

**ALASKA STATE LEGISLATURE**  
**HOUSE STATE AFFAIRS STANDING COMMITTEE**

April 16, 2022

10:06 a.m.

**MEMBERS PRESENT**

Representative Jonathan Kreiss-Tomkins, Chair  
Representative Matt Claman, Vice Chair  
Representative Geran Tarr  
Representative Andi Story  
Representative Sarah Vance (via teleconference)  
Representative James Kaufman (via teleconference)  
Representative David Eastman

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S):

State Board of Parole

Richard "Ole" Larson - Wasilla

- CONFIRMATION(S) ADVANCED

CS FOR SENATE BILL NO. 182 (JUD)

"An Act establishing the crime of interference with emergency communications."

- HEARD & HELD

HOUSE BILL NO. 316

"An Act providing for a standardized improvement tracking system for state agencies."

- 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

CS FOR SENATE BILL NO. 156(HSS)

"An Act relating to COVID-19 immunization rights; relating to objection to the administration of a COVID-19 vaccine; relating to COVID-19 vaccination status and eligibility for health care insurance; and providing for an effective date."

- HEARD & HELD

#### **PREVIOUS COMMITTEE ACTION**

BILL: SB 182

SHORT TITLE: INTERFERENCE WITH EMERGENCY SERVICES

SPONSOR(S): SENATOR(S) WILSON

02/08/22	(S)	READ THE FIRST TIME - REFERRALS
02/08/22	(S)	JUD
02/16/22	(S)	JUD AT 1:30 PM BUTROVICH 205
02/16/22	(S)	Heard & Held
02/16/22	(S)	MINUTE(JUD)
02/25/22	(S)	JUD AT 1:30 PM BUTROVICH 205
02/25/22	(S)	Heard & Held
02/25/22	(S)	MINUTE(JUD)
02/28/22	(S)	JUD AT 1:30 PM BUTROVICH 205
02/28/22	(S)	<Bill Hearing Rescheduled to 03/02/22>
03/02/22	(S)	JUD AT 1:30 PM BUTROVICH 205
03/02/22	(S)	Moved CSSB 182(JUD) Out of Committee
03/02/22	(S)	MINUTE(JUD)
03/04/22	(S)	JUD RPT CS 3DP 2NR SAME TITLE
03/04/22	(S)	DP: HOLLAND, MYERS, HUGHES
03/04/22	(S)	NR: SHOWER, KIEHL
03/04/22	(S)	JUD AT 1:30 PM BUTROVICH 205
03/04/22	(S)	<Bill Hearing Canceled>
03/09/22	(S)	TRANSMITTED TO (H)
03/09/22	(S)	VERSION: CSSB 182(JUD)
03/14/22	(H)	READ THE FIRST TIME - REFERRALS
03/14/22	(H)	STA, JUD

04/12/22 (H) STA AT 3:00 PM GRUENBERG 120  
04/12/22 (H) Heard & Held  
04/12/22 (H) MINUTE(STA)  
04/16/22 (H) STA AT 10:00 AM GRUENBERG 120

BILL: HB 316

SHORT TITLE: STANDARDIZED IMPROVEMENT TRACKING SYSTEM  
SPONSOR(S): REPRESENTATIVE(S) KAUFMAN

02/11/22 (H) READ THE FIRST TIME - REFERRALS  
02/11/22 (H) STA, FIN  
03/15/22 (H) STA AT 3:00 PM GRUENBERG 120  
03/15/22 (H) Heard & Held  
03/15/22 (H) MINUTE(STA)  
04/16/22 (H) STA AT 10:00 AM GRUENBERG 120

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  
03/15/22 (H) Heard & Held  
03/15/22 (H) MINUTE(CRA)  
03/17/22 (H) CRA AT 8:00 AM BARNES 124  
03/17/22 (H) Moved CSHB 256(CRA) Out of Committee  
03/17/22 (H) MINUTE(CRA)  
03/18/22 (H) CRA RPT CS(CRA) NEW TITLE 3DP 2NR  
03/18/22 (H) DP: DRUMMOND, SCHRAGE, HANNAN  
03/18/22 (H) NR: MCCARTY, MCCABE  
04/16/22 (H) STA AT 10:00 AM GRUENBERG 120

BILL: SB 156

SHORT TITLE: PROHIBIT COVID-19 VACCINE DISCRIMINATION  
SPONSOR(S): SENATOR(S) REINBOLD

01/18/22 (S) PREFILE RELEASED 1/7/22  
01/18/22 (S) READ THE FIRST TIME - REFERRALS  
01/18/22 (S) STA, HSS  
02/03/22 (S) STA AT 3:30 PM BUTROVICH 205  
02/03/22 (S) Heard & Held  
02/03/22 (S) MINUTE(STA)

