

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

March 20, 2020

1:02 p.m.

**MEMBERS PRESENT**

Representative Matt Claman, Chair  
Representative Chuck Kopp  
Representative Harriet Drummond  
Representative Laddie Shaw  
Representative Sarah Vance

**MEMBERS ABSENT**

Representative Louise Stutes  
Representative Gabrielle LeDoux

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S) :

Violent Crime Compensation Board

Gregory Bringhurst - Fairbanks  
Richard Payne - Wasilla

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 287

"An Act requiring background investigations of village public safety officer applicants by the Department of Public Safety; relating to the village public safety officer program; and providing for an effective date."

- MOVED CSHB 287(JUD) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 287

SHORT TITLE: VILLAGE PUBLIC SAFETY OFFICER GRANTS

SPONSOR(S) : REPRESENTATIVE(S) KOPP

02/24/20	(H)	READ THE FIRST TIME - REFERRALS
02/24/20	(H)	TRB, JUD, FIN
02/26/20	(H)	JUD AT 1:00 PM GRUENBERG 120
02/26/20	(H)	<Bill Hearing Canceled>

03/03/20 (H) TRB AT 8:00 AM DAVIS 106  
 03/03/20 (H) Heard & Held  
 03/03/20 (H) MINUTE(TRB)  
 03/05/20 (H) TRB AT 8:00 AM DAVIS 106  
 03/05/20 (H) Heard & Held  
 03/05/20 (H) MINUTE(TRB)  
 03/10/20 (H) TRB AT 8:00 AM DAVIS 106  
 03/10/20 (H) Moved CSHB 287(TRB) Out of Committee  
 03/10/20 (H) MINUTE(TRB)  
 03/11/20 (H) TRB RPT CS(TRB) 4DP 1NR  
 03/11/20 (H) DP: KOPP, LINCOLN, ORTIZ, ZULKOSKY  
 03/11/20 (H) NR: VANCE  
 03/11/20 (H) JUD AT 1:00 PM GRUENBERG 120  
 03/11/20 (H) Heard & Held  
 03/11/20 (H) MINUTE(JUD)  
 03/13/20 (H) JUD AT 1:00 PM GRUENBERG 120  
 03/13/20 (H) Heard & Held  
 03/13/20 (H) MINUTE(JUD)  
 03/16/20 (H) JUD AT 1:00 PM GRUENBERG 120  
 03/16/20 (H) -- MEETING CANCELED --  
 03/18/20 (H) JUD AT 1:00 PM GRUENBERG 120  
 03/18/20 (H) Heard & Held  
 03/18/20 (H) MINUTE(JUD)  
 03/20/20 (H) JUD AT 1:00 PM GRUENBERG 120

**WITNESS REGISTER**

GREGORY BRINGHURST, Appointee

Violent Crimes Compensation Board

Fairbanks, Alaska

**POSITION STATEMENT:** Offered testimony on his appointment to the Violent Crimes Compensation Board.

RICHARD PAYNE, Appointee

Violent Crimes Compensation Board

Wasilla, Alaska

**POSITION STATEMENT:** Offered testimony on his appointment to the Violent Crimes Compensation Board.

KEN TRUITT, Staff

Representative Chuck Kopp

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Answered questions pertaining to CSHB 287(TRB), as amended.

**ACTION NARRATIVE**

[1:02:40 PM](#)

**CHAIR MATT CLAMAN** called the House Judiciary Standing Committee meeting to order at 1:02 p.m. Representatives Claman, Kopp, Shaw, and Vance were present at the call to order. Representative Drummond arrived as the meeting was in progress.

**CONFIRMATION HEARING(S) :**  
**Violent Crime Compensation Board**

[1:03:15 PM](#)

CHAIR CLAMAN announced that the first order of business would be the Confirmation Hearings for the Violent Crimes Compensation Board.

[1:03:40 PM](#)

CHAIR CLAMAN opened public testimony.

[1:04:14 PM](#)

GREGORY BRINGHURST, Appointee, Violent Crimes Compensation Board, offered testimony on his appointment to the Violent Crimes Compensation Board. He stated that he was born and raised in Fairbanks where he currently lives with his wife and two daughters, and he said that he was appointed to the board last May by Governor Mike Dunleavy. He said that he was not confirmed by the legislature yet, as he was appointed after the legislature had adjourned, but he has served on the board during this time. He asked for support to continue serving on the Violent Crimes Compensation Board. He stated that far too many Alaskans have been the victims of violent crimes, and it is the duty of the Violent Crimes Compensation Board to help alleviate some of the hardships that victims face in their greatest time of need.

