

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 HSTA 12371



OVERVIEW

from our families to their families

Who Started SOT® and Why.

The enemy may compel a soldier to leave his family, but they will not steal his family's future. Support Our Troops® was founded by civilians as a concrete statement of thanks to the troops for their service in the century to come. Support Our Troops® is a nonpartisan, nonpolitical, patriotic family organization aimed at protecting the integrity of the troops and their families. SOT® is a 501(c)(3) public purpose national nonprofit dedicated to permanently assisting the troops and their families after September 11, 2001. It is the embodiment of the moral obligation of those who do not serve, to those who do -- voluntarily offering what is morally owed. It is our families stepping up to watch out for the families of the troops who are off protecting all our families. We are average folks banded together to help our neighbors who are protecting all of us. We do for those who do for us.

General Montgomery.

The Honorable Sonny Montgomery, "the soldier's soldier", the veteran's veteran, and the author of the renowned Montgomery G.I. Bill, was the seminal member of the Support Our Troops Board of Advisors. Upon joining, he wrote, "Support Our Troops has a truly bold vision of good things planned for our troops and their families over the next century, and I wholeheartedly endorse these efforts and encourage others to work with you and the board as well. This is a civilian organization involved in a major effort to forever put the civilians of our great nation behind their troops. I think it is a healthy thing for civilian run organizations to be openly behind their troops, because such an effort cannot be accomplished by government agencies, veteran groups or even the military itself with the same efficiency, responsiveness, and enthusiasm as a private organization can provide. Civilians are best suited to motivating other civilians for the sake of our troops and veterans. Support Our Troops, Inc., is well-organized, includes veterans in its management, and I am well acquainted with the trustworthiness of people in it."

Safety

As a nation-wide charity, checks and balances in place including among others: strictly independent accounting, dischargeable only by full Board of Directors, and the principal of which is a veteran); annual reporting and review in each of 35 states on Form 990; IRS Conflict of Interest Policy; subject annual audit by each of over 35 state Attorney Generals or Auditor Generals; legal matters handled by Arnold & Porter, Baker & McKenzie, Holland & Knight.



OVERVIEW

It's All About Family.

Support Our Troops, Inc. is engaged in an immense project for our troops and their families. In short, we are going to help keep our troops' families intact while their parent(s) are engaged in protecting our families, whether it is a peacekeeping mission, a war, or hurricane, flood, or disaster. We want to help pay for education, medical, home needs, emergency transportation, and the like -- the kinds of things that dad or mom could do if they were home. It is not about "war". It is not about "military." It is about family. All of SOT's imagery is built around a parent and child, around family. Positive. Happy. Fun. We are fortunate to have some of Disney's® artist helping us on their personal time.

From Our Families to Their Families.

All of our programs are designed to enable average American families to take care of America's troops' families. This is one of the highest of moral obligations -- bolstering the families of those who are protecting our families. All of our programs both enable people to publicly state their support for their troops, while producing millions annually in *patriotic private money* to bolster the troops and families who are sacrificing to protect all of us. We provide simple direct means by which our families can look out for their families.

The Support Our Troops License Plate Program.

A large component of our program is causing the issuance of official DMV-issued *Support Our Troops!* license plates by the 50 states. Many Legislatures have approved the plate for us unanimously. These plates enable Americans to display their appreciation for our brave men and women and to make a significant annually recurring financial donation to assist their families through the purchase of the plate.

Subsidiaries.

We have approximately 24 subsidiary charities around the US, all bearing the SUPPORT OUR TROOPS® name and all granted registration as an authorized charity with their state Attorneys General and Secretaries of State. Because we handle state license plate revenue, and in some states are even required to collect motor vehicle license plate revenue for the state and remit it to them, we are likely the most heavily monitored and therefore safest charity in America. Also, a number of states elected officials hold positions on their state's Board of Directors and act as officers of the corporation, or on the Board of Advisors. We handle as much of the administration as possible out of the central office to keep overhead down and maximize the benefits that end up with the troops' families.

Virtual Chapter for Each State.



OVERVIEW

Modern habits indicate that those interested in working with Support Our Troops® are best served through an continuous internet meeting place rather than physical meeting places. Our goal is to maximize the amount of money that is raised and passed on to the beneficiaries, not build brick and mortar. This approach removes the travel distances for members of a statewide chapter, removes the overhead cost, is faster, and allows fuller, faster participation for everyone. We want to avoid fragmentation and duplication of administration which draws off funds that could go to the beneficiaries. Therefore using the modern internet we are creating virtual chapters in which members of each state chapter primarily interact through their state website page. Setting up physical meeting places and schedules would require facilities and coordination which would needlessly consume money. Each chapter would require internal operating funds which would take money from beneficiaries. Eventually annual meetings of all chapters would be suggested, which would take more funds. The costs would exceed the beneficial services physical meeting of local chapters could perform.

Internet Portal Site and the Association.

Between February and April 2007 the website is being completely rebuilt into an interactive community portal site using an entirely different operating system. Generally stated, the Association site will be part of existing supportthem.com site. Until the rebuild is completed the site may be best viewed by logging on through www.SupportThem.com/frontpage. The Association area will open from the existing "Join the Support Our Troops Association" page on the front page. On each existing state page matters specific and germane to that state and cities therein will be posted on an Association area that is added to the bottom of the state page. There will be a button they can click that allows them to add an event or additional group. We will be acquiring volunteer state page monitors and editors, just like Wikipedia.com does. These are essential to keeping out spammers. Among other things, members will be able to:

- Post a rally
- Post good news
- Post a fundraiser
- Post a special project which needs assistance.
- Post information about news coverage and whether fair or not.
- Post a good email people might want to clip and forward
- Make general patriotic postings
- Coverage of good press / bad press coverage of our troops. i.e., is your local media treating the troops fairly?
- Trouble flying your flag? (news and where to write when people are harassed for flying the flag)
- Trouble showing your patriotism? (news and where to write when people are harassed for wearing a shirt at school, etc.)



OVERVIEW

Links to services that enable people to send emails to the troops

Create user groups like Yahoo® user groups.

Ability to specify membership categories like "VMI", "Blue Star" and the like so that people that have a common connection can then communicate with their peers for various reasons and specific projects.

Etc.

The Seal of Assurance Program.

Confusion abounds. Information is isolated and not findable. Many people call us for information about legitimate charities. There is great uncertainty and confusion about charities for the troops. Yellow ribbons show support, but who is getting the money? People are very uncertain as to which are legitimate and which are not. Therefore a great deal of money is lost because people "almost give" due to fear of being conned. While a few unknown sites collate small limited lists, none examine a charity against a list of objective criteria and render a decision as to whether it is trustworthy and reasonably benefits the troops.

Therefore Support Our Troops® holds the role as accreditor for troop-related charities and as they are approved will authorize their use of the Seal of Assurance™. The fee is \$1 a year. No one had thought of this before. No one had done it. So SOT did.



The Support Our Troops® Seal of Assurance™ is intended to assist troop-related charities and organizations in eliminating donor uncertainty by examining and accrediting all troop-related charities and organizations in regard to whether they appropriately benefit the troops and/or their families. Another aspect of Seal of Assurance™ program is designed to help stop parasites who would profit off the backs of our troops with products that do nothing financially for the troops. This program employs a mark (like the UL® seal or the Good Housekeeping seal) on goods which assures people that they are legitimately licensed and an appropriate amount of the royalties are going to the troops and their families.

Charity Index

Most states are printing our web address on the *Support Our Troops!* license plates. We are requiring it on licensed products. Participants in the Seal of Assurance™ are required to link to an automatic participant verifier page on our website. Therefore the SOT website will have a great deal of traffic and will be perceived as "official." We are therefore able to provide another badly needed and highly useful service: a consolidated living list of all of the charities and organizations anywhere that do anything that benefits the active duty troops and/or their families. There will also be a



OVERVIEW

warning list as to identified bad ones, phishing sites, and the like. This data base is being structured so that charities in each state will be listed on that state's Association area of the site. When people log on, they can see what the group is doing, where they are located, how to contact them what they need or offer. People can link up and help each other. Churches or groups can post things they need for packages. People who want to help assemble packages or otherwise do something can find places to do so. Users will be able to search or sort the database to find the exact thing charity in which they are interested. People will be able to log on with their user name and password (free entry level) and add a charity, organization, or event which benefits the troops or their families. To the left of each will be a cell into which we will place the Seal of Assurance™ if they participate in that program.

Business Model.

The business model of Support Our Troops® is to create recurring revenue streams. We have launched a nationwide program of *Support Our Troops!* license plates to enable people to show their support for and make a recurring contribution to bolster the families of those protect all of us. The name has been branded which allows for creation of many recurring revenue streams from products and services using it. The model is to *not* create a hat-in-hand charity. The goal is to create a company with an image that is vigorous and cool for kids and products that are sought after and in which people care to be routinely seen whether or not we are at conflict. The goal is to build a charity that endures for a hundred years, which has a marketable national identity, and has multiple revenue sources for stability. We are building for permanency and long term health. When we look a parent in the eye and tell them their kid is going to college, both they and we will know our word is good.

Local Organization

Our first effort in each state is to cause the plates to be issued. While doing so we begin putting local organization infrastructure in place so that local people have a means by which to get involved and run this at the local level. In preparation for, or during that process, we make good local connections and encounter people and groups who earnestly want to help the troops and are glad to find Support Our Troops® as a trustworthy means through which they can do so. Once the plate is issued we start radio and TV PSAs and other advertising. This usually attracts more people who have been looking for something like this. So along the way we set up two participation vehicles.

Board of Advisors. Support Our Troops, Inc. establishes a Board of Advisors for the state. This approach enables notable and connected persons to participate with their peers in an orderly manner, present themselves to the public with a recognized capacity when such is necessary, yet remain free of the



OVERVIEW

responsibility and liability of being a corporate director. Some local boards now have legislators, lobbyists, and corporate executives on them. There is not a fixed number of positions for the Board of Advisors. The trick will be for each state's locals to eventually blend both political figures, top people from the top local businesses, local major sports figures, and the like together onto the Board. Since the Board of Advisors is not a corporate directorship with all of the bother about liability and control, as many top people as wish can freely participate. The Board could have 10 members, it could have 60. It will evolve to where they decide on and throw their weight behind a local fundraising event, such as a golf tournament, fishing tournament, sporting clay tournament, or the like. And then the general public members of the Support Our Troops Association pitch in to handle the organization and execution work.

Association. To involve the general public, SOT® formed the Americans Support Our Troops Association, Inc. The All-American entry level is free. People are members of their state chapter of the Association. This will function as a virtual community through the SOT open architecture website, with local people able to post bulletins and notices about local events, resources, and the like on their state page. This website feature should be fully active by 12-31-06. It is intended to be a single-source reference point and clearinghouse for local information for local active duty troops, local vet groups, local charities, and information efforts to help the troops such as putting packages together to send them and the like. There is a free entry level membership, and several higher levels, as well as the ability for a club (such as a VSO, a Post, Rotary, etc) to have an affiliate membership in the Association as a club to show support, and the ability for a business to have a corporate membership

Having caused the issuance of the same plate in so many states makes Support Our Troops® distinct. The local Boards can use that to interconnect SOT with as many local companies, sponsors, and events as they can think of to raise money for the troops and their families.

Veterans Groups (VSOs)

We are using the brand name Support Our Troops® as an open source conduit to facilitate as much as we can for all other groups. Key is that we are working very closely and hard to draw attention to and build the membership of VSOs, (Veterans Service Organizations). One of the key things Support Our Troops® wants to do is help promote each state's VSOs to the public and the returning troops, draw their attention to the VSOs, and help make the public and recently returned servicemen and servicewomen aware of what they can find with each organization. Traffic through our website is now growing rapidly. We are using that to promote and call attention to



OVERVIEW

VSOs, tell visitors briefly what each VSO can offer them and send them along to the local VSOs through links to their sites or contact information. This is part of our mission and there is of course no charge for such a thing. We figure the price has already been paid. The object is to use the internet to its full potential by using our website to drive traffic, and hopefully members, to each state's VSOs.

Support Our Troops® is also knitting itself in with all of the VSOs in order to be of benefit to them. We hold joint fundraising events with different posts. We refer returning soldiers to them to enable them to talk to someone who has been there. We organize special events, such as Patriot Rides, to call attention to both troops and veterans. While Support Our Troops is lead by people who have not served, it is filled at the national and state levels with veterans in all management and operational levels. SOT can be a real asset and good partner and earnestly seeks to develop very close productive ties with the VSOs in each state for mutual enjoyment and benefit.

The Support Our Troops Association

SOT has founded the Americans Support Our Troops Association in order to provide a healthy direct connection between American civilians and their troops. The entry level membership is free, and there are several levels of paying memberships. Between February and April 2007 the website is being completely rebuilt into an interactive community portal site in which Members will be able to log on with their user name and password, and post notices on their state page about events that are happening for the troops, fundraisers, local charities, groups or churches that are putting together packages for the troops and what is needed and where to contact people locally. They will be able to assemble into subgroups and set up areas in which to interact to work on special projects. It will be an immensely useful single source portal for local interaction. On our website each state will have a page on which people can list rallies, events, and fundraisers, or provide information about organizations that troop's families can look to for assistance. Each state's web page will also have lists of all of the VSOs in the state, and all state agencies which help the troops and veterans.

