

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

February 26, 2015

8:11 a.m.

MEMBERS PRESENT

Representative Cathy Tilton, Chair
Representative Paul Seaton, Vice Chair
Representative Shelley Hughes
Representative Dan Ortiz

MEMBERS ABSENT

Representative Benjamin Nageak
Representative Lora Reinbold
Representative Harriet Drummond

COMMITTEE CALENDAR

HOUSE BILL NO. 47

"An Act requiring each municipality with a population that decreased by more than 25 percent between 2000 and 2010 that participates in the defined benefit retirement plan of the Public Employees' Retirement System of Alaska to contribute to the system an amount calculated by applying a rate of 22 percent of the total of all base salaries paid by the municipality to employees of the municipality who are active members of the system during a payroll period; reducing the rate of interest payable by a municipality with a population that decreased by more than 25 percent between 2000 and 2010 that is delinquent in transmitting employee and employer contributions to the defined benefit retirement plan of the Public Employees' Retirement System of Alaska; giving retrospective effect to the substantive provisions of the Act; and providing for an effective date."

- HEARD & HELD

HOUSE CONCURRENT RESOLUTION NO. 1

Urging the Governor to acknowledge officially the sovereignty of Alaska tribal governments, to create clear and consistent policies for increased state collaboration and partnership with tribes, and to direct the attorney general to conduct a complete review of the state's litigation against Alaska Native tribes; urging the Governor to acknowledge the inherent criminal jurisdiction of Alaska tribal governments over tribal members within the boundaries of their villages; urging the Governor to

cooperate with tribes' efforts to transfer Native land to trust; and urging the Governor to support multilateral negotiations between tribal governments, nontribal municipalities, and the state government to delineate clearly tribal geographical jurisdictions.

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 3

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 47

SHORT TITLE: PERS CONTRIBUTIONS BY MUNICIPALITIES

SPONSOR(S): REPRESENTATIVE(S) FOSTER

01/21/15	(H)	PREFILE RELEASED 1/9/15
01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	CRA, L&C
02/10/15	(H)	CRA AT 8:00 AM BARNES 124
02/10/15	(H)	Heard & Held
02/10/15	(H)	MINUTE(CRA)
02/17/15	(H)	CRA AT 8:00 AM BARNES 124
02/17/15	(H)	-- MEETING CANCELED --
02/21/15	(H)	CRA AT 10:00 AM BARNES 124
02/21/15	(H)	-- MEETING CANCELED --
02/26/15	(H)	CRA AT 8:00 AM BARNES 124

BILL: HCR 1

SHORT TITLE: GOVERNOR:TRIBAL SOVEREIGNTY AND JURIS.

SPONSOR(S): REPRESENTATIVE(S) EDGMON

01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	CRA, JUD
02/19/15	(H)	CRA AT 8:00 AM BARNES 124

02/19/15 (H) Heard & Held
02/19/15 (H) MINUTE(CRA)
02/26/15 (H) CRA AT 8:00 AM BARNES 124

BILL: HJR 3

SHORT TITLE: CONGRESS:NATIVE TRIBAL JURIS. & AUTHORITY
SPONSOR(S): REPRESENTATIVE(S) EDGMON

01/21/15 (H) READ THE FIRST TIME - REFERRALS
01/21/15 (H) CRA, JUD
02/19/15 (H) CRA AT 8:00 AM BARNES 124
02/19/15 (H) Heard & Held
02/19/15 (H) MINUTE(CRA)
02/26/15 (H) CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

REPRESENTATIVE NEAL FOSTER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Spoke as the sponsor of HB 47.

PAUL LABOLLE, Staff
Representative Neal Foster
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of the sponsor, Representative Foster, explained the changes embodied in CSHB 47, Version E.

SHANDA HUNTINGTON, City Manager/City Clerk
City of Galena
Galena, Alaska

POSITION STATEMENT: During hearing of HB 47, answered questions.

