

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

February 1, 2018

3:09 p.m.

**MEMBERS PRESENT**

Representative Jonathan Kreiss-Tomkins, Chair  
Representative Gabrielle LeDoux, Vice Chair  
Representative Chris Tuck  
Representative Adam Wool  
Representative Chris Birch  
Representative DeLena Johnson  
Representative Gary Knopp

**MEMBERS ABSENT**

Representative Andy Josephson (alternate)  
Representative Chuck Kopp (alternate)

**COMMITTEE CALENDAR**

HOUSE BILL NO. 293

"An Act relating to powers of the Alaska Police Standards Council; and relating to background checks for admission to police training programs and certification as a police officer."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 29

Urging the United States Congress to reauthorize the Secure Rural Schools and Communities Self-Determination Act of 2000.

- MOVED CSHJR 29(STA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 293

SHORT TITLE: BACKGROUND CHECKS FOR POLICE & TRAINING

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/19/18	(H)	READ THE FIRST TIME - REFERRALS
01/19/18	(H)	STA, JUD
01/30/18	(H)	STA AT 3:00 PM GRUENBERG 120
01/30/18	(H)	Heard & Held
01/30/18	(H)	MINUTE(STA)
02/01/18	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HJR 29

SHORT TITLE: REAUTHORIZE SECURE RURAL SCHOOLS ACT

SPONSOR(S): RAUSCHER

01/19/18	(H)	READ THE FIRST TIME - REFERRALS
01/19/18	(H)	STA, JUD, FIN
01/30/18	(H)	STA AT 3:00 PM GRUENBERG 120
01/30/18	(H)	Heard & Held
01/30/18	(H)	MINUTE(STA)
02/01/18	(H)	STA AT 3:00 PM GRUENBERG 120

**WITNESS REGISTER**

ROBERT GRIFFITHS, Executive Director  
Alaska Police Standards Council (APSC)  
Department of Public Safety (DPS)  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 293 and presented his written responses to questions from the 1/30/18 committee hearing.

DARRELL BREESE, Staff  
Representative George Rauscher  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HJR 29 on behalf of Representative Rauscher, prime sponsor.

CLAY KOPLIN, Mayor  
City of Cordova  
Cordova, Alaska

**POSITION STATEMENT:** Testified in support of HJR 29.

KATHIE WASSERMAN, Executive Director  
Alaska Municipal League (AML)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HJR 29.

MARY WEGNER, PhD, Superintendent  
Sitka Public Schools  
Sitka, Alaska

**POSITION STATEMENT:** Testified in support of HJR 29.

WILLIAM MCKILLICAN, Chief  
Hoonah Police Department (HPD)  
City of Hoonah

Hoonah, Alaska

**POSITION STATEMENT:** Testified in support of HB 293.

**ACTION NARRATIVE**

[3:09:11 PM](#)

**CHAIR JONATHAN KREISS-TOMKINS** called the House State Affairs Standing Committee meeting to order at 3:09 p.m. Representatives Tuck, Wool, Birch, Johnson, and Kreiss-Tomkins were present at the call to order. Representatives LeDoux and Knopp arrived as the meeting was in progress.

**HB 293-BACKGROUND CHECKS FOR POLICE & TRAINING**

[3:10:17 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 293, "An Act relating to powers of the Alaska Police Standards Council; and relating to background checks for admission to police training programs and certification as a police officer."

[3:11:22 PM](#)

ROBERT GRIFFITHS, Executive Director, Alaska Police Standards Council (APSC), Department of Public Safety (DPS), on behalf of the House Rules Committee, sponsor of HB 293, offered responses to questions posed during the 1/30/18 House State Affairs Standing Committee meeting. He referred to his 1/31/18 letter to the chair and pointed out a chart and associated graph, entitled "Alaska Police Officers Per Agency as of July 1," demonstrating the trends in the numbers of law enforcement officers [from 2013 through 2017]. He mentioned that while the number of law enforcement officers increased overall, that increase was almost exclusively due to the increase in the size of the Anchorage Police Department (APD). He offered that removing APD from the numbers reveals a loss of 42 officers.

