

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 15, 2022

8:03 a.m.

MEMBERS PRESENT

Representative Sara Hannan, Co-Chair
Representative Calvin Schrage, Co-Chair
Representative Josiah Patkotak, Vice Chair
Representative Harriet Drummond
Representative Mike Prax
Representative Ken McCarty
Representative Kevin McCabe

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 298

"An Act establishing the Alaska Food Strategy Task Force; and providing for an effective date."

- HEARD & HELD

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

PREVIOUS COMMITTEE ACTION

BILL: HB 298

SHORT TITLE: ALASKA FOOD STRATEGY TASK FORCE

SPONSOR (s) : REPRESENTATIVE (s) SNYDER

02/04/22 (H) READ THE FIRST TIME - REFERRALS
02/04/22 (H) CRA
03/15/22 (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
03/08/22 (H) Heard & Held
03/08/22 (H) MINUTE (CRA)
03/15/22 (H) CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

REPRESENTATIVE LIZ SNYDER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 298.

ARIELLE WIGGIN, Staff
Representative Liz Snyder
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for HB 298 on behalf of Representative Snyder, prime sponsor.

REPRESENTATIVE GERAN TARR
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, offered an explanation of changes in the proposed committee substitute for HB 256 and answered questions.

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

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

KELLY GOODE, Deputy Commissioner
Department of Corrections
Anchorage, Alaska

POSITION STATEMENT: Offered information and answers to questions during the hearing on HB 256.

DON ETHERIDGE, representing self
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 256.

CRYSTAL BERWICK, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 256.

ACTION NARRATIVE

[8:03:48 AM](#)

CO-CHAIR SARA HANNAN called the House Community and Regional Affairs Standing Committee meeting to order at 8:03 a.m. Representatives McCabe, Prax, Patkotak, Drummond, Schrage, and Hannan were present at the call to order. Representative McCarty arrived as the meeting was in progress.

HB 298-ALASKA FOOD STRATEGY TASK FORCE

[8:04:38 AM](#)

CO-CHAIR HANNAN announced that the first order of business would be HOUSE BILL NO. 298, An Act establishing the Alaska Food Strategy Task Force; and providing for an effective date."

[8:05:10 AM](#)

REPRESENTATIVE LIZ SNYDER, Alaska State Legislature, as prime sponsor, presented HB 298. She shared her interest in the issue of food security. She talked about the unique challenges in Alaska, which imports approximately 95 percent of its commercial food at a cost of about \$2 billion annually. She said Alaska has the resources to grow its food-related sectors and move toward self-reliance. She said HB 298 would establish an Alaska Food Strategy Task Force that would present state policy, legislation, and implementation strategy recommendations in six integrated focus areas: 1) sustainably growing the agriculture industry; 2) sustainably growing markets for locally grown, locally harvested, and locally processed foods; 3) enhancing the climate for food and beverage businesses; 4) minimizing food

waste and diverting it from the waste stream; 5) improving connectivity, efficiencies, and outcomes in state-run programs affecting food availability and access; and 6) ensuring food security in rural and urban communities. She relayed that HB 298 was created in collaboration with stakeholders such as the Alaska Food Policy Council, the Alaska Farm Bureau, and the Food Bank of Alaska, whose feedback has been incorporated in the bill language. She spoke about the makeup of the Food Policy Council. She asked for support for the proposed legislation.

[8:13:20 AM](#)

ARIELLE WIGGIN, Staff, Representative Liz Snyder, Alaska State Legislature, presented the sectional analysis for HB 298 [available in the committee packet] on behalf of Representative Snyder, prime sponsor.

[8:16:02 AM](#)

REPRESENTATIVE SNYDER, in response to Representative McCabe, reviewed the makeup of the council. In response to a follow-up question, she noted that the council not only makes policy but also does fiscal sponsorship for other organizations, hosts a semi-annual conference, and engages in "a variety of other food-focused projects."

REPRESENTATIVE MCCABE expressed concern that the issue of transportation has not been addressed.

REPRESENTATIVE SNYDER responded that she agrees on the need to address infrastructure, and she said she would welcome an amendment to that effect.

