

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

January 28, 2014

8:02 a.m.

MEMBERS PRESENT

Representative Gabrielle LeDoux, Co-Chair
Representative Benjamin Nageak, Co-Chair
Representative Neal Foster
Representative Bob Herron
Representative Lora Reinbold
Representative Harriet Drummond

MEMBERS ABSENT

Representative Kurt Olson

COMMITTEE CALENDAR

HOUSE BILL NO. 199

"An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms."

- HEARD & HELD

HOUSE BILL NO. 181

"An Act relating to the accounting for money received by the state from the mining license tax, mining lease payments, and royalties from mining on state tide and submerged land seaward of a municipality, and the availability of that money for appropriation to certain boroughs and municipalities outside of a borough."

- MOVED CSHB 181(CRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 199

SHORT TITLE: VPSO FIREARMS

SPONSOR(S): REPRESENTATIVE(S) EDGMON

04/04/13	(H)	READ THE FIRST TIME - REFERRALS
04/04/13	(H)	CRA, STA
01/28/14	(H)	CRA AT 8:00 AM BARNES 124

BILL: HB 181

SHORT TITLE: MINING LICENSE REVENUE; REVENUE SHARING
SPONSOR(s): REPRESENTATIVE(s) FOSTER

03/20/13	(H)	READ THE FIRST TIME - REFERRALS
03/20/13	(H)	CRA, FIN
04/09/13	(H)	CRA AT 8:00 AM BARNES 124
04/09/13	(H)	Heard & Held
04/09/13	(H)	MINUTE(CRA)
07/20/13	(H)	CRA AT 9:30 AM NOME
07/20/13	(H)	Heard & Held
07/20/13	(H)	MINUTE(CRA)
01/28/14	(H)	CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

REPRESENTATIVE EDGMON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Spoke as the sponsor of HB 199.

ALVIN JIMMIE, VPSO Program Director
Association of Village Council Presidents (AVCP) VPSO Program
Bethel, Alaska

POSITION STATEMENT: Testified that the AVCP supports HB 199.

MIKE COONS
Palmer, Alaska

POSITION STATEMENT: Provided testimony on HB 199.

TERRY VRABEC, Deputy Commissioner
Office of the Commissioner
Department of Public Safety
Juneau, Alaska

POSITION STATEMENT: Related the Department of Public Safety's support for HB 199.

STEVEN ARLOW, Captain
Alaska State Troopers
VPSO Support
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: During hearing of HB 199, answered questions.

JOSEPH MASTERS
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 199.

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

POSITION STATEMENT: Expressed concerns with HB 199.

JESS CARSON, Sergeant
Special Projects
Alaska State Trooper
Department of Public Safety
Fairbanks, Alaska

POSITION STATEMENT: Expressed concerns with HB 199.

ANNE SEARS, Alaska State Trooper
Department of Public Safety
Nome, Alaska

POSITION STATEMENT: During the discussion of HB 199, highlighted the differences between the training of VPSOs and Alaska State Troopers.

PAUL LABOLLE, Staff
Representative Foster
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of the sponsor of HB 181, Representative Foster, offered comments.

BRENT GOODRUM, Director
Division of Mining, Land and Water
Department of Natural Resources
Anchorage, Alaska

POSITION STATEMENT: During hearing of HB 181, answered questions.

JOY BAKER, Port Project Manager
City of Nome
Nome, Alaska

POSITION STATEMENT: Related her and Mayor Michael's support for HB 181.

ACTION NARRATIVE

[8:02:12 AM](#)

CO-CHAIR GABRIELLE LEDOUX called the House Community and Regional Affairs Standing Committee meeting to order at

8:02 a.m. Representatives Reinbold, Herron, Nageak, and LeDoux were present at the call to order. Representatives Foster and Drummond arrived as the meeting was in progress.

HB 199-VPSO FIREARMS

8:03:09 AM

CO-CHAIR LEDOUX announced that the first order of business would be HOUSE BILL NO. 199, "An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms."

8:03:30 AM

REPRESENTATIVE EDGMON, Alaska State Legislature, speaking as the sponsor of HB 199, explained that the Village Public Safety Officer (VPSO) program provides a host of services beyond law enforcement in the 90 or so communities where active VPSOs are located. He reviewed the history of the VPSO Program, which began in the late 1970s when the program was funded with federal funds. The number of communities served by VPSOs has fluctuated over the years in relation to the turnover rate of VPSOs. The challenges of the program have been somewhat consistent over the years and include turnover, salary levels, housing, Alaska State Trooper oversight, and facilities/equipment. Although the aforementioned challenges remain, he expressed appreciation for the recent attempts of Governor Parnell and former Commissioner Masters for to make the VPSO program more viable than it has been in years, particularly the commitment to add 15 VPSOs every year in an attempt to place a VPSO in every community in rural Alaska that would benefit from such a service. Representative Edgmon related his understanding that VPSOs attend 12 weeks of rigorous training in Sitka; the training covers multiple areas, including firefighting, CPR, basic law enforcement, and domestic violence. However, the training doesn't reach the level of municipal law enforcement in terms of carrying a firearm and driving an emergency vehicle. Representative Edgmon emphasized that the crux of HB 199 is to ensure VPSOs can do their job. He pointed out that VPSOs in rural Alaska sometimes walk into lethal situations and the VPSO is armed with only a baton, Taser, handcuffs, and a protective vest. Representative Edgmon, noting that he was born and raised in rural Alaska, related that although the situation in rural Alaska has improved in many respects, the social issues, domestic violence, and violent confrontations have increased. For that reason, Representative Edgmon said he introduced HB 199, which would insert language in

