

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS

March 5, 2020

8:05 a.m.

MEMBERS PRESENT

Representative Tiffany Zulkosky, Chair
Representative Bryce Edgmon, Vice Chair
Representative John Lincoln
Representative Dan Ortiz

MEMBERS ABSENT

Representative Chuck Kopp
Representative Dave Talerico
Representative Sarah Vance

COMMITTEE CALENDAR

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."

- HEARD & HELD

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

WITNESS REGISTER

KEN TRUITT, Staff
Representative Chuck Kopp
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 287 on behalf of Representative Kopp, prime sponsor.

MICHAEL NEMETH, Public Safety Coordinator
Aleutian Pribilof Islands Association
Anchorage, Alaska

POSITION STATEMENT: Provided information and answered questions during the hearing of HB 287.

ACTION NARRATIVE

[8:05:44 AM](#)

CHAIR TIFFANY ZULKOSKY called the House Special Committee on Tribal Affairs meeting to order at 8:05 a.m. Representatives Edgmon, Lincoln, Ortiz, and Zulkosky were present at the call to order.

HB 287-VILLAGE PUBLIC SAFETY OFFICER GRANTS

[8:06:21 AM](#)

CHAIR ZULKOSKY announced that the only 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."

[8:07:02 AM](#)

REPRESENTATIVE EDGMON moved to adopt the proposed committee substitute (CS) for HB 287, Version 31-LS1486\G, Radford, 3/3/20, as the working document.

[8:07:17 AM](#)

CHAIR ZULKOSKY objected, for the purpose of discussion.

[8:07:31 AM](#)

The committee took a brief at-ease at 8:07 a.m.

[8:07:52 AM](#)

KEN TRUITT, Staff, Representative Chuck Kopp, Alaska State Legislature, on behalf of Representative Kopp, prime sponsor of

HB 287, explained the changes that would be made under the proposed CS. He explained how there came to be another committee substitute in the committee packet, Version E, but told the committee that it was identical to Version G [and ensuing discussion refers to Version G]. He noted that another document in the committee packet was from the work group's report. In Appendix II were changes the Department of Public Safety (DPS) had been intending to make but had decided to put on hold.

MR. TRUITT directed the committee to the current statute for the VPSO program, AS 18.65.670. He explained that the language that would be deleted by Version G would be the duties and functions listed in subsection (a), following "safety officers" on page 4, line 3, of the original bill, through line 18. Those duties and functions would be moved to a new statutory section on page 14. The next change reflected the deletion of subsection (e), on page 5, lines 17-23. He explained that the sponsor wanted to remove overly prescriptive and pejorative language from regulation and felt that grantee organizations can best determine the kind of agreements want to have between themselves and the villages.

[8:13:58 AM](#)

CHAIR ZULKOSKY said concerns she had expressed at the last committee hearing on HB 287 had been addressed.

[8:14:18 AM](#)

MR. TRUITT clarified that subsection (f) was the new subsection (e), which addressed the discussion that had been held at the previous hearing. He said the staffing standard was one VPSO per village, and appropriations would run out, which would also be a limiting factor on how many VPSOs an organization might get. He said that the "X" number of residents equals "Y" number of VPSOs type of metric had not been seen, but HB 287 captured a metric: if a village needed a VPSO, the request should specify that in a grant application, and at some point the funding would dictate how much staff goes to the regions. He said that in the spirit of allowing the grantee organizations to have more flexibility, HB 287 put forth a standard for staffing wherein if a village needed more than one VPSO, "all you have to do is ask."

[8:18:05 AM](#)

MR. TRUITT told the committee that the current VPSO statute referred to "rural areas" but the term "villages" was used in regulation. He added that for the sake of clarity the term "rural areas" should be removed. He also said that subsection (e) no longer existed [and thus should also be removed for the sake of clarity].

[8:19:00 AM](#)

REPRESENTATIVE EDGMON asked whether changing "village" to "grant recipient" would have any impact on consultation with tribes.

[8:19:19 AM](#)

MR. TRUITT replied that in terms of this specific provision, it had been decided to keep terms at the "grant recipient" level to avoid confusion with what make sound like "village law." On line 24 of the same page, the consultation language is from the existing statute, he explained. On the next page, the reference to the commissioner of corrections is meant to mirror the responsibility of the departments that are involved in the VPSO program. On page 14, line 9, the language reinforces VPSO law enforcement designation, he added, making peace officer status the same.