MR. BRINGHURST stated that he is a victim of violent crime and a former recipient of violent crimes compensation. He explained that in 1996 his mother, who was his primary caretaker, was murdered in the Fairbanks area. He expressed that this event changed the course of his life, and many others, forever. He stated that he was a grieving 14-year-old at the time and the details are a little hazy, but he did receive compensation that was ultimately used to allow him to attend college. He explained that he is not certain he would have gone down that

path as easily if he had not received that compensation. He said that it took him several years to realize that he wanted to use his experience to help others and to find ways to stop people from having to experience some of the things that he did. He stated that he took steps to enter a career field in public policy and is now the Fairbanks regional director and rural advisor to U.S. Senator Dan Sullivan, and he has also worked with Senator Lisa Murkowski as a legislative aide in Washington D.C.

MR. BRINGHURST stated that he has spent time in Juneau as a legislative fellow and has been to Juneau for several advocacy trips on issues throughout the year, which he said he has enjoyed. He explained that his legislative experience will help him to serve on the board. He expressed that he hopes to continue this work to serve Alaskans who are in need, and he is honored to have the opportunity to serve victims in the state. He pointed out that there is a lot of work to do, as the statistics are not always good, but that the Violent Crimes Compensation Board can do what it can to help mitigate and help people when they most need it.

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CHAIR CLAMAN remarked that Mr. Bringhurst's resume shows that he worked at the Cook Inlet Housing Authority from September 2018 to the present, but that obviously changed; therefore, he asked Mr. Bringhurst when he changed jobs and moved back to Fairbanks.

MR. BRINGHURST answered that he returned from Washington D.C. and spent some time in Anchorage. He said that his family with two small children was anxious to get back to Fairbanks, and he said he thinks that his start date was in early October.

[1:08:29 PM](#)

RICHARD PAYNE, Appointee, Violent Crimes Compensation Board, offered testimony on his appointment to the Violent Crimes Compensation Board. He stated that he is currently serving on the board as of the past month. He explained that he has not attended any meetings and has only done emergency requests. He said that he was born and raised in Magna, Utah, was educated at Utah State University, went to law school in Willamette, Oregon, moved to Alaska in 1996 to 1997, and worked for the Municipality of Anchorage in the Civil Division until 2001, at which point he became an assistant district attorney in Palmer. He stated that he served as an assistant district attorney under Roman Kalytiak

from 2001 to 2007, and in December 2007, he formed the Denali Law Group with his law partner Jon Marc Petersen, which has been in operation from 2007 to present. He pointed out that the Denali Law Group grew quickly and is the largest criminal defense firm in Alaska.

MR. PAYNE stated that he is a father of four, is married to Tyan Payne, who has several businesses in Eagle River, Anchorage, and [the Matanuska-Susitna] (Mat-Su) Valley. He said the current focus of his practice is indigent defense, helping those who are unable to obtain a lawyer. This is done through a contract from the Municipality of Anchorage and through a contract in the Mat-Su Valley with the State of Alaska, through the Office of Public Advocacy. He stated that his firm has a presence in Fairbanks, Kenai, Anchorage, and the Mat-Su Valley.

MR. PAYNE stated that when he applied and was approached about the position on the Violent Crimes Compensation Board, he was concerned that the legislature would view him as a defense attorney and question why there would be a defense attorney on this board. He said that he told the governor's staff that he thought this was an issue and they talked through it. He expressed that he does not define himself as a defense attorney. He explained that he finds the best lawyers are able to look at a case from both sides - as a prosecutor, which he was for seven years, and as a defense attorney, which he said he currently is - and he thinks he is an attorney, who can see it from both sides. He said that he thinks he could be a great asset on the board; he has worked for victims as a prosecutor, knows the pain of murder and sexual assault cases as he has handled them all, knows the pain from a grieving family from representing the defendant "side of the coin," and he said compassion can still be shown to the people who have been wronged and hurt. He pointed out that he thinks he comes with certain skill sets that would be very powerful and useful for the board.

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REPRESENTATIVE DRUMMOND remarked that it is not clear from the application form in front of the committee, [hard copy included in committee packet], what Mr. Payne's current work situation is. She observed the last job listed was attorney for the City of Wasilla, and that ended in 2013. She asked who Mr. Payne works for currently as a defense attorney.

MR. PAYNE answered explained that he left the district attorney's office in Palmer in 2007, and his law partner Jon

Marc Petersen and he formed the Denali Law Group, which is the firm he currently works as partner. He explained that the Denali Law Group has operated as an independent firm since 2007, and he was the attorney for the City of Wasilla for five years through 2013 as a contract attorney, as he was not an employee of the City of Wasilla. He said that currently his firm does criminal defense, personal injury, and domestic cases, with domestic cases being defined as divorce, custody, guardianships, trusts, wills, and others. He said they do what they call "the big three," but his firm is clearly seen as a criminal defense firm, at least in Anchorage. He said the numbers point out clearly that his firm is the largest criminal defense firm in the state, doing approximately 4,000 cases in Anchorage every year, approximately 3,900 to 3,950 of which are low level misdemeanors.

REPRESENTATIVE DRUMMOND asked why this somewhat critical piece of information was missing from the written application the committee received.

