

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 8, 2022

8:05 a.m.

MEMBERS PRESENT

Representative Sara Hannan, Co-Chair
Representative Calvin Schrage, Co-Chair
Representative Harriet Drummond
Representative Ken McCarty
Representative Kevin McCabe

MEMBERS ABSENT

Representative Josiah Patkotak, Vice Chair
Representative Mike Prax

COMMITTEE CALENDAR

SENATE BILL NO. 143

"An Act relating to horizontal property regimes and common interest communities; and relating to mortgages, deeds of trust, and other property liens."

- MOVED SB 143 OUT OF COMMITTEE

HOUSE BILL NO. 256

"An Act relating to the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; requiring the Department of Public Safety to submit a yearly use-of-force report to the legislature; requiring a municipality that employs a person as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public Safety to report to the Federal Bureau of Investigation incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal correctional facility employees; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 309

"An Act exempting candidates for municipal office and municipal office holders in municipalities with a population of 15,000 or less from financial or business interest reporting requirements;

relating to campaign finance reporting by certain groups; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 143

SHORT TITLE: COMMON INTEREST COMMUNITIES; LIENS

SPONSOR(s): SENATOR(s) REVAK

01/18/22	(S)	PREFILE RELEASED 1/7/22
01/18/22	(S)	READ THE FIRST TIME - REFERRALS
01/18/22	(S)	L&C
02/09/22	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/09/22	(S)	Moved SB 143 Out of Committee
02/09/22	(S)	MINUTE(L&C)
02/11/22	(S)	L&C RPT 3DP
02/11/22	(S)	DP: STEVENS, MICCICHE, GRAY-JACKSON
02/16/22	(S)	TRANSMITTED TO (H)
02/16/22	(S)	VERSION: SB 143
02/17/22	(H)	READ THE FIRST TIME - REFERRALS
02/17/22	(H)	L&C
02/17/22	(H)	CRA REFERRAL ADDED BEFORE L&C
03/01/22	(H)	CRA AT 8:00 AM BARNES 124
03/01/22	(H)	Heard & Held
03/01/22	(H)	MINUTE(CRA)
03/03/22	(H)	CRA AT 8:00 AM BARNES 124
03/03/22	(H)	Heard & Held
03/03/22	(H)	MINUTE(CRA)
03/08/22	(H)	CRA AT 8:00 AM BARNES 124

BILL: HB 256

SHORT TITLE: LAW ENFORCEMENT: REGISTRY; USE OF FORCE

SPONSOR(s): REPRESENTATIVE(s) TARR

01/18/22	(H)	PREFILE RELEASED 1/7/22
01/18/22	(H)	READ THE FIRST TIME - REFERRALS
01/18/22	(H)	CRA, STA, FIN
03/08/22	(H)	CRA AT 8:00 AM BARNES 124

BILL: HB 309

SHORT TITLE: APOC; CAMPAIGN CONTRIBUTIONS/REPORTING

SPONSOR(s): REPRESENTATIVE(s) KREISS-TOMKINS

02/07/22	(H)	READ THE FIRST TIME - REFERRALS
02/07/22	(H)	CRA, STA

03/03/22 (H) CRA AT 8:00 AM BARNES 124
03/03/22 (H) Heard & Held
03/03/22 (H) MINUTE (CRA)
03/08/22 (H) CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

REPRESENTATIVE GERAN TARR
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 256.

BESSE ODOM, Staff
Senator Elvi Gray-Jackson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Co-presented HB 256.

DAVID SONG
Staff to Representative Geran Tarr
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Gave a sectional analysis for HB 256 on behalf of Representative Tarr, prime sponsor.

KELLY HOWELL
Special Assistant/Legislative Liaison
Office of the Commissioner
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Responded to questions during the hearing on HB 256.

JOSEPH GAMACHE
Executive Director, Alaska Police Standards Council
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 256.

JOHN HANDELAND, Mayor
City of Nome
Nome, Alaska

POSITION STATEMENT: Testified in support of HB 256.