02/08/22 (S) STA AT 3:30 PM BUTROVICH 205  
02/08/22 (S) Heard & Held  
02/08/22 (S) MINUTE(STA)  
02/10/22 (S) STA AT 3:30 PM BUTROVICH 205  
02/10/22 (S) Moved SB 156 Out of Committee  
02/10/22 (S) MINUTE(STA)  
02/11/22 (S) STA RPT 2DP 1AM  
02/11/22 (S) DP: SHOWER, REINBOLD  
02/11/22 (S) AM: HOLLAND  
03/01/22 (S) HSS AT 1:30 PM BUTROVICH 205  
03/01/22 (S) Heard & Held  
03/01/22 (S) MINUTE(HSS)  
03/08/22 (S) HSS AT 1:30 PM BUTROVICH 205  
03/08/22 (S) Moved CSSB 156(HSS) Out of Committee  
03/08/22 (S) MINUTE(HSS)  
03/09/22 (S) HSS RPT CS 3DP 1NR NEW TITLE  
03/09/22 (S) DP: WILSON, REINBOLD, HUGHES  
03/09/22 (S) NR: BEGICH  
03/16/22 (S) TRANSMITTED TO (H)  
03/16/22 (S) VERSION: CSSB 156(HSS)  
03/18/22 (H) READ THE FIRST TIME - REFERRALS  
03/18/22 (H) STA, HSS  
04/16/22 (H) STA AT 10:00 AM GRUENBERG 120

**WITNESS REGISTER**

RICHARD "OLE" LARSON, Appointee  
State Board of Parole  
Wasilla, Alaska

**POSITION STATEMENT:** Testified as appointee to the State Board of Parole.

SENATOR DAVID WILSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on CSSB 182(JUD), as the prime sponsor.

JASMIN MARTIN, Staff  
Senator David Wilson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on CSSB 182(JUD), on behalf of Senator Wilson, prime sponsor.

JACOB BUTCHER, Communications Manager  
Mat-Com Dispatch

Wasilla, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on CSSB 182(JUD).

KACI SCHROEDER, Assistant Attorney General

Criminal Division

Department of Law

Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on CSSB 182(JUD).

HILLARY PALMER

Wasilla, Alaska

**POSITION STATEMENT:** Testified in support of SB 182.

MARK PEARSON, President

Alaska Peace Officers Association

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 182.

MATTHEW HARVEY, Staff

Representative James Kaufman

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Provided an explanation of changes in the proposed CS, Version B, for HB 316, on behalf of Representative Kaufman, prime sponsor.

KELLY HOWELL, Special Assistant

Office of the Commissioner

Department of Public Safety

Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on CSHB 256(CRA).

LISA PURINTON, Chief

Criminal Records and Identification Bureau

Division of Statewide Services

Department of Public Safety

Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on CSHB 256(CRA).

KELLY GOODE, Deputy Commissioner

Department of Corrections

Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on CSHB 256(CRA).

SENATOR LORA REINBOLD  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced CSSB 156(HSS), as the prime sponsor.

KELLI TOTH, Staff  
Senator Lora Reinbold  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented a sectional analysis of CSSB 156(HSS), on behalf of Senator Reinbold, prime sponsor.

RICHARD URSO, PhD  
Houston, Texas

**POSITION STATEMENT:** Provided invited testimony during the hearing on CSSB 156(HSS).

RYAN COLE, PhD  
Boise, Idaho

**POSITION STATEMENT:** Provided invited testimony during the hearing on CSSB 156(HSS).

## **ACTION NARRATIVE**

[10:06:30 AM](#)

**CHAIR JONATHAN KREISS-TOMKINS** called the House State Affairs Standing Committee meeting to order at 10:06 a.m. Representatives Story, Eastman, Tarr, Vance (via teleconference), and Kreiss-Tomkins were present at the call to order. Representatives Claman (via teleconference) and Kaufman (via teleconference) arrived as the meeting was in progress.

### **State Board of Parole**

[10:08:22 AM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be a confirmation hearing.

[10:08:32 AM](#)

RICHARD "OLE" LARSON, Appointee, State Board of Parole, provided a summary of his professional history, which entailed nearly three decades of work for various facilities within the Department of Corrections (DOC). He shared that he was elected to the Matanuska-Susitna Borough School Board in 2008, to which he still served today on his fifth three-year term. In 2010, he was appointed to the State Board of Parole where he served two five-year terms. In 2020, he said, he joined the Nakamoto Group, a contracting company that hired correctional professionals to work in the U.S. Immigration and Customs Enforcement (ICE) detention facilities "to ensure compliance with performance-based national detention standards." He said he had the time and the desire to serve on the State Board of Parole and give back to Alaska.

[10:12:35 AM](#)

REPRESENTATIVE STORY inquired about Mr. Larson's time on the State Board of Parole and how he typically adjudicated individuals who came before the board.

MR. LARSON recalled that files, which contained information on the candidates for parole, were typically received 7-10 days before convening. He said he often looked at a person's education, family history, completed programming, and disciplinary actions. Additionally, victims' letters and letters of support were considered.

REPRESENTATIVE STORY asked whether the board received recommendations from DOC regarding parole decisions.

MR. LARSON provided a detailed recollection of the parole hearing process. He noted that the parolees' files often included a recommendation letter from a probation officer.

[10:19:16 AM](#)

REPRESENTATIVE STORY asked whether Mr. Larson typically based his decisions on the probation officer's recommendation.

MR. LARSON answered yes, many decisions were based on the recommendation from the probation or parole officer; however, it was not the only factor taken into consideration. He stated that the severity of the crime weighed heavily on the decision-making process, as well as the individual's criminal history.

[10:22:04 AM](#)

REPRESENTATIVE CLAMAN sought to confirm that Mr. Larson was a new appointment; however, he had served on the State Board of Parole in years prior.