[8:20:53 AM](#)

CO-CHAIR HANNAN recommended including logistics in an amendment addressing transportation.

[8:21:24 AM](#)

REPRESENTATIVE SNYDER, in response to Representative Prax, noted that in the committee packet, there is a letter of support from the Alaska Food Policy Council; the current members are listed in the lefthand column. In response to a follow-up question, she talked about the length of term of two years for the task force. She mentioned the Food Security and Independence Task Force created by the governor under Administrative Order 331,

whose final report will be due September 2022. She said HB 298 would expand the range of expertise provided under the governor's taskforce, including focus on infrastructure, workforce development, agriculture, food waste, urban and rural issues, and improving efficiencies between government agencies.

[8:27:18 AM](#)

REPRESENTATIVE MCCARTY suggested sharing use of large facilities already in existence.

REPRESENTATIVE SNYDER, in response to a question from Representative McCarty, said all the governing board members are volunteers; in the last year they have hired a part-time executive director. In response to further query, she indicated that response to recommendations of the task force can be from a combination of the legislature and non-legislative entities. She talked about fostering a healthy business environment so that those who want to support the local food economy can do so.

[8:31:29 AM](#)

REPRESENTATIVE DRUMMOND agreed about the importance of addressing transportation. She said she is glad to see the Commissioner of the Department of Education and Early Childhood Development will have a designee. She concurred with the idea of utilizing storage facilities already in existence.

[8:34:22 AM](#)

REPRESENTATIVE SNYDER, in response to Representative Prax, said she anticipated that the members of the task force would appreciate the importance of having infrastructure and a centralized database. She said she would welcome additional language in the bill to support this topic. In response to a follow-up question, she said her 10 years' experience working with stakeholders on food security issues has shown there is no lack of enthusiasm for the issue. She said she thinks those legislators serving on the tax force may be able to designate funds at their discretion, and there is a zero fiscal note from the Legislative Affairs Agency. She indicated support from the administration.

[8:38:23 AM](#)

REPRESENTATIVE SNYDER, in response to Co-Chair Hannan, said it may be true for many, but not all, on the task force that they

work in industries that would support their involvement on the task force.

[8:39:18 AM](#)

REPRESENTATIVE DRUMMOND directed attention to language on page 2, lines 5-11, which read:

(2) four members of the Alaska State Legislature appointed as follows:

(A) two members from the senate, appointed jointly by the president of the senate and speaker of the house of representatives;

(B) two members from the house of representatives, appointed jointly by the president of the senate and speaker of the house of representatives;

(C) at least one member from the minority caucus of the senate or house of representatives.

REPRESENTATIVE DRUMMOND noted that subparagraph (C) is written in a way that indicates a fifth legislative member, and she recommended the language be amended.

REPRESENTATIVE SNYDER agreed the language was unclear.

[8:40:50 AM](#)

REPRESENTATIVE MCCARTY pointed out that potentially there are three task forces: the Food Policy Council, the governor's task force, and the task force proposed under HB 298. He questioned how this might be streamlined to avoid the duplication of efforts and suggested a member of the other task forces could also serve on the one proposed under HB 298.

REPRESENTATIVE SNYDER responded that she does not think it "fair" to call the Food Policy Council a task force, and HB 298 proposes a narrow focus on "developing a statewide food strategy." She also noted that the proposed task force would pick up from where the administrative task force ends. The work could overlap, and that could be adjusted, she concluded.

[8:43:42 AM](#)

REPRESENTATIVE PATKOTAK said he would entertain the idea of putting money "behind this" so as not to "hamstring the process right out of the gate." He directed attention to language on page 2, lines 29-30, which read:

(8) two members from Alaska Native or intertribal organizations addressing 30 food sovereignty or Alaska tribal governments;

REPRESENTATIVE PATKOTAK asked the bill sponsor to speak to that language.

REPRESENTATIVE SNYDER replied that HB 298 was written with feedback from the Alaska Food Policy Council, including conversation with those members of the council that represent organizations with relationships with tribal governments and tribal organizations focused on rural areas of the state. She said she tried to be responsive to their input to ensure broad representation on the proposed task force.