MR. PAYNE replied that he did not know and said it surprised him that this had happened. He said, "I guess that's on me." He explained that the Denali Law Group had been his "life" to build up the firm, since 2007, and he was not sure why the word "present" was not contained. He said that in 2013, as the city attorney, he was still with the Denali Law Group, and he added that the application should read, "from 2007 to 2020; Denali Law Group."

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CHAIR CLAMAN asked whether the Denali Law Group was the firm that got the contract for the city public defender work in Anchorage when "Gorton & Overly, or Gorton & Logue" put in for the contract but did not get it again.

MR. PAYNE answered that that was accurate. He said that the other firm had had the contract for 26 years, and the Denali Law Group bid and got the contract.

[1:14:37 PM](#)

CHAIR CLAMAN, after ascertaining that there was no one else who wished to testify, closed public testimony on the Confirmation Hearings for the Violent Crimes Compensation Board.

CHAIR CLAMAN recalled Mr. Payne's observation about how an attorney who has worked on both sides can sometimes have a good understanding, and he expressed that he could not agree with him more.

[1:15:25 PM](#)

REPRESENTATIVE DRUMMOND commented that she was sorry that Mr. Bringhurst had to have the horrible experience of the murder of his mother, but expressed that she could see he had "put it all to really good use." She said she thinks he brings a great deal of skill and compassion to the position, and she thanked him for his service. She said Mr. Payne also has a broad range of experience, and she would trust them both to make good decisions on the board.

[1:16:06 PM](#)

REPRESENTATIVE KOPP stated that the House Judiciary Standing Committee has reviewed the qualifications of the governor's appointees and recommends that the following names be forwarded to a Joint Session of the Senate and the House for consideration: Gregory Bringhurst and Richard K. Payne to the Violent Crimes Compensation Board. He stated that this does not reflect intent by any of the members to vote for or against these individuals during any further sessions for the purposes of confirmation.

CHAIR CLAMAN announced that the confirmations of Gregory Bringhurst and Richard K. Payne to the Violent Crimes Compensation Board were advanced to the Joint Session of the Senate and the House.

**HB 287-VILLAGE PUBLIC SAFETY OFFICER GRANTS**

[1:16:47 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 287, "An Act requiring background investigations of village public safety officer applicants by the Department of Public Safety; relating to the village public safety officer program; and providing for an effective date." [Before the committee was CSHB 287(TRB).]

CHAIR CLAMAN noted that his office had received 10 amendments to HB 287. He noted that in addition to the 10 amendments, his office had received a one-page memo from the bill sponsor

Representative Kopp's office [hard copy included in the committee packet], which talks about the definition of indirect cost and indirect cost rate. He said there had been a question as to whether that should be an amendment, and the memorandum addresses the reason as to why it is not an amendment.

[1:18:11 PM](#)

REPRESENTATIVE KOPP moved to adopt Amendment 1, labeled 31-LS1486\O.2, Radford, 3/18/20, which read as follows:

Page 4, lines 6 - 7:

Delete ", federally recognized tribes,"

Page 4, lines 8 - 9:

Delete ", federally recognized tribes,"

Page 4, line 14:

Delete ", federally recognized tribes,"

Page 6, line 11:

Delete "a federally recognized tribe,"

Page 6, line 30:

Delete "direct grant recipients or"

[1:18:16 PM](#)

CHAIR CLAMAN objected to the motion, for the purpose of discussion.

REPRESENTATIVE KOPP stated that Amendment 1 would remove a reference to "federally recognized tribes" in response to the concern that there are 229 recognized tribes. He said that the proposed legislation would not exponentially improve the funding for the program. He said there have been 10 long-acting grantees with well-established relationships, and it was not the intent to come up with another \$100 million dollars for the program. He said that this would also provide stability of funding and more certainty to the current program participants.

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CHAIR CLAMAN withdrew his objection to the motion to adopt Amendment 1. There being no further objection, Amendment 1 was adopted.

[1:19:22 PM](#)

REPRESENTATIVE KOPP moved to adopt Amendment 2, labeled 31-LS1486\0.14, Radford, 3/19/20, which read as follows:

Page 8, lines 28 - 29:

Delete "if less than 10 years has elapsed since the individual's use"

Insert "unless the individual was under 21 years of age at the time of the possession and the possession occurred more than 10 years before the date of hire"

[1:19:30 PM](#)

REPRESENTATIVE DRUMMOND objected to the motion, for the purpose of discussion.