MR. LARSON confirmed that he had served two five-year terms from 2010-2020.

REPRESENTATIVE CLAMAN conveyed citizens' concerns that virtually no one was being granted discretionary parole. He asked how often discretionary parole was granted during Mr. Larson's time on the board.

MR. LARSON said the average rate for discretionary releases was between 40-45 percent during his 10 years on the board.

[10:26:56 AM](#)

CHAIR KREISS-TOMKINS inquired about the relative rate of recidivism and reoffenders in Alaska compared to other states.

MR. LARSON opined that education was a major issue and a contributing factor. He suggested that if Alaska's youth stayed in school and maintained a college or career technical education track, incarceration rates would be lower.

CHAIR KREISS-TOMKINS clarified his question, noting that he was particularly interested in re-offense and recidivism. He inquired about the rates of re-offense after being released into society and how Alaska compared to other states in that regard.

MR. LARSON opined that 20 percent of incarcerated individuals needed to stay incarcerated. He shared a personal anecdote.

CHAIR KREISS-TOMKINS sought to confirm that Mr. Larson had stated that 20 percent of the incarcerated population was irredeemable in terms of orientation towards crime; 60 percent had a potential for rehabilitation; and 20 percent was an aberration that would never be incarcerated again once released. He asked whether that was correct.

MR. LARSON answered yes, adding the 20 percent group deemed "irredeemable" still had hope.

[10:35:54 AM](#)

REPRESENTATIVE TARR inquired about adverse childhood experience and whether Mr. Larson had noticed any trends in terms of factors that landed kids in the juvenile justice system.

MR. LARSON believed that education was a key factor, especially for children with incarcerated parents or parents that struggled with substance abuse issues. He pointed out that schools were a safe haven for children with difficult home lives.

CHAIR KREISS-TOMKINS opened public testimony; after ascertaining that no one wished to testify, he closed public testimony.

[10:40:36 AM](#)

REPRESENTATIVE STORY moved to advance the confirmation of Richard "Ole" Larson, State Board of Parole, to the joint session of the House and Senate for consideration. She reminded members that signing the reports regarding appointment to boards and commissions in no way reflected individual members' approval or disapproval of the appointees, and that the nominations were merely forwarded to the full legislature for confirmation or rejection. There being no objection, the confirmation was advanced.

**SB 182-INTERFERENCE WITH EMERGENCY SERVICES**

[10:41:15 AM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be CS FOR SENATE BILL NO. 182(JUD), "An Act establishing the crime of interference with emergency communications."

[10:42:41 AM](#)

SENATOR DAVID WILSON, Alaska State Legislature, prime sponsor of CSSB 182(JUD), provided a brief overview of the bill. He stated that the bill established the offense of interference with emergency communications. The statute would only apply when a person repeatedly made 911 calls to report something they knew had already been reported, repeatedly called 911 when there was no emergency, harassed or threatened a 911 operator, or disrupted communications between 911 operators and first responders.

[10:45:25 AM](#)

REPRESENTATIVE STORY asked why the bill lacked exemptions for individuals with dementia, developmental disabilities, or behavioral health issues.

SENATOR WILSON argued that those exemptions already existed in statute. He posited that an individual would have to "knowingly" call and disrupt emergency communications to be prosecuted.

[10:46:57 AM](#)

REPRESENTATIVE STORY asked whether adequate protections were in place for people with developmental disabilities and behavioral health issues.

JASMIN MARTIN, Staff, Senator David Wilson, Alaska State Legislature, on behalf of Senator Wilson, prime sponsor of CSSB 182(JUD), deferred to Mr. Butcher.

[10:48:04 AM](#)

JACOB BUTCHER, Communications Manager, Mat-Com Dispatch, shared his understanding that the legislation was not geared towards dementia or people with behavioral health issues. He believed that there were other tools to address Representative Story's concerns, such as CIP response, hospitalization, and the Crisis Now model. He reiterated that the bill was intended for those members of the community who choose to knowingly call 911 repeatedly or make false reports to simulate a SWAT response.

[10:50:58 AM](#)

REPRESENTATIVE STORY asked whether adequate protections were in place [for people with developmental disabilities and behavioral health issues].

[10:51:13 AM](#)

KACI SCHROEDER, Assistant Attorney General, Criminal Division, Department of Law (DOL), agreed with Mr. Butcher. If the Criminal Division was referred a case, she said, and there was some indication that the individual had diminished capacity, mental illness, or was suffering from a disease, his/her mental state would be analyzed to identify whether the individual was capable of acting knowingly. Additionally, she said she would consider whether the individual could appreciate the nature of his/her conduct and whether he/she was competent to stand trial.

Once those hurdles were crossed, she explained that the next step was to consider whether prosecution was appropriate and in the best interest of justice. For those reasons, she opined that the appropriate protections were in place.

CHAIR KREISS-TOMKINS asked how the proposed legislation would apply to his grandmother who had Alzheimer's disease and tended to call 911 incessantly. He inquired about the barriers to prosecuting that hypothetical case.