TIM CLARK, Staff
Representative Bryce Edgmon
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of the sponsor, Representative Edgmon, explained the changes embodied in CSHCR 1, Version H.

TIM CLARK, Staff
Representative Bryce Edgmon
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of the sponsor, Representative Edgmon, explained the changes embodied in CSHJR 3, Version E.

ACTION NARRATIVE

[8:11:39 AM](#)

CHAIR CATHY TILTON called the House Community and Regional Affairs Standing Committee meeting to order at 8:11 a.m. Representatives Seaton, Hughes, Ortiz, and Tilton were present at the call to order.

HB 47-PERS CONTRIBUTIONS BY MUNICIPALITIES

[8:11:58 AM](#)

CHAIR TILTON announced that the first order of business would be HOUSE BILL NO. 47, "An Act requiring each municipality with a population that decreased by more than 25 percent between 2000 and 2010 that participates in the defined benefit retirement plan of the Public Employees' Retirement System of Alaska to contribute to the system an amount calculated by applying a rate of 22 percent of the total of all base salaries paid by the municipality to employees of the municipality who are active members of the system during a payroll period; reducing the rate of interest payable by a municipality with a population that decreased by more than 25 percent between 2000 and 2010 that is delinquent in transmitting employee and employer contributions to the defined benefit retirement plan of the Public Employees' Retirement System of Alaska; giving retrospective effect to the substantive provisions of the Act; and providing for an effective date."

[8:12:09 AM](#)

REPRESENTATIVE SEATON moved to adopt CSHB 47, Version 29-LS0285\E, Wayne, 2/20/15, as the working document.

CHAIR TILTON objected for purposes of discussion.

[8:12:37 AM](#)

REPRESENTATIVE NEAL FOSTER, Alaska State Legislature, speaking as the sponsor of HB 47, introduced his staff who would explain Version E.

[8:12:45 AM](#)

PAUL LABOLLE, Staff, Representative Neal Foster, Alaska State Legislature, speaking on behalf of the sponsor, Representative Foster, directed attention to the change in Section 1 of Version E that addresses the village of Atka, which has experienced an increase in its payroll despite a population loss. He explained that if the floor had been applied as previously crafted, Atka's floor would have increased over fiscal year (FY) 2008 and placed the community in penalty mode as some of its payments would be below that of FY 12. Therefore, the change in Section 1 provides for an exclusion such that in order to reset the floor, a community would have to have both a population loss of 25 percent or more and FY 12 salaries would have to be below the FY 08 salaries. He then directed attention to the change in Section 2, which changes the calculation method on interest from being based on the discount rate plus 4 percent to being based on the actuarially assessed rate of the Public Employees' Retirement System (PERS) fund, which is 8 percent. Therefore, an employer paying at the floor level has an 8 percent interest rate for penalties, which makes the system whole. However, for an employer paying above the FY 08 floor the interest rate penalty is 12 percent.

[8:15:05 AM](#)

REPRESENTATIVE SEATON asked if, from Galena's perspective, there is anything that is detrimental to Galena in Version E.

[8:15:20 AM](#)

SHANDA HUNTINGTON, City Manager/City Clerk, City of Galena, replied no.

[8:15:26 AM](#)

CHAIR TILTON, upon determining no one else wished to testify, closed public testimony.

[8:15:48 AM](#)

REPRESENTATIVE SEATON opined that the changes in Version E keep the state whole and [levels the playing field] for all the cities at the floor while keeping the state whole.

[8:16:28 AM](#)

CHAIR TILTON withdrew her objection. There being no further objection, CSHB 47, Version E was adopted. She then announced that HB 47 would be held over.

HCR 1-GOVERNOR:TRIBAL SOVEREIGNTY AND JURIS.