[8:22:43 AM](#)

REPRESENTATIVE LINCOLN asked whether the description of the scope of duties would include time spent in schools and explaining they were a resource to village youth.

[8:23:25 AM](#)

MR. TRUITT said he thought so, and they would come back to that question. He then moved onto the final new concept on line 26, which was the same as in the trooper statute and referred to the powers and duties of a VPSO. Something missing from HB 287 was the power of VPSOs to enforce the Division of Motor Vehicles' (DMV's) traffic laws, but that would be revisited, Mr. Truitt told the committee.

[8:25:04 AM](#)

REPRESENTATIVE ORTIZ asked whether the evaluation process currently took place under the guidelines for VPSOs.

[8:25:46 AM](#)

MR. TRUITT replied that it was in the regulations but could be verified by [Aleutian Pribilof Islands Association Public Safety Coordinator] Michael Nemeth.

[8:26:06 AM](#)

CHAIR ZULKOSKY removed her objection to the motion to adopt the proposed CS for HB 287, Version 31-LS1486\G, Radford, 3/3/20, as a working document. There being no further objection, Version G was before the committee.

[8:26:17 AM](#)

MICHAEL NEMETH, Public Safety Coordinator, Aleutian Pribilof Islands Association, began by answering Representative Lincoln's question that the community policing aspect, which entailed visiting schools, the council office, the clinic, and talking with people, is some of the most important work conducted by VPSOs. One of the main reasons to have fire prevention and suppression and emergency medical services participating in search and rescue, Mr. Nemeth surmised, is that the general public did not know what VPSOs did on a day-to-day basis. There was also some confusion in the differentiation between VPSOs, village police officers, and tribal police officers, which the revised language might help to clear up, he said.

[8:29:05 AM](#)

CHAIR ZULKOSKY repeated Representative Ortiz' questions as to whether DPS was currently facilitating site visits to monitor VPSO performance in compliance with state and federal law.

[8:29:22 AM](#)

MR. NEMETH replied that it varied from region to region, and if there was an issue with a VPSO there was usually a visit to discuss compliance. Mr. Nemeth said he had not had any such visits in his region on the Aleutian chain, but he believed it was within regulation that oversight troopers provide annual visits, which happened in some regions and did not in others because of factors such as weather and scheduling. Villages on the road system such as Copper River, Bethel, and Kotzebue might see more frequent visits, he added.

[8:30:49 AM](#)

CHAIR ZULKOSKY said she thought it underscored the necessity of the VPSO program if an annual visit within regulation could not be completed.

[8:31:18 AM](#)

MR. NEMETH returned to a question about capital projects and whether they were required within the VPSO grant process itself or separately. He said that for renovation or construction projects related to the village public safety office, funding could be requested within the grant process or by way of a supplemental funding request coming from the grant budget or capital funds. Mr. Nemeth then clarified confusion about VPSO training hours, the minimum of which is 240 hours total. This number is "woefully low," he said, as when he attended the VPSO academy it lasted eight weeks, which was significantly over 240 hours. The "A-led" academy at 16 weeks is approximately 1,000 hours, he related. In 2016 it was 976 hours, and a few things have been added, he explained. In recent past DPS decided a transition from 16 weeks back to eight weeks would be undertaken. He related that 826 training hours was the minimum required for VPSOs to do their jobs: 650 hours for law enforcement training; 40 hours for Emergency Trauma Technician (ETT) training; 40 hours for search-and-rescue training; and 96 hours for rural fire protection specialist training were required by the Alaska Police Standards Council (APSC).

[8:35:34 AM](#)

CHAIR ZULKOSKY confirmed that it was the desire of the VPSO grantees to move forward with the additional amount of training hours. She then asked whether there had been any challenges with recruitment by increasing the training hours or whether the increased training hours provided better certainty for individuals applying to the VPSO program.

[8:36:19 AM](#)

MR. NEMETH said some believed the additional training would be an issue as far as recruitment, which is why DPS [scaled the hours back] after having had conversations with two of 10 entities. He had seen evidence during a recent presentation, however, that showed there were more officers when the training had been 16 weeks, he related. More training for VPSOs was always better, he said.

[HB 287 was held over.]

[8:38:56 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 8:39 a.m.