MS. SCHROEDER shared her understanding that Chair Kreiss-Tomkin's had stated that his grandmother was removed from reality when dialing 911. For that reason, Ms. Schroeder suspected that his grandmother did not understand the nature of her conduct, which would result in legal barriers to prosecution. Further, his grandmother would need to be deemed competent to stand trial by a medical professional.

CHAIR KREISS-TOMKINS pointed out that his grandmother's intent was to call 911, despite her altered state of mind. He asked Ms. Schroeder to speak on that.

MS. SCHROEDER explained that if his grandmother knowingly called 911 and was therefore capable of formulating a mental state, the prosecution would consider whether she had the ability to appreciate the nature and quality of her conduct, which could be used as a defense by his grandmother's attorney. She emphasized that this scenario was hypothetical at best. She suspected that in most cases, his grandmother would not be prosecuted.

CHAIR KREISS-TOMKINS said he appreciated that; however, if the intent was to exclude individuals with behavioral health issues or a declining mental state, he argued that the law should not be criminalizing that behavior.

MS. SCHROEDER noted that the defenses she had referenced could be found under AS 12.47.010 and AS 12.47.020.

[10:57:04 AM](#)

CHAIR KREISS-TOMKINS inquired about the sentencing ranges for the crime classification.

MS. SCHROEDER stated that a class A misdemeanor had a sentencing range of 0-1 year while a class C felony had a sentencing range of 0-5 years.

CHAIR KREISS-TOMKINS asked whether any fines were associated with class A misdemeanor and class C felony charges.

MS. SCHROEDER answered yes. She reported that there was a maximum fine of \$25,000 for a class A misdemeanor and a maximum fine of \$50,000 for a class C felony.

CHAIR KREISS-TOMKINS stated that he did not take felony charges lightly.

[10:59:19 AM](#)

REPRESENTATIVE EASTMAN asked whether a larger fine would be assessed if an organization was found liable.

MS. SCHROEDER answered yes. She reported that the maximum fine for an organization that was found liable for a class A misdemeanor was \$500,000 and \$2.5 million for a felony offense that resulted in death.

REPRESENTATIVE EASTMAN asked whether it was currently against the law to knowingly submit a fraudulent report to law enforcement or an emergency dispatcher.

MS. SCHROEDER acknowledged that there was an existing crime, referred to as "making a false report."

REPRESENTATIVE EASTMAN asked whether it was currently a crime to knowingly harass an emergency dispatcher.

MS. SCHROEDER said not specifically; however, harassment in the second degree covered some of the conduct in question.

REPRESENTATIVE EASTMAN asked whether it was currently a crime to threaten an emergency communications officer.

MS. SCHROEDER said, "It depends on what it is."

REPRESENTATIVE EASTMAN asked whether there was an exemption for emergency communications officers.

MS. SCHROEDER answered no.

[11:01:38 AM](#)

REPRESENTATIVE CLAMAN understood that the larger concern was that someone with mental illness or behavioral health issues

shouldn't be charged at all. He opined that people in that situation shouldn't have to be entered into the criminal justice system at all, as it wouldn't make their situation any better. He asked how to "deal" with that.

MS. SCHROEDER reiterated her belief that the type of case in question would not be pursued by prosecution.

REPRESENTATIVE CLAMAN recalled a scenario about an elderly woman who called 911 several times per month because she was lonely. He expressed his hope that she, or someone like her, would not be prosecuted despite the potential for interrupting the system.

SENATOR WILSON believed that the proposed legislation would provide a tool for intervention to help mitigate future interruptions.

REPRESENTATIVE CLAMAN asked how frequently fraudulent calls were coming in with the intent to deceive emergency dispatchers.

MR. BUTCHER said those calls were much less frequent. He emphasized that the bill was not intended for elderly people or people suffering from an illness. He assured Representative Claman that emergency dispatchers and law enforcement would "take care" with those callers. He reiterated that the bill was intended for people who were placing calls with the purpose of disruption because they were upset with law enforcement or first responders.

REPRESENTATIVE CLAMAN asked how the proposed crime differed from harassment at the misdemeanor level.

MR. BUTCHER explained that the dispatcher would be able to tell the caller that if he/she continued to call, the audio would be passed to a law enforcement officer. From there, the law enforcement officer would make contact with the individual to warn him/her that continued calls would result in criminal charges.

REPRESENTATIVE CLAMAN asked whether the audio recording would be relied upon to file the charges, as opposed to the dispatcher needing to make a personal declaration.

MR. BUTCHER said the recordings would be an additional tool if an arrest was made.

[11:14:42 AM](#)

REPRESENTATIVE EASTMAN expressed his concern that the bill could discourage people from calling 911 during a true emergency. He recommended strengthening the harassment laws instead of criminalizing new behavior.

[11:17:25 AM](#)

CHAIR KREISS-TOMKINS opened public testimony.

[11:17:46 AM](#)

HILLARY PALMER stated her support for SB 182, as someone who had relied on emergency medical services to save her type I diabetic husband from kidney failure before his life saving transplant surgery. She pointed out that currently, to file a harassment charge, a dispatcher must fill out a complaint form that includes personal information, thus providing an opportunity for personal attacks and stalking. She urged the committee to consider the problem from the perspective of someone undergoing a severe medical emergency and to pass the proposed legislation.

