Public Safety Employees Association
Date: Jan 25, 1983

LETTER OF UNDERSTANDING #5
BETWEEN
STATE OF ALASKA
AND
PUBLIC SAFETY EMPLOYEES ASSOCIATION
Re: ARTICLE 38

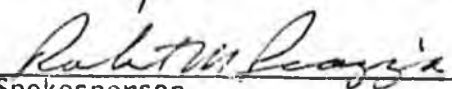
It is understood and agreed between the parties that, except as it is modified by the attached Letters of Understanding, the 1982 Agreement shall be extended and shall remain in effect from January 1, 1983 until December 31, 1983. Except for this modification of effective dates, all existing terms of Article 38 shall remain in effect during the period from January 1, 1983 until December 31, 1983.



Commissioner of Administration
State of Alaska
Date: 1/25/83



President
Public Safety Employees Association
Date: Jan 25, 1983



Spokesperson
Public Safety Employees Association
Date: Jan 25, 1983

Attachments: Letter of Understanding #1, Re: Article 7
Letter of Understanding #2, Re: Article 15, Section 2
Letter of Understanding #3, Re: Article 15, Section 11
Letter of Understanding #4, Re: Article 20

SB 115



CITY OF KENAI "Oil Capital of Alaska"

P. O. BOX 580 KENAI, ALASKA 99611
TELEPHONE 283 - 7535

February 22, 1983

Kenai Police Department
P. O. Box 3173
Kenai, Alaska 99611

The Honorable Vic Fischer
ALASKA STATE SENATE
Pouch V
Juneau, Alaska 99811

Dear Mr. Fischer:

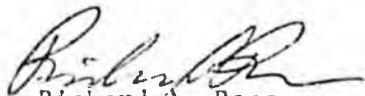
This letter is submitted to request that you oppose the enactment of Senate Bill 115. This Bill should not be enacted into law for the following reasons:

1. Proposed Sec. 18.65.530: Peace officers presently have all rights of any other citizen when accused under law in a criminal action.
2. Proposed Sec. 18.65.531-33: Most of the legislation in these sections is, or should be dealt with through municipal personnel ordinances. Enactment of a special State Law that supercedes Municipal Ordinances for one class of employee, peace officers, would appear unnecessary, and even divisive to each municipalities personnel system.
3. Proposed Sec. 18.65.531(9): In the matter of Polygraph examinations the police officer is presently treated substantially different than other citizens as a matter of law. Is it not justifiable through that in this one area that the greater benefit of society is placed ahead of the individual rights of the officer? This in view of the responsibilities and authorities of a police officer, and the importance of credibility in the law enforcement function.
4. Proposed Sec. 18.65.531(11): In contrast, this section provides a "right" that is beyond that provided to any other governmental worker or worker in private industry. Patrol cars, desks, and other assigned "space" would no longer be the property of the agency, for purposes of compliance inspections and review on which administrative actions could be taken, but would become the protected private space of the employee.

This Bill attempts to address a problem that may exist primarily in rumor and conjecture. If in fact it is a reaction to specific incidents, it is submitted they have been isolated and should not be the subject of Statutory over kill. On the

other hand, Statutory enactment of some of the "rights" could be counterproductive to law enforcement in the State of Alaska. In extreme applications it could prevent effective handling of occasional police misconduct. This would eventually erode public confidence in law enforcement in our State.

Respectfully,



Richard A. Ross
Chief of Police
Kenai Police Department

RAR/ga

SENATE STATE AFFAIRS
STANDING COMMITTEE
April 19, 1983
3:00 p.m.

Members Present: Senator Vic Fischer, Chair
Senator Tim Kelly
Senator Pat Rodey
Senator Arliss Sturgulewski
Senator Bill Ray

COMMITTEE CALENDAR

SB 115 Amended Title: An Act relating to individual rights of peace officers.

SB 57 Amended Title: An Act Limiting the adjustment of retirement benefits; and providing for an effective date.

SB 59 Amended Title: An Act relating to government interests in intellectual work products developed at the expense of the state.

SB 137 Amended Title: An Act requiring public officers and employees who engage in lobbying to comply with the regulation of Lobbying Act (AS 24.45); and providing for an effective date.

HB 142 Amended Title: An Act making a special appropriation to the Department of Commerce and Economic Development for payment as a grant Iditarod Trail Committee Inc. for expenses of conducting 1984 Iditarod Sled Dog Race; provide effect. date.

WITNESS REGISTER

Terry Cramer, Administrative Assistant
Blue Ribbon Commission on State Personnel
Pouch YG, Juneau, AK 99811
465-4442
Position Statement: Testified on SB 57 and SB 59.

Ken Humphries, Director
Division of Retirements and Benefits
Department of Administration
Pouch C, Juneau, AK 99811
Phone number not given
Position Statement: Opposed the bill.