statute that would prohibit the Department of Public Safety (DPS) from denying local nonprofits and communities to employ armed VPSOs. To be armed, the VPSOs would have to meet the minimum standards of firearm training, which he understood would be certified by the Alaska Police Standards Council. He acknowledged that there are some smaller communities that have trepidation or resistance to having armed VPSOs and pointed out that employment of armed VPSOs would be done with the consent of the local decision makers and community. The fiscal note, he noted, is fairly modest as it envisions 20 VPSOs going through the firearm training in Sitka. The fiscal note includes the travel of the VPSOs to Sitka, the general liability the department would have to provide, as well as the necessary equipment.

[8:10:18 AM](#)

CO-CHAIR LEDOUX opened public testimony for HB 199.

[8:11:13 AM](#)

ALVIN JIMMIE, VPSO Program Director, Association of Village Council Presidents (AVCP) VPSO Program, began by noting that his testimony is on behalf of AVCP and its VPSO Program. He further noted that the success of the VPSO Program is highly dependent upon a strong partnership between AVCP, the State of Alaska, and the local and tribal governments. He attributed the leadership of the Alaska State Troopers, AVCP, and the local tribes as one that has forged a relationship that has continued to advance public safety in the region. The AVCP, he related, supports HB 199. As many may know, the first VPSO Program began in the AVCP region in 1979. Over the last 30 years, the AVCP VPSO Program has grown to be the largest VPSO Program in the state. In fact, the AVCP VPSO Program currently employs almost one-quarter of all the VPSOs in Alaska. With the help of the State of Alaska, AVCP's goal is to place at least two VPSOs in each village; the AVCP region consists of 56 tribes. Mr. Jimmie told the committee that AVCP's VPSOs are highly dedicated individuals committed to providing the highest level of public safety service to their respective villages. The AVCP's standards of employment ensure that only individuals who satisfactorily complete a strict background check are hired. He opined that continued employment is dependent upon successful completion of the 12-week annual and field training at the VPSO Academy as well as a probationary period. He further opined that in addition to the training, [AVCP] VPSOs possess a unique dedication and courage to respond virtually alone to calls on a

daily basis, which places VPSOs in a unique class of officers that few would be willing to join. Mr. Jimmie informed the committee that he is a former VPSO who understands the risks involved with unarmed law enforcement protection. The debate regarding whether to arm VPSOs is not new and needs no more debate, but it does require a coordinated effort between the state, the VPSO programs, and the communities they serve to decide how to proceed. The Native nonprofits aren't simply VPSO employers, but are responsible and sophisticated organizations that provide resources to engage in law enforcement policy issues at an educated and goal-oriented level. Only within such a framework, he proffered, will solutions emerge through the continuing questions raised during the debate. Mr. Jimmie related that a poll of AVCP VPSOs reveals that they 100 percent support being armed. He further related that AVCP is ready to take on this new responsibility. Proper training, certification, and other law enforcement standards must remain in place prior to implementation. However, he highlighted that funding is critical to ensure appropriate equipment, initial and ongoing training, and other items that accompany implementation. In closing, Mr. Jimmie related confidence that with a commitment from the stakeholders all of the issues that may arise can be addressed and the partnership with the state can reach a new level of public safety for those [in the region]. "The lives of our officers depend upon it," he said.

[8:16:41 AM](#)

CO-CHAIR NAGEAK asked if Mr. Jimmie will supervise the AVCP VPSO Program if HB 199 passes.

MR. JIMMIE stated that the matter is still under discussion. [The AVCP VPSOs] can take responsibility as they have in past years and he would be the individual who would continue to supervise officers in the region.

[8:18:03 AM](#)

CO-CHAIR NAGEAK interjected that VPSO supervisors should also be trained with the VPSOs in terms of firearm use.

[8:18:43 AM](#)

REPRESENTATIVE HERRON asked if Mr. Jimmie is supervised by an Alaska State Trooper.

MR. JIMMIE replied no, adding that he is currently supervised by AVCP. However, he expressed the desire to work closer with Alaska State Troopers.