[11:21:03 AM](#)

MARK PEARSON, President, Alaska Peace Officers Association, urged committee members to support the bill. He argued that current statutes did not directly address the problem. He encouraged passage of the bill to eliminate the existing statutory loophole.

[11:22:46 AM](#)

CHAIR KREISS-TOMKINS closed public testimony on CSSB 182(JUD). He announced that the bill was held over.

[11:23:13 AM](#)

The committee took a brief at-ease.

**HB 316-STANDARDIZED IMPROVEMENT TRACKING SYSTEM**

[11:23:44 AM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 316, "An Act providing for a standardized improvement tracking system for state agencies."

[11:24:03 AM](#)

REPRESENTATIVE CLAMAN moved to adopt the proposed committee substitute (CS) for HB 137, [labeled 32-LS1076\B, Wallace, 3/17/22], as the working document.

CHAIR KREISS-TOMKINS objected.

[11:24:21 AM](#)

REPRESENTATIVE KAUFMAN, prime sponsor of HB 316, explained that the original version of the bill was too strident, as it would have effectually created a tracker for "everything," which was not the intent. He stated the proposed committee substitute for HB 316 ("Version B") would capture the actual intent of tracking "higher criticality" action items. He deferred to Mr. Harvey to provide an explanation of changes.

[11:25:33 AM](#)

MATTHEW HARVEY, Staff, Representative James Kaufman, Alaska State Legislature, on behalf of Representative Kaufman, prime sponsor, explained that the main changes included: prioritizing the critical few improvement items and progressing only these critical items; condensing the tracking requirements for improvement items; publicizing the annual report regarding use of the system; and clean up language.

CHAIR KREISS-TOMKINS removed his objection. There being no further objection, Version B was adopted as the working document.

[11:28:00 AM](#)

REPRESENTATIVE KAUFMAN believed that the fiscal note was made in reference to the original version of the bill, which explained the large scope and indeterminate amount.

CHAIR KREISS-TOMKINS asked whether there had been any dialogue with the executive branch about the magnitude of the fiscal note for Version B.

MR. HARVEY indicated that the sponsor's office intended to meet with the Office of Management & Budget (OMB) now that Version B was before the committee.

CHAIR KREISS-TOMKINS asked whether there had been any engagement with the University of Alaska.

REPRESENTATIVE KAUFMAN shared his understanding that the university already had an improvement system in place.

[11:30:15 AM](#)

MR. HARVEY confirmed that the university already had a system in place. He said that if the bill were to pass, the system would be put into a standardized format across all agencies.

CHAIR KREISS-TOMKINS asked whether any other states had implemented a similar tracking system.

MR. HARVEY suggested that a project management office in Washington, which focused on improvement projects, had a similar system. Additionally, the U.S. Government Accountability Office (GAO) had a robust action tracker for audit findings and findings based on other reports and publications.

CHAIR KREISS-TOMKINS asked Mr. Harvey to define "higher criticality" with the inclusion of real-world examples.

MR. HARVEY referenced audit findings from the Legislative Budget & Audit Committee (LB&A) and how they could be organized under the proposed system.

CHAIR KREISS-TOMKINS opined that the system's application to state agencies was of higher significance than legislative audits.

[11:35:20 AM](#)

REPRESENTATIVE KAUFMAN clarified that the intent was to create utilities that enabled organizations to improve. He characterized the State of Alaska as a multi-billion-dollar operation that could use a few more quality management processes.

CHAIR KREISS-TOMKINS announced that HB 316 would be held over.

**HB 256-LAW ENFORCEMENT: REGISTRY; USE OF FORCE**

[11:36:48 AM](#)

CHAIR KREISS-TOMKINS 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." [Before the committee was CSHB 256(CRA).]

[11:37:03 AM](#)

The committee took a brief at-ease.

[11:38:00 AM](#)

REPRESENTATIVE TARR, prime sponsor, introduced CSHB 256(CRA). She paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

House Bill 256 establishes a use-of-force database under AS 44.41.055 that will be overseen by the Department of Public Safety which will collect reports of use of force by a municipal police officer, municipal correctional facility employee, a probation officer, parole officer, correctional officer, state trooper, village public safety officer, or regional officer. This report will be submitted by the Department of Public Safety under AS 44.41.020(h). The Alaska Police Standards Council shall maintain a central registry with information that the Council obtains from the Department of Public Safety, the Department of Corrections, or a municipality.

This bill also requires the Alaska Police Standards Council to adopt regulations that require a police officer, probation officer, parole officer, municipal officer, or correctional officer to report to a supervisor when an incident of force or deadly force occurred or in a situation in which an officer was prepared to use deadly force. This report will also include demographic information such as the person

whom the force was used, age, gender identity, and sexual orientation if freely given by the individual. Additionally, the officer who used the force and the borough or census area in which the use of force occurred.

Currently, there is no database that tracks instances of use-of-force within the State of Alaska. While this database will not be open to the public, it will be shared for employment purposes amongst departments and agencies who may be hiring an officer or employee as well as the Alaska State Legislature. This will allow for transparency among agencies and will close loopholes that allow officers to be hired on to another agency after being fired for use-of-force incidents or certificate denial or revocation.

[11:47:55 AM](#)

REPRESENTATIVE STORY asked what kind of feedback the bill sponsor had received from smaller law enforcement agencies.