REPRESENTATIVE KOPP, referencing page 8 of the proposed legislation, stated that this amendment deals with the Village Public Safety Officer (VPSO) qualifications. He said that an individual who has not been previously convicted is otherwise eligible. He said that the language in the current version of the bill says that an individual cannot have been convicted of possession of a controlled substance as defined under AS 11.71.900, which are all controlled substances other than marijuana, if less than 10 years has elapsed since the individual's use. He said that this proved to be somewhat problematic and was inconsistent with other public safety job classes, so to make the requirement more uniform across job classes, the reference to "if less than 10 years has elapsed since the individual's use" would be deleted and replaced with "unless the individual was under 21 years of age at the time of the possession and the possession occurred more than 10 years before the date of hire". He said that this consolidates things. He said that a mistake under the age of 21 is not an automatic disqualifier, and he reminded the committee members that drug possession for first-time offenders is now a misdemeanor, whereas it used to be a felony. He reiterated the 10-year time limit for eligibility as well.

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REPRESENTATIVE DRUMMOND withdrew her objection to the motion to adopt Amendment 2. There being no further objection, Amendment 2 was adopted.

[1:21:46 PM](#)

REPRESENTATIVE KOPP moved to adopt Amendment 3, labeled 31-LS1486\0.13, Radford, 3/19/20, which read as follows:

Page 6, line 17:

Delete "probation"

Insert "pretrial, probation,"

Page 14, lines 4 - 6:

Delete all material and insert:

"(2) providing pretrial, probation, and parole supervision to persons under supervision by communicating with and monitoring the activities and progress of these persons at the direction of pretrial services, probation, and parole officers;"

[1:21:52 PM](#)

REPRESENTATIVE DRUMMOND objected to the motion, for the purpose of discussion.

REPRESENTATIVE KOPP stated that VPSOs are an integral part of Alaska's probation and parole program and provide services in rural Alaska. He said that the Department of Corrections (DOC) noted that VPSOs are also needed for pretrial services to supervise individuals. He stated that DOC noted that the VPSOs are already doing the job on the probation and parole side, and the department requested that the statute be updated to reflect that VPSOs could also supervise people in rural Alaska on the pretrial side.

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REPRESENTATIVE DRUMMOND withdrew her objection to the motion to adopt Amendment 3. There being no further objection, Amendment 3 was adopted.

[1:22:46 PM](#)

REPRESENTATIVE KOPP moved to adopt Amendment 4, labeled 31-LS1486\0.15, Radford, 3/19/20, which read as follows:

Page 7, following line 29:

Insert a new paragraph to read:

"(3) is of good moral character;"

Renumber the following paragraphs accordingly.

Page 8, line 4:

Delete "crime against a person under AS 11.41"

Page 8, lines 6 - 9:

Delete all material.

Reletter the following subparagraphs accordingly.

Page 9, line 11, following "section,":

Insert "(1) "good moral character" means the absence of acts or conduct that would cause a reasonable person to have substantial doubts about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States; for purposes of this section, a determination of lack of good moral character may be based on a consideration of all aspects of a person's character;

(2) "

[1:22:51 PM](#)

REPRESENTATIVE DRUMMOND objected to the motion, for the purpose of discussion.

REPRESENTATIVE KOPP, referencing page 7 of the proposed legislation, stated that when talking about VPSO qualifications, Amendment 4 would establish that they also must be of "good moral character". He explained that this statement is also in the police officer and corrections officer statute, and the amendment would standardize that the program is looking for people of good moral character. He said that the next portion of Amendment 4 would delete the reference "crime against a person under AS 11.41". He explained the reason for this is because the amendment would make all felony crimes disqualifiers; therefore, it would not matter what a felony was for; it would always be a disqualifier. He said this would make the language consistent with other public safety job classifications. He explained that the amendment would delete more language on page 8, because of the change to make all felonies disqualifiers. He said that the amendment would insert a definition for "good moral character", which would be the same definition as is in statute currently.

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REPRESENTATIVE DRUMMOND withdrew her objection to the motion to adopt Amendment 4. There being no further objection, Amendment 4 was adopted.

[1:24:43 PM](#)

REPRESENTATIVE KOPP moved to adopt Amendment 5, labeled 31-LS1486\0.4, Radford, 3/19/20, which read as follows:

Page 8, line 11, following "conviction":  
Insert ", the conviction was not for an offense against an intimate partner, spouse, child, or parent,"

[1:24:48 PM](#)

REPRESENTATIVE DRUMMOND objected to the motion, for the purpose of discussion.

[1:24:51 PM](#)

REPRESENTATIVE KOPP, referencing page 8 of the proposed legislation, stated that Amendment 5 would specifically address crimes of domestic violence pertaining to VPSO qualifications. He said that what was heard in testimony from the Department of Public Safety (DPS) is that it has had challenges getting waivers for crimes of domestic violence, as well as a challenge in making a complete exclusion for all crimes of domestic violence. He pointed out that currently under DPS regulations, an individual who has not had a domestic violation for 10 years is eligible to be considered. He said DPS had commented that depending on what the domestic violence crime was, it could sometimes get a waiver and other times could not, which has been a challenge. A waiver cannot be acquired if a domestic violence conviction is against an intimate partner, spouse, child, or parent, but can be for some other exceptions; therefore, Amendment 5 would simply clarify the range of domestic violence convictions that would be disqualifiers.