8:20:00 AM

MIKE COONS, referred to letters in the committee packet from the Aleutian Pribilof Islands Association, Inc. dated August 21, 2013, and from Robert Claus dated September 17, 2013. Both letters express concerns with regard to who will set the rules. Mr. Coons noted his agreement with [Co-Chair Nageak's] earlier comment that supervisors of VPSOs who carry firearms should have an extensive firearm background. Mr. Coons then turned to his prepared statement, which he read as follows:

I'm a former Alaska state defense constable, a retired paramedic, and a former armed security officer with the United States Air Force at [Joint Base Elmendorf-Richardson] JBER. I have seen and worked with VPSOs and the Hooper Bay Police. I worked in Allakaket as a paramedic for the better part of a year and a half. As the constable, I was at Hooper Bay for three months working with the Hooper Bay Police Department. The concept of VPSOs and police in small villages like Hooper Bay has definite pros and cons. While at Allakaket, we had several cases of domestic violence situations with criminal subjects armed, mainly with a rifle, shooting up the girlfriends' homes. In one occasion, we had several people shooting up the village and specifically destroying (indisc.) equipment and its property. In all cases, Alaska State Troopers were called in to stop the criminal activity and make the arrest. The VPSO at the time was unable to do much since he was unarmed and not allowed to use deadly force. Fortunately, nobody was serious injured or died. Of the greater problem, though, was that the Fairbanks judges kept letting these people out on bail, return to the village, and the same problem happened over and over again. We need to address criminal behavior and lenient judges who put others in remote villages at an increased risk over that of just arming the VPSOs. That same situation with the judges was seen at Hooper Bay as well. At Hooper Bay, although we as constables were armed ... we seldom carried at the request of the police chief. Good verbal skills diffused all but one situation and the State Troopers were called in for a

barricaded person with a firearm ... resolved without injury. The police chief had an excellent department and with the proper training of his officers, I believe those officers would have done well being armed, mainly because of the excellent supervisory aspect of the police chief. This situation is different than single VPSOs without direct supervision, like at Hooper Bay. What I saw and experienced in the culture, most of the issues were alcohol related with people wanting to fight occasionally. Anytime an officer carries a firearm, it isn't just training, it is a mindset and judgment that must come into play. Of paramount importance is the mindset that if the occasion were to arise that deadly force was necessary that that officer has the mental ability to do so. Some may some may not. I agree that there are times where a VPSO needs to be armed to protect others as well as himself. However, the arming of VPSOs should be based on a host of factors and judgment by those State Troopers overseeing the VPSOs. Those factors range from village culture, size, past criminal problems to a solid subjective and objective review of each VPSO. This should not be a blanket decision and the DPS commissioner must have the ability to determine on a case-by-case basis if and whom the VPSOs are to be armed and under what guidelines and circumstances. There should be cross talk with city and tribal entities and corporations, but the final decision should rest with the commissioner. I do believe that HB 199 is taking this to a better level due to the need for the public and VPSO safety.

[8:24:49 AM](#)

REPRESENTATIVE FOSTER inquired as to the training program to carry firearms.

MR. COONS informed the committee that the training he received was extensive, particularly at Elmendorf Air Force Base where the rules of engagement and use of force continuum were taught. He specified that the training is knowledge beyond drawing the weapon and placing bullets in a certain size area; the training includes knowledge regarding what is behind the target, when and when not to draw, the use of verbal judo, the use of Tasers and pepper spray, and the use of other means before reaching the point of drawing a firearm. He pointed out that [firearm]

training has to be continuous and the Alaska State Troopers need to help instill the aforementioned thought processes with VPSOs. The aforementioned will take time.

[8:27:18 AM](#)

REPRESENTATIVE HERRON asked whether Mr. Coons supports HB 199.

MR. COONS clarified that he supports the concept of HB 199 and that there are VPSOs who can handle and for whom it would be beneficial [to carry a firearm]. He reiterated that the ability for VPSOs to carry firearms should be under strict training and supervision, which he questioned whether HB 199 addresses fully or appropriately. He then stated that the DPS commissioner needs to have a lot of [oversight] on the matter. Mr. Coons said that overall he supports [HB 199].

[8:28:36 AM](#)

REPRESENTATIVE HERRON inquired as to why a VPSO would need more training to carry a firearm than a municipal police officer, particularly in light of Mr. Jimmie's comment that the training would be ongoing.

MR. COONS said he didn't have a problem if the VPSOs take the same minimum training as that of the municipal police officer and it's ongoing.

[8:30:01 AM](#)

TERRY VRABEC, Deputy Commissioner, Office of the Commissioner, Department of Public Safety, related DPS's support for HB 199, but acknowledged that there are some very important things to address in order to achieve success. With regard to training, he noted that the DPS Academy falls under his purview. If HB 199 passes, Mr. Vrabec said he and the Academy commander are comfortable that they can develop a successful training program. As the attached fiscal note specifies, the costs are minimal.

[8:31:23 AM](#)

REPRESENTATIVE REINBOLD asked whether Mr. Vrabec believes only select individuals should be trained and that [the VPSO Program] should fall directly under the commissioner.

MR. VRABEC explained that [the program] would essentially fall under the commissioner because DPS oversees the DPS Academy and

performs Alaska State Trooper oversight for the VPSO Program. Mr. Vrabec clarified that he didn't want to refer to training for select officers, but rather pointed out that not every officer will be able to get through the training. For those organizations that want to employ armed VPSOs, DPS will support them to make it work.

[8:32:23 AM](#)

MR. VRABEC, in response to Representative Herron, agreed that there are always some officers and trooper recruits who don't make it through the training and don't graduate from the DPS Academy.

[8:33:10 AM](#)

CO-CHAIR LEDOUX asked if VPSOs are hired on an annual contract.

MR. VRABEC deferred to Captain Arlow, but reminded the committee that although VPSOs are trained through the DPS Academy and receive oversight from DPS, they aren't officially state employees as they work for the nonprofit organizations.