REPRESENTATIVE PATKOTAK noted that he had recently addressed the Alaska Eskimo Whaling Commission. He said food sovereignty and food access come under the umbrella of food security, and he indicated that he may offer an amendment relating to consideration of a member of the commission sitting on the proposed task force.

[HB 298 was held over.]

HB 256-LAW ENFORCEMENT: REGISTRY; USE OF FORCE

[8:46:43 AM](#)

CO-CHAIR HANNAN announced that the final 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."

[8:47:05 AM](#)

CO-CHAIR SCHRAGE moved to adopt the proposed committee substitute (CS) for HB 256, Version 32-LS1341\B, Ambrose/Radford, 3/11/22, as a working document.

CO-CHAIR HANNAN objected for the purpose of discussion.

[8:47:33 AM](#)

REPRESENTATIVE GERAN TARR, Alaska State Legislature, as prime sponsor, addressed the changes to HB 256 proposed in the committee substitute, as outlined in the explanation of changes [included in the committee packet], which read as follows [original punctuation provided]:

Explanation of Changes

CS for HB 256 Ver: 32-LS1341\B

Following feedback from our partners, we have included several changes to HB 256:

- Section 7 in Version 32-LS1341\A, referring to DOC reporting use of force from probation officers, parole officers, or correctional officers to the FBI, is removed. All subsequent sections are renumbered in Version B.
- Section 8*: References to village public safety officers and regional public safety officers are removed.
- Section 9*: A reference to the Department of Corrections is removed.
- Section 12*: Increases the one-year compliance timeline to two years in order to allow for more training academy cycles.
- Section 13*: References to the Department of Corrections and correctional facilities are removed.

REPRESENTATIVE TARR mentioned the term "law enforcement official killed and assaulted" (LEOKA).

[8:49:57 AM](#)

REPRESENTATIVE TARR, in response to Representative Patkotak, reviewed that the Federal Bureau of Investigation (FBI) recently began collecting "use of force" data and has asked states to submit information. The proposed legislation would bring Alaska

in line with that process. She explained the reason some law enforcement was removed in Version B is because under LEOKA, law enforcement must have full arrest powers.

[8:52:03 AM](#)

REPRESENTATIVE MCCARTY directed attention to the term "prepared to use deadly force", on page 1, line 13, and he recalled it was suggested that as soon as the officer puts on the belt, he/she is prepared. He questioned the ambiguity of that phrase.

REPRESENTATIVE TARR deferred to Kelly Howell.

[8:54:12 AM](#)

KELLY HOWELL, Special Assistant to the Commissioner; Legislative Liaison, Office of the Commission, Department of Public Safety, noted that the bill language points to the definition of deadly force under AS 11.81.900(b)(16), and that statute gives examples. She pointed to where HB 256 references the statute, on page 3, line 1. In response to a follow-up question, she offered her understanding that information compiled would be added to overall aggregate data regarding use of force among law enforcement professionals.

[8:57:11 AM](#)

REPRESENTATIVE DRUMMOND highlighted use of "against a person" following "prepared to use deadly force" and said she didn't think putting on a holster before leaving home equals intent to use deadly force against a person at that point.

[8:58:00 AM](#)

REPRESENTATIVE MCCABE talked about "color codes" related to carrying a weapon. He opined that a cop is always prepared to use deadly force. He maintained that the question is different and appears not to include the use of a taser, for example.

[8:59:30 AM](#)

MS. HOWELL clarified that which would be reported under the FBI database. She said the use of force data collection program collects information related to where a fatality occurs, there is serious bodily injury, or - in the absence of both those - when a firearm is discharged by an officer "at or in the direction of a person." Further, there is a definition of

"serious bodily injury," which is under U.S. Code. She stated that in context with HB 256, the mention of deadly force in Section 1 is in relation to a law enforcement officer reporting to a supervisor when the officer has observed another officer using or preparing to use deadly force against a person, "and then there's the information that's required to be reported out to the FBI for the use of force data collection effort." In response to a clarification of the question, she said there is a definition of "dangerous instrument" in statute, and she offered his understanding that "use of force" includes using a taser against someone.