REPRESENTATIVE DRUMMOND withdrew her objection to the motion to adopt Amendment 5. There being no further objection, Amendment 5 was adopted.

[1:26:39 PM](#)

REPRESENTATIVE KOPP moved to adopt Amendment 6, labeled 31-LS1486\0.12, Radford, 3/19/20, which read as follows:

Page 5, line 11:  
Following "funding":  
Insert ", depending on the funds awarded,"  
Following "for":  
Insert "at least"

[1:26:42 PM](#)

REPRESENTATIVE DRUMMOND objected to the motion, for the purpose of discussion.

REPRESENTATIVE KOPP stated that Amendment 6 would make clear the legislative intent to provide funding for one or more VPSO in each village, depending on the funds awarded. Referencing page 5 of the proposed legislation, he explained that there was a question about "an award of grant funding must provide for one village public safety officer for each village" followed directly below by language that read that a grant recipient may assign more than one VPSO to a village. He said that this was an oversight in drafting, and he wants to make it clear that if the funds exist, a village could get more than one VPSO, if needed.

REPRESENTATIVE DRUMMOND withdrew her objection to the motion to adopt Amendment 6. There being no further objection, Amendment 6 was adopted.

[1:27:55 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 7, labeled 31-LS1486\0.9, Radford, 3/19/20, which read as follows:

Page 6, line 20:  
Delete "35"  
Insert "30"

[1:28:00 PM](#)

REPRESENTATIVE DRUMMOND objected to the motion, for the purpose of discussion.

REPRESENTATIVE VANCE, referencing page 6 of the proposed legislation, stated that Amendment 7 would delete "35" and insert "30", in order to strive toward more efficiency.

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REPRESENTATIVE KOPP stated that he would oppose Amendment 7. He explained that the organizations currently involved as grantees with the VPSO program are delivering a state public safety service. He remarked that government organizations and their indirect costs are absorbed by the state. He explained that a trooper costs the state \$200,000 annually, which covers Information Technology (IT), Human Resources (HR), the Office of Professional Standards, and the entire support team to keep that trooper in rural Alaska. He said that a VPSO is paid \$25 hourly through the grantees, and the grantees assume the entire function of supporting the VPSOs. He commented that the Association of Village Council Presidents has an indirect rate that is considerably higher than the 35 percent proposed under HB 287, at 41.7 percent; this is what it costs to support a VPSO outside of the direct labor cost. He stated that the Copper River Native Association, which is a partner in this program, has an indirect rate of 39.6 percent, and others have rates at or above the proposed 35 percent. He remarked that it seems like setting the indirect rate at 30 percent would be a significant hardship on these organizations. He commented that part of the Working Group's findings, which were unanimously adopted by members of the Senate and the House, was that there is a significantly unfunded mandate that is limiting the VPSO program's effectiveness. He explained that the proposed legislation would not provide for more money but would allow for money to be moved around based on public safety needs in the appropriation that is received. He pointed out that public safety needs vary from region to region. He summarized that for these reasons, and to not "handcuff" the grantees, he would oppose Amendment 7.

REPRESENTATIVE VANCE remarked that she wants to ensure that money will be put directly into the "hands of the boots on the ground" and to try and find more efficiencies in the way business is conducted. She expressed that she does not want to limit the grantees but wants to find creative and responsible ways to use the funds and ensure that the VPSOs themselves are getting the funding needed. She said that the proposed amendment was an effort to continue to create a goal for the grantees to reach, not to prohibit them from using the funds in the way that they see necessary.

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REPRESENTATIVE DRUMMOND withdrew her objection to the motion to adopt Amendment 7.

1:31:50 PM

REPRESENTATIVE KOPP objected to the motion to adopt Amendment 7.

A roll call vote was taken. Representative Vance voted in favor of the motion to adopt Amendment 7, labeled 31-LS1486\0.9, Radford, 3/19/20. Representatives Kopp, Drummond, Shaw, and Claman voted against it. Therefore, Amendment 7 failed by a vote of 1-4.

1:32:40 PM

REPRESENTATIVE VANCE moved to adopt Amendment 8, labeled 31-LS1486\0.11, Radford, 3/19/20, which read as follows:

Page 14, following line 12:

Insert a new paragraph to read:

"(5) assisting the Department of Public Safety with felony investigations;"

Renumber the following paragraphs accordingly.

1:32:42 PM

REPRESENTATIVE DRUMMOND objected to the motion, for the purpose of discussion.

REPRESENTATIVE VANCE, referencing page 14 of the proposed legislation, stated that she wanted to provide clarity to the language "conducting investigations" by adding "(5) assisting the Department of Public Safety with felony investigations". She said that not all VPSOs are fully trained in areas that they would be assisting DPS in investigations. She said that there are obviously times when troopers are not able to get to villages in a timely fashion, and a VPSO would be able to start an investigation so that the community would not have to wait, but it would be under the consultation of the troopers and DPS via telephone, email, or whatever means necessary.