REPRESENTATIVE TARR said much of the conversation had been around implementation and what information would be gathered from each incident of force or deadly force. She acknowledged that all of the large agencies in Alaska - approximately 80 percent of police officers - were already participating in the use-of-force database, and that capturing the last 20 percent would come from the smaller agencies.

CHAIR KREISS-TOMKINS asked Ms. Howell to comment from the perspective of the Department of Public Safety (DPS).

[11:50:59 AM](#)

KELLY HOWELL, Special Assistant, Office of the Commissioner, DPS, stated that DPS already collected data from law enforcement agencies and reported portions to the Federal Bureau of Investigation (FBI), such as uniform crime reporting (UCR) statistics, which was similar to the proposed use-of-force database. She explained that DPS staff was reaching out to agencies to encourage participation in information submittal, which was currently voluntary. She noted that additional federal grant funds were being pursued to assist in creating an easier method for agencies to submit information to the FBI.

CHAIR KREISS-TOMKINS sought to confirm that 80 percent of public safety officers were already reporting the data.

MS. HOWELL deferred to Ms. Purinton.

LISA PURINTON, Chief, Criminal Records and Identification Bureau, Division of Statewide Services, DPS, reported that 20 agencies were registered to report, of which 5 had less than 20 officers in the department.

[11:54:11 AM](#)

REPRESENTATIVE EASTMAN asked whether the requirement in [Section 11] stating that all municipal correction officers or municipal police officers must complete the requirements of AS 18.65.240 was necessary given the recruiting and retention issues.

REPRESENTATIVE TARR clarified that the officers would be given a two-year timeframe to complete that requirement, per CSHB 256(CRA). She explained that the two-year timeframe was added in response to the concern voiced by Representative Eastman. She believed that the representative had referenced an old version of the bill. Additionally, she noted that a "good portion" of municipal correction officers were already receiving the training, which was being provided at no cost to the state.

CHAIR KREISS-TOMKINS interjected to share his understanding that the committee was looking at Version A of the legislation.

REPRESENTATIVE TARR clarified that a committee substitute was adopted in the Community & Regional Affairs Standing Committee (CRA).

[11:57:46 AM](#)

The committee took an at-ease from 11:57 a.m. to 12:00 p.m.

[12:00:19 PM](#)

CHAIR KREISS-TOMKINS noted that the current version of the bill, CSHB 256(CRA), had been distributed. He requested a summary of changes in the current version of the bill.

REPRESENTATIVE TARR provided a brief summary of changes, which read as follows [original punctuation provided]:

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 [I].
- 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.

[12:02:20 PM](#)

REPRESENTATIVE EASTMAN asked whether 12 hours of training on domestic violence or sexual assault could be covered in a standalone program. He shared his understanding that currently, it was included in the academy's curriculum.

REPRESENTATIVE TARR said there was no desire to change the academy's current training.

REPRESENTATIVE TARR, in response to a question from Representative Eastman, clarified that the municipal correction officers had their own academy.

REPRESENTATIVE EASTMAN considered a scenario in which an officer attended an out-of-state academy, came in as a lateral hire, or graduated from the academy years ago. He asked whether they would be required to undergo the new training outlined in Section 11.

REPRESENTATIVE TARR clarified that the provisions in the bill would only apply to those hired after the effective date.

REPRESENTATIVE EASTMAN expressed confusion.

CHAIR KREISS-TOMKINS asked Ms. Goode to speak to the issue.

[12:07:11 PM](#)

KELLY GOODE, Deputy Commissioner, DOC, conveyed that all but two communities used the DOC academy. She explained that the two-year requirement would allow the officers to complete the training on a more flexible timeline.

REPRESENTATIVE EASTMAN maintained his concern that the language on page 4, lines 8-9, suggested that all employees - including those that had already graduated from the academy - would have to meet the training requirement outlined in Section 11 within two years, which was not the bill sponsor's intent. He suggested changing the language.

MS. GOODE agreed that it would be a policy call. She said she had understood the language to indicate that the two remaining communities - Bristol Bay and Craig - would be brought into the DOC correctional officer academy, suggesting that those officers would be required to attend the academy training within two years.

[12:09:41 PM](#)

REPRESENTATIVE EASTMAN opined that the language in Section 1, "an incident in which an officer used deadly force or prepared to use deadly force against a person" was broad. He inquired about the meaning of that phrase.

REPRESENTATIVE TARR indicated that the federal definition was highlighted in a document [included in the committee packet], titled "National Use-of-Force Data Collection Flyer," from the U.S. Department of Justice. She deferred to Ms. Howell to provide the statutory definition.

MS. HOWELL, citing DPS policy, defined "prepares to use" as follows:

unholstering a weapon with the intention of preparing to use it against a specific individual or group. Unholstering a weapon and directing it towards a specific person or group even if that person is not aware this action requires a use-of-force report; however, conducting a building search or similar operation with an unholstered weapon where no person

or group is encountered would not be reportable. It is not the mere unholstering of a weapon that triggers the reporting requirement, but the directing of that weapon against a particular person or group.

REPRESENTATIVE EASTMAN asked whether the department's policy would be incorporated into statute.

MS. HOWELL could not speak to other agencies' policies.

REPRESENTATIVE EASTMAN asked whether "use of force" was defined in statute or whether the definition would be drawn from DPS policy.