Stan Moberly
Department of Fish and Game
P.O. Box 3-2000
Juneau, AK 99801
465-4160
Position Statement: Testified in support of SB 59.

Representative Ron Larson
Alaska House of Representatives
Pouch V, Juneau, AK 99811
465-3727
Position Statement: Testified on HB 142.

Chris Noah, Executive Director
Council on Science and Technology
Pouch CV, Juneau, AK 99811
465-3510
Position Statement: Testified on SB 59.

Lee Powelson
APEA
340 North Franklin
Juneau, AK 99801
586-2334
Position Statement: Testified on SR 59.

Greg Young
Private Citizen
9719 Trapper's Lane
Juneau, AK 99801
789-2639
Position Statement: Testified against the bill.

Dale young
Private Citizen
9720 Trapper's Lane
Juneau, AK 99801
789-0740
Position Statement: Testified on SB 59.

Sandy Stone
Senator Faiks' staff
Pouch V, Juneau, AK 99811
465-3770
Position Statement: Testified in favor of SB 137.

PREVIOUS ACTION

SB 115 Please refer to Senate State Affairs
Committee minutes dated 04/05/83.

SB 57 Please refer to Senate State Affairs
Committee minutes dated 02/08/83.

SB 59 There is no previous action to report on this bill in the Senate State Affairs Committee.

SB 137 Please refer to Senate Finance Committee minutes from 04/05/83. Please refer to Senate State Affairs Committee minutes dated 03/29/83.

HB 142 Please refer to House Labor and Commerce committee minutes from 03/11/83 and 04/07/83. Please refer to House Finance Committee minutes from 03/23/83. There is no previous action to report on this bill in the Senate State Affairs Committee.

ACTION NARRATIVE

TAPE# 1, 04/19/83, SIDE 1

Recording
Number 000 The meeting of the Senate State Affairs Committee was called to order at 3:00 p.m. by Chair Vic Fischer with all member Senators present.

Number 001 SB 57 was brought before the committee.

Number 048 Terry Cramer, Administrative Assistant to the Blue Ribbon Commission on State Personnel, testified that generally changes in the proposed committee substitute are appropriate.

Number 103 Ken Humphries, Director of the Division of Retirements and Benefits, is opposed to the bill. He proposes a second committee substitute. He feels that current procedures for board review and waiver of overpayments is adequate. He thinks that persons who receive a waiver for an overpayment should be required to show that they did not have reasonable knowledge of the overpayment. He also thinks the retirement board should be able to review these cases.

Number 170 Senator Ray disagrees with Mr. Humphries. This bill is designed to correct shortcomings of the retirement boards. He related an example someone who was unfairly treated by the system. He thinks it is necessary to put these changes into statute.

Number 240 Senator Kelly thinks that people who receive overpayments have the obligation to notify the state.

Number 258 Chair Vic Fischer asked about people who have no knowledge that they are being overpaid.

Number 300 General discussion between Senator Ray and Mr. Humphries concerning the history of the retirement boards and solving these problems in good faith.

Number 462 Senator Sturgulewski moves and asks unanimous consent to adopt the committee substitute submitted by Mr. Humphries. There was no objection.

Number 470 Senator Rodey moves to pass the bill with individual recommendations. There was no objection.

Number 485 SB 59 was brought before the committee. Terry Cramer testified in support of the bill. She gave a general explanation of the bill.

Number 578 Senator Ray supports the bill.

Number 596 Stan Moberly, Director of the F.R.E.D. Division of the Department of Fish and Game testified in support of SB 59.

Number 000 BEGIN SIDE 2, TAPE 1

Number 001 Testimony by Stan Moberly continues.

Number 201 HB 142 was brought before the committee. Representative Ron Larson gave a summary of the bill. Senator Ray moved to take up the committee substitute. Senator Ray moved to pass the bill out of committee with individual recommendations. There were no objections.

Number 252 Testimony on SB 59 continued. Chris Noah, Executive Director of the Council on Science and Technology, testified that the council has no problem with the bill.

Number 285 Lee Powelson of APEA testified as to APEA's written statement.

Number 300 Chair Vic Fischer doesn't agree with the

sweeping APEA statement.

Number 311 Senator Ray agrees with Senator Fischer. He thinks anything developed on government time should belong to the state.

Number 375 Greg Young, representing himself, testified against the bill. He doesn't like the waiver system in the bill.

Number 435 Senator Ray disagrees with the previous witness.

Number 505 Dale young, representing himself, said he supported Stan Moberly's testimony. He thinks the idea of giving an incentive to innovators is a good idea.

Number 563 Senator Ray disagrees with the idea that state employees who develop innovations on state time should own the innovations.

Number 000 TAPE 2, SIDE 1

Number 001 Discussion continues on SB 59.