1:34:01 PM

REPRESENTATIVE KOPP remarked that he would not support Amendment 8. He said that he appreciated what Representative Vance was pointing out, but said that on page 13 of the proposed legislation, it read "powers and duties of village public safety officers", and this makes it clear that an individual certified

under the training requirements has the power of a peace officer of the state or a municipality, and is charged with doing all of those things pertaining to: protection of life and property, provision of emergency medical services, search and rescue, probation and parole, conducting investigations, and enforcing the criminal laws of the state or municipality. He stated that these things are already listed in the entirety of what VPSOs do, and he said that Representative Vance was right to point out that they assist DPS with felony investigations. He clarified that VPSOs are often on a scene upwards of two days before a trooper can arrive in major felony crimes, whether it be for child abduction, murder cases, other homicides, or sexual assaults. He said that testimony had been heard pointing out that the conviction rate is much higher because the VPSOs are there.

REPRESENTATIVE KOPP said that Representative Vance made a point in asking whether the VPSOs would be performing these duties when they are not trained, and he said that the reason there is a 24-month plan for certification is because there is a limit on what the VPSOs can do until they are trained and have the full complement of hours, in order to make sure they have sexual assault and death investigation trainings. He said that he thinks it is superfluous to the proposed legislation that the VPSOs do these things, but he does not want to add language that would indicate that they would not be authorized to perform these activities without a trooper, if they are in fact trained to do that activity. He stated that the rewrite of the proposed legislation is structured so that the VPSOs will have the training and the authority to do so.

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REPRESENTATIVE DRUMMOND maintained her objection to the motion to adopt Amendment 8.

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REPRESENTATIVE VANCE stated that the reason she wants clarity is because when she read through the proposed legislation, she did not see clarity as to the defined roles and responsibilities, whereas the bill sponsor has an understanding of what the VPSOs have been doing. She said what is clearly defined in statute will be how DPS and the VPSOs can move forward. She said that she wanted to ensure that everything is very clear so that there would not be a gray area, and the purpose of Amendment 8 was "so

that they aren't doing things that could get them in trouble through litigation in the future."

[1:37:34 PM](#)

REPRESENTATIVE SHAW remarked that he understands where Representative Vance was going with Amendment 8, in the assistance of DPS in felony investigations, but he said that having taught at the academy and taught VPSOs, they do have a level of training that meets the minimums, and within the 24-month period will probably exceed the minimums in many respects, and they have enough training to take up felony investigations by themselves. He said that the VPSOs will always be there to assist, but as Representative Kopp highlighted, they do not have the advantage of a trooper onsite all the time, thus VPSOs will have to take the initial response to a potential felony investigation. He expressed that he appreciates following up to ensure that all the bases are covered. He said Representative Kopp had made a good point relative to the amount of training and the amount of time that it takes to get the training, as well as the justification for taking on an investigation individually.

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A roll call vote was taken. Representatives Shaw, and Vance voted in favor of the motion to adopt Amendment 8, labeled 31-LS1486\0.11, Radford, 3/19/20. Representatives Kopp, Drummond, and Claman voted against it. Therefore, Amendment 8 failed by a vote of 2-3.

[1:39:29 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 9, labeled 31-LS1486\0.8, Radford, 3/19/20, which read as follows:

Page 4, line 28, following "funding.":  
Insert "If the grant recipient is a federally recognized tribe, the grant agreement must include a limited waiver of sovereign immunity to allow civil actions against the tribe arising out of the conduct of a village public safety officer hired by the tribe."

[1:39:34 PM](#)

REPRESENTATIVE DRUMMOND objected to the motion, for the purpose of discussion.

REPRESENTATIVE VANCE stated that the reason she was bringing this forward was not in any way to diminish the sovereignty of tribes, but to allow the public a process of bringing a case forward in the case of misconduct by a VPSO. She said that there have been cases in the state in which an individual was bringing litigation over alleged misconduct, and the court said that [the person being accused of misconduct] could not be sued because he/she had sovereign immunity. She expressed that from the perspective of the person seeking justice, she thinks there needs to be an avenue available.

[1:41:00 PM](#)

REPRESENTATIVE KOPP remarked that Amendment 9 was moot because the reference to federally recognized tribes had been removed previously; therefore, the grantees are all nonprofits, and it is a trilateral partnership between the state, a village, and a nonprofit corporation, which is in fact a tribe that has formed a nonprofit. He said that every agreement now with a grantee requires these waivers, and there is no functioning VPSO program currently operating without a waiver. He stated that putting this into statute does not help, as it is already required by the state. He summarized that for these reasons he thinks Amendment 9 is moot.