The generally-stated purposes of ASOTA are to facilitate public displays of support for America's troops and to raise money to bolster the troops and the families of troops sacrificing to protect America after September 11, 2001, and ASOTA is established to facilitate that end. The objectives of ASOTA are to enable Americans to do the following for their troops and their families and survivors:

- Bolster them.
- Distribute useful news and information among themselves.
- Organize and facilitate approved supportive rallies and events.
- Spread the word about the Support Our Troops Seal of Assurance™ program.
- Spread the word about rallies.



OVERVIEW

- Organize and facilitate approved fundraisers for Support Our Troops, Inc. (SOT).
- Pursue approved positive media support and positive coverage for SOT, the troops, and their families.
- Facilitate public displays of patriotism.
- Encourage patriotism in others by example.
- Facilitate people's gathering and sharing their support and enthusiasm.
- Facilitate charitable fundraising through a Support Our Troops affinity credit card program.
- Exchange information about news coverage.
- Exchange supportive email messages.
- Coordinate supportive activities for the troop's families.

National Board of Advisors

In addition to the Board of Advisors in each state, SOT has a national Board of Advisors for national level figures. Every successful great project has Mentors who provide invaluable guidance, have charted similar courses before, know how to avoid the shoals, where lies the fairest wind, and which ships are friendly. These mentors are the people who are able to make good things happen quickly. From Homers' Odyssey in antiquity to the present, these keystone individuals are those who provide wise advice, build bridges, locate funding, make connections and open doors to make great things happen for good causes. The Support Our Troops National Board of Advisors comprises just such magnanimous individuals. They offer their wisdom to assist the greater good, and are shepherding this project to success for the benefit of America's troops and their families. The directors of Support Our Troops are fortunate enough to benefit from the wisdom, counsel and assistance of these key advisors. The Board is being grown with high profile people from various industry categories, including Executive Members, Business Members, Sports Members, Military Members, Entertainment Industry Members, and so forth. The Board's first member was Sonny Montgomery, author of the G.I. Bill. In fact, it is actually named The Montgomery G.I. Bill. We do not anticipate that the Board of Advisors is going to tie itself up with frequent meetings and formalities. The principal purpose of the Advisors is to provide strategic business planning advice and occasionally help open a door or make a connection when Support Our Troops works to put together a rock concert, golf tournament, and other event to benefit the troops and their families. Referrals of such people for this Board will be greatly appreciated.



OVERVIEW



They Support Us -- Let's Support Them!™

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Develop.
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

House State Affairs Committee Chair

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800) 870-4291

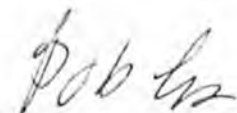
Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207


Date: April 4, 2007

Re: HB 184 Commemorative Troops License Plate

We the undersigned agree to waive HB 184 from House State Affairs Committee and on to House Finance Committee. Signature and agreement to waive does not constitute support or opposition to the bill, nor obligate the member to a specific vote on the House Floor.



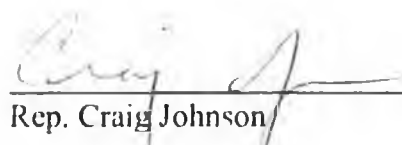
Rep. Bob Lynn, Chair



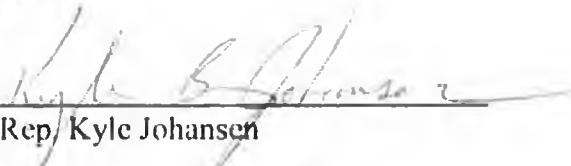
Rep. Bob Roses, Vice Chair



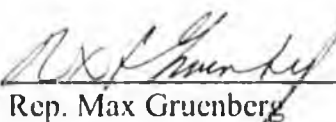
Rep. John Coghill




Rep. Craig Johnson



Rep. Kyle Johansen



Rep. Max Gruenberg



Rep. Andrea Doll

HB

1933



Library

State of Alaska
Department of Public Safety
Alaska Police Standards Council

Sarah Palin, Governor
Walt Monegan, Commissioner

April 5, 2007

The Honorable Bill Thomas, Jr.
Alaska State House of Representatives
State Capitol, Rm. 434
Juneau, AK 99801-1182

RE: SB 99 and HB 193, Relating to the composition of the Alaska Police Standards Council

Dear Representative Thomas:

The Alaska Police Standards Council Chair, Vice-Chair and Executive Director, as well as the Vice-Chair of Alaska Association of Chiefs of Police have met with many senators and representatives since introduction of this legislation. No one at APSC had been approached regarding any change being made to the structure of the Council and because of the magnitude of the impact any change of this kind would produce, we added it as a priority to the agenda of our April 2, 2007, meeting in Anchorage this week.

APSC extended a formal invitation to Mr. John Cyr, Executive Director of PSEA, to attend the meeting and explain to the Council the request for structural change to its composition. Mr. Cyr did attend and presented to the Council the rationale for requesting this legislation and what the Public Safety Employees Association hoped to accomplish by its passage.

Mr. Cyr advised the Council that the main thrust of these bills is *equity*, stating that the 'rank and file' want an equal voice in the business of the Council. He advised that, although the proposed legislation was aimed at replacing existing membership with organized labor-nominated, front line officers, PSEA would consider adding these officers to the current structure of the Council, as long as the legislature would accept a fiscal note for the additional seats.

Various Council members asked Mr. Cyr what had prompted the push to change the make-up of the Council and also if there was a perception that something was "broken" or ineffective in some way. Mr. Cyr clearly stated that the Council was not broken or negligent in any way with respect to training or certification. He was complimentary of the work the Council carries out.

On further questioning, Mr. Cyr could only identify one actual request from PSEA membership – that the Council provide more "current & relevant" training. Mr. Cyr could not define exactly what aspect of training standards were not relevant or current, only that he was being told it was a problem by some of the officers.

Council members advised Mr. Cyr that, although APSC coordinates and funds statewide training, it is up to the individual agencies to create and maintain their own ongoing departmental training programs. While each department must require its officers to meet APSC minimum standards, best practices and standards are developed and administered by the respective law enforcement

Alaska Police Standards Council
P.O. Box 111200 - Juneau, AK 99811 - Voice (907) 465-4378 - Fax (907) 465-3263

agencies, not APSC. There was obviously a gap in understanding between what PSEA thought Council's role was with respect to training as opposed to its actual role and responsibility.

Mr. Cyr concluded his presentation with the statement, "the political reality is that the Governor is cutting \$150,000,000 to the state budget, and we (PSEA) need representation", relating to decisions resulting from these budget cuts.

A poll of each Council member showed deep concern over changing the current composition of the Council. Council membership is extremely concerned that PSEA is attempting to push Council into a "labor-management" role by their use of the term *equity*. APSC has never been a labor-management influenced group, and for good reasons. The Council is an executive level decision-making body that deals with complex decertification matters of police, correction and probation officers. It is these decisions that require seasoned executives of law enforcement, correction/probation, and of our public, all of whom are appointed by the Governor to provide a necessary balance of professional knowledge, training with public transparency and trust.

The attempt to remove chief administrative officers and public members from the Council and replace them with organized labor-nominated, line officers severely impinges on the professional standards and certification role of Council -- the number one priority here is to maintain the public trust. Organized labor's number one priority is to its membership.

The Council fully supports the establishment of an ad-hoc Training Advisory Committee to make recommendations on best practices and standards. This committee could be made up entirely of non-command level personnel.

In conclusion, the Alaska Police Standards Council strongly opposes HB 193 and SB 99.

Sincerely,

Terry Vrabec
Executive Director

Committee Distribution:

Senate Commerce & Labor
Senate State Affairs
Senate Finance
House State Affairs
House Finance

§ 18.65.290

(6) "parole officer" means a person appointed by the commissioner of corrections or employed by a correctional facility in this state to perform the duties of supervising the parole of prisoners under AS 33.16;

(7) "police officer" means

(A) a full-time employee of the state or a municipal police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations, and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace;

(B) an officer or employee of the Department of Transportation and Public Facilities who is stationed at an international airport and has been designated to have the general police powers authorized under AS 02.15.230(a);

(C) a University of Alaska public safety officer with general police powers authorized under AS 14.40.043;

(8) "probation officer" means a person appointed by the commissioner of corrections or employed by a correctional facility in this state to perform the duties of a probation officer under AS 33.05. (§ 1 ch 178 SLA 1972; am §§ 10, 11 ch 19 SLA 1981; am § 8 ch 112 SLA 1988; am § 1 ch 71 SLA 1989; am § 2 ch 107 SLA 1992; am § 2 ch 10 SLA 1998; am § 9 ch 126 SLA 1998; am §§ 1 — 4 ch 160 SLA 2004)

Revisor's notes. — Reorganized in 1986, 1988, and 1998 to alphabetize the defined terms. Paragraph (2) was enacted in 2004 as paragraph (8) and renumbered in 2004, at which time paragraphs (2)-(7) were renumbered as (3)-(8).

Effect of amendments. — The first 1998 amendment, effective April 14, 1998, in subparagraph (7)(A) [formerly (6)(A)], substituted "municipal" for "local" near the beginning and deleted "carry a concealed weapon" following "evidence of a crime" near the end. The second 1998 amendment, effective September 21, 1998, added paragraph (5) [formerly (4)].

The 2004 amendment, effective July 23, 2004, added paragraph (8) [now (2)], added paragraph (2)(B) [now (3)(B)] and made related changes, and inserted "or employed by a correctional facility in this state" in paragraphs (5) and (7) [now paragraphs (6) and (8)].

Legislative history reports. — For Senate letter of intent in connection with the amendment to (5) [now (6)] of this section by § 1, ch. 71, SLA 1989 (SSSB 110), see 1989 Senate Journal 602.

Opinions of attorney general. — To be a police officer within the meaning of this statute, an officer must be currently working full time for a police department, that is an organized civil force whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses. September 18, 1977 Op. Atty Gen.

As applied to the coverage of AS 18.65.130 — 18.65.290, the term "police officer" is more restrictively defined than the definition in AS 01.10.060 to include all those full-time employees of police departments administered by the state or one of its political subdivisions, who have full police duties and the authority to enforce all of the laws of the State of Alaska which carry a penalty for their violation. September 18, 1977 Op. Atty Gen.

Comparing the classification of "peace officer" in AS 01.10.060 with that of "police officer," it is apparent that police officers, as defined in paragraph (3) [now paragraph (7)], are always peace officers since they have full police duties that are exercised on a full-time basis. However, the converse of this proposition can never be the case, that is, peace officer status does not automatically vest one with the status of a police officer since peace officers are not necessarily employees of a police department and do not necessarily have the power to enforce all the penal, traffic or highway laws of the state. September 18, 1977 Op. Atty Gen.

Most Village Public Safety Officers and Village Police Officers are not "police officers" under the definition in paragraph (3) [now paragraph (7)]. Whether an individual officer is subject to regulation by the Alaska Police Standards Council depends upon the circumstances of his or her employment and has to be determined on a case-by-case basis. July 1, 1984 Op. Atty Gen.

NOTES TO DECISIONS

Youth counselors at McLaughlin Youth Center are not "correctional officers" within the meaning of paragraph (3) [formerly (2)], but the term "correctional officer" formerly used in AS 12.55.125(c)(2) encompassed the youth counselors at McLaughlin

Wilson v. State, 967 P.2d 98 (Alaska Ct. App. 1998).
Applied in Clark v. State, 738 P.2d 772 (Alaska Ct. App. 1987).
Quoted in Alaska Inter-Tribal Council v. State, 93 P.3d 947 (Alaska 2005).

Section

- 310. Identification cards
- 311. Anatomical gift

Sec. 18.65.310. Ident ment shall issue a card ide 28.15.111, except that the letters across the face of it

(b) A person may obtain applying to the departmen

(c) Any person who know an identification card conc required by the departmen

(d) It is a misdemeanor fraudulent identification ca

(e) It is a misdemeanor person to be used by any ot

(f) A person who violates punishable by a fine of \$500

(g) If the person applying is 60 years of age or older, cl SLA 1973; am § 1 ch 259 SL am E.O. No. 99 § 15 (1997);

Cross references. — For legislat intent regarding the 2002 amendm section, see § 1, ch. 63, SLA 2002, i porary and Special Acts.

Sec. 18.65.311. Anatomic time that an identification c; anatomical gift under AS 13.5 hold z may cancel the gift.