ACTION NARRATIVE

[8:05:29 AM](#)

CO-CHAIR CALVIN SCHRAGE called the House Community and Regional Affairs Standing Committee meeting to order at 8:05 a.m. Representatives McCarty, Drummond, Hannan, McCabe, and Schrage were present at the call to order.

SB 143-COMMON INTEREST COMMUNITIES; LIENS

[8:06:19 AM](#)

CO-CHAIR SCHRAGE announced that the first order of business would be SENATE BILL NO. 143, "An Act relating to horizontal property regimes and common interest communities; and relating to mortgages, deeds of trust, and other property liens."

[8:06:39 AM](#)

CO-CHAIR HANNAN addressed a concern expressed by a testifier at the prior hearing on SB 143, wherein the testifier thought the proposed legislation would make it more challenging for a property owner to be represented. She posited that the circumstance described by the testifier already exists under the law and would not be a result of SB 143, which she said would bring all condo associations to equal standing under law; all would have the benefit of the same notification and protection by ensuring that "the condo association debt that is otherwise shared by the other property owners has protective claim." She indicated that [the testifier] had referenced the Alaska Housing Finance Corporation (AHFC) as being an asset to that, and she noted that the committee had not received a formal letter from AHFC because that entity does not take positions on legislation. Notwithstanding that, she said, "I feel pretty confident that they're good with that, that this helps make sure that there's an avenue to protect the collective homeowners - not an easier way to foreclose, but a protection for those who are left behind."

[8:08:39 AM](#)

REPRESENTATIVE MCCABE offered his interpretation of SB 143 was that it would actually fix that which concerned the testifier. He indicated his support for SB 143, stating that "the banks' response to HOAs [homeowners associations] has been a problem for a number of years."

[8:09:05 AM](#)

CO-CHAIR HANNAN moved to report SB 143 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SB 143 was reported out of the House Community and Regional Affairs Standing Committee.

HB 256-LAW ENFORCEMENT: REGISTRY; USE OF FORCE

[8:09:31 AM](#)

CO-CHAIR SCHRAGE announced that the next order of business would be HOUSE BILL NO. 256, "An Act relating to the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; requiring the Department of Public Safety to submit a yearly use-of-force report to the legislature; requiring a municipality that employs a person as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public Safety to report to the Federal Bureau of Investigation incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal correctional facility employees; and providing for an effective date."

[8:09:40 AM](#)

The committee took an at-ease from 8:09 a.m. to 8:13 a.m.

[8:12:55 AM](#)

REPRESENTATIVE GERAN TARR, Alaska State Legislature, as prime sponsor, presented HB 256. She said she has been working with Senator Gray-Jackson, whose staff, in addition to her own, has joined her to present HB 256. She stated the interest in the proposed legislation comes from the desire to improve public safety and build trust between the community and law enforcement. She said she grew up in a household with a dispatcher and detective, and has spent a lot of time around law enforcement professionals, and she knows it is a difficult job. She acknowledged that "one bad apple can ruin the whole bunch."

[8:15:04 AM](#)

BESSE ODOM, Staff, Senator Elvi Gray-Jackson, Alaska State Legislature, co-presented HB 256. She stated that civilian casualties have drawn greater attention to policing and police-to-community relations, as well as created momentum to address a

long-standing injustice within society. She stated that in 2020, the offices of Senator Gray-Jackson and Senator Begich worked together to develop a series of bills, drafted by Legislative Legal and Research Services, that are referred to as "TPIP" - turning pain into progress. She said TPIP was crafted following the national "Eight Can't Wait" campaign, which comprises eight specific policies proven to reduce police violence by as much as 72 percent when implemented correctly. She said the Senators realized that that campaign should not be applied to a place as unique as Alaska, and time and effort was expended in drafting the bills related to TPIP to be customized specifically for Alaska. She listed public safety agencies that were involved: the Alaska Police Department, the Alaska Police Employees Association, the Public Safety Employees Association, and the National Organization of Black Law Enforcement Executives. This proactive approach brings confidence in moving forward with the implementation of public policy changes that will benefit both Alaska citizens and law enforcement officers.