Number 050 Senator Sturgulewski wants to encourage innovation.

Number 120 Senator Rodey thinks that the problem is managerial in nature.

Number 288 SB 137 was brought before the committee. Senator Faiks had a proposed committee substitute. Sandy Stone of Senator Faiks' staff gave a summary of the CS. There was a discussion of the committee substitute. One of the high points of the discussion was that only elected municipal officials would have to file with APOC as lobbyists. Chair Vic Fischer said that one thing that could be done would be to insert "appointed" instead of "elected".

Number 426 Senator Ray moved to adopt the committee substitute and he moved the committee substitute out of committee with individual recommendations.

Number 448 The committee meeting was adjourned at 4:30.

SENATE STATE AFFAIRS
STANDING COMMITTEE
Teleconference
May 10, 1983
3:00 p.m.

Members Present: Senator Vic Fischer, Chair
Senator Bill Ray
Senator Pat Rodey
Senator Tim Kelly
Senator Arliss Sturgulewski

COMMITTEE CALENDAR

SB 115 Amended Title: An Act relating to individual rights of peace officers.

SCR 24 Amended Title: Relating to competitive bidding for travel.

Drunk Driving and Related Issues (including SB 61, SB 226, and HB 17)

WITNESS REGISTER

Holli Ploog
Anchorage Police Officers Association
Address and phone not provided
Position Statement: Testified in support of the proposed committee substitute for SB 115.

Officer Sterling
Anchorage Police Officers Association
Address and phone not provided
Position Statement: Testified for the CS for SB 115.

Brian Porter, Police Chief
Anchorage, AK
Address and phone not provided
Position Statement: Testified against the CS for SB 115 as a special interest bill.

Robert Henderson
Alaska Police Chiefs Association
Address and phone not provided
Position Statement: Testified against the CS for SB 115.

Senator Jan Faiks
Alaska State Senate
Pouch V, Juneau, AK 99811
465-3770
Position Statement: Explained the history of SCR 24.

Anselm Staack, Deputy Commissioner
Department of Administration
Pouch C, Juneau, AK 99811
465-2200
Position Statement: Testified on SCR 24.

Gayle Horetski
Department of Law
Address and phone not provided
Position Statement: Testified on drunk driving and related
issues.

Peggy Berck
Anchorage Public Defender Agency
Address and phone not provided
Position Statement: Testified on drunk driving and related
issues.

Karla Forsythe
Court System
303 K St., Anchorage, AK
264-0634
Position Statement: Testified on drunk driving and related
issues.

Russ Josephson
Legislative Legal Services
Address and phone not provided
!xPS!xTestified on drunk driving and related issues.

PREVIOUS ACTION

SB 115	Please refer to Senate State Affairs Committee minutes dated 04/05/83 and 04/19/83.
SCR 24	There is no previous action to report on this bill. The Topic "Drunk Driving and Related Issues" was heard in the Senate State Affairs Committee on 04/07/83, 04/09/83, 04/11/83, 04/12/83, 04/26/83, 04/28/83 and 05/05/83.

ACTION NARRATIVE

TAPE# 1 for 05/10/83, SIDE 1 Recording Number 030	The 05/10/83 Anchorage Teleconference meeting of the Senate State Affairs Committee was called to order at 3:00 p.m. by Chair Vic Fischer with all member
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senators present.

Number 001 Senate Bill 115 was brought before the committee.

Number 022 Hollis Ploog of the Anchorage Police Officers Association testified that that organization supports the proposed committee substitute.

Number 126 Senator Ray does not support the CS.

Number 133 Officer Sterling, Anchorage Police Officers Association, testified for the CS.

Number 168 Brian Porter, Anchorage Police Chief, testified against the CS as a special interest bill.

Number 201 Robert Henderson, Alaska Police Chiefs Association testified against the CS.

Number 240 End of Teleconference portion of the Senate State Affairs Committee meeting.

Number 273 Senator Rodey moves to pass Senate Bill 115 with individual recommendations. There were no objections. SCR 24 was brought before the committee.

Number 297 Senator Jan Faiks explained the history of SCR 24. 43 million dollars was paid for state travel. 60 percent is airfare. There is a chance for substantial savings. AS 37.05.230 now requires competitive bids, but Labor and Commerce didn't think a bill was required. Senator Faiks thinks the Administration needs encouragement.

Number 360 Senator Ray said this would be useful for Anchorage. In Juneau it could drive one air carrier out and turn Juneau back into a 1 airline place.

Number 382 Senator Faiks said it won't do that. It would be on a route by route basis.

Number 403 Senator Ray thought Senator Faiks' answer was too simplistic.

Number 429 Senator Faiks explained that no other state travels like Alaska does. The Federal government has been doing this for years successfully.

Number 439 Senator Kelly supported the bill.