(b) An employee of the depa other than an application rece) applicant wishes to execute an posters and brochures in the of requested, make known to the a an anatomical gift under AS 13 identification card in writing th the gift is made with the registr the identification card to a don shall also direct the applicant tc under AS 13.50.140 if the ident revoked under AS 13.52.170. Th 13.50.100 — 13.50.190. (§ 7 ch 43 1997; am § 4 ch 68 SLA 2004; an

Revisor's notes. — In 2004, in subject 13.52" was substituted for "AS 13.50 or i anatomical gift in a living will under AS "AS 13.52.170" was substituted for "AS 13 order to reconcile chs. 68 and 83, SLA 200-
Effect of amendments. — The first 200

Library

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB193-DPS-APSC-03-30-07
Bill Version: HB193
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: "An Act relating to the composition of the Alaska RDU: Alaska Police Standards Council
Police Standards Council; . . ." Component: Alaska Police Standards Council
Sponsor: Representative Roses
Requester: House State Affairs Component No.: 519

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

House Bill 193 changes the make-up of the Alaska Police Standards Council by replacing one chief administrative officer or one chief of police position, one correctional officer administrative position, and one public member with three police officer positions. This change does not have a fiscal impact on the Department of Public Safety.

Prepared by: Terry Vrabec, Executive Director
Division: Alaska Police Standards Council
Approved by: Walt Monegan, Commissioner
Agency: Department of Public Safety

Phone 465-4378
Date/Time 3/30/07 1:38 PM
Date 3/30/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB193-DPS-APSC-03-30-07
 Bill Version: HB193
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title "An Act relating to the composition of the Alaska RDU Alaska Police Standards Council
Police Standards Council; . . ." Component Alaska Police Standards Council
 Sponsor Representative Roses
 Requester House State Affairs Component No. 519

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

House Bill 193 changes the make-up of the Alaska Police Standards Council by replacing one chief administrative officer or one chief of police position, one correctional officer administrative position, and one public member with three police officer positions. This change does not have a fiscal impact on the Department of Public Safety.

Prepared by: Terry Vrabec, Executive Director
 Division: Alaska Police Standards Council
 Approved by: Walt Monegan, Commissioner
 Agency: Department of Public Safety

Phone 465-4378
 Date/Time 3/30/07 1:38 PM
 Date 3/30/2007

ALASKA STATE LEGISLATURE

House of Representatives

INTERIM:

716 W. 4TH AVE.

ANCHORAGE, AK 99501

Phone: (907) 269-0265

Fax: (907) 269-0264

Website: www.akrepublicans.org/roses.htm

SESSION:

STATE CAPITOL

JUNEAU, AK 99801-1182

Phone: (907) 465-4939

Toll Free: (800) 465-4939

Fax: (907) 465-2418

Representative Bob Roses

email: Representative_Bob_Roses@legis.state.ak.us

House Bill 193 Sponsor Statement

House Bill 193 adds three certified police officers with at least five years of experience to the Alaska Police Standards Council (APSC). By doing this, those who are charged with the daily enforcement of the law will have input into the training and standards as participating members of the State's board which certifies police officers.

At present, the APSC is the only board in state government without representation by the group most affected by its decisions. Although the APSC has seats assigned to Chiefs of Police, to the Commissioners of Public Safety and Corrections and to members of the public, it has no line officers on the board. By contrast, according to a survey done by legislative research staff, of ten western states, only two had no line officers on their police standards boards.

The APSC has done a fine job, but it can benefit from the presence of line officers who can bring their particular experience and perspective to the board.

I urge your support of HB 193.

ALASKA STATE LEGISLATURE

House of Representatives

INTERIM:

716 W. 4TH AVE.

ANCHORAGE, AK 99501

Phone: (907) 269-0265

Fax: (907) 269-0264

(website: www.akrepublicans.org/roses.htm)

SESSION:

STATE CAPITOL

JUNEAU, AK 99801-1182

Phone: (907) 465-4939

Toll Free: (800) 465-4939

Fax: (907) 465-2418

Representative Bob Roses

email: Representative_Bob_Roses@legis.state.ak.us

Sectional Analysis House Bill 193

Section 1. Adds three police officers by reducing the number of chief administrative officers or chiefs of police from four to three; moves the correctional administrative officer to chief administrative officers or chiefs of police and reduces the number of public members from four to three.

Section 2. Allows labor organizations that represent public safety employees a means to nominate police officers for consideration by the Governor.

Section 3. Provides a system of transition for the three police members to take positions on the APSC.

Adding Three Police Officers to the Alaska Police Standards Council.

The bill will:

- Keep the composition of the APSC at 11 members to keep operating expenses and budget neutral.
- Adds three police officers by reducing the number of chief administrative officers or chiefs of police from four to three; moves the correctional administrative officer to chief administrative officers or chiefs of police, reduces the public members from four to three with at least two from communities of 2,500 population or less.
- Allows three representatives of police, who are working law enforcement officers with 5 years of experience in policing, an opportunity to offer their valuable insight as to all phases of police standards.
- Improves the quality of decision making by including those who are charged with the mission of enforcing the law a means for input as participating members of the APSC.
- Allows labor organizations that represent public safety employees a means to nominate police officers for consideration by the Governor.
- Provides a system of transition for the three police members to take positions on the APSC.

A Comparison of the Professional Teaching Practices Commission with the Alaska Police Standards Council

Responsibility: Professional Teaching Practices Commission

Standards

- Sec. 14.20.450. Responsibilities of commission.
- The commission shall have the initial responsibility of developing, through the teaching profession, criteria of professional practices in areas including, but not limited to:
- (1) ethical and professional performance;
- (2) preparation for and continuance in professional services; and
- (3) contractual obligations.

Investigative Authority

- The commission shall
- (1) establish procedures, and adopt regulations to implement the purposes of AS 14.20.370 - 14.20.510;
- (2) conduct investigations and hearings on alleged violations of ethical or professional teaching performance, contractual obligations, and professional teaching misconduct;
- (3) review the decisions of the department regarding the issuance or denial of certificates and in its discretion recommend reversal of decisions.
- The Commission may
- (1) subpoena witnesses, place them under oath, and maintain written records;
- (2) warn or reprimand members of the teaching profession, if in the judgment of the commission such action is warranted;
- (3) suspend or revoke the certificate of a member of the teaching profession for one of the reasons set out in AS 14.20.030 except that in the case of an administrator, the commissioner must concur;
- (4) request assistance through any of the investigative processes of any existing professional teaching organizations when analyzing charges of breach of ethical or professional teaching practices.

Responsibility: Alaska Police Standards Council

Standards

- Establish minimum standards for employment as a police officer, probation officer, parole officer, municipal correctional officer, and correctional officer in a permanent or probationary position and certify persons to be qualified as police officers, probation officers, parole officers, municipal correctional officers, and correctional officers under AS 18.65.130 - 18.65.290.

Investigative Authority

- The council has the power to
- Investigate when there is reason to believe that a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer does not meet the minimum standards for employment; in connection with the investigation the council may subpoena persons, books, records, or documents related to the investigation and require answers in writing under oath to questions asked by the council or the administrator.

Comparison - continued

- **Training and curriculum**

- The Commission shall:
 - (1) review the regulations of the department as they relate to teacher certification and recommend necessary changes;
- The Commission may:
 - (1) study proposals developed by regular committees of any existing professional organization whose members are within the teaching profession
 - (2) make any recommendation to the board or to school boards that will promote an improvement in the teaching profession;

- **Employ an Administrator**

- Sec. 14.20.470. Powers of commission.
- The commission may
 - (1) appoint an executive secretary, delegate those ministerial functions to the executive secretary as the commission may decide and set the executive secretary's compensation with a starting salary not exceeding range 26, step B c' the pay plan for state employees in AS 39 27.011(a)

- **Training and curriculum**

- The Council has the power to:
 - (1) establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the state or a political subdivision of the state for the specific purpose of training police recruits, police officers, probation officers, parole officers, municipal correctional officers, and correctional officers;
 - (2) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police officer, probation officer, parole officer, municipal correctional officer, and correctional officer training schools and programs of criminal justice instruction;

- **Employ an Administrator**

- Employ an administrator and other persons necessary to carry out its duties under AS 18.65.130 - 18.65.290;
- 7) charge and collect a fee of \$50 for processing applications for certification of police, probation, parole, municipal correctional, and correctional officers.

Composition of the Professional Teaching Practices Commission and the Alaska Police Standards Council

- **Professional Teaching Practices Commission – 9 Members**

- **Composition**

- The commission consists of the following members:
 - (1) five classroom teachers;
 - (2) one principal;
 - (3) one superintendent;
 - (4) one representative of the office of the commissioner;
 - (5) one representative of an Alaska institution of higher learning.

- **Alaska Police Standards Council – 11 Members**

- **Composition**

- The council consists of the following persons:
 - (1) four chief administrative officers or chiefs of police of local governments;
 - (2) the commissioner of public safety or a designee of the commissioner;
 - (3) the commissioner of corrections or a designee of the commissioner;
 - (4) one correctional administrative officer who is employed at the level of a deputy director or higher; and
 - (5) four members of the public at large with at least two from the communities of 2,500 population or less.
-

Selection of Members of the Professional Teaching Practices Commission and the Alaska Police Standards Council

• Professional Teaching Practices Commission – 9 Members

- Sec. 14.20.410. Selection of members.
- (a) Members of the commission shall be selected as follows:
- (1) the five classroom teachers from lists of names submitted by recognized Alaska teachers' organizations, each list not to exceed 12 names; however, in lieu of one of the five, one classroom teacher may be selected from a list of not more than four names signed and submitted by not less than 25 teachers who have no affiliation with any organization qualified to submit nomination lists, with the limitation that no teacher may sign more than one list in any year,
- (2) the principal from a list of three names submitted by the Alaska Principals Association;
- (3) the superintendent from a list of three names submitted by the Superintendents Advisory Commission;
- (4) the representative of the office of the commissioner from a list of three names submitted by the commissioner;
- (5) the representative of an Alaska institution of higher learning from lists of names submitted by Alaska institutions of higher learning, each list not to exceed three names.
- (b) The lists shall be submitted to the commissioner who shall submit them as a group to the governor's office.
- (c) At least 30 days before a position on the commission is due to become vacant, the chairman shall cause notice of the impending vacancy to be published and to be conveyed to each organized group eligible to submit a list of nominees.
- Sec. 14.20.420. Term of office.
- (a) The term of office for each member of the commission is three years and, except as provided in AS 39.05.080 (4), each member serves until a successor is appointed.
- (b) Vacancies shall be filled by appointment by the governor and, except as provided in AS 39.05.080 (4), an appointment to fill a vacancy is for the unexpired term.
- (c) An individual may not serve more than a total of two 3-year terms.

• Alaska Police Standards Council – 11 Members

- Appointment.
- The commissioner of public safety or a designee and the commissioner of corrections or a designee shall serve during each commissioner's continuance in office. Other members of the council shall be appointed by the governor for staggered terms of four years, except that a member may not serve beyond the time the member holds the office that established eligibility for appointment. A vacancy on the council shall be filled for the remainder of a member's unexpired term in the same manner as the original appointment.

The **Alaska Police Standards Council** is a regulatory and quasi-judicial body that was created by Senate Bill 1, Chapter 178, and enacted by the State Legislature, effective July 7, 1972.

The Legislature granted the Council the power to adopt regulations establishing minimum selection and training standards for employment as police officers as well as other regulations for the administration of the act. In 1988 House Bill 367 expanded the council's jurisdiction to include corrections, probation and parole officers. The council is composed of 11 members appointed by the governor, and they meet formally four times each year.

Name	Council Title	Affiliation
Jon Bolling	Public Representative	Craig
Dick Burton	Public Representative	Ketchikan
Robert Heun	Member	Police Chief, Anchorage Police Department
Dan Hoffman	Member	Police Chief, Fairbanks Police Department
Charles T. C. Kamai	Member	Police Chief, Kodiak Police Department
Bob Kean	Public Representative	Anchorage
Chuck Kopp	Chairman	Police Chief, Kenai Police Department
Walt Monegan	Member	Commissioner, Department of Public Safety
Joe Schmidt	Member	Commissioner, Department of Corrections
Donna White	Member	Director, Probation & Parole
Janey Wineinger	Public Representative	Chickaloon

MISSION

To produce a highly trained and positively motivated professional, capable of meeting contemporary law enforcement standards of performance.

APSC VISION

To build on the foundation of skill and knowledge acquired at the basic academy, with continued education and training where the officer may enhance those skills and increase proficiency in all aspects of job performance.

To cooperatively establish a career path within the respective agencies, by providing qualified members with advanced training opportunities for developing leadership and supervisory skills.

To ultimately increase the overall efficiency and effectiveness of the law enforcement and corrections community by assuring a climate of professionalism and conscientious standards.

ALASKA STATE LEGISLATURE
House of Representatives

INTERIM:
716 W. 4TH AVE.
ANCHORAGE, AK 99501
Phone: (907) 269-0265
Fax: (907) 269-0264
(website:www.akrepublicans.org/roses.htm)

SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
Phone: (907) 465-4939
Toll Free: (800) 465-4939
Fax: (907) 465-2418

Representative Bob Roses

email: Representative_Bob_Roses@legis.state.ak.us

MEMORANDUM

Date: March 14, 2007
To: Representative Bob Lynn, Chair
House State Affairs Committee
From: Representative Bob Roses
Re: HB 193

I respectfully request scheduling of HB 193 for consideration by the House State Affairs Committee.