REPRESENTATIVE VANCE asked where it is defined that the state requires this in the agreement for hiring VPSOs. She asked how there is an existing case in which a judge said, "Sorry they have sovereign immunity," if this agreement already exists.

REPRESENTATIVE KOPP answered that it is true that a tribal government would have sovereign immunity; however, no sovereign immunity is limitless. He said that the way the proposed legislation is structured, and the way the reference was removed, the committee is not dealing with a tribal government alone, in the context of CSHB 287(TRB), as amended. He remarked that he thinks Representative Vance's question is whether he can point to a specific statute or regulation, and he said that he could not. He said that his team member used to supervise the VPSO program in Southeast Alaska, and he would refer the question to him.

[1:43:04 PM](#)

KEN TRUITT, Staff, Representative Chuck Kopp, Alaska State Legislature, answered questions pertaining to HB 287, on behalf of Representative Kopp, prime sponsor, offered the following explanation:

It's a policy that the Department of Law has; it's internal to their ... workings, so that's where it resides and that's where these originate from. And I can tell you, from having reviewed them and having signed some of them, most of the tribes don't really like them; they're very much over broad.

MR. TRUITT related that in other states where there are similar types of agreements between the state government and tribal governments, there is no requirement for this type of waiver of a tribe's sovereign immunity. He expressed that this is always a bit of a "rub" with tribal governments in Alaska, but it is the condition things are in; "it already happens." He said that he is not certain to which case Representative Vance had referred. He said Representative Kopp is correct in that every grantee currently executes a waiver in the grant award agreement with DPS, "and without it being in statute."

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CHAIR CLAMAN referenced the notion presented earlier that the Municipality of Anchorage would be allowed to be sued if a police officer acting beyond his/her duties committed a crime against an individual that would make him/her subject to criminal penalties. He commented that he did not think there would be any hesitation to say that sovereign immunity protects the Municipality of Anchorage, and that unless egregious misconduct and gross negligence could be shown, like hiring an individual even if it was known that he/she had three prior sexual assaults, the city could not be sued in civil court for having hired the officer. He said that the notion that Native nonprofit organizations should get into the public safety business with the state, but they could be sued civilly if an employee makes an error on the job, would be treating them differently from other sovereigns in the same world. He said that he finds it interesting that the Department of Law is nevertheless requiring that they sign just such a waiver, even though it could never get the Municipality of Anchorage to do the same thing. He expressed that the interesting issue raised by Representative Kopp is whether Amendment 9 is needed if no federally recognized tribes are eligible.

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REPRESENTATIVE VANCE withdrew her motion to adopt Amendment 9.

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REPRESENTATIVE VANCE moved to adopt Amendment 10, labeled 31-LS1486\O.10, Radford, 3/19/20, which read as follows:

Page 10, lines 13 - 29:

Delete all material and insert:

**"Sec. 18.65.676. Training.** (a) A village public safety officer must successfully complete the Public Safety Training Academy provided by the Department of Public Safety and a basic training program. The program must include

(1) rural fire protection training approved by the Department of Public Safety;

(2) emergency trauma technician training approved by the Department of Public Safety and provided by an entity other than the Department of Public Safety; and

(3) search and rescue training."

Page 11, line 22, following "requirements":

Insert "established by the Department of Public Safety"

[1:46:36 PM](#)

REPRESENTATIVE DRUMMOND objected to the motion, for the purpose of discussion.

REPRESENTATIVE VANCE, referencing page 10 of the proposed legislation, stated that Amendment 10 would get the VPSOs to successfully complete the Public Safety Training Academy, and would include rural fire protection training approved by DPS, emergency trauma technician training, and search and rescue training, and an annual firearm qualifications requirement established by DPS. She said that the proposed amendment would provide clarity on the training in line with the goal of VPSOs being part of the academy.

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REPRESENTATIVE KOPP commented that he opposed Amendment 10. He said that it goes diametrically in the opposite direction of the

intent of the proposed legislation to provide specificity and remove points of contention. As an example, he said that a full program currently is 826 hours of instruction. The main block of 650 hours is Alaska criminal procedural law, and there are additional VPSO-specific instructions, as noted on page 10 of the proposed legislation, pertaining to emergency trauma technician training, search and rescue training, and rural fire protection specialist training. He said that this program, if not under statute and left solely to the discretion of DPS, could be reduced to only a couple of hundred hours, which did occur at some point when there was an attempt to shelve the program. He remarked that this resulted in very untrained people being put into even more dangerous situations, with basically only a 240-hour training requirement; whereas what is listed under the proposed legislation is what happens currently, and it is made clear that in addition to elevating this group of public safety partners that are providing a service to the State of Alaska, it also gets at recruitment and retention of having a well-defined training schedule in statute. He expressed that Amendment 10 would basically say that the requirement is subject to what DPS says it should be, which could result in another commissioner saying that "you get a 100-hour academy, and then that's only enough to maybe train you to do search and rescue," and he said that this would be a way of defeating the entire purpose of CSHB 287(TRB), as amended.