[8:17:52 AM](#)

REPRESENTATIVE TARR stated that HB 256 addresses the reporting of the use of force into the Federal Bureau of Investigation (FBI) database and aligns training requirements of municipal correctional officers to those already in training and working for the state. She deferred to her staff, David Song, to give the sectional analysis of HB 256.

[8:17:49 AM](#)

DAVID SONG, Staff, Representative Geran Tarr, Alaska State Legislature, on behalf of Representative Tarr, prime sponsor, gave the sectional analysis for HB 256, [hard copy included in the committee packet], which read as follows [original punctuation provided]:

Section 1: AS 18.65.220 is amended by adding new subsections (b) which will require a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer to report, to a supervisor, when another officer used or prepared to use deadly force against a person. (c) requires that the Council shall maintain a central registry of denied or revoked officer certificates. (d) requires that the Council shall adopt and prepare a report detailing the registry information to the chief clerk of the house of representatives and the

senate secretary no later than Dec. 1st of each year.
(e) states that upon request, the Council shall assist a department, an agency, or municipality in developing rules that comply with regulations adopted under (b) of this section.

Section 2: AS 18.65.285 is amended to replace the word "may" with "shall."

Section 3: AS 18.65.290(b) is amended to define "municipal correctional officer."

Section 4: AS 18.65.290 is amended to add "deadly force" has the meaning given in AS 11.81.900(b)

Section 5: AS 18.65.670 (c) is amended to provide training in the subjects set out in 18.65.220(a)(3).

Section 6: Amends AS 29.71 by adding a new section, AS 29.71.070, use of force reporting requirement.

Section 7: Amends AS 44.28.020 by adding a new subsection (d) that requires the Department of Public Safety to submit a report on each incident in which a probation officer, parole officer, or a correctional officer uses force against a person. The report must include information required under AS 44.41.055(b).

Section 8: Amends AS 44.41.020 by adding a new subsection to read: The Department of Public Safety shall submit the to the statewide use-of-force database, each time a State trooper, VPSO, or regional public safety officer uses force against a person.

Section 9: AS 44.41.055 is amended by a new section to establish a Statewide use-of-force database and its requirements.

Section 10: AS 18.65.280(b) is repealed.

Section 11: The uncodified law of the State of Alaska is amended by adding a new section that applies to employment contracts entered on or after the effective date of sec. 2 of this Act.

Section 12: Amends the uncodified law of the State of Alaska by adding a new section pertaining to

transition: employment, peace officers. Giving them an effective date of sec. 10 of this Act to comply with AS 18.65.240 requirements.

Section 13: Amended by adding a new section regarding regulations of the Department of Corrections, the Department of Public Safety, and municipalities that employ a person as a police officer or in a municipality correctional facility to adopt and publish regulations.

Section 14: Section 13 provides for an effective date under AS 01.10.070(c).

Section 15: Provides for an effective date of this Act.

[8:21:59 AM](#)

REPRESENTATIVE TARR said the proposed bill sets new standards and outlines "who would be responsible to participate." Referring to information addressed in Section 7, she said the FBI is not currently inputting that information into its database; therefore, in places where the terms "probation officer", "parole officer", or "correctional officer" are used, she said she is interested in removing those references because "it wouldn't be necessary to align with the data that's being collected by the FBI," and "if they collect it, there'd be nowhere to send it." Regarding Section 8, she indicated that the FBI is collecting information from state troopers but not from the village public safety officers (VPSOs) or regional public safety officers; therefore, she said there would be recommendations in the interest of alignment. She noted HB 256 would have "very little fiscal impact." She then related a recommendation by the Department of Corrections to change "one year" - shown on page 4, line 17 - to "two years" to accommodate the timing of bill passage and training blocks.