Enclosed are:

1. The most recent version of the bill
2. Current Sponsor Statement
3. Sectional Analysis
4. Letters of support and other appropriate backup documentation

Thank you for your consideration of this request. Please contact Crystal Novotney at 465-4967 in my office if you have any questions or concerns.



State of Alaska

Department of Public Safety

Alaska Police Standards Council

Sarah Palin, Governor
Walt Monegan, Commissioner

April 26, 2007

The Honorable Bob Lynn
Alaska State House of Representatives
State Capitol, Rm. 104
Juneau, AK 99801-1182

Dear Representative Lynn:

The Alaska Police Standards Council has been tracking HB 193 and Senate Bill 99, both of which propose to change the composition of the Council by replacing current public, law enforcement and corrections Council positions with line officers nominated by organized labor.

Municipalities from across Alaska recognize that the changes sought through this legislation are not in the best interest of and, in reality, actually challenge the integrity of the Council. AS 18.65.220 and AS 18.65.240 give the Alaska Police Standards Council full authority to certify officers that meet their minimum standards and decertify officers who do not. Organized labor has always had open access to the Council, and rightfully so, to advocate its membership's interests to that body. This legislation has received intensive review and discussion by the Council and it remains clear that it will most certainly not achieve what is intended by its passage. It will, in fact, destroy the past and current composition balance held by the Council and also dares to destroy the fairness reputation that the Council has held since its inception. This will, in turn, negatively affect the public trust.

Please join with me and with the elected leadership of our municipalities who have passed the attached resolutions in opposing HB 193 and SB 99.

Sincerely,

A handwritten signature in cursive script that reads "Charles M. Kopp".

Charles M. Kopp
Chairman
Alaska Police Standards Council

Introduced by: Mayor Thompson
Date: April 23, 2007

RESOLUTION NO. 4273

A RESOLUTION OF THE FAIRBANKS CITY COUNCIL OPPOSING HB193, WHICH SEEKS TO CHANGE THE COMPOSITION OF THE ALASKA POLICE STANDARDS COUNCIL.

WHEREAS, the composition of the Council is essential in ensuring that the mission of the Alaska Police Standards Council (APSC) is carried out;

WHEREAS, the mission of APSC is to produce highly trained and positively motivated professionals capable of meeting contemporary law enforcement standards of performance;

WHEREAS, having diversity of members from different geographic and demographic areas of Alaska is paramount in meeting this goal;

WHEREAS, HB 193 as introduced, and if passed, would remove two members from the eleven member council, and replace them with two union-nominated employees;

WHEREAS, this would change the complexion of the council, and cause a shift in the balance which would favor labor organizations, who may not focus on APSC's missions as their primary concern;

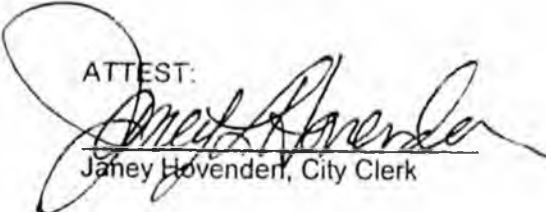
WHEREAS, passage of HB 193 will change the dynamics of the council from an impartial group of professionals who are interested in preserving the integrity of Alaska's law enforcement system and the public trust, to one weighted towards special interest.

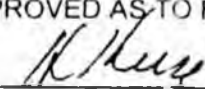
NOW, THEREFORE, BE IT RESOLVED by the City Council of Fairbanks, Alaska, that the City hereby declares their opposition to the passage of HB '93, and that such opposition be immediately voiced to the members of the City's Interior legislative delegation.

Passed, Approved and Effective this 23rd Day of April, 2007


STEVE M. THOMPSON, MAYOR

AYES: Cleworth, Roberts, Stiver, Seeliger, Brown
NAYS: None
ABSENT: Hilling

ATTEST:

Janey Hovender, City Clerk

APPROVED AS TO FORM

Herbert P. Kuss, City Attorney

Sponsored by: Yoder

**CITY OF SEWARD, ALASKA
RESOLUTION 2007-043**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD,
ALASKA, OPPOSING HB 193 WHICH SEEKS TO CHANGE THE
COMPOSITION OF THE ALASKA POLICE STANDARDS COUNCIL**

WHEREAS, the composition of the Council is essential in ensuring that the mission of the Alaska Police Standards Council (APSC) is carried out; and

WHEREAS, the mission of APSC is to produce highly trained and positively motivated professionals capable of meeting contemporary law enforcement standards of performance; and

WHEREAS, having diversity of members from different geographic and demographic areas of Alaska is paramount in meeting this goal; and

WHEREAS, HB 193 was introduced, and if passed, would remove three members from the eleven member council, and replace them with three union nominated employees; and

WHEREAS, this would change the complexity of the council, and cause a shift in the balance which would favor labor organizations, who may not focus on APSC's mission as their primary concern; and

WHEREAS, passage of HB 193 will change the dynamics of the council from an impartial group of professionals who are interested in preserving the integrity of Alaska's law enforcement system and the public trust, to one weighted towards special interest.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SEWARD, ALASKA that:**

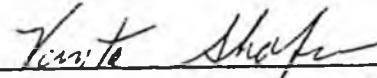
Section 1. The City of Seward hereby declares their opposition to the passage of HB 193.

Section 2. This Resolution shall take effect immediately.

PASSED AND APPROVED by the City Council of the City of Seward, Alaska, this 23rd day of April, 2007.

**CITY OF SEWARD, ALASKA
RESOLUTION 2007-043**


THE CITY OF SEWARD, ALASKA



Vanta Shafer, Mayor

AYES: Dunham, Valdatta, Thomas, Bardarson, Amberg, Shafer
NOES: None
ABSENT: Schafer
ABSTAIN: None

ATTEST:



Jean Lewis, CMC
City Clerk
(City Seal)



HB

210

HOUSE COMMITTEE REPO

(7)

Date Referred to Committee: March 30, 2007

FURTHER REFERRALS:

Date of Committee Action: 4-3-07

The STATE AFFAIRS Committee considered:

HB 210

HOUSE BILL NO. 210

QUALIFICATIONS OF THE ADJUTANT GENERAL

"An Act relating to the appointment and qualifications of the adjutant general."

Recommends it be replaced with HCS or CS for _____ ()
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

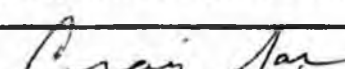
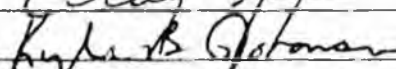
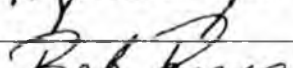
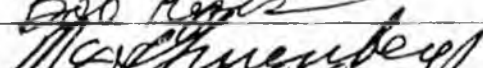
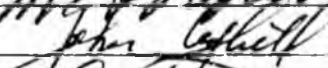

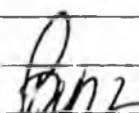
- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of
Abbrev
for
Depts.:

- ADM
- CEC
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- ISS
- LWF
- LAW
- LEG
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
MVA				X

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Johnson	X			
	JOHANSEN	X			
	Rosen	X			
	Schreiber				
	Cobble				
	Doll				
Chair: 	Lynn				
Chair:					

ALASKA STATE LEGISLATURE

Vice Chair:
Joint Armed Services Committee

Member:
Military and Veterans Affairs Committee
Labor and Commerce Committee
State Affairs Committee
Economic Development, Trade, &
Tourism Committee



Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-3783
Fax: (907) 465-2293
Toll Free (877) 460-3783

Interim:
716 West 4th Avenue
Anchorage, AK 99501-2133
Phone: (907) 269-0174
Fax: (907) 269-0177

REPRESENTATIVE NANCY DAHLSTROM

ELMENDORF AFB • FORT RICHARDSON • BIRCHWOOD • FIRE LAKE • GOVERNMENT HILL • MULDOON
Representative_Nancy_Dahlstrom@legis.state.ak.us

Sponsor Statement

House Bill 210 – Adjutant General Qualifications

House Bill 210, "An act relating to the appointment and qualifications of the adjutant general," is before us to bring attention to the importance of guard duty in relation to its leadership.

In recent years, the Alaska National Guard has undergone major changes. It has seen organizational restructure, increased deployment responsibility and additional missions at home. With the amplified demand for the Alaska National Guard, it is imperative for our state's adjutant general be adequately qualified.

House Bill 210's intent is to positively impact troop morale by appointing leaders who have shared similar experiences and walked in their shoes. Knowing their leader has been down a similar path will create a deeper respect within the troops.

The National Guard Bureau in Washington, D.C. is considering an increase in rank for the bureau chief, from three-star to four-star. Increasing the rank from major general to lieutenant general will give the Alaska National Guard a jump start on this initiative and make our adjutant general more qualified and better received when working with issues back in Washington, D.C. An increase in rank will not impact the state budget and will not increase the adjutant general's salary as a state employee.

It is important to note this legislation does not limit the power of the Governor to appoint a viable candidate as Adjutant General/Commissioner of the Department of Military and Veterans Affairs. This legislation is supported by the Administration and I ask for the favorable consideration of the State Affairs Committee.

John Bruce Gazaway
4420 Edinburgh Drive
Anchorage, Alaska 99502

March 28, 2008

To the House of Representatives:

House Bill 210 is an important measure and we urge your support to pass this bill.

As a member of the Alaska National Guard for 25 years, I believe that troop morale and well being is higher when an Adjutant General comes from the ranks of the Alaska National Guard. When a person has at least five years experience with an organization one gains a knowledge and understanding of where we have come from and where we need to go.

It has been difficult in the past when an Adjutant General has had no Alaska National Guard experience. Without a clear understanding of the state and the responsibilities of the Alaska National Guard, Adjutant Generals can drive enlisted Soldiers and Airmen to leave the organization.

Sincerely,



Bruce Gazaway
Technical Sergeant
Alaska Air National Guard

PROPOSAL FOR A STATE OF ALASKA RESOLUTION AMENDMENT

RELATING TO QUALIFICATIONS IN ALASKA STATUTE AS.26.05.160. FOR APPOINTMENT AS THE ADJUTANT GENERAL

BACKGROUND: Currently in the State of Alaska, the Governor is essentially free to appoint nearly anyone he/she chooses to be The Adjutant General for Alaska, the highest military position of the Alaska National Guard. At the same time, the requirements for appointment of the two (Army and Air Guard) Assistant Adjutant Generals, require that they have served at least five (5) years in the Alaska National Guard, be able to be Federally recognized as General Officers, and other specific statutory and regulatory requirements.

This creates both a real and perceived disparity between two militarily qualified General Officers and their potential immediate military leader that is unacceptable. Also, someone who has no knowledge of the Alaska National Guard tends to spend most of their time just trying to learn about our capabilities and challenges, the Alaska military and political environments and the State military needs. This is contrary to someone who has come from within the organization. Also, the military training, experience, schooling requirements to include the War College are intense and cumulative to achieve the level of General Officer in today's National Guard. Someone who has not served in the higher military ranks also should not be considered to be placed in a military command position at the level of Adjutant General.

PROPOSED ACTION;

Due to our overwhelming support for HB 210, we recommend immediate passage, support and swift approval throughout the legislative process on this action.



Mike Bridges
Past President, Legislative Affairs Chair, Alaska National Guard Officer's Association
(907) 952-3878
britun@vci.net

From a resolution at the Annual General Business meeting.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB210-DMVA-COMM-3-234
 Bill Version: HB210 (H) MLV
 () Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Military & Veterans Affairs

Title: Qualifications of the Adjutant General

RDU: Military and Veterans Affairs

Component: Commissioners Office

Sponsor: Representative Dahlstrom

Requester: Military & Veterans Affairs

Component No: 414

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Al'tal Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Mr. John Cramer, Acting Deputy Commissioner

Division: Commissioner's Office

Approved by: General Craig Campbell, Commissioner

Agency: Department of Military and Veterans Affairs

Phone: (907) 465-4602

Date/Time: 3/23/07 9:45 AM

Date: 3/23/2007

ALASKA STATE LEGISLATURE

Vice Chair:

Joint Armed Services Committee

Member:

Military and Veterans Committee
Labor and Commerce Committee
State Affairs Committee
Economic Development, Trade, &
Tourism Committee



Session:

Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-3783
Fax: (907) 465-2293
Toll Free (877) 460-3783

Interim:

716 West 4th Avenue
Anchorage, AK 99501-2133
Phone: (907) 269-0174
Fax: (907) 269-0177

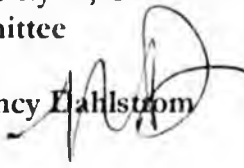
REPRESENTATIVE NANCY DAHLSTROM

ELMENDORF AFB • FORT RICHARDSON • BIRCHWOOD • FIRE LAKE • GOVERNMENT HILL • MULDOON

Representative_Nancy_Dahlstrom@legis.state.ak.us

MEMORANDUM

TO: Representative Bob Lynn, Chairman
State Affairs Committee

FROM: Representative Nancy Dahlstrom 

DATE: March 29, 2007

SUBJECT: Hearing Request

I respectfully request a hearing on House Bill 210, "An act relating to the appointment and qualifications of the adjutant general," at the committee's earliest convenience.