[8:17:09 AM](#)

CHAIR TILTON announced that the next order of business would be HOUSE CONCURRENT RESOLUTION NO. 1, Urging the Governor to acknowledge officially the sovereignty of Alaska tribal governments, to create clear and consistent policies for increased state collaboration and partnership with tribes, and to direct the attorney general to conduct a complete review of the state's litigation against Alaska Native tribes; urging the Governor to acknowledge the inherent criminal jurisdiction of Alaska tribal governments over tribal members within the boundaries of their villages; urging the Governor to cooperate with tribes' efforts to transfer Native land to trust; and urging the Governor to support multilateral negotiations between tribal governments, nontribal municipalities, and the state government to delineate clearly tribal geographical jurisdictions.

[8:17:24 AM](#)

REPRESENTATIVE SEATON moved to adopt CSHCR 1, Version 29-LS0353\H, Wallace/Martin, 2/19/15, as the working document.

CHAIR TILTON objected for discussion purposes.

[8:17:39 AM](#)

TIM CLARK, Staff, Representative Bryce Edgmon, Alaska State Legislature, speaking on behalf of Representative Edgmon, sponsor, explained that Version H removes resolves related to the proclamation of tribal sovereignty; inherent criminal jurisdiction within Alaska Native villages; transfer of land into trust; and negotiation of tribal geographical jurisdiction. The revised resolves, he further explained, urge the governor to establish clear and consistent policies across state agencies for increased collaboration and partnership with tribes. He pointed out that a new resolve encourages the governor to negotiate agreements with Alaska Native tribes that increase their authority, responsibility, and capacity to enforce certain state laws and deliver justice at the local level. He pointed out that the third resolve urges the governor to direct the

attorney general to review the state's litigation against Alaska Native tribes. Mr. Clark then reviewed the specific location of the aforementioned changes embodied in Version H.

[8:20:08 AM](#)

The committee took a brief at ease.

[8:20:57 AM](#)

CHAIR TILTON withdrew her objection. There being no further objection, Version H was adopted. Upon determining no one else wished to testify, Chair Tilton then closed public testimony and announced that HCR 1 would be held over.

HJR 3-CONGRESS:NATIVE TRIBAL JURIS. & AUTHORITY

[8:22:05 AM](#)

CHAIR TILTON announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 3, Urging members of the Alaska delegation to the United States Congress to introduce substantially similar legislation to the Alaska Safe Families and Villages Act of 2013; urging the United States Congress to affirm the criminal jurisdiction of Alaska tribal governments over tribal members within the boundaries of their villages; urging the United States Congress to cooperate with tribes' efforts to transfer Native land to trust; and supporting multilateral negotiations between tribal governments, nontribal municipalities, and the state and federal governments to delineate clearly tribal geographical jurisdictions.

[8:22:13 AM](#)

REPRESENTATIVE SEATON moved to adopt CSHJR 3, Version 29-LS0354\W, Wallace/Martin, 2/19/15, as the working document.

CHAIR TILTON objected for discussion purposes.

[8:22:35 AM](#)

TIM CLARK, Staff, Representative Bryce Edgmon, Alaska State Legislature, speaking on behalf of the sponsor, Representative Edgmon, explained that the language on page 2, lines 20-31 of HJR 3 is not included in Version W and the title has been amended accordingly. Furthermore, Version W does not include the final three resolves of HJR 3 that addressed the inherent

criminal jurisdiction in Alaska Native villages, transfer of lands into trust, and negotiation of tribal geographical jurisdictions. In the sponsor's view, the complexity and controversy associated with the deleted provision somewhat obscured the core goal of the resolution, which is to encourage the Alaska Congressional delegation to introduce federal legislation to improve public safety and wellbeing in Alaska Native communities, primarily through strengthening tribal authority to keep the peace and deliver justice at the local level.

[8:23:53 AM](#)

CHAIR TILTON withdrew her objection. There being no further objection, Version W was adopted. Upon determining no one else wished to testify, Chair Tilton then closed public testimony and announced that HJR 3 would be held over.

[8:24:36 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 8:24 a.m.