[8:33:52 AM](#)

STEVEN ARLOW, Captain, Alaska State Troopers, VPSO Support, Department of Public Safety, confirmed that once VPSOs are hired by the nonprofits they are nonprofit employees and that doesn't have to be renewed annually. He noted that there is a large turnover rate with VPSOs.

[8:34:23 AM](#)

CO-CHAIR LEDOUX posed a scenario in which [a VPSO] is hired for a discreet amount of time and [that VPSO] is not required to be armed at that time but is still working when HB 199 passes. She then asked what would happen to such a [VPSO] who couldn't pass the training.

CAPTAIN ARLOW noted that there have been conversations on that issue. The conclusion of the 10 entities with which [the Alaska State Troopers] contract is that VPSOs who are not interested in carrying firearms won't be dismissed from the program. Conversely, a VPSO who has qualified and completed all of the aspects of firearm training, but later falls below the standards could lose the ability to carry a firearm.

[8:36:38 AM](#)

JOSEPH MASTERS, speaking on his own behalf, noted that he is the former commissioner of DPS and will be leaving the post in October. He also noted that he is a former VPSO, which he opined places him in a unique position. Mr. Masters said that he has also been in the unique position of being one of the two commissioners who was sitting when a VPSO was lost in the line of duty. He related that during the last five years he has observed a new dynamic in terms of violence toward law enforcement officers at all levels and locales. Since 2002, assaults against police officers that resulted in injury increased by 66 percent and non-injury assaults increased by 137 percent. Therefore, on average there is an assault against a VPSO every month; seven of the most recent events in the past several years involved threatening officers with the use of firearms. Under current regulations, VPSOs are prohibited from carrying firearms in the performance of their duties. The aforementioned presents an interesting dynamic for VPSOs because with escalations in the use of force against them and the increased demand to respond in villages, the VPSO job is becoming more dangerous to the point that VPSOs are carrying firearms even though prohibited. This situation places the state in a unique position as it has to determine how best to assist the VPSOs and the employing nonprofits to mitigate the risks. Basically, the law enforcement duties to which the VPSOs respond could be reduced or VPSOs could be provided the proper training and certifications to do their job. Drawing from his past experiences, Mr. Masters opined that effective delivery of law enforcement services is dependent upon community involvement and a partnership between the various law enforcement agencies. He further opined that the reduction of the duties of VPSOs isn't a viable solution because the Alaska State Troopers can't absorb the increased workload and the communities would be placed at higher risk and danger. Therefore, this is the time to change the thinking in terms of how VPSOs are viewed and their ability to carry firearms to defend themselves and the public. He noted his agreement with the comments of Mr. Jimmie and Mr. Coons. Mr. Masters then related his support for HB 199, which he pointed out doesn't provide free rein to armed VPSOs. The legislation, he remarked, needs to be considered in context with existing statutes and regulations as currently the DPS commissioner has the authority to set regulations that dictate the training requirements for VPSOs to be armed and HB 199 does nothing to diminish that.

[8:43:22 AM](#)

MR. MASTERS related that standing with the family of fallen VPSO Thomas Madole during his services provided a sense of clarity regarding how much sacrifice VPSO families go through in allowing a family member to serve. The aforementioned also highlighted the need for leaders in the state to ensure that communities have the right people to protect them and that they have the appropriate background, training, and equipment for the job. In closing, Mr. Masters opined that HB 199 is necessary and it's time to allow VPSOs to be armed after receiving the proper training and certification.

[8:45:24 AM](#)

REPRESENTATIVE EDGMON thanked the committee for HB 199. He noted that both of the fatalities, in 1986 and 2013, in the VPSO Program occurred in Bristol Bay. From talking with a number of VPSOs, Representative Edgmon obtained the understanding that giving communities the option of armed VPSOs may help with recruitment and retention problems that have plagued the program as a whole. He then informed the committee that this last year DPS has worked diligently to place language within the regulations that would allow VPSOs to be armed. However, Representative Edgmon contended that placing such language in statute is a step further and provides iron clad authority for the current and future department heads and administrations.

[8:47:48 AM](#)

CO-CHAIR LEDOUX asked whether Village Police Officers (VPOs) are currently allowed to carry firearms.

MR. MASTERS explained that VPOs receive their authority through statutes and municipalities, which have the ability to establish police departments and hire police officers under the Alaska Police Standards Council (APSC) regulations and statutes. If they are remote, off the road system, and of a certain size, villages can employ VPOs under a different set of statutes. Villages can decide whether or not to arm their officers. Therefore, the proposed statute in HB 199 would not impact a village with a VPO. In further response to Co-Chair LeDoux, Mr. Masters clarified the Anchorage Police Department and its officers are established under ASPC regulations and thus the standards of training and certification process is quite different than the regulations for VPOs.

[8:50:52 AM](#)

JAKE METCALFE, Executive Director, Public Safety Employees Association (PSEA) Local 803, began by informing the committee that PSEA represents the rank and file Alaska State Troopers, court service officers, airport police and fire, deputy fire marshals all of which are state employees. The PSEA also represents rank and file police officers in the municipalities of Ketchikan, Sitka, Juneau, Fairbanks, Soldotna, Dillingham, and Unalaska. Therefore, PSEA represents around 800 members, all of which are certified police officers in Alaska and regulated by ASPC. Mr. Metcalfe then directed attention to a recent article in the Juneau Empire by Chris Gifford entitled "Rural Alaska deserves certified, trained officers".