MS. HOWELL stated that both "force" and "deadly force" were defined in statute under AS 11.81.900.

CHAIR KREISS-TOMKINS asked whether the agency had a formal position on the proposed legislation.

MS. HOWELL read a prepared statement, which suggested that DPS had existing measures in place for reporting use of force incidents. She opined that the bill would reinforce current DPS policies and practices. She stated that the department supported such efforts to increase transparency and build trust with the public.

[12:16:56 PM](#)

CHAIR KREISS-TOMKINS announced that CSHB 256(CRA) was held over.

**SB 156-PROHIBIT COVID-19 VACCINE DISCRIMINATION**

[12:17:33 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be CS FOR SENATE BILL NO. 156(HSS), "An Act relating to COVID-19 immunization rights; relating to objection to the administration of a COVID-19 vaccine; relating to COVID-19 vaccination status and eligibility for health care insurance; and providing for an effective date."

[12:18:21 PM](#)

The committee took an at-ease from 12:18 p.m. to 12:21 p.m.

[12:21:45 PM](#)

SENATOR LORA REINBOLD, Alaska State Legislature, prime sponsor, provided brief introductory remarks regarding CSSB 156(HSS). She paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

CS SB 156 ensures that a state agency or political subdivision of the state may not adopt or issue regulation, ordinance, or similar policy that requires an individual to be vaccinated against COVID-19 to receive public benefit that is available to the public. Essentially, CS SB 156 ensures the public is not discriminated against based on COVID-19 vaccine status. In addition, the bill seeks to ensure a state agency, an employee of the state may not require an individual to produce documentation of their COVID-19 vaccination status or immunity passport to travel to or within the state. An individual may object to the administration of a COVID-19 vaccine based on religious, medical, or other grounds. Parents or guardians may object to the administration of a COVID-19 vaccine to the minor child based on religious, medical, or other grounds. CS SB 156 passed the senate with bipartisan support because this bill protects an individual's civil liberties citing article 1 section 22 of the Alaska Constitution, ensures that regardless of COVID-19 injection history, neither can be discriminated against with regard to health insurance.

[12:25:40 PM](#)

KELLI TOTH, Staff, Senator Lora Reinbold, Alaska State Legislature, on behalf of Senator Reinbold, prime sponsor of CSSB 156(HSS), presented a sectional analysis of the bill [included in the committee packet], which read as follows [original punctuation provided]:

Section 1: Added a new section to clarify legislative intent specific to COVID-19 injections "It is the intent of the legislature that every person should have the right to choose their own medical interventions because art. 1, sec 22, of the Constitution of the State of Alaska protects a person's right to privacy."

Section 2: AS 18.09 is amended adding a new section Article 2A. COVID 19 Immunization Rights; Discrimination.

Sec 18.09.250 Exercise of rights and access to benefits. A state agency or political subdivision may not adopt or issue a regulation, ordinance, order, or similar policy that requires an individual to be vaccinated against COVID19 in order to exercise their right to receive a benefit that is available to the public.

Sec 18.09.260 Personal vaccine history. A state agency, an employee of the state, or agent of the state may not require an individual to produce documentation of the individual's COVID-19 vaccination status or a COVID19 immunity passport in order to travel to, or within, the state. 32nd Legislature Committees: Vice Chair Legislative Council Vice Chair Senate State Affairs Senate Member: Legislative Budget & Audit Health & Social Services Joint Armed Services Committee 3/21/2022 32-LS1352\G 2 CS SB 156 Immunization Rights and Objections to Administration of a COVID-19

Sec. 18.09.270 Discrimination based on vaccination status. It is unlawful discrimination for: a person or a governmental entity to refuse, withhold from or deny an individual any local or state services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care access, or employment opportunities based on the individual's COVID-19 vaccination status or whether the individual has a COVID-19 immunity passport; bar an individual from employment, or discriminate against individual compensation or term, condition or privilege of employment; a public accommodation to exclude, limit, segregate, refuse to serve or otherwise discriminate based on COVID-19 vaccination status or immunity passport; a recommendation by a person, governmental agency, or employer to receive a COVID-19 vaccine is not unlawful discrimination under this section.

Sec. 18.09.280 Objection to the administration of a COVID-19 vaccine. An individual may object to the administration of a COVID-19 vaccine to that individual based on religious, medical, or other

grounds. A parent or guardian of a minor child may object to the administration of a COVID-19 vaccine to the minor child based on religious, medical, or other grounds. A person may not require an individual to provide justification or documentation to support the individual's decision to decline a COVID-19 vaccine or decline a COVID-19 vaccine for a minor child.

Sec. 18.09.290. Definition. In AS 18.09.250-18.09.90, "COVID-19" means the novel coronavirus disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)

Section 3: AS 21.54.100 (a) 9 adds language to the health care insurer that offers, issues for delivery, delivers, or renews a healthcare insurance plan in the group market may not establish rules for eligibility, including continued eligibility and waiting periods under the plan, for an individual or dependent of an individual based on (9) the individual's COVID-19 vaccination status; in this paragraph, "COVID-19 has the meaning given in AS 18.09.290. This safeguards everyone regardless of COVID-19 injection history.

