

**ALASKA STATE LEGISLATURE**  
**HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS**

March 10, 2022

8:03 a.m.

**MEMBERS PRESENT**

Representative Tiffany Zulkosky, Chair  
Representative Dan Ortiz  
Representative Zack Fields  
Representative Geran Tarr  
Representative Mike Cronk

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 313

"An Act requiring background investigations of village public safety officer applicants by the Department of Public Safety; relating to the village public safety officer program; and providing for an effective date."

- MOVED CSHB 313 (TRB) OUT OF COMMITTEE

PRESENTATION: Violence Against Women Act and MMIP

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 313

SHORT TITLE: VILLAGE PUBLIC SAFETY OFFICER GRANTS

SPONSOR(S): REPRESENTATIVE(S) ZULKOSKY

02/11/22	(H)	READ THE FIRST TIME - REFERRALS
02/11/22	(H)	TRB, FIN
03/01/22	(H)	TRB AT 8:00 AM DAVIS 106
03/01/22	(H)	-- MEETING CANCELED --
03/03/22	(H)	TRB AT 8:00 AM DAVIS 106
03/03/22	(H)	Heard & Held
03/03/22	(H)	MINUTE (TRB)
03/08/22	(H)	TRB AT 8:00 AM DAVIS 106
03/08/22	(H)	Heard & Held

03/08/22 (H) MINUTE (TRB)  
03/10/22 (H) TRB AT 8:00 AM DAVIS 106

**WITNESS REGISTER**

JOEL HARD, Director  
Village Public Safety Officer Program  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Provided feedback during consideration of amendments to HB 313.

**ACTION NARRATIVE**

[8:03:43 AM](#)

**CHAIR TIFFANY ZULKOSKY** called the House Special Committee on Tribal Affairs meeting to order at 8:03 a.m. Representatives Ortiz, Fields, Cronk (via teleconference), and Zulkosky were present at the call to order. Representative Tarr arrived as the meeting was in progress.

**HB 313-VILLAGE PUBLIC SAFETY OFFICER GRANTS**

[8:04:23 AM](#)

CHAIR ZULKOSKY announced that the only order of business would be HOUSE BILL NO. 313, "An Act requiring background investigations of village public safety officer applicants by the Department of Public Safety; relating to the village public safety officer program; and providing for an effective date."

[8:05:15 AM](#)

REPRESENTATIVE FIELDS moved to adopt Amendment 1 to HB 313, labeled 32-LS1502\A.1, Radford, 3/9/22, which read as follows:

Page 4, line 1, following "supervise,":  
Insert "support,"

CHAIR ZULKOSKY objected for the purpose of discussion and invited Joel Hard to speak to Amendment 1.

[8:05:25 AM](#)

JOEL HARD, Director, Village Public Safety Officer Program, Department of Public Safety, explained that Amendment 1 would "help the department to interpret the statutes more widely."

CHAIR ZULKOSKY removed her objection to the motion to adopt Amendment 1. There being no further objection, Amendment 1 was adopted.

[8:06:58 AM](#)

REPRESENTATIVE FIELDS moved to adopt Amendment 2 to HB 313, labeled 32-LS1502\A.2, Radford, 3/9/22, which read as follows:

Page 4, line 6, following "organization":

Insert "for the village does not exist or"

Page 4, line 8 - 10:

Delete "Before awarding a grant to a municipality, the commissioner shall consult with the nonprofit regional corporation or Alaska Native organization that declined the grant."

Insert "If a nonprofit regional corporation or Alaska Native organization declines a grant, the commissioner shall consult with the corporation or organization before awarding the grant to a municipality."

CHAIR ZULKOSKY objected for the purpose of discussion.

[8:07:09 AM](#)

MR. HARD explained that the first change proposed in Amendment 2 articulates a solution to a problem where a community that would like a Village Public Safety Officer (VPSO) meets the criteria to do so but does not have a regional nonprofit corporation to represent the community. The other part of Amendment 2 "just rewords that in a way that makes more sense," he opined.

CHAIR ZULKOSKY asked whether the department was in support of the amendments proposed today.

MR. HARD replied that he is sensitive to how what he says before the committee could be perceived by the nonprofit corporations. He said he could not say whether there is "complete agreement" but feels comfortable that "with the last two amendments, and on the last amendment," he has the support of the nonprofits. He suggested there is disagreement in the matter of training but said he would introduce that topic when the particular amendment

is introduced. He stated his goal to create a more flexible VPSO program. He acknowledged he does not have the same perspective that "they" have, "having been unheard ... for some time." He said both sides of the program have not worked together as necessary, and he wants to ensure he does not contribute to that by the manner in which he testifies. He noted, "I did have a conversation at some length with them yesterday, and I feel comfortable with the testimony here today."

[8:11:11 AM](#)

CHAIR ZULKOSKY removed her objection to the motion to adopt Amendment 2.

[8:11:21 AM](#)

REPRESENTATIVE TARR asked for confirmation that there is only one village that does not have the representation of a nonprofit organization.

MR. HARD answered that in the time he has held his position, there has been only one; however, as participatory criteria is expanded going forward, he can "see this erupting in other places."

[8:12:00 AM](#)

CHAIR ZULKOSKY announced that there being no further objection, Amendment 2 was adopted.

[8:12:06 AM](#)

REPRESENTATIVE FIELDS moved to adopt Amendment 3 to HB 313, labeled 32-LS1502\A.4, Radford, 3/9/22, which read as follows:

Page 10, lines 1 - 12:

Delete all material and insert:

"(2) instruction in

(A) the state's criminal and procedural law;

(B) the state's criminal justice system;

(C) police procedures;

(D) disabilities training described under AS 18.65.220(3);

(E) domestic violence and sexual assault prevention and response procedures;

(F) emergency trauma technician training;  
(G) search and rescue training;  
(H) rural fire protection specialist  
training."