[8:52:42 AM](#)

The committee took an at-ease from 8:52 a.m. to 8:54 a.m.

[8:54:03 AM](#)

MR. METCALFE, referring to Sergeant Gifford's article, highlighted that VPSOs are not certified police officers and are private employees employed by the nonprofit corporations. Furthermore, VPSOs don't go through the same rigorous hiring process, training, or background checks that certified police officers go through. The aforementioned differences between a VPSO and a police officer are of concern, he opined. However, he agreed with Mr. Masters that times have become more dangerous and it's time to change thinking. He then suggested reviewing whether private police should perform police functions in rural Alaska. This legislation extends law enforcement to VPSOs, which are private employees, and places weapons in the hands of folks who don't receive certified police training like the state regulates. Mr. Metcalfe related his belief that VPSOs do a good job with the job duties and resources they have. He informed the committee that from 1990-1997, he served as the district attorney in the Bethel region where AVCP employed the VPSOs whose work included search and rescue, fire, limited law enforcement, and they were overseen by the Alaska State Troopers. The VPSOs serve a purpose, but it's not the same purpose as that of Alaska State Troopers and certified police officers. Mr. Metcalfe opined that it's time the legislature consider having state employees perform law enforcement. If those state employees are VPSOs, they should become certified through basic police officer training, which would ensure firearm training and supervision.

[8:58:51 AM](#)

CO-CHAIR NAGEAK asked if it's the responsibility of the local communities and regions or the state to take care of public safety.

MR. METCALFE explained that police enforcement, through the Alaska State Troopers, is provided to all members of the state. Police enforcement is provided through airport, police, and fire and municipal police departments provide law enforcement in municipalities. Communities and the state provide law enforcement that is regulated by the state. Although he characterized it as a good law enforcement system, he acknowledged that it could do better by increasing the number of Alaska State Troopers, port service officers, and airport and municipal police officers. The number of Alaska State Troopers hasn't grown significantly in the last 20 years, while the number of VPSOs has increased significantly in the last few years. He recalled that for 3-4 years, the number of VPSOs was increased by 15 annually. Since VPSOs aren't certified police officers, Mr. Metcalfe opined that rural Alaska is receiving a different kind of law enforcement than municipalities and other regions of the state with significant Alaska State Trooper resources.

[9:02:08 AM](#)

CO-CHAIR NAGEAK highlighted that organized boroughs can create their own police departments. The state, he opined, needs to review the responsibility [chain for law enforcement in the villages].

[9:03:58 AM](#)

CO-CHAIR LEDOUX asked if it's realistic to think that even if the number of Alaska State Troopers is increased, one would be placed in small communities with populations of 20-30.

MR. VRABEC answered that although there is the desire to have more Alaska State Troopers, placing an Alaska State Trooper in every village or rural area isn't realistic. Furthermore, some of the rural communities like their VPSOs and that type of law enforcement.

[9:05:01 AM](#)

REPRESENTATIVE EDGMON, in response to Mr. Metcalfe's comments, noted that he sits on the House Finance Committee and chairs the House Finance Subcommittee on the Department of Public Safety and the House Finance Subcommittee on the Department of Corrections and will do all he can to retain the current level of Alaska State Troopers, 315 throughout the state. However, budget circumstances are going to make it challenging. Representative Edgmon remarked that he could argue that HB 199 is as much about Alaska State Troopers as it is about VPSOs because the legislation is about providing more tools for law enforcement as a whole. Therefore, he expressed hope that Mr. Metcalfe's comments were to accompany the bigger picture of the proposal to arm VPSOs. With regard to comments that VPSOs are private police, Representative Edgmon emphasized that they are not private police, particularly when one considers their close working relationship with the Department of Public Safety and other entities involved in the criminal justice system.

[9:07:26 AM](#)

REPRESENTATIVE HERRON opined that Mr. Metcalfe is minimizing the working relationship Alaska State Troopers have with VPSOs, which would have been apparent when Mr. Metcalfe was the district attorney in Bethel. He then asked if Mr. Metcalfe intends to offer amendments to HB 199.

MR. METCALFE responded that it's possible to offer amendments and he is available to talk with committee members and the sponsor. With regard to his time in Bethel as the district attorney, he confirmed that his time in Bethel was a great experience. Rural Alaska, he stated, has issues that have existed for 20 years. Mr. Metcalfe related his opinion that rural Alaska has received the short end of the stick in terms of resources. He further opined that the state needs to pay more attention to law enforcement in rural Alaska, including placing more Alaska State Troopers, police department officials, and certified VPSOs in rural Alaska. Although VPSOs perform an outstanding job in terms of [their current duties], he said there is no reason the state can't take over VPSOs, have them work for DPS, and place them under the same regulations and certification requirements as municipal and state police. He pointed out that court service officers are DPS employees and are supervised by Alaska State Troopers; these court service operators receive training and are constantly monitored by Alaska State Troopers. Like any issue in state government, it's a matter of the state's priority. Mr. Metcalfe opined that for those in rural Alaska a priority is to have good law enforcement

and the best way to achieve such is to have highly trained people, which can include VPSOs. Mr. Metcalfe asked that VPSOs be trained and fall under the same regulations as state and local law enforcement. He emphasized that [his comments] are not an attack on HB 199 or VPSOs, rather the desire is to make it better.