[9:02:14 AM](#)

REPRESENTATIVE PATKOTAK asked Ms. Howell to speak to Section 5 as it relates to Village Public Safety Officers (VPSOs).

MS. HOWELL offered her understanding that the language to which Representative Patkotak referred was a conforming amendment based on what is being added in Section 1 related to training. She said HB 256 would complement other bills currently circulating to address the issue of VPSOs because it refers back to the training standards under the Alaska Police Standards Council (APSC).

[9:04:06 AM](#)

CO-CHAIR HANNAN removed her objection to the motion to adopt the proposed committee substitute (CS) for HB 256, Version 32-LS1341\B, Ambrose/Radford, 3/11/22, as a working document. There being no further objection, Version B was before the committee.

[9:04:50 AM](#)

REPRESENTATIVE TARR, in response to a question from Representative Patkotak regarding municipal correction employees and mandates that they shall meet certain requirements, directed attention to page 4, to language regarding transition employment, and she mentioned the academy where municipal officers can receive training and the change from one year to two in order to give two full academy cycles to get all employees certified. This works out so that there is no fiscal note.

[9:07:37 AM](#)

KELLY GOODE, Deputy Commissioner, Department of Corrections, highlighted the use of the word "shall" and said the mandate "will have small implications," because the majority of communities currently have municipal officers attending the academy, including those in the North Slope Bureau. In response to a question from Co-Chair Hannan, she identified the two municipalities whose officers who currently get training, but not at the academy, as Bristol Bay and Craig, Alaska.

[9:08:46 AM](#)

MS. GOODE, in response to Representative Prax, confirmed there are no new training requirements, just that they get the training of 120 hours, and the fiscal note will remain at zero. In response to a follow-up question, she explained that these communities get funding from the state for their jails, and they already have to train. She reiterated that the training dollars would be used for the academy. The department does not anticipate it will be a hardship for any of the communities.

REPRESENTATIVE TARR, in response to another question from Representative Prax as to whether the same would apply to municipal police departments that may not run a jail, stated that "all of the individuals would already be required to go through the academy for certification" prior to being able to serve, and that would not change. To another question, she explained that there are seven bills that are part of a package from Senator Gray-Jackson, and Representative Tarr said she created companion bills. She advised that HB 256 is limited to use of force reporting.

[9:14:19 AM](#)

CO-CHAIR HANNAN opened public testimony on HB 256, Version B.

[9:14:52 AM](#)

DON ETHERIDGE, representing self, testified that the various pieces of related legislation are tying the hands of law enforcement officers rather than giving them more strength to put those in jail that are breaking the law. He talked about the numerous robberies in his neighborhood prior to a volunteer neighborhood patrol. He encouraged giving support to law enforcement, not giving them more paperwork and regulations.

[9:19:14 AM](#)

REPRESENTATIVE DRUMMOND spoke about her experience with a neighborhood watch.

MR. ETHERIDGE shared his methods for watching his neighborhood.

[9:23:03 AM](#)

CRYSTAL BERWICK, representing self, testified in support of HB 256, stating that she is disturbed that "this is not already done." She expressed the need for consistent policies and the importance of recording use of force.

[9:25:00 AM](#)

CO-CHAIR HANNAN, after ascertaining there was no one else who wished to testify, closed public testimony on HB 256, Version B.

[9:25:20 AM](#)

REPRESENTATIVE PRAX suggested that it would be good to have input from local police agencies regarding HB 256, as well as to identify "more specific problems, targets, that we're trying to resolve."

[9:25:59 AM](#)

REPRESENTATIVE MCCARTY concurred. He said this situation is not unique to Alaska. He spoke about reporting requirements preventing law enforcement officers from being able to be out patrolling. He talked about "community patrols" keeping communities safe. He expressed appreciation for the neighborhood watch in his own neighborhood.

[9:28:57 AM](#)

CO-CHAIR HANNAN announced that HB 256 was held over.

[The committee discussed the issue of notification and advanced notice for bill hearings.]

[9:36:53 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:37 a.m.