Page 10, line 22, following "that":  
Insert "the"

Page 10, line 26:  
Delete "equals or exceeds the hours and"

CHAIR ZULKOSKY objected for the purpose of discussion.

[8:12:21 AM](#)

MR. HARD explained that Amendment 3 would make changes to training requirements, and this is an issue of concern for the nonprofit organizations. He offered his understanding that because of the distrust that resulted from feeling unsupported, the nonprofits have worked with the bill sponsor to include those items they want to protect most. He cautioned that getting too definitive in statute results in the loss of flexibility for adjustment, and in the process of training, the content and hours will adjust year to year, and flexibility is necessary. He said there was a meeting of grantees yesterday, with the commissioner in attendance. He said the commissioner "commits to a very robust regulatory process that would protect the very things that they wanted to import in this statute." He stated, "I feel comfortable that they understand that, and they believe that, and with that said, I think I would recommend that we move forward." In response to a request for clarification, he confirmed the purpose of the amendment is to restore flexibility. He offered as example the statutes related to the certification of police officers, which set a standard for training but do not articulate the hours.

[8:16:02 AM](#)

REPRESENTATIVE ORTIZ asked whether there was significance in changing reference to Alaska and "just going with the state's criminal procedure law."

MR. HARD answered that he does not know the significance but thinks "it goes either way."

[8:16:40 AM](#)

REPRESENTATIVE TARR asked whether the curriculum would be covered under the amendment or just the hours.

MR. HARD confirmed that the curriculum would be articulated and "imported into the regulation part or created in the regulation in a more definitive way."

REPRESENTATIVE TARR inquired whether "disabilities training" would include the mental health crisis model and intervention information currently on trend.

MR. HARD responded, "I don't think that applies to that." He explained, "That's one of the circumstances in which the legislature has required specific training, and I believe that goes more towards making sure officers understand Americans With Disabilities Act-related issues." He pointed out that the items listed under Amendment 3 do not limit the number of places in which the department can require regulation. He confirmed that the topic of wellness has become a focus of public safety professionals. He concluded, "I feel comfortable that any concern about the wellness of our employees will be reflected in ... training relative to that."

[8:19:16 AM](#)

CHAIR ZULKOSKY inquired about the similarities between the instructional components in Amendment 3 and "what's offered to state troopers."

MR. HARD responded that some of what is [in Amendment 3] reflects that which is already being done in relation to VPSOs. He reviewed that the base level of training for a VPSO is 240 hours and is "narrow." He said the department has "long abandoned that 240-hour model" and follows a model that would be seen, for example, in training for an Alaska State Trooper. He stated that one of the challenges for the VPSO program going forward will be to preserve "this level of training and capability for officers and regions and villages that want that." He said work will need to be done with the regions that require "a different suite of trainings," which can be prescribed in regulation.

[8:20:54 AM](#)

CHAIR ZULKOSKY removed her objection to the motion to adopt Amendment 3. There being no further objection, Amendment 3 was adopted.

CHAIR ZULKOSKY noted that there was an Amendment 4 in the committee packet, but it would not be offered.

[8:21:12 AM](#)

REPRESENTATIVE FIELDS moved to adopt Amendment 5 to HB 313, labeled 32 LS1502\A.7, Radford, 3/9/22, which read as follows:

Page 12, lines 12 - 13:

Delete "the individual or holder of the certificate"

Insert "the underlying conviction"

Page 12, lines 14 - 25:

Delete all material and insert:

"(1) has been expunged or set aside;

(2) is for an offense for which the officer has been pardoned; or

(3) is for an offense for which the officer has had civil rights restored that were lost upon the conviction."

CHAIR ZULKOSKY objected for the purpose of discussion.

[8:21:20 AM](#)

MR. HARD characterized Amendment 5 as a housekeeping issue to ensure that the decisions [the department] is making on certification are based on formal court finding and conviction rather than on "some assessment of whether we think that was properly done or not."

[8:24:02 AM](#)

CHAIR ZULKOSKY removed her objection to the motion to adopt Amendment 5. There being no further objection, Amendment 5 was adopted.

[8:24:35 AM](#)

The committee took a brief at-ease at 8:24 a.m.

[8:25:11 AM](#)

CHAIR ZULKOSKY asked Mr. Hard to talk about the fiscal note with the Office of Management & Budget (OMB) component 3047.

MR. HARD stated that the fiscal note was under the VPSO component and reflects costs of "a background investigator and psychological testing." Currently the VPSO program borrows background resources from the Alaska State Troopers, and the fiscal note would allow the program to do the work independently. He said he thinks [the cost for] the psychological testing is overestimated, since it is unlikely that 50 VPSOs would carry firearms. The zero fiscal note from the Division of Administrative Services reflects that there are 10 grantees that would be able to absorb the audits without cost, he said.

[8:29:10 AM](#)

The committee took a brief at-ease at 8:29 a.m.

[8:29:46 AM](#)

CHAIR ZULKOSKY entertained a motion.

[8:29:56 AM](#)

REPRESENTATIVE ORTIZ moved to report HB 313, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 313 (TRB) was reported out of the House Special Committee on Tribal Affairs.

[8:30:18 AM](#)

The committee took an at-ease from 8:30 a.m. to 8:31 a.m.

[8:31:47 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 8:32 a.m.