

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 10, 2015

8:04 a.m.

MEMBERS PRESENT

Representative Cathy Tilton, Chair
Representative Paul Seaton, Vice Chair
Representative Shelley Hughes
Representative Benjamin Nageak
Representative Lora Reinbold
Representative Harriet Drummond
Representative Dan Ortiz

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 104

"An Act relating to immunity for a fire department and employees or members of a fire department."

- MOVED CSHB 104(CRA) OUT OF COMMITTEE

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.

- MOVED CSHCR 1(CRA) OUT OF COMMITTEE

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.

- MOVED CSHJR 3(CRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 104

SHORT TITLE: IMMUNITY FOR FIRE DEPT. & MEMBERS

SPONSOR(S): REPRESENTATIVE(S) TILTON

02/11/15	(H)	READ THE FIRST TIME - REFERRALS
02/11/15	(H)	CRA, JUD
03/05/15	(H)	CRA AT 8:00 AM BARNES 124
03/05/15	(H)	Heard & Held
03/05/15	(H)	MINUTE(CRA)
03/10/15	(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
02/26/15	(H)	Heard & Held
02/26/15	(H)	MINUTE(CRA)
03/10/15	(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
02/26/15 (H) Heard & Held
02/26/15 (H) MINUTE(CRA)
03/10/15 (H) CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

DAN BELLERIVE, Staff
Representative Tilton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Reviewed changes encompassed in Version W.

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

POSITION STATEMENT: During hearing of HCR 1, answered questions on behalf of the sponsor, Representative Edgmon.

ACTION NARRATIVE

8:04:00 AM

CHAIR CATHY TILTON called the House Community and Regional Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Ortiz, Hughes, Seaton, and Tilton were present at the call to order. Representatives Drummond, Reinbold, and Nageak arrived as the meeting was in progress.

HB 104-IMMUNITY FOR FIRE DEPT. & MEMBERS

8:04:27 AM

CHAIR TILTON announced that the first order of business would be HOUSE BILL NO. 104, "An Act relating to immunity for a fire department and employees or members of a fire department."

8:05:00 AM

REPRESENTATIVE SEATON moved to adopt CSHB 104, Version 29-LS0550\W, Shutts, 3/9/15, as the working document.

CHAIR TILTON objected for discussion purposes.

8:05:21 AM

DAN BELLERIVE, Staff, Representative Tilton, Alaska State Legislature, reviewed the changes encompassed in Version W. He explained that page 1, line 11, exempts intentional misconduct and gross negligence from the protection afforded to the fire departments. Page 1, lines 12-14, addresses the concern that the proposed language of HB 104 would provide protection for a fire department while carrying out duties under contract with a private entity that had a contract with a village. Page 2, lines 3-4, would provide legal protection for fire departments that are registered with the state fire marshal and provide services under contract or agreement with a municipality or village. He noted that existing statute only provides protection for fire departments operated and maintained by a municipality or village. Page 2, line 6, provides conforming language to ensure that the immunity in subsection (c) doesn't conflict with or restrict the immunities provided in subsection (d).

[8:06:52 AM](#)

REPRESENTATIVE HUGHES recalled the question from the last hearing regarding whether the term "village" is sufficient or whether the term "established village" is more appropriate.

MR. BELLERIVE directed attention to AS 09.65.070(e)(2), as follows:

(2) "village" means an unincorporated community where at least 25 people reside as a social unit.

[8:07:25 AM](#)

CHAIR TILTON withdrew her objection. There being no further objection, Version W was adopted.

[8:07:46 AM](#)

REPRESENTATIVE SEATON moved to report CSHB 104, Version 29-LS0550\W, Shutts, 3/9/15, out of committee with individual recommendations and the accompanying [zero] fiscal note. There being no objection, CSHB 104(CRA) was reported from the House Community and Regional Affairs Standing Committee.

The committee took an at ease from 8:08 a.m. to 8:11 a.m.

HCR 1-GOVERNOR:TRIBAL SOVEREIGNTY AND JURIS.

8:11:01 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.

8:11:42 AM

CHAIR TILTON reminded the committee that before it is CSHCR 1, Version 29-LS0353\H, Wallace/Martin, 2/19/15, adopted on February 26, 2015.