[8:26:48 AM](#)

REPRESENTATIVE MCCABE directed attention to language on page 2 of HB 256, beginning on line 3, which read:

an incident in which an officer used deadly force or prepared to use deadly force

REPRESENTATIVE MCCABE, [regarding the reference in Section 1 to reporting whether the officer was prepared], said he thinks the word "prepared" needs further definition, since he questioned what officer is not prepared to use deadly force [when necessary].

REPRESENTATIVE TARR expressed willingness to discuss the language with the Alaska Police Standards Council (APSC) to ensure clarity.

[8:27:45 AM](#)

CO-CHAIR SCHRAGE noted that representatives from the council and the Department of Public Safety (DPS) were available to answer questions.

REPRESENTATIVE MCCABE suggested he could offer a friendly amendment to add definition.

[8:28:23 AM](#)

CO-CHAIR HANNAN said she wants to understand the structure in order "to make sure that we're improving it."

REPRESENTATIVE TARR responded that the reporting system is new to the FBI, implemented in 2019. She deferred to Kelly Howell to address the uniform crime report (UCR), which is "something that we've long been participating in."

[8:30:31 AM](#)

KELLY HOWELL, Special Assistant/Legislative Liaison, Office of the Commissioner, Department of Public Safety, outlined that HB 256 has two requirements in terms of data collection: one is for APSC for decertification database, and one is for the use of force database. She explained that APSC is responsible both for certifying and decertifying police officers, correctional officers, and parole officers in Alaska. She said HB 256 contemplates requiring APSC to maintain a statewide database for any officers that are decertified by the council, which would allow the information to be shared with other state agencies in law enforcement, for example, if an officer applies with another state agency. In response to a follow-up question, she confirmed there is a national decertification index.

[8:33:17 AM](#)

REPRESENTATIVE DRUMMOND noted Representative Tarr's sponsor statement contains a description of the report, which includes demographic information related to the person against whom force was used. She noted the information includes "age, gender identity, and sexual orientation freely given by the individual." She asked whether race or ethnicity is part of the report.

REPRESENTATIVE TARR recollected that "an earlier version" of this legislation contained more specific requirements. She advised that the requirements of the report can be found in Section 1, [subsection] (d), on page 1, lines 15-18], which read:

(d) The council shall prepare a report detailing the central registry information updates that have been entered in the preceding year and submit the report to the chief clerk of the house of representatives and the senate secretary not later than December 1 of each year.

REPRESENTATIVE TARR also referred to language in Section 6, on page 3, [lines 18-22], which addresses "use of force" reporting. In response to a follow-up request for clarification regarding demographics, she said, "It'll be consistent with what is required through the FBI reporting, and Ms. Howell has the list of those items that we could share."

REPRESENTATIVE DRUMMOND explained she was seeking where the demographic information "about the person against whom force was used is defined."

REPRESENTATIVE TARR replied, "It will be consistent with what is required through the FBI reporting." She noted that Ms. Howell has a list of those items.

[8:35:39 AM](#)

MS. HOWELL, in response to Co-Chair Schrage, confirmed she had the list with her, and at his invitation read it. The elements required in the demographic information of both the officer and the person against whom force was used are the following: age, sex, race, ethnicity, height, and weight.

[8:37:24 AM](#)

REPRESENTATIVE MCCABE directed attention to a paragraph beginning on page 2, line 5, and he said it "talks about everybody except VPSOs."

8:38:10 AM

REPRESENTATIVE TARR explained that APSC does not certify the VPSOs. She read the document [subsequently added to the committee packet] which provides the definition of law enforcement officers killed and assaulted (LEOKA). The definition read as follows [original punctuation provided]:

The FBI defines a law enforcement officer according to the Law Enforcement Officers Killed and Assaulted (LEOKA) definition, which is as follows: All federal, state, tribal, county, and local law enforcement officers (such as municipal, county police officers, constables, state police, highway patrol, sheriffs, their deputies, federal law enforcement officers, marshals, special agents, etc.) who are sworn by their respective government authorities to uphold the law and safeguard the rights, lives, and property of American citizens. They must have full arrest powers and be members of a public governmental law enforcement agency, paid from government funds set aside specifically for payment to sworn police law enforcement organized for the purposes of keeping order and for preventing and detecting crimes, and apprehending those responsible. For this collection, parole and probation officers, and juvenile detention officers and not included.