Thank you.

HB

216



Alaska State Legislature

Mike Doogan

Representative
District 25, Anchorage

MEMORANDUM

To: Representative Bob Lynn, Chair
House State Affairs Committee

From: Representative Mike Doogan

Date: March 26, 2007

Re: Hearing Request for HB 216: Approp: Opinion Poll Same Sex Benefits

A handwritten signature in black ink, appearing to be "MD", written over the printed name "Representative Mike Doogan".

4-4-07
Catherine Moss (page)
picked up yellow
folder. Said Doogan
pulled Bill on the
house floor.

I respectfully request that House Bill 216, an act making a special appropriation for a public opinion poll regarding a constitutional amendment concerning benefits for same-sex partners, be scheduled for a hearing in the House State Affairs Committee.

Attached, you will find a packet for HB 216, including the current version of the bill, a sponsor statement, and a sectional analysis.

Please feel free to contact me, or my aide Ryan Jager, with questions or thoughts at 465-4998.



Alaska State Legislature

Mike Doogan
Representative
District 25, Anchorage

SPONSOR STATEMENT

HB 216: "An Act making a special appropriation for a public opinion poll regarding a constitutional amendment concerning benefits for same sex partners."

There's an old saying in the legislature: A million here and a million there and pretty soon you're talking about real money. The cost of the special advisory election on same-sex partner benefits is estimated to be \$1.2 million, an amount worth talking about.

What do we get for that \$1.2 million? The election is advisory and the result is non-binding, so you get an unscientific opinion poll. If the legislature's interest is in gauging public opinion on the question, we'd be far better off hiring a pollster and conducting a scientific poll. One pollster estimates such a poll would cost \$12,000, or one per cent of the amount the election will cost.

In the face of two competing means of obtaining public opinion, one that costs just \$12,000, and one that costs one thousand times as much, perhaps it's time we had a discussion about spending State General Funds a little more prudently.

State Capitol
Juneau, AK 99801
907-465-4998 or 800-689-4998
Fax 907-465-4419

716 West 4th Avenue
Anchorage, AK 99501
907-269-0216
Fax 907-269-0218

Rep.Mike.Doogan@legis.state.ak.us



Alaska State Legislature

Mike Doogan
Representative
District 25, Anchorage

SECTIONAL ANALYSIS

HB 216: "An Act making a special appropriation for a public opinion poll regarding a constitutional amendment concerning benefits for same sex partners."

- Section 1:** Appropriates \$12,000 to the Office of the Governor for a statewide public opinion poll asking if a constitutional amendment regarding state benefits to same-sex partners should be enacted.
- Section 2:** Provides for an immediate effective date.

State Capitol
Juneau, AK 99801
907-465-4998 or 800-689-4998
Fax 907-465-4419

716 West 4th Avenue
Anchorage, AK 99501
907-269-0216
Fax 907-269-0218

Rep.Mike.Doogan@legis.state.ak.us

HB

236

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Develop.
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

House State Affairs Committee Chair

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800) 870-4391


Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133


Phone: (907) 269-0205
Fax: (907) 269-0207

Date: May 4, 2007

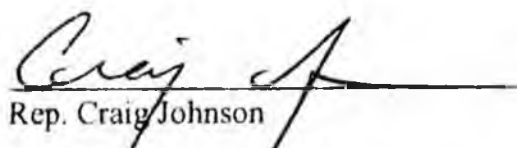
Re: HB 236 Deceased Veteran Death Certificate/Honor

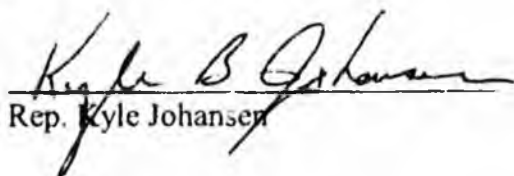
We the undersigned agree to waive HB 236 from House State Affairs Committee and on to House Finance Committee. Signature and agreement to waive does not constitute support or opposition to the bill, nor obligate the member to a specific vote on the House Floor.

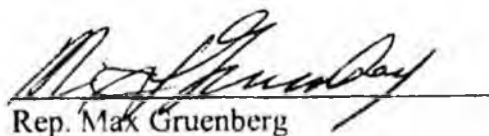

Rep. Bob Lynn, Chair



Rep. Bob Roses, Vice Chair


Rep. John Coghill


Rep. Craig Johnson


Rep. Kyle Johansen


Rep. Max Gruenberg


Rep. Andrea Doll

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

House State Affairs Committee

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone (907) 465-4931
Fax (907) 465-4316
Toll Free (800) 870-1391

Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone (907) 269-0205
Fax (907) 269-0207

Sponsor Statement

HB 236

Deceased Veteran Death Certificate / Honor

HB 236 provides one certified death certificate, without cost, to a surviving spouse, next of kin, or other eligible relative of a deceased veteran. The bill is modeled after Arizona statute.

HB 236 also creates the Governor's Memorial Certificate Program to allow the Adjutant General to honor deceased veterans who are residents of Alaska, by issuing to their family memorial certificates. The certificate program is modeled after the Presidential Memorial Certificate Program. It is the intent that the Governor's Memorial Certificate Program will simply be a certificate given to surviving family members or other eligible recipients as defined, acknowledging the State's appreciation for the service of the deceased veteran.

Sectional Analysis

Section 1 (7) outlines who is eligible to receive a free death certificate and indicates that one free death certificate be issued to eligible recipient.

Section 2 adds the Governor's Memorial Certificate Program to As 26.10. It outlines the procedure for the program.

(c)(1) This section defines who is an "eligible recipient" of a deceased veteran.

(c)(2) This section defines "veteran" as the meaning given in As 26.10.080

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

Fiscal Note Number: 4
 Bill Version: CSHB 236(M.L.V)
 (H) Publish Date: 3/18/08
 Dept Affected: Health & Social Services
 RDU Public Health
 Component Bureau of Vital Statistics

ID(File name) HB236CS(MLV)-DHSS-BVS-12-19-07
 Title DECEASED VETERAN DEATH CERTIFICATE/HONOR
 Sponsor HOUSE (STA)
 Requester HOUSE (FIN)

Component No. 961

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES (0)								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF	50.0		60.0	75.0	90.0	90.0	90.0
1037 GF/Mental Health							
1156 (Receipt Services)	(50.0)		(60.0)	(75.0)	(90.0)	(90.0)	(90.0)
Other(Specify Type-do not abbreviate)							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

Under this bill family members or representatives (executors, etc.) of deceased veterans may each request one free copy of the veteran's certified death certificate. Because the Bureau of Vital Statistics (BVS) relies substantially on fee revenues to cover its operating costs, any loss of these revenues will have an immediate impact on staffing and quality of service to the public if not replaced by general funds.

About 10% of the proposed FY09 budget for BVS is GF. In contrast, 65% of the BVS budget comes from Receipt Supported Services (RSS). Limited flexibility in the BVS budget compounds the problem of relying on fees for operating costs. (Continued on Page 2)

Prepared by: Beverly K. Wooley, Director
 Division: Public Health
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-3092
 Date/Time 12/04/2007
 Date 12/19/2007

STATE OF ALASKA
2008 LEGISLATIVE SESSION**ANALYSIS CONTINUATION**

One-third of BVS's annual expenses are fixed costs for items such as lease space, telecommunications services and paper for certificates. Areas where there is some flexibility, such as travel, have been reduced in recent years due to "belt tightening" budget reductions and loss in buying power. Nearly two-thirds of the BVS budget covers personal services.

We project this bill will cost BVS \$50.0 in lost revenue in FY09, increasing to a loss of \$90.0 by FY12. The estimates are based on the \$20 fee for a certified copy of a death certificate and the approximately 900 deaths per year where the decedent was a veteran. Under this version of the bill, receipt of free copies is not restricted - each family member or representative may request one free copy but any number of family members or representatives may request a free copy. It is estimated that veteran's families and representatives will request, on average, five free copies (families have been known to request as many as 30 copies of a death certificate). The fiscal impact will be approximately \$50.0 for the first year the legislation is in effect (\$20 x 2,500 certified copies, assuming just 500 families will request five certificates each in the first year), increasing to \$90.0 by FY12 (\$20 x 4,500 certified copies) as more people become aware of the new benefit provided by this law. BVS will experience a greater loss of revenue if this bill generates more than five requests per death, or if the number of decedents who are veterans exceeds 900 in a year.

This projected loss of revenue to BVS appears in the Receipt Supported Services line and, if the current level of staffing and service to the public is to be maintained, this lost revenue will have to be replaced with GF. If new GF is not received to offset the lost revenue, the bureau will have to eliminate one position the first year this bill is in effect, and a second position within the subsequent one to two years. The loss of these positions will limit the bureau's ability to process requests for vital records in a timely manner by limiting the number of requests that can be processed daily. Previous experience has shown that when BVS is understaffed, the public can expect delays of up to eight weeks for processing vital record requests. At current staffing levels, the average turnaround time is two to three days.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 236(MLV)
(H) Publish Date: 3/18/08

Identifier (file name): HB236-DMVA-VS-3-14-08 Dept. Affected: DMVA
Title: An Act relating to providing a death certificate for a deceased veteran without cost... RDU: Military and Veterans Affairs
Sponsor: State Affairs Component: Veterans Services
Requester: House Finance Component Number: 421

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

There is minimal impact to the Department of Military and Veterans Affairs for the cost of postage, mailing envelopes and paper stock for the Governor's memorial certificate program certificates

Prepared by McHugh Pierre, Legislative Liaison/Director of Communications Phone 465-4402
Division National Guard Military Headquarters/Commissioner's Office Date/Time 3/14/08 @ 10:00 am
Approved by Commissioner Craig Campbell Date 3/14/2008
Department of Military and Veterans Affairs

CERTIFICATION OF VITAL RECORDS

STATE OF ARIZONA

ORIGINAL STATE COPY

STATE OF ARIZONA DEPARTMENT OF HEALTH SERVICES - OFFICE OF VITAL RECORDS CERTIFICATE OF DEATH

DEATH NO. D 102-

Form with fields for name of deceased (AKA, LAST, FIRST, MIDDLE, LAST, EPSTEIN), sex, date of death, race, place of death, date of birth, age, marital status, social security no., usual residence, street address, father's name, informant's signature, burial information, and physician's signature.

FOR COURT PROCEEDINGS USE ONLY. Pursuant to A.R.S. 29-122, this copy has been issued free of charge for the purpose of applying for and obtaining Veteran's benefits and may not be used for any other purpose.

MORTUARY CORRECTED BOXES 1 & 14A, 2-5-2004

CERTIFIED COPY OF VITAL RECORDS

STATE OF ARIZONA COUNTY OF YAVAPAI

DATE ISSUED FEB 06 2004

This is a true and exact reproduction of the document officially registered and placed on file in the VITAL RECORDS SECTION, DEPARTMENT OF HEALTH SERVICES, PHOENIX, ARIZONA. Issued under the authority of A.R.S. 38-341, and by direction of:

Marcia M. Jacobson MARCIA MORAN JACOBSON YAVAPAI COUNTY



152164

HOUSE COMMITTEE REPORT

3-18-08

(11)
Date Referred to Committee: May 5, 2007

FURTHER REFERRALS:

Rules

Date of Committee Action: 3/17/08

The FINANCE Committee considered:

HB 236

HOUSE BILL NO. 236 DECEASED VETERAN DEATH CERTIFICATE/HONOR
"An Act relating to providing a death certificate for a deceased veteran without cost; relating to a program to honor the memory of a deceased veteran; and providing for an effective date."

Recommends it be replaced with HCS or CS for HB 236 (MLV)
For Senate Bill: with new title: Technical Title New Title: HCR Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
MVA	3	✓		
HSS	4	✓		

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
<i>Richard C. Hawker</i>	Hawker	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<i>Harry Crawford Jr</i>	CRAWFORD	<input checked="" type="checkbox"/>			
<i>Bill A. Stutz</i>	STUTZ	<input checked="" type="checkbox"/>			
<i>George</i>	George	<input checked="" type="checkbox"/>			
<i>Spole</i>	Spole	<input checked="" type="checkbox"/>			
<i>Thomas</i>	Thomas	<input checked="" type="checkbox"/>			
<i>Kelly</i>	Kelly			<input checked="" type="checkbox"/>	
Chair: <i>Michelle Shuman</i>	Shuman	<input checked="" type="checkbox"/>			
Chair: <i>K. Meyer</i>	Meyer	<input checked="" type="checkbox"/>			

CO

b

HOUSE COMMITTEE REPC

5.4.07

(7) Date Referred to Committee: April 13, 2007

FURTHER REFERRALS: State Affairs Finance

Date of Committee Action: May 3, 2007

The HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS considered: HB 236

HOUSE BILL NO. 236

DECEASED VETERAN DEATH CERTIFICATE/HONOR

"An Act relating to providing a death certificate for a deceased veteran without cost; relating to a program to honor the memory of a deceased veteran; and providing for an effective date."

