

HOUSE JOINT RESOLUTION NO. 3

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES EDGMON, Kreiss-Tomkins, Kito, Tuck

Introduced: 1/21/15

Referred: Community and Regional Affairs, Judiciary

A RESOLUTION

1 **Urging members of the Alaska delegation to the United States Congress to introduce**
2 **substantially similar legislation to the Alaska Safe Families and Villages Act of 2013;**
3 **urging the United States Congress to affirm the criminal jurisdiction of Alaska tribal**
4 **governments over tribal members within the boundaries of their villages; urging the**
5 **United States Congress to cooperate with tribes' efforts to transfer Native land to trust;**
6 **and supporting multilateral negotiations between tribal governments, nontribal**
7 **municipalities, and the state and federal governments to delineate clearly tribal**
8 **geographical jurisdictions.**

9 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10 **WHEREAS** the 229 federally recognized tribes in the state represent a vast
11 continuum of cultural legacies enriched by thousands of years of traditions and place-based
12 ways of life; and

13 **WHEREAS** many Alaska tribal communities face severe problems relating to
14 poverty, lack of economic opportunity, alcoholism, drug abuse, domestic violence, and sexual

1 assault; and

2 **WHEREAS** the percentage of Alaska Natives living below the federal poverty
3 guideline is nearly twice the national average; and

4 **WHEREAS** the unemployment rate for Alaska Natives is dramatically higher than the
5 national average; and

6 **WHEREAS** the alcohol-related death rate for Alaska Natives has, in recent years,
7 been more than 16 times higher than the alcohol-related death rate for Caucasians; and

8 **WHEREAS** rural communities in the state have, in recent years, reported alarming
9 opioid, heroin, and methamphetamine abuse; and

10 **WHEREAS** Alaska Native women in rural communities have reported rates of
11 domestic violence multiple times higher than the national average; and

12 **WHEREAS** Alaska Native women suffer the highest rate of sexual assault of any
13 population in the United States, and the rate of sexual assault for Alaska Native children is six
14 times the national average; and

15 **WHEREAS**, while Alaska Natives represent 19 percent of the population of the state,
16 they make up 36 percent of Alaskans in prisons or jails; and

17 **WHEREAS**, in the past 25 years, state, federal, and joint commissions, task forces,
18 and committees established to address those issues have included the Alaska Natives
19 Commission, created in 1990; the Alaska Supreme Court Advisory Committee on Fairness
20 and Access, created in 1995; the Alaska Commission on Rural Governance and
21 Empowerment, created in 1998; the Alaska Rural Justice and Law Enforcement Commission,
22 created in 2004; the Indian Law and Order Commission, created in 2010; and the United
23 States Attorney General's Advisory Committee on American Indian and Alaska Native
24 Children Exposed to Violence, created in 2013; and

25 **WHEREAS** each of those bodies concluded that the strongly centralized law
26 enforcement and justice systems of the state have been inadequate to alleviate crime, social
27 ills, and community distress in rural Alaska; and

28 **WHEREAS** each of those bodies identified the need to strengthen the authority,
29 responsibility, and capacity of local tribal governments to administer public safety and justice
30 in their communities; and

31 **WHEREAS** many experts agree that greater control, better defined jurisdiction, and

1 increased accountability at the local level will lead to swifter response to violence and
2 criminal activity in communities, increased crime prevention, and increased rehabilitative,
3 rather than punitive, sentencing models; and

4 **WHEREAS**, in matters of jurisdiction and the delivery of justice at the local level, the
5 state has too often and for too long been the adversary of Alaska Native tribes; and

6 **WHEREAS** ambiguities in federal laws deprive Alaska tribes of jurisdictional tools to
7 make their communities safer and healthier; and

8 **WHEREAS** the original version of the Alaska Safe Families and Villages Act of
9 2013, which failed to pass the 113th United States Congress, included provisions to establish
10 a demonstration project under which a number of Alaska Native tribes would possess
11 enhanced authority over domestic violence and child abuse and neglect, greater local law
12 enforcement responsibilities to combat alcohol and drug abuse, increased federal funding for
13 development of their tribal courts and local law enforcement needs, and improved
14 coordination and communication among federal, state, tribal, and local law enforcement
15 agencies;

16 **BE IT RESOLVED** that the Alaska State Legislature urges the members of the
17 Alaska delegation in the United States Congress to introduce legislation substantially similar
18 to the original Alaska Safe Families and Villages Act of 2013, reported to the Senate in the
19 First Regular Session of the 113th United States Congress; and be it

20 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
21 Congress to affirm the criminal jurisdiction of Alaska tribal governments over tribal members
22 within the boundaries of their villages, to be defined as an Alaska Native Village Statistical
23 Area delineated for the Director of the United States Census Bureau by officials of a village
24 for the purpose of presenting data for the decennial census conducted under 13 U.S.C. 141(a);
25 and be it

26 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
27 Congress to cooperate with tribes' efforts to transfer Native land to trust in order to affirm
28 concurrent state and tribal jurisdiction; and be it

29 **FURTHER RESOLVED** that the Alaska State Legislature supports eventual
30 multilateral negotiations between tribal governments, nontribal municipalities, and the state
31 and federal governments to delineate clearly tribal geographical jurisdictions.

1 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
2 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
3 President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of
4 Representatives; the Honorable Kevin McCarthy, Majority Leader of the U.S. House of
5 Representatives; the Honorable Nancy Pelosi, Minority Leader of the U.S. House of
6 Representatives; the Honorable Mitch McConnell, Majority Leader of the U.S. Senate; the
7 Honorable Harry Reid, Minority Leader of the U.S. Senate; and the Honorable Lisa
8 Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young,
9 U.S. Representative, members of the Alaska delegation in Congress.