REPRESENTATIVE MCCABE suggested there is a possible hole in the legislation because police officers who have been disciplined or have had their certificates revoked could move to a village and become VPSOs.

REPRESENTATIVE TARR responded that she would need to think about that; however, currently VPSOs are separate from other types of officers in statute, in terms of training requirements.

8:41:01 AM

MS. HOWELL noted that DPS, not APSC, certifies VPSOs. She reasoned that if APSC had revoked a certificate from a police officer, then that information would be known by DPS.

REPRESENTATIVE MCCABE inquired how that would work if the decertified officer came from another state and applied to be a VPSO in Alaska.

MS. HOWELL confirmed that DPS would do a background check.

[8:42:36 AM](#)

CO-CHAIR SCHRAGE asked Ms. Howell to expound upon the VPSO hiring process.

MS. HOWELL stated that the process exists under regulation, and there are two bills under consideration that would codify that process in statute.

[8:44:13 AM](#)

REPRESENTATIVE MCCARTY asked about the distinction between deadly force and intent to use deadly force.

MS. HOWELL advised that deadly force and force currently are defined under AS 11.81.900. She offered her understanding that pointing a gun at someone would be considered preparing to use deadly force. In response to a follow-up question, she referred to the FBI's national database as providing the criteria to be met.

[8:49:09 AM](#)

CO-CHAIR SCHRAGE proffered that the act of grabbing someone's arm may be interpreted by an observer as being a use of force but is not a use of force if it is not listed in the FBI's national database as such.

MS. HOWELL confirmed that is correct.

REPRESENTATIVE MCCARTY underlined the importance of making any amendments necessary to refer to the definition of use of force.

[8:49:57 AM](#)

REPRESENTATIVE TARR said she would ask Legislative Legal Services to ensure the language of HB 256 is clear about the definitions.

[8:50:50 AM](#)

REPRESENTATIVE DRUMMOND directed attention to language in Section 5, on page 3, [beginning on line 10], which read: "Regulations adopted by the commissioner of public safety under this subsection may not prohibit village public safety officers who otherwise meet minimum standards and training from carrying firearms." She recollected that the legislature had given VPSOs the ability to train in academy in order to carry firearms, which gives them the opportunity to use deadly force; therefore, she said she agrees with Representative McCabe about "a hole" where VPSOs are concerned. She pointed out that while the state may not hire VPSOs, it provides the funding to the agencies that hire and fire them.

REPRESENTATIVE TARR indicated that some [types of law enforcement] may need to be "pulled out" of certain sections of HB 256 in order to maintain alignment with the information being collected by the FBI. She noted that Alaska is unique in its use of VPSOs.

[8:54:42 AM](#)

CO-CHAIR HANNAN inquired how many certified police officers and VPSOs are in Alaska. She explained she wanted the committee to avoid getting distracted by the scale of a loophole she thinks is small.

[8:55:45 AM](#)

JOSEPH GAMACHE, Executive Director, Alaska Police Standards Council, answered that presently there are "about 1,446" active police officers in Alaska.

[8:56:45 AM](#)

MS. HOWELL answered there are fewer than 50 VPSOs currently employed in the state, with funding for up to 55.

CO-CHAIR HANNAN commended the efforts of state agencies in collecting data and observed that efforts may need to be adjusted to align with the FBI database.

REPRESENTATIVE TARR talked about the benefit of federal funding coming available for additional training or support. She said identifying problems could open avenues to solutions.