Recommends it be replaced with [] HCS or [X] CS for HB 236 (MLV) For Senate Bills with new title: [] Technical Title [] New Title: HCR [] Same Title [X] New Title

- [] attach amendments
[] add new referral to Committee
[] Letter of Intent Committee

- List of Abbr: for Depts: ADM, CED, COR, CRT, EED, DEC, DFG, GOV, HSS, LWF, LAW, LEG, MVA, DNR, DPS, REV, DOT, UA

Table with 5 columns: List by Dept(s), *FN#, Fiscal, Indet., Zero. Contains entries for MVA (FN# 1) and HSS (FN# 2).

Table with 5 columns: List by Dept(s), FN#, Fiscal, Indet., Zero. Empty table for previous fiscal notes.

Table for signing with recommendations. Columns: Signed with recommendations, Printed Last Name, DP, DNP, NR, AM. Includes signatures of Kawamki, LoDout, Fairclough, Ramras, and Roses.



House of Representatives
State Capitol
Juneau, AK 99801

Dear Representative,

The American Legion, Veterans of Foreign Wars and The Disabled American Veterans express the deep appreciation to you and other House members for the strong support given the veteran's legislative programs this past session. We have enclosed a copy of the Joint Venture's legislative priorities for consideration by the First Session of the 25th State Legislature.

Again, please accept our thanks and appreciation for your continuing support of important veteran issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Pisa".

Jim Pisa
Dept. Commander, The American Legion

A handwritten signature in black ink, appearing to read "Joe Simms".

Joe Simms
Dept. Commander, Veterans of Foreign Wars

A handwritten signature in black ink, appearing to read "Tom Schanrock".

Tom Schanrock
Dept. Commander, Disabled American Veterans

**The American Legion, Veterans of Foreign Wars, and Disabled
American Veterans.**

Joint Venture

Legislative Issues
for FY 2008-2009

(condensed version)

1. **State Veteran's Service Officers Grant:** Increase of State Service Officers Grant from \$621,000. to \$651,000.
2. **Property Tax Exemption:** Support an Increase the Disabled Veterans' and Senior Citizens tax exemption.
3. **Community Based Outpatient Clinic:** Support from the Legislature for a VA community based outpatient clinic to be located in Southeast Alaska.
4. **Veteran's Cemetery:** We request the State Legislature to place a State Operated VA supported Cemetery in Fairbanks Alaska.
5. **Flag Amendment:** If Flag Amendment passes Congress Alaska ratify that amendment.

Burial & Memorial Benefits

Veterans Benefits & Services

Sample Presidential Memorial Certificates



The United States of America

honors the memory of

John H. Service

*This certificate is awarded by a grateful
nation in recognition of devoted and
efficient contributions to the service
of our country in the Armed Forces
of the United States.*

John F. Kennedy
President

A Presidential Memorial Certificate (PMC) is an engraved paper certificate, signed by the current President, to honor the memory of honorably discharged deceased veterans.

History

This program was initiated in March 1962 by President John F. Kennedy and has been continued by all subsequent Presidents. Statutory authority for the program is Section 112, Title 38, of the United States Code.

Administration

The Department of Veterans Affairs (VA) administers the PMC program by preparing the certificates which bear the current President's signature expressing the country's grateful recognition of the veteran's service in the United States Armed Forces.

Eligibility

Eligible recipients include the deceased veteran's next of kin and loved ones. More than one certificate may be provided.

Page 2 - Presidential Memorial Certificates

Application

Eligible recipients, or someone acting on their behalf, may apply for a PMC in person at any VA regional office or by U.S. mail only. Requests cannot be sent via email. There is no form to use when requesting a PMC. Please be sure to enclose a copy of the veteran's discharge and death certificate. Please submit copies only, as we cannot return original documents.

If you would like to request a Presidential Memorial Certificate, or if you requested one more than eight (8) weeks ago and have not received it yet, we ask that you either:

- 1. Fax** your request and all supporting documents (copy of discharge and death certificate) to: **(202) 565-8054**, or
- 2. Mail** your request and all supporting documents using either the U.S. Postal Service or a commercial mail service, such as one of the overnight or express mail delivery services, to:

**Presidential Memorial Certificates (41A1C)
Department of Veterans Affairs
5109 Russell Road
Quantico, VA 22134-3903**

If you have any questions about a certificate you have received, a request you have already sent in, or about the program in general, you may call **(202) 565-4964**. Or you may send an electronic inquiry to us by selecting the "Contact the VA" link below.

PLEASE NOTE: The above telephone number is for questions about the Presidential Memorial Certificate Program only.

Veteran Service Officers and Funeral Homes - Please contact us at (202) 565-4259 or (202) 501-2004 for information about submitting requests electronically.

We do not administer other VA programs or have access to other VA records. For assistance with other VA benefits or records please use the "Contact the VA" link below. Or call your Regional office at:

1-800-827-1000

HB

237

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 13, 2007

FURTHER REFERRALS: Judiciary

Date of Committee Action: 5-01-07

The STATE AFFAIRS Committee considered:

HB 237

HOUSE BILL NO. 237

REMOVING A REGENT

"An Act authorizing the governor to remove or suspend a member of the Board of Regents of the University of Alaska for good cause; establishing a procedure for the removal or suspension of a regent; and providing for an effective date."

Recommends it be replaced with HCS or CS for HB 237 (STA)

For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

attach amendments

add new referral to _____ Committee

Letter of Intent _____ Committee

List of
Abbrev
for
Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LWF
- LAW
- LEG
- MVA
- DNR
- DPS
- REV
- DOT
- UA

NEW FISCAL NOTES				
<small>*Assigned by Chief Clerk's Office</small>				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
LAW				X

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Johnson	X			
	JOHNSON			X	
	Rosen	X			
	Green	✓			
	Coghitt			✓	
	Doll			✓	
Chair:	LYNN	X			
Chair:					

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OFFICE OF ADMINISTRATIVE HEARINGS

SARAH PALIN, GOVERNOR

P.O. BOX 110231
JUNEAU, ALASKA 99811-0231
PHONE: (907) 465-1886
FAX: (907) 465-2280

April 18, 2007

The Honorable Max Gruenberg
Alaska State Representative
Alaska State Legislature
State Capitol, Room 110
Juneau, Alaska 99801-1182

Re: Office of Administrative Hearings' Authority to Accept Voluntary Referrals

Dear Representative Gruenberg:

During our April 6, 2007 discussion of the Office of Administrative Hearings' (OAH's) caseload, I promised to get back to you with the specifics on OAH's authority to accept voluntary case referrals. The question arose in the connection with whether OAH might be able to provide administrative adjudication services for state government entities beyond those we are providing at present.

AS 44.64.030(b) and two statutory definitions provide the essential authority for OAH to hear just about any kind of contested case on behalf of (or even under a delegation from) an executive branch decisionmaker. AS 44.64.030(b) provides as follows:

An agency may request the office to conduct an administrative hearing or other proceeding of that agency or to conduct several administrative hearings or other proceedings under statutes not listed in (a) of this section. The office may provide the service after entering into a written agreement with the agency describing the services to be provided and providing for reimbursement by the agency to the office of the costs incurred by the office in providing the services[.]

Thus, an *agency* may voluntarily refer an *administrative hearing* or other proceeding to OAH. Both "agency" and "administrative hearing" are defined terms under AS 44.64.

AS 44.64.200(3) defines "agency" as "an agency of the executive branch of state government, including an officer, a division, or another subunit of an agency, a board or commission, a public corporation, and the University of Alaska[.]" OAH's voluntary

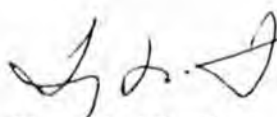
referrals, therefore, can come from sources within the executive branch (e.g., officers, public corporations, the University) other than "agencies" within the meaning of, for instance, the Administrative Procedure Act.

AS 44.64.200(1) defines "administrative hearing" as "a quasi-judicial hearing before an *agency*; it does not include an informal conference or review held by an agency before a final decision is issued or a rate-making proceeding or other nonadjudicative public hearing[.]" (Emphasis added.) As long as the matter sought to be referred to OAH requires a quasi-judicial hearing and is referred by an "agency" as broadly defined above, CAH can conduct the hearing.

Moreover, under AS 44.64.055, OAH has authority to enter into reimbursement agreements to provide "administrative hearing" services to "a school district, municipality, or other governmental entity if the reimbursement is authorized by law." The "other governmental entity" language is what allowed us to agree to hear procurement protest appeals for the court system once the court system determined that it had authority to contract (via reimbursement agreements) with executive branch agencies.

In sum, the statutory authorities in AS 44.64 are broad enough to enable OAH to take a wide range of voluntary referrals, as long as the referring agency or entity has the legal authority to engage an executive branch central hearing panel to conduct the hearing or other proceeding referred. If you have any further questions about OAH and its caseload, please do not hesitate to contact me.

Sincerely,



Terry L. Thurbon
Chief Administrative Law Judge

cc: Annette Kreitzer, Commissioner
Department of Administration

Kevin Brooks, Deputy Commissioner
Department of Administration

25-LS0839\C
Mischel
4/30/07

CS FOR HOUSE BILL NO. 237()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act authorizing the governor to remove or suspend a member of the Board of**
2 **Regents of the University of Alaska for good cause; and establishing a procedure for the**
3 **removal or suspension of a regent."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 **LEGISLATIVE FINDINGS AND PURPOSE.** (a) The legislature finds that

8 (1) the framers of the Constitution of the State of Alaska intended to insulate
9 the University of Alaska and the Board of Regents from politics, but did not intend to
10 immunize the University of Alaska and the Board of Regents from appropriate nonpolitical
11 legislative and executive branch oversight;

12 (2) under AS 14.40.170(b)(1), the legislature has delegated to the Board of
13 Regents the power to regulate itself, but the Board of Regents has not adopted self-
14 governance rules that authorize the board to remove or suspend a regent in appropriate

1 circumstances; and

2 (3) the legislature has the power to create a procedure under which the
3 governor may remove a regent for good cause or suspend a regent in appropriate
4 circumstances, so long as the regent is accorded due process and the University of Alaska and
5 the Board of Regents are insulated from politics.

6 (b) The purpose of AS 14.40.155, added by sec. 2 of this Act, is to

7 (1) clarify that the governor may not remove a regent without good cause;

8 (2) clarify that the governor may remove a regent with good cause;

9 (3) prescribe a due process procedure under which the governor may remove a
10 regent for good cause;

11 (4) prescribe a due process procedure under which the governor may suspend
12 a regent in certain circumstances; and

13 (5) accomplish each of the above purposes while still insulating the University
14 of Alaska and the Board of Regents from politics.

15 * Sec. 2. AS 14.40 is amended by adding a new section to read:

16 **Sec. 14.40.155. Removal and suspension of regents.** (a) The governor may
17 remove a member of the Board of Regents for good cause by providing

18 (1) a copy of the allegations pertaining to the reasons for removal;

19 (2) an opportunity for a hearing on the allegations; and

20 (3) at least 10 days' notice of a hearing if a hearing is requested; the
21 notice must include the applicable rules governing the conduct of the hearing.

22 (b) After removal of a regent for good cause under (a) of this section, the
23 governor shall file with the lieutenant governor a copy of the allegations made against
24 the former regent, the governor's findings on each of the allegations, and a complete
25 record of the removal proceedings.

26 (c) The governor may, after providing notice and an opportunity for a hearing,
27 suspend a member of the Board of Regents while final disposition is pending on

28 (1) a criminal complaint, presentment, information, or indictment
29 involving a felony in any jurisdiction;

30 (2) an information or formal criminal charges of a misdemeanor
31 described under (g)(3) of this section; or

1 (3) allegations of nonfeasance in office described under (g)(4) of this
2 section under consideration by the governor.

3 (d) A regent who has been suspended under (c) of this section may, at any
4 time, request a hearing to lift the suspension.

5 (e) A hearing conducted by the governor or the governor's designee involving
6 the suspension of a regent under (c) of this section must provide an opportunity to
7 defend against the stated grounds for suspension or to show cause why the suspension
8 should be lifted after a suspension is imposed.

9 (f) The governor may delegate the conduct of a hearing under this section to
10 the office of administrative hearings under AS 44.64.030(b).

11 (g) In this section, "good cause" means

12 (1) a violation of AS 39.52 (Alaska Executive Branch Ethics Act);

13 (2) conviction of a felony in any jurisdiction;

14 (3) conviction of a misdemeanor in any jurisdiction if the misdemeanor
15 involves

16 (A) dishonesty;

17 (B) breach of trust; or

18 (C) the University of Alaska;

19 (4) nonfeasance in office, including

20 (A) misconduct in office;

21 (B) an inability to serve;

22 (C) neglect of duty;

23 (D) incompetence;

24 (E) unjustified failure to perform the duties of the Board of

25 Regents;

26 (5) failure to continue to meet the requirements of AS 14.40.130 that
27 relate to the qualifications of a regent.

28 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 APPLICABILITY. AS 14.40.155, added by sec. 2 of this Act, applies to all conduct
31 and acts that occurred before, on, or after the effective date of this Act.

