

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 2, 2021

3:01 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Geran Tarr
Representative Andi Story
Representative Matt Claman
Representative Sarah Vance
Representative James Kaufman
Representative David Eastman

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 3

"An Act relating to the definition of 'disaster.'"

- MOVED CSHB 3(STA) OUT OF COMMITTEE

HOUSE BILL NO. 18

"An Act relating to national board certification for public school teachers."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 3

SHORT TITLE: DEFINITION OF "DISASTER": CYBERSECURITY

SPONSOR(s): REPRESENTATIVE(s) JOHNSON

02/18/21	(H)	PREFILE RELEASED 1/8/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, JUD
02/23/21	(H)	STA AT 3:00 PM GRUENBERG 120
02/23/21	(H)	Heard & Held
02/23/21	(H)	MINUTE(STA)
03/02/21	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 18

SHORT TITLE: TEACHERS: NATIONAL BOARD CERTIFICATION
SPONSOR(s): REPRESENTATIVE(s) KREISS-TOMKINS

02/18/21	(H)	PREFILE RELEASED 1/8/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, EDC
02/25/21	(H)	STA AT 3:00 PM GRUENBERG 120
02/25/21	(H)	-- MEETING CANCELED --
03/02/21	(H)	STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

KATIE BOTZ

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 3.

REPRESENTATIVE DELENA JOHNSON

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As prime sponsor, answered questions pertaining to HB 3.

ERICK CORDERO, Staff

Representative DeLena Johnson

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Answered questions pertaining to HB 3, on behalf of Representative Johnson, prime sponsor.

NORM WOOTEN, Director of Advocacy

Association of Alaska School Boards

Juneau, Alaska

POSITION STATEMENT: Provided a PowerPoint presentation, titled "HB 18 - Teachers: National Board Certification," dated 2/25/21.

LISA PARADY, PhD, Executive Director

Alaska Council of School Administrators

Juneau, Alaska

POSITION STATEMENT: Answered questions pertaining to HB 18.

ACTION NARRATIVE

[3:01:32 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:01 p.m. Representatives Story, Claman, Kaufman, Tarr, Vance, and Kreiss-

Tomkins were present at the call to order. Representative Eastman arrived as the meeting was in progress.

HB 3-DEFINITION OF "DISASTER": CYBERSECURITY

[3:02:31 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 3, "An Act relating to the definition of 'disaster.'"

REPRESENTATIVE KREISS-TOMKINS opened public testimony on HB 3.

[3:03:24 PM](#)

KATIE BOTZ testified in support of HB 3. She opined that all Alaskan government entities need to be aware of cybersecurity, especially now, in 2021. She relayed that there have been many global cases that involved hacking government agencies and encouraged the protection of Alaska's government. She claimed that it is "extremely easy to hack into the internet these days." She suggested all government agencies install a virtual private network (VPN) to help protect and secure their networks from being hacked. She alleged that the Bill Action & Status Inquiry System (BASIS) and the Division of Motor Vehicles (DMV) are not secure and accordingly, expressed her concern. She expressed interest in finding ways to help Alaska and offered her insight going forward.

CHAIR KREISS-TOMKINS, after ascertaining that no one else wished to testify, closed public testimony on HB 3.

CHAIR KREISS-TIMKINS announced the committee would entertain amendments.

[3:07:09 PM](#)

REPRESENTATIVE CLAMAN moved to adopt Amendment 1 to HB 3, labeled 32-LS0041\A.2, Dunmire, 3/1/21, which read:

Page 2, line 27, following "**affected;**":
Insert **"in this subparagraph, "critical infrastructure" has the meaning given in 42 U.S.C. 5195c(e);"**

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[3:07:31 PM](#)

REPRESENTATIVE CLAMAN informed the committee that Amendment 1 provides a reference to the United States Code for the definition of "critical infrastructure." He opposed creating a definition that would require amending if the federal definition were to change, as the bill relies on the federal disaster declaration definitions instead of state definitions. He explained that Amendment 1 references Section 42 U.S.C.5195c(e), which provides the foundation for definitions of "critical infrastructure" in the supporting documents. Furthermore, he offered his belief that it allows the federal government flexibility through regulations, to both expand and contract the definition of "critical infrastructure" within the meaning of this portion of the U.S. Code.