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REPRESENTATIVE DRUMMOND maintained her objection to the motion to adopt Amendment 10.

[1:50:24 PM](#)

REPRESENTATIVE VANCE withdrew her motion to adopt Amendment 10.

REPRESENTATIVE VANCE thanked Representative Kopp for clarifying this topic for the record, and she expressed that she thought the legislative intent to increase the training and capacity of the VPSOs needed to be clearly explained for the record. She said that it should be known that it is desired for the program to succeed and be equipped to fulfill a job that is needed in the villages.

[1:51:00 PM](#)

CHAIR CLAMAN stated that there were no more amendments to CSHB 287(TRB), as amended, and this was the last opportunity for members of the committee to comment on the proposed legislation.

[1:51:22 PM](#)

REPRESENTATIVE VANCE, referencing pages 6 and 7 of the proposed legislation, remarked that there were a lot of specifics as to what government-to-government interactions should look like, and she asked Representative Kopp why what seems to be "intent language" was put into CSHB 287(TRB), as amended, when it seems to her that it should have been included in a different bill that dealt with intergovernmental relations with tribes.

[1:52:54 PM](#)

REPRESENTATIVE KOPP answered that the structured relationship is a standard consulting relationship with which all tribal grantees, which act as regional nonprofits, currently work. He explained that this is not a new concept, and "they understand what it means." He said that the previous two gubernatorial administrations have asked the state department heads to consult in this way, which prevents a radical change to requirements to be a VPSO or a structural upheaval to the program, without talking to the grantees first. He stated that the government-to-government consultation process is how the state deals with tribes currently, and the proposed legislation would simply dictate that the current protocol be followed before any large changes would be made to the VPSO program. He added that this process is used in other programs that are partnerships between the state and tribes.

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REPRESENTATIVE SHAW commented that Representative Vance had looked through the proposed legislation in depth, while he had taken a lot of things for granted when he looked at the proposed legislation, as he had been a part of the program at the academy for many years. He stated that he knows how deeply Representative Kopp understands the value of the VPSO program, as he "put him through the academy." He highlighted that seeing Representative Vance's thorough review of the proposed legislation "was pretty nice to see." He said that he didn't want to go against every one of her amendments, which was why he had supported her on [Amendment 8], as she had put the time into looking through the proposed legislation.

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REPRESENTATIVE DRUMMOND stated that she has served on the House Community and Regional Affairs Standing Committee since her "freshmen" year in 2013, and she said that that committee has the good fortune of being the budget subcommittee for DPS, as well as DOC. She expressed that she has heard continuously for eight years about the shambles that the VPSO program has been in, and she said that CSHB 287(TRB), as amended, is desperately needed. She expressed that she is pleased that the bill sponsor has provided the proposed legislation to guide the state and achieve better public safety in as many communities as possible. She stated that she is happy to be helping to move the proposed legislation forward.

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CHAIR CLAMAN, in response to a question from Representative Vance, stated that the committee's intent was to move CSHB 287(TRB), as amended, from committee that day, and if more discussion was necessary, then the committee could reconvene later in the day.

[1:57:08 PM](#)

REPRESENTATIVE VANCE remarked that she has a lot of concerns about the proposed legislation, as she likes things to be as clear as possible when put into statute so that everyone involved will know what their roles, duties, and responsibilities are. She said that because this is so important, she wants to ensure that all parties involved are safeguarded. She expressed that she appreciates some of the amendments and changes to CSHB 287(TRB), as amended, in the many times it had been "worked over." She said that she knows that the proposed legislation will not be perfect but added that she was still cautious because she would rather work on the solution for true healing, not just a "band-aid." She stated that she would like to partner on the long-term goals, in the hopes that they would not have to be considered long term anymore but be accomplished in the short term. She said that she looks forward to further conversations on the proposed legislation and hopes that the village needs for public safety can be achieved sooner than later.

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REPRESENTATIVE KOPP thanked Representative Vance. He added that the proposed legislation was going to the finance committee next, where he is sure that it will be "further massaged."

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CHAIR CLAMAN noted that the delivery of rural public safety in Alaska is a challenge and commitment that everyone believes in and shares. He expressed that there is a lot of work to do, and CSHB 287(TRB), as amended, would be a step forward but would not solve all the problems. He commented that he and Representative Vance sit next to each other on the House floor and have more engaged discussion every day, and he said that she is very passionate about improving rural public safety, as "all of us" are. He summarized that he thinks CSHB 287(TRB), as amended, would be a positive step, he supports the proposed legislation, and he acknowledged there will be further work to do on the issue.

[1:59:14 PM](#)

REPRESENTATIVE DRUMMOND moved to report CSHB 287(TRB), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 287(JUD) was reported from the House Judiciary Standing Committee.

[2:00:19 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:00 p.m.