Alaska State Legislature

Chairman

State Affairs Committee

Vice-Chairman

Economic Development, Trade & Tourism
Committee

Member

Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees

Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From

REPRESENTATIVE BOB LYNN
District 31 Anchorage

House State Affairs Committee

Session:

Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931

Fax: (907) 465-4316

Toll Free: (800) 870-4391

Interim:

716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205

Fax: (907) 269-0207

Sponsor Statement

HB 237

HB 237 creates a statutory due process procedure under which the governor may remove a University of Alaska regent for good cause. It also creates a statutory due process procedure under which the governor may suspend a University of Alaska regent in certain circumstances.

A question has arisen regarding the extent to which a University of Alaska regent may be removed before the end of the regent's term. Various legal counsel have reviewed this issue and arrived at differing conclusions.

Legislative counsel has concluded that a regent serves at the pleasure of the governor and may be removed with or without cause. Legislative counsel has also concluded that a regent may be impeached. Legislative Counsel Memo (Jan. 31, 2007). Conversely, University counsel has verbally opined that a regent may only be removed by impeachment and that the governor has no power to remove a regent.

The Department of Law has opined that the governor does not have the power to remove a University of Alaska regent without cause. 2007 Inf. Op. Att'y Gen. (Feb. 2; 663-06-0103); 1979 Inf. Op. Att'y Gen. (Jan. 23; J-66-103-79). The Department of Law's view is based on its review of the constitutional convention minutes that the convention intended to insulate the University of Alaska from politics. Thus, the convention placed the University outside the Executive Branch article in the constitution.

The Department of Law, however, concluded that the governor has the power to remove a regent if cause is established. Moreover, Law stated in its most recent opinion that: "it may be possible for the legislature to provide for removal of a regent through enactment of a statute consistent with the constitution. Such a statute would have to preserve the University's politically independent constitutional status and probably could only provide for removal if it were for some cause that was established at a hearing prior to removal." 2007 Inf. Op. Att'y Gen. 7 n.7 (Feb. 2; 663-06-0103).

HB 237 - Sponsor Statement
Page 2

In summary, all three of the legal opinions agree that a regent may be impeached. Two of the legal opinions agree that the governor may remove a regent with cause (Legislative Counsel and Department of Law).

The purpose of this bill is to establish a statutory procedure for the governor to remove a regent for good cause. The bill affords the regent a due process hearing and defines what constitutes good cause.

The bill also provides a procedure for the governor to suspend a regent in certain limited circumstances, including when a regent is indicted for a felony or crime of dishonesty. This suspension procedure will serve to protect the University until all the facts have been established regarding the regent's conduct.

The bill clarifies that the governor cannot remove a regent without good cause.

The Department of Law has reviewed this bill and believes it is consistent with its opinions and with the Alaska Constitution.

Ultimately, the question of whether the governor has the power to remove a regent for good cause can only be decided by the Alaska Supreme Court. Despite this legal uncertainty, this bill embodies sound governance policy. It preserves the University's constitutionally intended insulation from politics, while ensuring that a statutory mechanism is in place for the governor to remove or suspend a regent in an appropriate circumstance. It provides the regent the opportunity for a fair due process hearing. This bill will serve to effectively protect the University and protect the board of regents.

SECTIONAL ANALYSIS

Section 1 sets forth the findings and purposes of the bill. The legislature finds that the constitutional framers intended to insulate the University from politics, that the legislature delegated the power of self-governance to the University, and that the legislature has the power to create a statutory procedure for the governor to remove a regent for good cause. The purposes of the bill are to clarify that the governor may remove a regent for good cause, but that a governor may not remove a regent without good cause, to establish a due process procedure to remove a regent for good cause, to establish a due process procedure to suspend a regent in certain circumstances, and to preserve the political insulation of the University and the board of regents.

Section 2 adds a new section, AS 14.40.155, to AS 14.40, the chapter that governs the University of Alaska's board of regents. AS 14.40.155 is patterned after other statutory removal procedures for other boards, including the workers compensation appeals commission. See AS 23.30.007(j).

AS 14.40.155(a) sets forth the procedure for the governor to remove a regent for good cause. The governor must provide the regent with the reasons for removal, and an opportunity for a hearing with at least 10 days notice. Good cause is defined in subsection (g) to include a violation of the Executive Branch Ethics Act, a conviction of a felony, conviction of a misdemeanor involving a crime of dishonesty or the University of Alaska, nonfeasance in office, or failure to continue to meet the qualification requirements of a regent.

AS 14.40.155(b) requires the governor to file with the lieutenant governor a complete record of the removal proceedings, including a decision detailing the governor's findings.

AS 14.40.155(c) and (e) set forth the procedure for the governor to suspend a regent. The governor must provide the regent with notice and an opportunity to be heard. The governor may suspend a regent who has been indicted for a felony, charged with a misdemeanor for a crime involving dishonesty or the University of Alaska, or for allegations of nonfeasance in office.

AS 14.40.155(d) allows a suspended regent to request a hearing to lift the suspension.

AS 14.40.155(f) permits the governor to delegate the conduct of the hearing to the Office of Administrative Hearings.

Section 3 is an applicability section that permits AS 14.40.155 to apply to conduct occurring before or after the effective date of the act.

Section 4 is the effective date provision giving the Act an immediate effective date.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB237-LAW-LSA-4-27-07
 Bill Version: HB 237
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to removing a regent. RDU Civil
 Component Law & State Affairs
 Sponsor House State Affairs
 Requester House State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill would authorize the governor to remove or suspend a member of the Board of Regents of the University of Alaska for good cause and establish a procedure for the removal or suspension of a regent. There would be no fiscal impact on the Department of Law.

Prepared by: Robert Meiners, Admin. Services Mngr Phone 465-5427
 Division Administrative Services Division Date/Time 4/27/07 8:12 AM
 Approved by: Robert Meiners for Talis Colberg, Attorney General Date 4/27/2007
 Agency Department of Law

HB 237 - Removing a Regent

Bill Authorizing Removal of Regents by the Governor

- The constitution provides a process for removing regents – impeachment. Any statute providing for removal and suspension of Regents by the governor may be incompatible with the constitutional provision.
- This bill provides that the governor or designee would make the allegations, conduct the hearing, and make the final decision regarding removal or suspension. Any individual affected would likely challenge the action. The resulting litigation would tie the Board and the state in knots.
- A procedure involving only the governor does not insulate the university from politics. This was the intent of the framers of the constitution as noted in a recent AG's opinion.
- Where a governor is the sole determiner of whether to remove or suspend a regent, terms like neglect of duty, incompetence, and unjustified failure to perform duties could be subjectively interpreted and result in political interference with the proper functioning of the Board.

Background:

Article II, Section 20 of the Alaska Constitution provides for removal of all civil officers of the state by impeachment.

Article VII, Section 3 of the Alaska Constitution creates a Board of Regents apart from the provision dealing with Executive Branch Boards and Commissions (Article III, Section 26). Unlike the provision dealing with Executive Branch Boards & Commissions, the provision dealing with the Board of Regents does not specify that regents are subject to removal as provided by law.

Response to Memo Entitled
“Bill Authorizing Removal of Regents by the Governor”

A memo has been circulated by a representative of the University of Alaska raising concerns regarding HB 237. The following is a response to those concerns.

Point 1. “The constitution provides a process for removing regents – impeachment. Any statute providing for removal and suspension of Regents by the governor may be incompatible with the constitutional provision.”

Response: All legal counsel agree that the constitutional impeachment process may be used to remove a regent. Legislative counsel and the Department of Law, however, disagree that this is the only means by which a regent may be removed. HB 237 creates a statutory procedure for the governor to remove a regent for good cause. Legislative counsel and the Department of Law believe this procedure is consistent with the Alaska Constitution.

Point 2. “This bill provides that the governor or designee would make the allegations, conduct the hearing, and make the final decision regarding removal or suspension. Any individual affected would likely challenge the action. The resulting litigation would tie the Board and the state in knots.”

Response: To the extent this point suggests that the governor is incapable of providing a regent with a fair due process procedure, there is no basis for it. Courts have repeatedly vindicated the ability of administrative agencies to conduct appropriate and constitutional due process proceedings. There is a large body of case law that guides an administrative agency in conducting such hearings. Moreover, the bill authorizes the governor to delegate the hearing to the Office of Administrative Hearings, an administrative agency that is specifically charged with conducting fair and objective due process hearings.

There is no way to predict whether this bill will produce litigation. However, to the extent it does, it will not tie Board or the state in knots. The Department of Law routinely handles litigation on behalf of the state, and state business continues unabated even when litigation is pending.

Point 3. “A procedure involving only the governor does not insulate the university from politics. This was the intent of the framers of the constitution as noted in a recent AG’s opinion.”

Response: While the framer certainly intended to insulate the University and the board of regents from politics, there is no evidence that they intended to completely immunize the University from appropriate governance. This bill creates an appropriate due process procedure that will be insulated from politics.

Point 4. “Where a governor is the sole determiner of whether to remove or suspend a regent, terms like neglect of duty, incompetence, and unjustified failure to perform duties

could be subjectively interpreted and result in political interference with the proper functioning of the Board.”

Response: The standards for good cause are defined in statute and there is a body of case law that will both guard and guide the decision making process, including the manner in which the statutory grounds for good cause are interpreted. This will effectively limit the opportunity for politics to interfere with the removal procedure.

Background points. The memo draws a distinction between Article III, section 26 which authorizes the legislature to specify in law removal provisions for boards and commissions subject to section 26, and Article VII, section 3 which is silent on removal provisions. This distinction could be interpreted in a variety of ways, including that the governor has plenary removal power and that legislative authorization for removal is not required.

The interpretation that is most consistent with the framers’ intent, however, is that offered by HB 237. That is, that the governor has the authority to remove a regent for good cause and that the legislature may prescribe statutory due process procedures to ensure that the process preserves the University’s insulation from politics.

Re: HB 237- Removing a Regent

Summary of Constitutional Convention Minutes
Re
University of Alaska

pp. 2033 - 2037

--Walsh questions whether governor will have power to remove university president

--V. Rivers responds no—status quo will remain, unless changed in law

--Nordale states that university is not a principal department subject to supervision by governor

pp. 2245-2258

--Walsh expresses view that university president should not be subject to approval by governor

--Nordale reiterates that university is not a principal department and that education should stay out of politics

--R. Rivers moves to exempt university from language that would become art. III, sec. 26 (boards and commissions)

--Taylor states that university is an independent agency

--V. Rivers reiterates that law could provide for means of removal of university president

--Nordale requests a separate article that clarifies status of university including that it is not part of the executive branch

--R. Rivers' motion fails

pp. 2792

--V. Rivers introduces provisions governing university

pp. 2808

--Hurley asks whether governor can be regent

--V. Rivers responds no, constitutional appointment procedure is the current method of appointment

House Bill 237

Relevant Memos

Removing a Regent

- Jean M. Mischel, Legislative Council 4/17/07
- Craig J. Tillery, Deputy Attorney General 2/02/07

LEGAL SERVICES**DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329**MEMORANDUM**

April 17, 2007

SUBJECT: Removal of a University Regent (HB 237)
(Work Order No. 25-LS0839\A)

TO: Representative Bob Lynn
Attn: Nancy Manly

FROM: Jean M. Mischel
Legislative Counsel

You asked whether the governor may remove a University regent. In my opinion, the answer is yes. In fact, the constitutional authority of the legislature to restrict or otherwise control the removal or suspension of a regent by the governor is the subject of considerable debate. Unlike boards and commissions controlled by art. III, sec. 26 of the constitution, nothing in art. VII, sec. 3, which establishes the Board of Regents, provides for legislative control over removal of the regents and therefore the governor's removal authority appears to be unrestricted.

Article VII, sec. 3 provides:

The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session

A limitation on removal of some executive officers may be interposed by law, but arguably only as to persons who hold appointment under art. III, sec. 26 of the state constitution. Article III, sec. 26 states:

When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, *and may be removed as provided by law*

Even with the additional legislative authority over sec. 26 boards, the Alaska Supreme Court interpreted that authority very narrowly. When the Court was faced with the question of the extent of legislative authority over sec. 26 boards and commissions, the Court found that the confirmation power of the legislature provided in art. III, secs. 25 (principal department heads) and 26, is merely a limited delegation of the executive appointment power to the legislature and stated:

As to this issue, we think the provision of Sections 25 and 26 of Article III are clear and unambiguous. Thus, we conclude that Sections 25 and 26

Representative Bob Lynn
April 17, 2007
Page 2

mark the full reach of the delegated, or shared, appointive function to Alaska's legislative branch of government. (Bradner v. Hammond, 553 P.2d 1, 7 (Alaska 1976))

The University's status as a "body corporate" does not imply a legislative role in removal of a regent (apart from the impeachment process available to the legislature as to all civil officers). Though the University, alone in the constitution, expressly holds corporate status, the Alaska Supreme Court has said that members of other public corporations established by law serve at the pleasure of the governor. (Walker v. Alaska State Mortgage Association, 416 P.2d 245 (Alaska 1966)) The Court stated:

The Association's three board members from the Board of Commissioners of the Alaska Housing Authority are appointed by the governor and serve at his pleasure. Therefore, the governor is empowered to remove any member of the governing board of the Association at his pleasure.