- Number 444 Senator Ray was compelled to answer as there was a snide personal attack on him. Having the state buy an airplane turned out to be a bad idea.
- Number 464 Senator Sturgulewski asked what would happen if all business went to one carrier.
- Number 508 Senator Kelly commented on competition. There is something wrong with the market intervention approach.
- Number 540 Senator Faiks stated that she's interested in saving the state dollars.
- Number 550 Senator Ray said that this is penny wise and pound foolish.
- Number 560 Anselm Staack, Deputy Commissioner of the Department of Administration, said that there are some savings that should be available. They have gathered much information. They already have statutory authority. Possible options are: 1. An exclusive use contract with airlines. A bid went out but there was no response. 2. Contracts with a travel agency. 3. Direct negotiations with airlines. 4. A state established travel agency.
- Number 647 Mr. Staack stated that their recommendation is that they would have no objection to the resolution.
- Number 670 Senator Sturgulewski asked whether they were going to try to isolate negative effects.
- Number 699 Mr. Staack said that there are methods of doing this.
- Number 711 Senator Ray said the Department of Administration should study who should stay home.
- Number 735 Mr. Staack said that if carriers are willing to give these discounts, they should give them to us.
- Number 758 Senator Ray commented that Southeast Alaska has long subsidized the travel of Anchorage.
- Number 773 Senator Kelly moved the bill out with individual recommendations with no objections.

Number 793 The topic "Drunk Driving and Related Issues" was brought before the committee. Chair Fischer stated that amendments have been drafted to meet problems.

Number 803 There ensued a discussion of the future course of the Senate and House bills.

Number 842 Senator Ray leaves the meeting as this will be coming to the Judiciary Committee.

Number 855 Chair Fischer says that the committee of first referral should pass out a bill in its best shape.

Number 867 Chair Fischer says we could hold off until HB 6 and 17 have received action.

Number 877 Senator Sturgulewski explains that this is her only chance at this and she would like to work on it.

Number 000 BEGIN TAPE 2, SIDE 1

Number 001 Witnesses join the committee at the table: Gayle Horetski, Peggy Berck, Karla Forsythe, and Russ Josephson. The committee is working from a document comparing bills.

Number 092 Gayle Horetski explains the Committee Substitute.

Number 174 Senator Sturgulewski questions the idea of administrative hearing by the issuing agency.

Number 202 Karla Forsythe refers to the model act which has administrative appeals. She said there is a long delay in calendaring hearings and doing administrative accounts. They need new judges.

Number 290 Senator Sturgulewski agrees to take administrative part for licensing revocations.

Number 330 Ms. Horetski continues to explain the CS.

Number 382 Senator Sturgulewski asks if 15 years is too long if a person is rehabilitated.

Number 395 Senator Fischer said that he would go along with it.

Number 406 The committee reaches a consensus on 10 years.

Number 460 Senator Kelly asks about removing "reckless driving" from the bottom of Page 5. Ms. Horetski says she will get back to the committee with the information.

Number 520 Ms. Horetski continues.

Number 590 For consistency, all times should be ten years.

Number 629 Amendment to PBT number 7.

Number 803 Chair Fischer brings up a substitute amendment for a section in the CS.

Number 877 Senator Kelly asks if they've gotten away from probable cause. The answer is yes.

Number 000 BEGIN TAPE 3, SIDE 1

Number 001 Discussion on page 12 section 15.

Number 023 Discussion on section 16 regarding a penalty for breath test refusal. This is changed to 10 years.

Number 130 Discussion on section 17, conforming amendment.

Number 135 Discussion on section 18, forfeiture.

Number 181 David Dye, Aid to Senator Fischer, asks who has liabilities for impounded vehicles.

Number 191 Ms. Horetski explains that the entity seeking forfeiture has liability.

Number 209 Senator Rodey asks whether forfeiture should be on a first offense and received no positive response.

Number 231 Discussion on amendments on forfeiture, number 1, fine ceiling.

Number 275 Chair Fischer: forget this.

Number 276 Discussion on open containers.

Number 348 Discussion on treatment, amendment number 3. No objection.

- Number 380 Ms. Horetski explains the amendment number 4. It is adopted.
- Number 408 Discussion on amendment 5, recommended by the Department of Law.
- Number 433 Discussion on amendment 6. This was dealt with before.
- Number 438 Discussion on amendment 7. This was put in to take a further look at it.
- Number 496 The proposed letter of intent is brought up. It is not taken up. Senator Rodey suggests putting statutory intent language in.
- Number 520 Chair Fischer asks why impoundment was changed. Gayle Horetski said that a conflict between statutes made problems.
- Number 566 Chair Fischer asks if Senator Rodey would work on impoundment.
- Number 588 The meeting is adjourned at 5:12 p.m.