[3:08:38 PM](#)

REPRESENTATIVE KAUFMAN observed that the U.S. Code references interstate networks and sought to clarify whether the definition is inclusive of intrastate networks before proceeding.

REPRESENTATIVE CLAMAN pointed out that "inter" and "intra" sound similar and asked Representative Kaufman to indicate which he was referring to.

[3:09:24 PM](#)

REPRESENTATIVE CLAMAN, after further clarification from Representative Kaufman, offered his understanding that neither interstate nor intrastate are mentioned in the U.S. Code definition. Nonetheless, he acknowledged that as a matter of commerce clause control, the federal government does not have the capacity to regulate "intrastate," further noting that there would be a commerce clause issue if the federal statute pretended to control activities strictly within Alaska. He maintained that the definition primarily describes the facilities, which wouldn't have much impact in Alaska as the state does not have many interstate infrastructures that crosses borders.

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REPRESENTATIVE EASTMAN offered his observation that the federal definition is limiting because it does not encapsulate things that are vital and critical to Alaska. He suggested using the federal definition and replacing the language "so vital to the

United States" with "so vital to the State of Alaska", which would capture a broader aspect of critical items in Alaska that wouldn't otherwise be captured under the federal code.

REPRESENTATIVE STORY opined that using the federal definition as it's currently written would include states that Alaska does business with, such as [Washington], and therefore would be all-inclusive. Consequently, she expressed her support for Amendment 1.

REPRESENTATIVE KAUFMAN suggested getting a [legal] opinion on [Amendment 1].

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REPRESENTATIVE TARR expressed concern with the federal definition because there could be a cyber attack on infrastructure in Alaska that would be critical to the state but would not rise to the level of importance to be considered critical infrastructure to the United States. She added, for example, that network outages in Wasilla would not be considered critical infrastructure to the United States. She maintained that the definition should be clarified to reflect Alaska-based assets that are critical to the state.

CHAIR KREISS-TOMKINS asked if this section of U.S. Code lists the types of infrastructure assets that are included.

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REPRESENTATIVE CLAMAN replied that the U.S. Code does not have that, later adding that the definition is fairly broad. He noted that there is nothing in the federal definition that specifies "interstate." He said under the definition, something can be within the state and considered critical infrastructure, such as the Trans-Alaska Pipeline System, which is a transportation structure that if placed in cybersecurity risk, would be considered critical infrastructure despite never leaving the state. He offered his belief that the identified risks are not the concern, adding that the primary point is to provide a framework to reference.

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REPRESENTATIVE EASTMAN said he would like to think that the "boots on the ground" would be able to make judgement calls regarding what constitutes critical infrastructure; however, he

recalled testimony from the previous hearing, which highlighted a failed attempt to progress through the disaster declaration process to conclusion because the statutory language didn't allow it. He maintained that the language "vital to the United States" could cause a borough attorney to object for the same reasons, in which case, the legislature would be in the same position two years from now.

[3:18:14 PM](#)

CHAIR KREISS-TOMKINS opined that it might be "half a dozen of one, six of the other," as the broad intent of the legislation is clear. He shared his belief that this definition probably adds more clarity than otherwise.

CHAIR KREISS-TOMKINS removed his objection to the adoption of Amendment 1. He asked if there was further objection.

[3:18:48 PM](#)

REPRESENTATIVE EASTMAN objected.

[3:18:52 PM](#)

The committee took a brief at-ease at 3:18 p.m.

[3:19:32 PM](#)

RREPRESENTATIVE CLAMAN asked for the bill sponsor's stance on Amendment 1.

[3:19:39 PM](#)

REPRESENTATIVE DELENA JOHNSON, Alaska State Legislature, prime sponsor of HB 3, said she is "fine" with Amendment 1. She offered her understanding that the rest of the [Alaska Disaster] Act still leaves the responsibility of defining critical infrastructure to the Department of Military & Veterans' Affairs (DMVA) and does not exclude "intrastate".