Id. at 240 (citations omitted).

I am aware of a recent informal attorney general opinion that suggests in a footnote that the legislature has some authority over removal of a regent without any judicial support for that position. The addition of legislative control over suspension of a regent is even more questionable. I do not know how a court would view the kind of intrusion proposed in HB 237 into the governor's appointment and removal authority, but perhaps the court would be persuaded by the governor's support of this concept.

If I may be of further assistance, please advise.

JMM:med
07-247.med

MEMORANDUM

State of Alaska
Department of Law

To: Talis J. Colberg Attorney General	Date: February 2, 2007
Thru: Craig J. Tillery Deputy Attorney General	File No.: 663-06-0103
	Tel. No.: (907) 465-3600
	Fax: (907) 465-2520
From: Michael A. Barnhill Assistant Attorney General Labor and State Affairs Section	Subject: Governor's Power to Remove a University of Alaska Regent

We have been asked whether the Governor has the power to remove a University of Alaska regent without cause. In our view, the answer is no.

We acknowledge that this question has been posed to different counsel and different conclusions reached. Legislative counsel has concluded in a written opinion that regents serve at the pleasure of the governor and may be removed at any time. University of Alaska counsel has concluded in a verbal opinion that a regent may be removed only through impeachment by the legislature.

For the reasons set forth below, we do not fully agree with the conclusions of either legislative counsel or university counsel. That being said, we do agree with both legislative counsel and university counsel that impeachment is an option that may be pursued in order to remove a regent. But we disagree with university counsel that it is the only option.

The basis for our views is grounded primarily in the constitution and discussions of the framers regarding the University of Alaska during the constitutional convention. We start there.

I. Historical Background

The University of Alaska was created by the territorial legislature in 1935. ch. 49, SLA 1935. The Board of Regents was created at that time as well, with the governor empowered to appoint regents subject to confirmation by a joint session of the legislature. *Id.* at sec. 3. The term of a regent was eight years and a regent was to serve "until their successors are appointed and have qualified." *Id.* The original statute made no mention

of how a regent should be removed. This law has essentially remained unchanged through today, though the number of regents was increased to eleven in 1975. See AS 14.40.120; 14.40.140; AS 14.40.150.

From the University's inception through statehood we are aware of no instance of a governor removing a regent prior to the end of a regent's term. We recognize that it is possible such could have happened, but it would take further historical research to determine this.

The constitutional convention considered the University of Alaska several times during the course of the convention. Before considering these passages, however, it is important to understand that the territory of Alaska had suffered from a fragmented executive branch with several elected officials and multiple governing boards designed to erode the power of the federally appointed governor. A fundamental goal of the convention was to establish a strong governor who was completely in control of the executive branch of government.¹

During the consideration of the executive branch article, however, concerns were raised regarding the appropriate place for the University of Alaska within the constitutional design for the new government. These concerns were often expressed in terms of the need to insulate education from politics. Alaska Constitutional Convention Proceedings at 2043, 2246. During the discussions of the provisions that ultimately

¹ Delegate Fischer later wrote, "[Territorial] government was neither responsible nor responsive to the people. As a result, convention delegates were ready to make basic structural changes so the people could hold the governor wholly responsible for the conduct of state administration." V. Fischer, *Alaska's Constitutional Convention* at 106 (1975).

became sections 25 and 26 of Article III,² questions were raised concerning the extent to which these sections governed appointments to the Board of Regents. The chair of the Executive Branch Committee, Victor Rivers, and a member of that Committee, Katherine Nordale, both responded that section 26 of Article III only applied to "principal departments" and that the University of Alaska was not a principal department. Alaska Constitutional Convention Proceedings at 2034, 2037, 2246. Therefore, in their mind, the University of Alaska did not fall under section 26 of Article III.

Other delegates, however, remained concerned that in order to insulate the University from politics it needed to be made explicit that the University was not subject to section 26 of Article III. In particular, certain delegates were concerned that if section 26 did apply to the University, that the Board of Regents' appointment of a president would be subject to approval by the governor. Accordingly, these delegates sought to amend section 26 to state that the provision did not apply to the University of Alaska. Alaska Constitutional Convention Proceedings at 2245-2258. Ultimately, these attempts failed because the members of the Executive Branch committee persuaded the convention that section 26 simply did not apply to the University of Alaska. Alaska Constitutional Convention Proceedings at 2246, 2257. Moreover, several delegates noted that a separate article was being drafted to govern the University of Alaska. *Id.* at 2247-48, 2250, 2255.

During the debate, some delegates expressed observations as to the status of the University. The chair of the Executive Committee, Victor Rivers, stated that the Executive Branch article would have no impact on the University:

² Section 25. Department Heads. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the secretary of state.

Section 26. Boards and Commissions. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

Walsh: May I ask a question, Mr. Rivers? I think to clarify in the minds of several people here it might be well for me, that [as] one of those serving on the Board of Regents of the University of Alaska, composed of eight members, and the Board of Regents select the President of the University. The governor, as I understand it, does not have the power of the removal of the president of the University. It is a matter for the Board. Would this situation change that, Mr. Rivers?

Rivers: No, in regard to the University, this would not affect their present setup. They are a private corporation, or rather a nonprofit corporation, and under the specific law providing for their make-up, and you would still have a board of regents appointed by the governor and confirmed by the legislature, and the powers as you now have them would be identical to what they now are as I visualize them.

Id. at 2033-34. Delegate Taylor stated that the "University is not a part of the Territorial government whatsoever; it is an independent agency." *Id.* at 2253. Notably, Delegate Nordaie expressed the view that by explicitly putting the University in a separate article it would "make it very clear that it can never be dissolved and that it is not part of the executive branch of government." *Id.* at 2256.

Later in the convention, the Executive Branch committee proposed language regarding the University. Chair Rivers introduced the language as follows:

Mr. President, you have heard the reading of this article and it was considered important that in the constitution there be included an article of this type. It gives the University, as a corporate body, the authority to receive and hold property which will be granted to them under the enabling act. It also gives them the authority for administering and disposing of that according to law. It sets up the board of regents and the governing body of the University, and I think the main point of this article has is that constitutionally the University of Alaska shall be the only state university in Alaska.

Id. at 2792. Perhaps notably, the Executive Branch committee saw fit to clear the language of the proposed article with the President of the University prior to bringing it to the floor of the convention.³ *Id.*

II. Analysis

With this summary of the constitutional history of the University in mind, we think it is fair to draw the following conclusions. First, the convention intended to create a very strong governor with full appointive power. Second, despite the strong governor model, the convention nevertheless intended to insulate the University from politics, including the governor. Third, the convention intended that the University would not be subject to section 26 of Article III of the Alaska Constitution. Fourth, the convention intended to constitutionalize the existence of the University. Finally, some members of the convention believed that the University resided outside the executive branch of government in 1955 and that the constitution preserved that status.⁴

Nowhere in the convention minutes is there any discussion regarding removal of a regent.⁵ But the above conclusions are sufficient to give us pause that the governor's power to remove certain executive branch appointees without cause extends to the University Board of Regents. This view is consistent with the views previously expressed by this office. In 1979, we opined:

Under the state constitution, the University of Alaska is 'governed' by the Board of Regents. Alaska Const., art. VII, § 3. The regents are appointed by the governor, subject to confirmation by the legislature. *Id.* They serve for terms of eight years. Thus, while the regents are appointed by and are responsible to the governor, they do not serve at his pleasure but rather for fixed terms, and they may, therefore, be

³ In other words, it is doubtful that President Patty, the University president at the time, would have approved this language if he thought it allowed the governor to remove a regent without cause.

⁴ By observing this latter point, we do not conclude that in fact the convention succeeded in fully removing the University from the executive branch.

⁵ Though at one point, Chair Rivers states that "[t]he law could provide no doubt for means of removal . . ." *Id.* at 2255-56. He appears to be referring to the chief executive of the University, not the regents, however.

removed from office solely for cause. 67 C.J.S. Officers § 120 (1978); 63 Am. Jur.2d Public Officers and Employees § 189 (1972). As a result, the governor's supervision over the university is made distinctly indirect. Unless the members of the Board of Regents commit acts of malfeasance, misfeasance, or nonfeasance sufficient to constitute cause for their removal, the governor possesses no check upon them and no power to direct their activities.

1979 Inf. Op. Att'y Gen. 1 (Jan. 23; J-66-103-79). We have reiterated this view over the years⁶ and see no reason to stray from it today.

For the reasons expressed above, the University is accorded unique constitutional status. We must be mindful of these reasons when considering the applicability of Alaska Supreme Court precedents. A number of these cases have been cited by other counsel, but we doubt that a court would find them controlling on the issue of whether the governor may remove a regent without cause. For instance, *Walker v. Alaska State Mortgage Assoc.*, 416 P.2d 245 (Alaska 1966) does not involve the University of Alaska, but rather pertains to a board of a public corporation that does not have a unique constitutional status. The cases involving the University do not have issues that directly implicate the political independence of the University, one of the reasons for the University's unique constitutional status. See, e.g., *University of Alaska v. Nat'l Aircraft Leasing*, 536 P.2d 121 (Alaska 1975) (University is instrumentality of state for purposes of sovereign immunity); *McGrath v. University of Alaska*, 813 P.2d 1370 (Alaska 1991) (legislature may subject University to Administrative Procedures Act). Instead, we think a court if faced with the issue of whether the governor may remove a regent without cause would be more likely to focus on the constitutional history of the University set forth above.

Finally, legislative counsel contends that under AS 39.05.060(d) regents serve at the pleasure of the governor and may be removed at any time. This interpretation is at odds with the express intention of the constitutional convention that the University be insulated from politics. Moreover, review of the fairly lengthy legislative history of this statute demonstrates that the legislature never intended AS 39.05.060(d) to reach the

⁶ In 1998, an assistant attorney general stated that, "Regents are considered to be sort of in a class by themselves. We've always advised the governor that it's inadvisable to remove the regents at a change of an administration. Legal complications may ensue." 1998 Anchorage Daily News (quoting AAG James Baldwin).

Attorney General Colberg
Re: Removal of University Regent

February 2, 2007
Page 7

Board of Regents. This statute was originally enacted as part of the State Organization Act of 1959, under which the executive branch of the new State of Alaska was formed. *See* ch. 64, SLA 1959. The University of Alaska is not within the scope of this Act—it was not mentioned in the Act and was left out of the organization of the executive branch accomplished by this Act. *Id.* When initially enacted, AS 39.05.060 only referred to boards that were explicitly mentioned in the State Organization Act of 1959. While the scope of AS 39.05.060 has both expanded and contracted over the years, it has never been broadened to include the Board of Regents.⁷

In summary, we conclude that the Governor may only remove a regent if cause is established, preferably at a hearing prior to removal. We would be happy to address in another memo the evidence necessary to establish cause, and the criteria for an appropriate hearing process.

MAB:ajh

⁷ We note, however, that it may be possible for the legislature to provide for removal of a regent through enactment of a statute consistent with the constitution. Such a statute would have to preserve the University's politically independent constitutional status and probably could only provide for removal if it were for some cause that was established at a hearing prior to removal.

version here now the existing arrangement provided by law for educational administration could continue, except that the appointment of the commissioner of education by the board of education would require the approval of the governor. The department of education would of course be subject to reorganization by executive order of the governor as would any other agency of the government. Now it also provides that the removal power of this multiheaded board member would be, or rather the appointing power of the principal executive officer of such board would be subject to the approval of the governor before he was appointed. The general consensus of the Committee was that this covered quite well the desire of both the strong executive and the multiheaded department such as the department of education. Does that answer your question?

COGHILL: Yes, but, Mr. President, that answered my question in part, Mr. Rivers. It is then the thinking of the Committee that like the head of the department of education, although the governor would only be able to appoint say one or two members to that board when he becomes the governor, that he would have the power to remove, without just cause a good executive head of that board?

V. RIVERS: He would have both, yes. He would have the removal power of the board powers and also would have the removal power of the executive officer, subject of course no doubt to some considerable agreement with the board. He has the removal power now for certain causes with the approval of the board, as I read to you.

COGHILL: Do I get it right then that he has the power to remove all board members when he comes into office?

V. RIVERS: Mrs. Nordale, you might care to answer that.

NORDALE. He can remove the board members but the head of this multiheaded agency may be removed in the manner provided by law, which could provide for hearings and all sorts of things.

PRESIDENT EGAN: Mr. Walsh.

WALSH: May I ask a question, Mr. Rivers? I think to clarify this in the minds of several people here it might be well for me, that one of those serving on the Board of Regents of the University of Alaska, composed of eight members, and the Board of Regents select the president of the University. The governor, as I understand it, does not have the power of the removal of the president of the University. It is a matter for the Board. Would this situation change that, Mr. Rivers?

V. RIVERS: No, in regard to the University, this would not affect their present setup. They are a private corporation, or rather