MR. GRIFFITHS referred to the question regarding the number of village police officers (VPOs) in Alaska and responded that APSC has record of 11 VPOs; the APSC knows there are many more who are not reported to the council; and presumably background checks are not performed for those officers.

MR. GRIFFITHS referred to the third question from the committee: "Could a statutory change empower a municipality with the

authority to send fingerprints directly to DPS for a criminal history background check?" He stated that under Title 29, the municipalities already have that authority; however, the issue is whether they have the resources to comply with state statute for obtaining access to the information. He pointed out the required steps on page 2 of the letter, under paragraph (3). He relayed that for a small town, the task is daunting and costly. He maintained that the proposal under HB 293 is to allow APSC to facilitate the fingerprint-based background checks for these agencies.

[3:14:24 PM](#)

The committee took an at-ease from 3:14 p.m. to 3:16 p.m.

[3:15:56 PM](#)

CHAIR KREISS-TOMKINS indicated that the committee would be provided with Mr. Griffiths's letter and announced that HB 293 will be set aside.

[HB 293 was brought before the committee again following the hearing on HJR 29.]

#### **HJR 29-REAUTHORIZE SECURE RURAL SCHOOLS ACT**

[3:16:03 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 29, Urging the United States Congress to reauthorize the Secure Rural Schools and Communities Self-Determination Act of 2000.

[3:16:42 PM](#)

DARRELL BREESE, Staff, Representative George Rauscher, Alaska State Legislature, on behalf of Representative Rauscher, prime sponsor of HJR 29, directed the committee members' attention to the letters of support from the communities that would be impacted by HJR 29, included in the committee packet,

[3:17:19 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HJR 29.

[3:17:37 PM](#)

CLAY KOPLIN, Mayor, City of Cordova, testified that the City of Cordova is surrounded by the beautiful Chugach National Forest (CNF). He said that while the forest provides world-class subsistence and recreational opportunities for Cordova, there are very limited economic opportunities. He maintained that the community of Cordova invests heavily in its educational system, which is nationally recognized at both the elementary and high school levels; Cordova has funded its schools at the cap [state limit on local contribution to school funding] for many years until last year.

MR. KOPLIN relayed that as Cordova struggles to "make ends meet" and to accommodate opportunities for business and new fisheries by expanding the harbor and providing land and waterfront, school funding has never been more important for the community, and the [Secure Rural Schools (SRS)] Program has never been more important. He expressed his appreciation for the proposed resolution.

[3:19:32 PM](#)

KATHIE WASSERMAN, Executive Director, Alaska Municipal League (AML), testified that in her 15 years with AML, she has been actively working on timber receipt for secure rural school funding. She expressed her appreciation for the proposed resolution and stated that she has encouraged legislators to advocate for this issue for many years, knowing that the funding would someday "dry up." She relayed that Southeast Alaska alone has experienced a loss of almost \$75 million per year because of timber receipts and [stumpage] fees; for the CNF the loss is over \$2 million per year. These payments mostly contributed to secure funding for rural schools. She reported that the [Secure Rural Schools and Communities Self-Determination Act of 2000] has been expired for two years; she has encouraged legislators to realize that the expiration would be imminent; and now the act needs to be reauthorized. She emphasized that more effort is needed to advocate to Congress and urged the committee to move the resolution out of committee.

[3:22:39 PM](#)

MARY WEGNER, PhD, Superintendent, Sitka Public Schools, paraphrased from her written statement, which read as follows [original punctuation provided]:

My name is Dr. Mary Wegner, and I am the superintendent of the Sitka School District. I am

testifying today in support of HJR 29, Reauthorize Secure Rural Schools Act.