[3:20:16 PM](#)

REPRESENTATIVE EASTMAN maintained his objection.

[3:20:24 PM](#)

A roll call vote was taken. Representatives Story, Claman, and Kreiss-Tomkins voted in favor of the adoption of Amendment 1. Representatives Tarr, Vance, Kaufman, and Eastman voted against it. Therefore, Amendment 1 failed by a vote of 3-4.

[3:21:20 PM](#)

REPRESENTATIVE CLAMAN moved to adopt Amendment 2 to HB 3, labeled 32-LS0041\A.3, Dunmire, 3/2/21, which read:

Page 2, line 18, following the second occurrence of "state":

Insert "or a political subdivision of the state"

Page 2, line 20, following "state":

Insert "or a political subdivision of the state"

Page 2, line 26, following "state":

Insert "or a political subdivision of the state"

Page 2, line 27, following "state":

Insert "or a political subdivision of the state"

CHAIR KREISS-TOMKINS objected for the purpose of discussion. He informed the committee that Amendment 2 was drafted in consultation with the bill sponsor and the Alaska Municipal League (AML) to provide additional clarity on what entities can request a disaster declaration - namely cities and municipalities. He directed attention to a letter from AML [included in the committee packet], which provided additional context.

[3:22:12 PM](#)

REPRESENTATIVE EASTMAN reflected on flooding that occurred in his district [District 10], which qualified as a disaster in the borough but not the state. He asked if Amendment 2 indicates that a disaster on the political subdivision level would also qualify as a state disaster.

CHAIR KREISS-TOMKINS sought further clarification from Representative Eastman.

REPRESENTATIVE EASTMAN asked if Amendment 2, by replacing the word "state" with "political subdivision of the state," indicates that a political-subdivision-level disaster would

qualify as a state disaster. He offered his understanding that currently, there is a distinction between the two.

[3:24:27 PM](#)

CHAIR KREISS-TOMKINS pointed out that the landslide in Haines, which affected Haines only, rose to the level that by the governor's discretion, qualified as a state-level disaster. He added that apparently, after reviewing the facts of the flooding in [District 10], the governor found that the incident did not reach that level. Nonetheless, both instances were local incidents that did not have statewide implications.

REPRESENTATIVE VANCE, in response to Representative Eastman, noted that the language in Amendment 2 inserts "or a political subdivision of the state" after the occurrence of "state" rather than replacing the word "state". She asked if Representative Eastman shared the same understanding.

REPRESENTATIVE EASTMAN answered yes. He offered his understanding that adding "or a political subdivision of the state" creates an either/or [provision].

[3:26:01 PM](#)

CHAIR KREISS-TOMKINS explained that as it's currently written, the bill would allow for some ambiguity on whether the Matanuska-Susitna (Mat-Su) Borough, because it's not state government, could request a disaster, whereas Amendment 2 clarifies that municipal governments are eligible to request a disaster [declaration]; however, it doesn't guarantee that the request would be granted.

REPRESENTATIVE JOHNSON noted that all cities are considered political subdivisions. She explained that not all municipal disasters rise to the level of a state disaster; regardless, sometimes the state intervenes to allow a city that experienced a specific disaster to the area to acquire federal funding, which speaks to the intent of Amendment 2.

[3:27:51 PM](#)

REPRESENTATIVE EASTMAN expressed his support for the amendment and indicated his intent to put forward a conceptual amendment if Amendment 2 is adopted.

[3:28:30 PM](#)

CHAIR KREISS-TOMKINS removed his objection. There being no further objection, Amendment 2 was adopted.

[3:28:47 PM](#)

REPRESENTATIVE EASTMAN, referencing page 2, expressed concern that the bill, as amended, is too broad.

REPRESENTATIVE EASTMAN moved to adopt Conceptual Amendment [3], which would remove the "vulnerability component" to maintain focus on attacks that have occurred or are about to occur. He remarked:

The conceptual amendment would be to limit the scope to those attacks that have happened or are about to happen and would remove the vulnerabilities from triggering a disaster before anything bad has actually happened.