[9:12:03 AM](#)

CO-CHAIR NAGEAK noted his agreement with Mr. Metcalfe and emphasized that it's the responsibility of the state to provide public safety for all Alaskans, particularly for those in unorganized areas. He suggested that the committee should continue to discuss Mr. Metcalfe's comments.

[9:14:46 AM](#)

CO-CHAIR LEDOUX asked if VPSOs were under the purview of the state until about 10 years ago.

MR. VRABEC agreed it has been some time [since VPSOs have been under the purview of the state] and reiterated that VPSOs are not officially state employees, although they receive over 600 hours of training at the DPS Academy and oversight from DPS. He acknowledged Mr. Metcalfe's suggestions to extend the training of VPSOs and make them employees of the state and offered that considerable time was spent by Mr. Masters on those matters. The VPSO program, he opined, has come a long way and can continue to grow.

REPRESENTATIVE EDGMON, in response to Co-Chair LeDoux, related his understanding that he didn't recall VPSOs ever being state employees.

CAPTAIN ARLOW, drawing from his history of the VPSO Program, said that he didn't recall seeing documentation that VPSOs were ever state employees.

[9:17:03 AM](#)

REPRESENTATIVE REINBOLD surmised that certification of VPSOs would increase costs. She then highlighted the difficult budget situation in which the state finds itself and asked if this is a cost effective way in which to have a sustainable public safety presence in villages over the long term.

MR. VRABEC explained that since VPSOs are already in place now, the proposal in HB 199 would provide their employers the ability to provide an extra tool with minimal cost. With a difficult budget situation, it's not reasonable to believe 30-50 Alaska State Troopers will be funded. The DPS is willing to try to train VPSOs [in the use of firearms].

9:19:30 AM

JESS CARSON, Sergeant, Special Projects, Alaska State Trooper, Department of Public Safety, related his belief that when VPSOs are provided firearms, they are being made police officers in the state. Providing VPSOs with firearms provides them the greatest responsibility of police officers, the ability to take lives. The testimony that VPSOs go through the DPS Academy is not entirely true because VPSOs do not go through the same physical and mental requirements. Simply providing firearm training doesn't make VPSOs police officers as it doesn't provide the physical capabilities to retain the weapon and make the proper choice regarding when and when not to shoot. The aforementioned begins with the officer selection process that includes background checks, polygraph tests, psychological tests, and [interviews] with experienced officers that determine whether an individual has the mental and physical capacity to make the necessary choices and do the job. Only after the aforementioned can one attend the DPS Academy, which has a high dropout rate. Once one completes the training at the DPS Academy, individuals continue training during which other officers and supervisors observe their every move. He agreed with early statements that the state is becoming more dangerous and consideration should be given with regard to the environment in which VPSOs are working. However, providing VPSOs, a lesser trained individual, a firearm is problematic as it places Alaskans and officers at greater risk. Situations [that call for the use of firearms] should be dealt with by [certified] police officers. He recalled the Regional Public Safety Officer (RPSO) program, which placed certified police officers in the villages and that he characterized as a great idea. Sergeant Carson emphasized that carrying a firearm is the greatest responsibility of law enforcement and the fiscal note of \$62,000 for HB 199 is a fraction of the cost if someone is wrongly shot.

9:24:35 AM

CO-CHAIR NAGEAK inquired as to whose responsibility it would be to get an individual who killed someone back on track.

MR. VRABEC said that there would be liability of the employer and it could extend to the state in terms of training.

[9:26:48 AM](#)

ANNE SEARS, Alaska State Trooper, Department of Public Safety, began by informing the committee that she has been an Alaska State Trooper for 13 years. With regard to training, she informed the committee that from day one the DPS Academy provides daily training on the use of force continuum. She recalled her own training at the DPS Academy, which lasted 16 weeks after which she had another 16 weeks of field training with experienced Alaska State Troopers and certified officers. Following field training, she worked [as an Alaska State Trooper] with the benefit of having experienced Alaska State Troopers present for five months. Ms. Sears said she still has the benefit of working with experienced Alaska State Troopers who went through the same training. Ms. Sears then related that she was born and raised in rural Alaska and the same problems exist today that did 20 years ago. In fact, she related that her mother has said that the same problems existed when she was growing up in rural Alaska in the 1940s.

[9:29:38 AM](#)

REPRESENTATIVE REINBOLD asked whether the suggestion is to make all VPSOs Alaska State Troopers. She then inquired as to the average cost of the training provided at the DPS Academy and the average 20-year salary and benefit package of Alaska State Troopers. She further inquired as to whether there are proven outcomes, such as a decrease in crime, due to the presence of Alaska State Troopers.