Thank you for your consideration of advancing support for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000. Secure Rural Schools funding is critically important to the Sitka School District, as well as many other school districts around Alaska. The Sitka School District resides in the Sitka Borough of which 95% is comprised of Tongass National Forest. Around Alaska local municipalities have a limited ability to generate local tax revenue to support schools and roads due to the surrounding national forests, which is why it is so imperative that this act is immediately reauthorized and funded. The loss of Secure Rural Schools funding places an onerous burden upon our local citizenry, and federal assistance is appropriate compensation for the surrounding federal land.

In your advocacy on behalf of the reauthorization of Secure Rural Schools, please seek a long-term reauthorization of the legislation, as failure to do so has the potential to wreak long-term damage on public education in Sitka and in communities across the state and nation. The limits imposed by national forests are a reality every year, which is why authorization is critical every year. This issue is so pressing to us in Sitka that on February 6, 2018 the Sitka School Board passed a resolution in support of HJR 29.

Having Secure Rural Schools funding as a revenue source in the Sitka School District's FY19 budget would greatly help to save teacher jobs. Providing an excellent education to every student every day requires quality teachers combined with a culturally responsive learning environment with targeted instruction to meet a student's individual learning needs. All of which helps us to live the three commitments of Alaska's Education Challenge, which are increasing student success, cultivating safety and well-being, and supporting responsible and reflective learners. In Sitka we are facing a budget deficit that is 12% of our total general fund budget, and we need this federal funding to keep our talented teachers.

Thank you for taking my testimony, and thank you for your commitment to public education in Alaska. I hope you will urge the U.S. Congress to reauthorize the Secure Rural Schools Act.

[3:25:13 PM](#)

CHAIR KREISS-TOMKINS closed public testimony on HJR 29.

[3:25:36 PM](#)

REPRESENTATIVE WOOL asked how the amounts of the payments [shown in the documents included in the committee packet, entitled "FFY16 SRS/NFR Payments Final (SFY 17)" and "FFY17 SRS/NFR Payments (SFY18)"] were calculated.

MR. BREEZE replied that the amounts were based on the potential impact to the population and loss of economic development opportunity because of being surrounded by national forest; Anchorage has room to expand, but a community such as Sitka, surrounded totally by the Tongass National Forest (TNF), does not have the opportunity for economic growth through expansion. He explained that the calculations are complex and result from "a lot of moving parts and levers" in the Act; the school district population is a consideration as well.

[3:27:07 PM](#)

REPRESENTATIVE LEDOUX asked for information regarding the politics behind failing to reauthorize the Act; she inquired whether a bill was introduced [in Congress] to reauthorize it and if so, the outcome of that bill.

MR. BREEZE answered that a bill was introduced prior to the 115th U.S. Congress [H.R. 2340 and S. 1027, copies included in the committee packet]. He maintained that the reason it did not pass and the politics behind its failure to pass is a question for Congress.

REPRESENTATIVE LEDOUX stated that it expired in 2015 and asked whether there was a bill [for reauthorization] introduced prior to the expiration date.

MR. BREEZE replied, "There was."

REPRESENTATIVE LEDOUX asked, "Do you know who introduced it?"

MR. BREEZE responded that he would provide that information.

[3:28:20 PM](#)

REPRESENTATIVE WOOL moved to adopt Amendment 1, [labeled 30-LS1116\A.1, Glover, 1/31/18], which read:

Page 2, line 25, following "United States;":  
Insert "the Honorable Sonny Perdue, United States  
Secretary of Agriculture;"

[3:28:42 PM](#)

The committee took a brief at-ease at 3:29 p.m.

[3:29:19 PM](#)

CHAIR KREISS-TOMKINS relayed that Amendment 1 recognizes that the presiding agency for the U.S. Forest Service (USFS) is the U.S. Department of Agriculture (USDA); the secretary of the USDA will be added to the list of recipients of the resolution.

[3:30:00 PM](#)

CHAIR KREISS-TOMKINS objected to the proposed amendment for the purpose of discussion.