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CHAIR KREISS-TOMKINS objected for the purpose of discussion. Broadly speaking on behalf of DMVA and the governor's discretion, he said, they do not declare disasters "willy nilly." He pointed out that thus far, there has been a lot of discretion and restraint exercised on the issuance of disaster declarations. Regarding cybersecurity vulnerabilities, he opined that having all-available resources and flexibility would be conceptually advantageous, even if nothing has happened yet.

REPRESENTATIVE JOHNSON relayed that if a large, widespread vulnerability were identified, a disaster could be declared, and funding could be sought. She acknowledged the concern of being overly broad and deferred to her staff, Mr. Cordero, to address that concern.

[3:32:36 PM](#)

ERICK CORDERO, Staff, Representative DeLena Johnson, Alaska State Legislature, on behalf of Representative Johnson, prime sponsor of HB 3, [as amended], explained that vulnerabilities are taken into account when considering resources for the solution. He informed the committee that vulnerabilities are the foundation of attacks and targeted by state actors, which is why they are important to include in the bill.

REPRESENTATIVE KAUFMAN related that a known vulnerability would need to be fixed and responded to. He said that sounds like an important utility.

[3:34:08 PM](#)

REPRESENTATIVE VANCE expressed her concern that declaring a vulnerability-based disaster would signify that Alaska is vulnerable. However, she recalled from previous testimony that in part, defining a vulnerability dictates how many people can work the issue in a quick amount of time. She opined that part of the hurdle is understanding the definition of "vulnerability" in regard to cybersecurity. Ultimately, the more technicians, the sooner the vulnerability is over, she stated. Therefore, she said she is comfortable with keeping the word "vulnerability."

[3:35:48 PM](#)

REPRESENTATIVE EASTMAN maintained his support for Conceptual Amendment [3], stating that this legislation is not only speaking to a known cybersecurity vulnerability that has already been identified but also a cybersecurity vulnerability that has yet to occur. He shared his understanding that the bill as it's currently written, would allow a political subdivision that may encounter a vulnerability in the future, to potentially qualify for a state disaster. He opined that the broadened bill language could allow Alaska to be in a perpetual state of disaster, which Conceptual Amendment [3] attempts to avoid.

[3:37:34 PM](#)

A roll call vote was taken. Representative Eastman voted in favor of the adoption of Conceptual Amendment [3]. Representatives Tarr, Story, Claman, Vance, Kaufman, and Kreiss-Tomkins voted against it. Therefore, Conceptual Amendment [3] failed by a vote of 1-5.

[3:38:49 PM](#)

REPRESENTATIVE KAUFMAN questioned whether the committee could set the bill aside to allow time to obtain an opinion from Legislative Legal Services.

[3:39:18 PM](#)

The committee took a brief at-ease at 3:39 p.m.

[3:39:54 PM](#)

CHAIR KREISS-TOMKINS acknowledged that bookmarking the bill is worth further consideration.

[3:40:09 PM](#)

REPRESENTATIVE CLAMAN opined that HB 3, as amended, is a good bill, which he looks forward to hearing in the House Judiciary Standing Committee. He added that he would consider co-sponsoring the legislation.

REPRESENTATIVE STORY shared her belief that HB 3, as amended, is a good bill. She opined that the State Affairs Committee should consider what protections Alaska has to prevent [cybersecurity attacks] from happening.

REPRESENTATIVE EASTMAN said he supports the concept of adding cybersecurity into statute; however, he indicated his objection to reporting HB 3, as amended, out of committee in its current form.

[3:41:02 PM](#)

REPRESENTATIVE CLAMAN moved to report HB 3, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE EASTMAN objected.

[3:41:31 PM](#)

A roll call vote was taken. Representatives Kaufman, Tarr, Story, Claman, Vance, and Kreiss-Tomkins voted in favor of reporting HB 3, as amended, out of committee. Representative Eastman voted against it. Therefore, CSHB 3(STA) was reported out of the House State Affairs Standing Committee by a vote of 5-1.

HB 18-TEACHERS: NATIONAL BOARD CERTIFICATION

[3:42:34 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 18, "An Act relating to national board certification for public school teachers."