Section 4: This act takes effect immediately under AS 01.10.070 (c)

[12:29:29 PM](#)

MS. TOTH provided a summary of changes [included in the committee packet] from version I to version G, which read as follows [original punctuation provided]:

1. Added language to the title "related to vaccination status and eligibility for health care insurance; and providing for an effective date."

2. Section 1: Added Legislative intent is that every person should have the right to choose their own medical interventions because Article 1 Section 22 of the constitution of the state of Alaska protects a person's right to privacy.

3. Section 3: Amends AS 21.54.100 (a) (9) The individual's COVID-19 vaccination status; in this paragraph, "COVID19" has the meaning given in AS 18.09.290

4. Added Section 4: This act takes effect immediately under AS 01.10.070 (c)

12:30:45 PM

SENATOR REINBOLD provided a PowerPoint presentation, titled "SB 156 Prohibit COVID-19 Discrimination" [hard copy included in the committee packet]. She began on slide 1, which read as follows [original punctuation provided]:

- (1) No COVID19 mandatory injections
- (2) No COVID19 passports
- (3) No COVID19 discrimination
- (4) No COVID19 mandatory injections for employment (public or private)

SENATOR REINBOLD defined popular sovereignty on slide 2. She turned to slide 3, which read as follows [original punctuation provided]:

Alaska's Constitution Article 1 Section 1:

This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

SENATOR REINBOLD proceeded to slide 4, which read as follows [original punctuation provided]:

The American Frontline Doctors "Vaccine Bill of Rights"

"Emergency Use products are specifically prohibited by federal law from being mandated:

The CDC Advisory Committee on Immunization Practices (ACIP) affirmed in August 2020 that under an Emergency Use Authorization (EUA), experimental vaccines are not allowed to be mandatory;

Decades-old universally accepted Codes of Medical Ethics, including the Nuremberg Code and the Declaration of Helsinki absolutely prohibits any form of coercion whatsoever to individuals participate in a medical experiment;

[12:33:08 PM](#)

SENATOR REINBOLD advanced to slide 5, which read as follows [original punctuation provided]:

"Vaccine Bill of Rights" Continued

It is neither feasible nor safe to mandate experimental vaccination given the large number of COVID-19 recovered patients in the general population and the FDA/Pfizer/ Moderna protocols which excluded COVID-19 recovered patients;

It is neither feasible nor safe to administer experimental vaccines to many groups of patients, such as persons with post-natural infections, waning titers, allergic reactions, as well as childbearing women, etc.;

Vaccine passports, "digital health IDs," and other such required documentation pose substantial risks to personal privacy and equal treatment before the law for all citizens;

The doctors and nurses administering the inoculation are required by law to give informed consent and they cannot do they if they themselves are not informed; And lastly,

Private businesses operating within the jurisdiction have no legal authority to require or mandate or coerce medication or experimental medication for any persons..."

SENATOR REINBOLD reviewed the historical definitions of "vaccine," as changed by CDC, on slide 6. Slide 7 provided the statutory definition of "vaccine," per AS 18.09.990(11). Slide 8 outlined informed consent, which read as follows [original punctuation provided]:

1. The nature of the patient's illness, the diagnosis, the proposed treatment plan and the prognosis.
2. A description of the recommended procedure or treatment and its purpose.
3. The probable outcome, particularly if it is difficult to predict, and the patient's expected post-procedure/treatment course.
4. The most likely risks and side effects and the potential benefits as well as the potential complications of the procedure or treatment.
5. Reasonable alternative methods of treatment or nontreatment including the risks, benefits, complications, and the prognosis associated with each alternative or with nontreatment

[12:37:50 PM](#)

SENATOR REINBOLD directed attention to slide 10, which highlighted a memo from Legislative Legal Services confirming that Alaska was an opt-in state. She continued to slide 11, which stated that federal law prohibited mandates of emergency use COVID vaccines, tests, and masks. She directed attention to slide 13, which defined coercion and clarified that it was criminal. She highlighted the number of deaths from vaccines on slide 15. Slides 16-20 detailed a U.S. Supreme Court Case, National Federation of Independent Business v. Occupational Safety and Health Administration.

CHAIR KREISS-TOMKINS welcomed invited testimony.

[12:43:07 PM](#)

RICHARD URSO, PhD, argued that there was tremendous risk associated with the COVID-19 vaccine, despite it being labeled safe and effective. He opined that a "one size fits all" approach to vaccination was a danger to patients. He discussed children ages 5-11, opining that a mandated vaccine would kill many of them. Additionally, he detailed all the potential side effects of the vaccine.

[12:48:20 PM](#)

RYAN COLE, PhD, agreed with Dr. Urso that the COVID-19 vaccine was "all risk and no reward." He stated that the vaccine was emergency authorized and experimental, arguing that all recipients should have received informed consent. He reported that individuals who were COVID recovered had natural immunity at 13-30 percent higher than vaccinal immunity. He shared his understanding that the vaccines were not tested against additional variants of COVID-19, such as Delta and Omicron. He opined that it was unscientific, immoral, and unethical to require any person to get a shot for a virus "that does not exist and does not work against the protein virus circulating in the population."

[12:51:36 PM](#)

CHAIR KREISS-TOMKINS announced that CSSB 156(HSS) was held over.

[12:52:29 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 12:52 p.m.