MR. VRABEC answered that whether an Alaska State Trooper or VPSO is present, there has been success in terms of reduced crime. The cost difference between VPSOs and Alaska State Troopers is considerable. He noted that not all police department [officers] are trained through the DPS Academy and the field training will vary. As evidenced by the testimony, Alaska State Troopers receive extensive training. He acknowledged that if HB 199 passes, training issues and differences will have to be reviewed. The existing VPSO Academy consists of 600-plus hours of training while the DPS Academy for Alaska State Troopers consists of 900 hours of training. He clarified that VPSOs don't respond to everything, which is why Alaska State Troopers are asked to respond to serious incidents and will continue to be the case [even with the passage of HB 199]. Still, Mr.

Vrabec opined that the VPSO Program is very important in rural Alaska.

[9:32:22 AM](#)

REPRESENTATIVE REINBOLD inquired as to the price difference between a 20-year VPSO and a 20-year Alaska State Trooper.

MR. VRABEC answered that the difference would be considerable as they are two different positions. He estimated that the difference would amount to \$100,000s per officer over a 20-year timeframe.

[9:33:08 AM](#)

REPRESENTATIVE REINBOLD questioned then whether it's better to place some [level] of [sustainable] public safety in [the rural areas] and coordinate that public safety.

MR. VRABEC pointed out that there are weather challenges that can prohibit Alaska State Troopers from being in a village exactly when needed. The Alaska State Troopers can't be everywhere all the time, he stated.

[9:33:57 AM](#)

CO-CHAIR LEDOUX posed a scenario in which Alaska State Troopers were placed in all villages, and asked whether the current hiring policies for Alaska State Troopers allow selection of troopers to come from within the particular village in which he or she would serve. She explained that when she represented a rural area, she found that VPSOs from the village in which they serve are more successful than those VPSOs who are from elsewhere.

MR. VRABEC agreed that there are villages who love their VPSOs because of who they are and the same can be said of some Alaska State Troopers.

CO-CHAIR LEDOUX clarified that her question is whether there are seniority rules that allow Alaska State Troopers to select posts and preclude villages from selecting their own troopers.

MR. VRABEC answered that the placement of Alaska State Troopers will be controlled by DPS through a bidding process with PSEA.

CO-CHAIR LEDOUX surmised then that the process would take it a bit out of local control.

MR. VRABEC replied yes.

[9:36:56 AM](#)

CO-CHAIR NAGEAK returned to the fact that the state is responsible for public safety, yet in the villages nonprofits are taking the responsibility of public safety with no power, resources, and a lower level of training. The proposed legislation merely provides firearm training to allow VPSOs to carry a firearm, which is a large responsibility.

MR. VRABEC clarified that by statute DPS is charged with providing public safety throughout the state. However, the level of service desired by the villages or cities drives the type and size of law enforcement. With regard to VPSOs, Mr. Vrabec reiterated that the VPSO Program is a valued program.

[9:42:01 AM](#)

CO-CHAIR LEDOUX, upon determining no one else wished to testify, closed public testimony.

[9:42:15 AM](#)

REPRESENTATIVE HERRON noted his appreciation of today's testimony. He reminded the committee that the legislature represents the unorganized boroughs, and thus the legislature must provide public safety to those areas that cannot afford it. Therefore, the question, as it was posed by Mr. Metcalfe earlier, is whether the legislature wants to have public safety throughout the state.

[9:43:54 AM](#)

CO-CHAIR NAGEAK said his answer is yes, he wants his people protected and to have the best available. He acknowledged, from his time as the mayor of the North Slope Borough, that it costs a lot [to provide protection for people]. However, he questioned what it will cost not to have [public safety] in the villages. Co-Chair Nageak opined that [the villages] need some sort of [certified] police officers.

[9:46:06 AM](#)

REPRESENTATIVE FOSTER commented that until more resources can be provided to rural Alaska to provide the same level of protection in rural Alaska, HB 199 is a step in the right direction. This legislation, he further commented, is something that can be done now with minimal resources.

[9:46:44 AM](#)

CO-CHAIR LEDOUX announced her intention to hold HB 199 to consider today's testimony and comments. She then highlighted how integral firearms are in villages and pointed out that without this legislation, VPSOs may be the only ones in the village who are not armed.

HB 181-MINING LICENSE REVENUE; REVENUE SHARING

[9:48:08 AM](#)

CO-CHAIR LEDOUX announced that the final order of business would be HOUSE BILL NO. 181, "An Act relating to the accounting for money received by the state from the mining license tax, mining lease payments, and royalties from mining on state tide and submerged land seaward of a municipality, and the availability of that money for appropriation to certain boroughs and municipalities outside of a borough." [Before the committee was CSHB 181, Version 28-LS0649\U, Bullock, 3/25/13, adopted on April 9, 2013.]

[9:48:59 AM](#)

REPRESENTATIVE FOSTER, speaking as the sponsor of HB 181, began by thanking the committee for visiting Nome this interim to observe firsthand what is occurring with mining and the gateway to the Arctic. He then provided the following testimony:

In 2011 the Department of Natural Resources conducted an offshore mineral lease sale off the coast of Nome. The sale prompted a spike in demand for docking at the Nome harbor and it was space the harbor doesn't have and can't afford to build. In the year after the mineral lease sale, dockings went from 271 to 436. While the state received revenue from this, there was no framework to help the city with the new infrastructure that was needed and so ... this bill would help to provide that framework.