3:43:50 PM

NORM WOOTEN, Director of Advocacy, Association of Alaska School Boards (AASB), gave a PowerPoint presentation [hard copy included in the committee packet], titled "HB 18 - Teachers: National Board Certification." He directed attention to slide 2, highlighting AASB's mission to assist school boards in providing quality education to students. Slide 3 featured one of AASB Board of Director's five goals and read as follows [original punctuation provided]:

Support school boards and districts to collaborate and implement creative solutions to deliver personalized learning and prepare Alaska's children and youth for their future.

MR. WOOTEN explained that AASB's delegate assembly meets in November to pass resolutions, which are submitted by boards and debated on the floor. He noted that long-standing resolutions that become foundational elements of public education take on additional emphasis as "belief statements." He continued to slide 4, which reviewed AASB Belief Statement B.20, "Quality Staff Improves Student Learning." He specified that high-quality, highly motivated, culturally responsive, and innovative teachers, administrators, and other staff are essential for successful student learning. Slide 5 underscored AASB Belief Statement B.22, "Educational Improvement." He said AASB believes "that professional standards should include the highest standards of professionalism." Slide 6 detailed AASB Resolution 4.1, "Supports for Staff Development," which read as follows [original punctuation provided]:

AASB supports funded opportunities and sufficient resources for quality and relevant staff preparation and demonstrably effective continuing development in both urban and rural settings for those educating Alaska's public school students. This includes, but is not limited to:

Professional development for teachers to implement the Alaska State Standards

Pre-service: State training programs through postsecondary and other institutions;

Expanding Department of Education & Early Development packaged training programs for all school districts to use in providing consistent mandated training to employees and in meeting the requirements of the Elementary and Secondary Education Act;

Developing resources to allow the sharing and implementation of best educational practices;

Quality in service programs at the local district level;

Necessary training for paraprofessionals and special needs educators.

Promote local mentors to foster the enculturation of teachers and administrators.

Cultural orientation and ongoing training in local language, culture and history.

[3:46:54 PM](#)

MR WOOTEN turned attention to slide 7, which highlighted AASB Resolution 5.23, "Supporting Innovation and Collaboration to Improve Student Achievement for all Alaskan Students." He explained that AASB Resolution 5.23 focuses on ensuring that quality teachers are teaching Alaska's students. Slide 8 outlined the significance of AASB's foundational documents, emphasizing the impact that teachers have on student outcome. Slide 9 circled back to national board certification, noting that NBC teaches and promotes classroom creativity; requires continual self-evaluation/self-improvement; builds leadership within classrooms, school buildings, and school districts; emphasizes that improving instruction "equals" increased student achievement. Slide 10 indicated that with a focus on student achievement, AASB's mission aligns with that of NBC. He concluded by reiterating AASB's strong support for the bill.

[3:49:28 PM](#)

REPRESENTATIVE VANCE asked what percentage of Alaska teachers currently hold a national certification.

MR. WOOTEN offered to follow up with the requested information.

CHAIR KREISS-TOMKINS, in response to Representative Vance, proffered that it's around 1 percent.

[3:50:11 PM](#)

LISA PARADY, PhD, Executive Director, Alaska Council of School Administrators (ACSA), clarified that as of 2019, Alaska ranked twenty-fifth with 2.57 percent of Alaska teachers recognized with national board certification. She conveyed that ACSA believes a goal of 4 percent is ambitious but appropriate to encourage teachers to pursue certification.

[3:50:59 PM](#)

REPRESENTATIVE STORY inquired about the cost of obtaining national board certification and asked how long it takes.

MR. WOOTEN replied about \$1,700.

REPRESENTATIVE STORY questioned how long the process takes.

MR. WOOTEN recalled that there is a two-year time limit.

[3:52:10 PM](#)

REPRESENTATIVE STORY asked whether the cost of certification is covered by school districts or the teachers.

MR. WOOTEN said he does not know.

[3:53:08 PM](#)

CHAIR KREISS-TOMKINS announced that HB 18 was held over.

[3:53:39 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 3:53 p.m.