REPRESENTATIVE JOHNSON asked whether HJR 29, if amended by the House State Affairs Standing Committee, would be the committee's resolution or remain Representative Rauscher's resolution.

CHAIR KREISS-TOMKINS confirmed that with the amendment, the resolution would remain Representative Rauscher's resolution.

MR. BREEZE clarified that in that circumstance, the resolution would become a committee substitute (CS) for HJR 29; however, the resolution would still be Representative Rauscher's resolution.

REPRESENTATIVE LEDOUX explained that when a bill is amended in committee, the result is a CS, but the sponsor remains the same. She said that a bill does not become a "committee bill" unless introduced by the committee. She concluded by saying the [amended resolution] would still be read as sponsored by Representative Rauscher, and not be read as sponsored by the House State Affairs Standing Committee.

[3:31:56 PM](#)

REPRESENTATIVE RAUSCHER stated that he supports Amendment 1.

CHAIR KREISS-TOMKINS removed his objection. There being no further objection, Amendment 1 was adopted.

[3:32:34 PM](#)

REPRESENTATIVE BIRCH opined that HJR 29 is a good [resolution].

[3:32:40 PM](#)

REPRESENTATIVE LEDOUX moved to report HJR 29, as amended, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSHJR 29(STA) was reported from the House State Affairs Standing Committee.

**HB 293-BACKGROUND CHECKS FOR POLICE & TRAINING**

[3:33:10 PM](#)

CHAIR KREISS-TOMKINS announced that as the final order of business, the committee would once again consider HB 293, "An Act relating to powers of the Alaska Police Standards Council; and relating to background checks for admission to police training programs and certification as a police officer."

[3:33:45 PM](#)

REPRESENTATIVE BIRCH, referring to the 1/31/18 letter from Mr. Griffiths, included in the committee packet, thanked him for his complete and thorough responses to the questions.

[3:34:11 PM](#)

REPRESENTATIVE KNOPP asked for clarification on what services APSC provides.

[3:34:38 PM](#)

MR. GRIFFITHS explained that APSC: facilitates training; regulates training; sets standards for training; certifies trainers; and certifies training programs. He said that when funding allows, APSC either sponsors training events or provides funds for officers to attend. He relayed that APSC sets standards, pursuant to the statutes, for the minimum

qualifications for police officers, correctional officers, municipal correctional officers; and probation and parole officers. He maintained that all these groups have standards based on APSC requirements. In every one of those categories of officers, the applicant must pass a fingerprint-based background check to verify identity and to ensure there is no disqualifying criminal convictions on his/her record. He added that those disqualifiers are in regulation; for example, a felony conviction in the past ten years would preclude one from certification.

REPRESENTATIVE KNOPP asked Mr. Griffiths to comment on his reference to APSC's involvement with trainee recruitment.

MR. GRIFFITHS responded that APSC supports recruitment of VPOs and all police officers as part of its mission: all officer vacancies are routinely posted on its website; APSC staff assist with out-of-state inquiries for those positions; and APSC tries to educate the officials of small communities about the process of recruiting and vetting officer candidates.

REPRESENTATIVE KNOPP asked whether HB 293 would mandate fingerprint and background checks for officer candidates.

MR. GRIFFITHS responded that APSC currently regards fingerprint background checks of officer candidates to be a mandate; however, there is lack of compliance with the regulation. He said that under HB 293, the requirement for a fingerprint-based background check for certification would be in statute rather than regulation; it would be a mandate, but "no more real effect than we currently have."

[3:39:04 PM](#)

REPRESENTATIVE KNOPP suggested that for a community with VPOs, under the proposed legislation, if it chooses not to background check officers, it could be left with no officers at all.

MR. GRIFFITHS opined that the possibility of that happening would be no greater under the proposed legislation; villages are routinely recruiting, hiring, and retaining officers without certifying them and without notifying APSC; it is a risk they have chosen to take.

[3:40:40 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HB 293.