[8:59:56 AM](#)

REPRESENTATIVE MCCARTY brought up the issue of confidentiality and asked how HB 256 is "protecting the individual in their ... security of themselves." He said "this" has "the same feel" as requiring a sex offender to register. He also mentioned The Scarlet Letter. Regarding [an officer who has had his/her certification revoked], he asked whether HB 256 would be "incarcerating them in society."

REPRESENTATIVE TARR discussed aggregate data, acknowledging that in small departments it may be easier to [figure out an identity of an individual] when race or ethnicity have been listed, for example; however, the idea of aggregate identity is to protect individual identity by studying trends. Regarding central registry data, she said that information is shared among law enforcement professionals, and she deferred to Ms. Howell to address what information might be turned over to the public.

[9:03:19 AM](#)

MS. HOWELL said she envisions the information is kept internally for hiring purposes for law enforcement agencies; the report that would be produced for the legislature would be aggregate data without information that would identify individuals.

[9:03:58 AM](#)

CO-CHAIR SCHRAGE asked for confirmation that the database is confidential.

MS. HOWELL confirmed that is correct.

REPRESENTATIVE MCCARTY offered his understanding that once the information is provided to the legislature, it is no longer as secure.

[9:04:37 AM](#)

REPRESENTATIVE TARR directed attention again to Section 1, [subsection] (d), on page 2, [text previously provided], and she specified that the report referenced would be the aggregate report. She talked about reviewing policy and offering training, including de-escalation training.

[9:07:41 AM](#)

REPRESENTATIVE MCCARTY drew attention to [Section 2], on page 2, [lines 22-26], which read as follows:

* Sec. 2. AS 18.65.285 is amended to read: Sec. 18.65.285. Municipal correctional employees. A municipality that employs persons in a municipal correctional facility shall [MAY, BY ORDINANCE,] require that those persons meet the requirements of AS 18.65.130 - 18.65.290 that are applicable to municipal correctional officers.

REPRESENTATIVE MCCARTY asked how this fits in with home rule, "now we are telling the 'munis' we are not going to recognize home rule."

REPRESENTATIVE TARR noted that it is not an unfunded mandate. She pointed to language on page 4, line 17, of HB 256, regarding the addition of a second year in which to "loop" officers into training, which would benefit the officers and communities without adding fiscal impact. She clarified that those officer are going to be hired anyhow and simply would get training provided by the state "in a way that we have capacity to provide."

[9:09:57 AM](#)

CO-CHAIR HANNAN asked whether DPS or the Department of Corrections (DOC) has official positions on HB 256.

[9:10:16 AM](#)

MS. HOWELL answered that although [DPS] holds no official position on HB 256, it "supports any efforts that increase transparency and improve public trust with their law enforcement officers."

[HB 256 was held over.]

HB 309-APOC; CAMPAIGN CONTRIBUTIONS/REPORTING

[9:10:43 AM](#)

CO-CHAIR SCHRAGE announced that the final order of business would be HOUSE BILL NO. 309, "An Act exempting candidates for municipal office and municipal office holders in municipalities with a population of 15,000 or less from financial or business interest reporting requirements; relating to campaign finance reporting by certain groups; and providing for an effective date." [Before the committee, adopted on 3/3/22 as a working

document, was the proposed committee substitute (CS) for HB 309, Version 320LS0540\G, Bullard, 2/24/22 ("Version G").]

[9:10:54 AM](#)

CO-CHAIR SCHRAGE opened public testimony on HB 309.

[9:11:07 AM](#)

JOHN HANDELAND, Mayor, City of Nome, testified in support of HB 256. He gave his background as a public official, having served 7 terms as mayor. He observed that the reporting requirement of the Alaska Public Offices Commission (APOC) seems to deter some people from running for public office. He talked about familiarity when living in small communities, and about disclosure and the issue of confidentiality. He questioned the extension of the effective date, and he suggested July 1, 2022, as an appropriate effective date.

[9:16:10 AM](#)

CO-CHAIR SCHRAGE, after ascertaining there was no one else who wished to testify, closed public testimony on HB 309.

[HB 309 was held over.]

[9:16:38 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:16 a.m.