[9:50:39 AM](#)

PAUL LABOLLE, Staff, Representative Foster, Alaska State Legislature, added that Nome finds itself in the unique situation of having mining operations on municipal land that would normally be subject to property tax. However, since the land is out at sea, the city can't avail itself of that option and HB 181 provides another angle from which to address the matter. He then informed the committee of the drafting error on page 2, line 20, where the term "gross" needs to be replaced with "net".

[9:52:52 AM](#)

CO-CHAIR NAGEAK moved that the committee adopt Amendment 1, as follows:

Page 2, line 20;
Delete "gross"
Insert "net"

There being no objection, Amendment 1 was adopted.

[9:53:17 AM](#)

MR. LABOLLE then explained that the Department of Natural Resources (DNR) pointed out that Section 1 of Version U refers to "AS 38.05.135", which is the leasing, royalty, and net profits share payments and interest. However, the authority used for the lease sales in Nome was based on AS 38.05.250, which is the prospecting, permits, and leases on tidelands and submerged lands. Therefore, those references need to be changed.

REPRESENTATIVE FOSTER characterized the change in statutory references as housekeeping.

[9:55:29 AM](#)

CO-CHAIR NAGEAK moved that the committee adopt Amendment 2, as follows:

Page 1, lines 6 and 9
Delete "38.05.135"
Insert "38.05.250"

Page 1, line 10

Delete "38.05.160 and "38.05.142"

[9:56:45 AM](#)

REPRESENTATIVE DRUMMOND pointed out that on page 1, line 10, there is no reference to "38.05.142".

MR. LABOLLE acknowledged the mistake and stated that the deletion should be to "38.05.181".

[9:58:19 AM](#)

CO-CHAIR NAGEAK withdrew his motion.

[9:58:25 AM](#)

BRENT GOODRUM, Director, Division of Mining, Land and Water, Department of Natural Resources, confirmed that with the correction to Amendment 2 to refer to "38.05.181" Amendment 2 would be correct.

[9:58:45 AM](#)

CO-CHAIR NAGEAK moved that the committee adopt Amendment 2 [with handwritten changes], as follows:

Page 1, lines 6 and 9
Delete "38.05.135"
Insert "38.05.250"

Page 1, line 10
Delete "'38.05.160" and "38.05.181"

There being no objection, Amendment 2 was adopted.

[9:59:15 AM](#)

CO-CHAIR LEDOUX opened public testimony.

[9:59:59 AM](#)

JOY BAKER, Port Project Manager, City of Nome, read Mayor Denise Michaels' letter in support of HB 181 as follows:

With the recent sustained high prices for precious metal and the State of Alaska DNR sponsored lease

sale, Nome has experienced an influx of offshore and placer miners. These miners have provided an economic boost to local merchants and the local economy, but at that same time has adversely impacted some of the city's services to the community. Even though the City of Nome normally funds services with (indisc.) of revenue sources like property or sales tax, revenues to cover the cost of an additionally \$60,000 annually for staffing associated with the seasonal influx of miners is not sufficient. In addition, the City of Nome has expended \$302,000 for the growth of our port facility and to expand facilities to support the gold dredging fleet. Similar effects are experienced in other communities from the seasonal nature of the fishing industry on coastal communities. A potential solution to a portion of the revenue shortfall may be possible with the reallocation of the State of Alaska mining license tax. This tax applies to all mining operations regardless of land status, size, or location. Presently, there is no uniform mechanism to allocate portions of the revenue back into the communities impacted by the resource development. Such a revenue sharing model is effective in the Alaska fishing industry and a similar program has been successful in revenue sharing from the oil and gas industry in the Gulf of Mexico. Sharing portions of state revenue from mining developments with local communities in a predictable fashion will reduce the need for local governments to impose their own targeted taxes on the industry and allow local communities to provide services to all entities in the community.

[10:02:48 AM](#)

MS. BAKER then provided her own comments relating that the demand for the offshore dredging fleet increases each season. The aforementioned increases costs of labor, management of overcrowding, and design and study engineering to accommodate the increased vessel space demands. During the 2013 season, there were two vessel fires that required volunteer fire response. One of the vessels was located 50 feet away from the shore, which limited the shore-side response and highlighted the need for a vessel with firefighting capabilities. She characterized the management of this growing fleet as challenging to the City of Nome. Ms. Baker related her support for HB 181.

[10:03:59 AM](#)

CO-CHAIR LEDOUX, upon determining no one else wished to testify, closed public testimony.

[10:04:11 AM](#)

REPRESENTATIVE FOSTER reiterated that currently 50 percent of the funds from the mining tax revenue goes to the permanent fund and that will continue under HB 181. However, under HB 181 up to half of the other 50 percent that goes to the general fund would be allocated to impacted communities at the discretion of the legislature. Although the legislature can already do the aforementioned, this legislation would correlate the impacts of the state's leasing activities for offshore mining to cities' resources.

[10:05:19 AM](#)

CO-CHAIR NAGEAK moved to report CSHB 181, Version 28-LS0649\U, Bullock, 3/25/13, as amended, out of committee with individual recommendations and the accompanying fiscal note. There being no objection, CSHB 181(CRA) was reported from the House Community and Regional Affairs Standing Committee.

[10:05:44 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 10:05 a.m.