3:41:01 PM

WILLIAM MCKILLICAN, Chief of Police and Director of Public Safety, City of Hoonah, testified that he has been a police officer for 17 years in various positions and all over the state. He stated that the APSC has set, produced, and maintained the highest achievable standards of performance for the state's law enforcement professionals. It determines certification and training eligibilities and in some cases revokes certifications because of misconduct. It develops, monitors, and revises training and training requirements and continually monitors compliance with current regulation and legislation. He said that APSC has assisted agencies across Alaska with obtaining pre-employment polygraphs and psychological testing for officer candidates; it has funded specialized and advanced training for departments; and it has assisted academies and departments with funding to meet basic training requirements.

MR. MCKILLICAN continued by saying that in Hoonah, a rural community off the road system with just over 800 permanent residents, there is not an officer employed, past or present, who has not benefited in some way from what APSC offers. He said that more importantly, it is the state's citizens who see the most benefit of producing some of the finest law enforcement professionals in the nation.

MR. MCKILLICAN stated that the state's budget shortfalls have had a grave impact on the small communities of Alaska; he has seen local funding resources dwindle to the point where he has been forced to reduce staffing and service levels; and just being able to maintain the department's necessary equipment and vehicles has been a leadership challenge. He offered that with these challenges, there has been no reduction in state standards and requirements for the law enforcement agencies. Like all law enforcement agencies, the Hoonah Department of Public Safety (DPS) is required to maintain access to and clearance for the Alaska Public Safety Information Network (APSIN) and the National Criminal Information Center (NCIC) to access information such as criminal history, driving history, warrants, and to submit fingerprints for prospective officer background checks. He maintained that these systems provide critical information to assist in investigations, alerts for dangerous weather in the field, and information for background checks on potential officers.

[3:44:42 PM](#)

MR. MCKILLICAN relayed that for agencies in medium or large cities and communities, these tasks do not present the challenges that they present for small communities like Hoonah. He said that annual fees, computers, software, network connectivity, monthly reporting requirements, and internet connections force him to make decisions that increase risk and liability. Because of reduced staffing levels and retention challenges, maintaining these systems in Hoonah has been difficult; sending staff out of town to fulfill training requirements to assume terminal agency coordinator (TAC) duties and responsibilities is an additional, burdensome expense. He reported that last year the Hoonah DPS experienced the loss not only of its TAC, but its APSIN coordinator as well. For many years the experience and knowledge of the coordinator kept the system running, and for the past 12 months, the department has struggled to replace the [TAC] and provide the necessary training for staff to maintain the APSIN and NCIC standards.

MR. MCKILLICAN relayed that APSC provides standards on vetting potential officer hires and recruits who pay their own ways to the academies. He stated that he believes that APSC should be granted access to APSIN and NCIC systems to conduct background checks and to ensure the state maintains the highest, yet achievable, standards. The ability for agencies to be able to rely on APSC for assistance for these functions would be an enormous benefit to agencies like Hoonah. He said that as chief of police in a rural community, he strongly supports the legislation; it would allow APSC to provide critical support to rural justice initiatives and the governor's public safety action plan.

[3:47:09 PM](#)

REPRESENTATIVE BIRCH referred to the chart from the 1/31/18 letter and asked for confirmation that Hoonah has an APSC certified staff of four down from the 2015 level of five.

MR. MCKILLICAN said, "That is correct."

REPRESENTATIVE BIRCH asked whether Hoonah could take and transfer fingerprints using an iPhone.

MR. MCKILLICAN answered that his department can take fingerprints currently; it has always met the standard put forth by the state and by APSC. He said that his greatest challenge

at this point is the choice he must make for the next hire - whether to meet the requirements under the proposed legislation or to have the department take on the liability and not report to APSC. He maintained that the latter is the last thing that he wants to do.

[3:49:57 PM](#)

CHAIR KREISS-TOMKINS closed public testimony on HB 293.

CHAIR KREISS-TOMKINS announced HB 293 would be held over.

[3:50:16 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 3:50 p.m.