8:11:51 AM

REPRESENTATIVE HUGHES moved that the committee adopt Amendment 1, labeled 29-LS0353\H.1, Martin, 3/7/15, which read:

Page 2, lines 24 - 26:

Delete all material and insert:

"**WHEREAS** each of those bodies concluded that the current law enforcement and justice systems alone have been unable to address and reduce crime, social ills, and community distress adequately in rural Alaska; and"

Page 3, lines 3 - 6:

Delete all material and insert:

"**WHEREAS**, in matters of jurisdiction and the delivery of justice at the local level, having the state and Alaska Native tribes work together in an improved relationship will benefit communities throughout Alaska; and"

WHEREAS clarifications in state policy will allow Alaska Native tribes the jurisdictional tools to make their communities safer and healthier;"

CHAIR TILTON objected for discussion purposes.

[8:12:26 AM](#)

REPRESENTATIVE HUGHES explained that the new language proposed in Amendment 1 presents a positive relationship as the state works with the Alaska Native tribes to resolve the issues and challenges they face.

[8:13:20 AM](#)

The committee took a brief at ease.

[8:13:51 AM](#)

REPRESENTATIVE SEATON opined that Amendment 1 offers a good tone, and thus he said he will support it.

[8:14:13 AM](#)

CHAIR TILTON [withdrew her objection.] There being no further objection, Amendment 1 was adopted.

[8:14:36 AM](#)

REPRESENTATIVE SEATON moved to report CSHCR 1, Version 29-LS0353\H, Wallace/Martin, 2/19/15, as amended, out of committee with individual recommendations.

[8:15:08 AM](#)

The committee took an at ease from 8:15 a.m. to 8:18 a.m.

[8:18:03 AM](#)

CHAIR TILTON reminded members that the committee had adopted Version H at its last meeting, adopted Amendment 1 today, and thus far there has been no objection to reporting CSHCR 1, as amended, from committee.

[8:19:07 AM](#)

The committee took an at ease from 8:19 a.m. to 8:22 a.m.

[8:22:42 AM](#)

CHAIR TILTON reminded the committee that there was a motion to report CSHCR 1, Version H, as amended, before the committee. She asked if there were any objections.

[8:22:54 AM](#)

REPRESENTATIVE REINBOLD objected. She then expressed the need for more expertise from those versed in this topic.

[8:23:12 AM](#)

REPRESENTATIVE DRUMMOND pointed out that on February 19, 2015, the committee heard testimony from the following members of the Alaska Native community: Gregory Razo, Cook Inlet Region; Veronica Slajer, North Star Group; and Will Mayo, Tanana Chiefs Conference. She opined that there has been plenty of support for HCR 1, and she suggested that it be reported from committee.

[8:23:41 AM](#)

REPRESENTATIVE REINBOLD expressed the need to ensure that the original intent of what the state agreed is not crossed.

[8:24:11 AM](#)

REPRESENTATIVE SEATON directed attention to the language in the title of Version H, which says "Urging the Governor to establish clear and consistent policies across all state agencies for increased collaboration and partnership with Alaska tribal governments". He then said he wasn't sure legal expertise is necessary to increase collaboration and partnerships with people of the state. He expressed comfort with the resolution, particularly with the amendments that have been adopted.

[8:24:52 AM](#)

The committee took a brief at ease.

[8:25:19 AM](#)

REPRESENTATIVE HUGHES acknowledged that there were concerns with the original HCR 1, but Version H removed the resolves related to the proclamation of tribal sovereignty, inherent criminal jurisdiction, the transfer of land into trust, and the

negotiation of tribal geographical jurisdictions. Furthermore, the adoption of Amendment 1 today removed any adversarial references and offered a positive tone.

[8:26:31 AM](#)

REPRESENTATIVE ORTIZ inquired as to whether Representative Reinbold desires that the committee hear from state representatives rather than tribal representatives.

REPRESENTATIVE REINBOLD clarified that she wanted to ensure that the resolution is in complete agreement with the federal and state agreements [of the past]. She then inquired as to after what HCR 1 is modeled and whether it can be shown that the model worked or created more challenges. For example, she expressed interest in whether a reduction in domestic violence or cost can be shown [under the model].

[8:27:31 AM](#)

REPRESENTATIVE NAGEAK opined that there is no need to worry about what the Lower 48 does, particularly since Alaska is in a unique situation. Tribes in Alaska are completely different than those in the Lower 48. For instance, Alaska tribes have no land base for tribes in Alaska while Lower 48 tribes do have land bases, reservations. Furthermore, Lower 48 tribes own casinos and have the wherewithal to do what is necessary for their constituents, while Alaska tribes don't and they struggle daily. Representative Nageak related that there were other energies that came before the tribes were established in Alaska. The nonprofits/corporations have been established for a long time and act as quasi tribal organizations. He opined that although tribes are trying to move forward, it's difficult.

[8:30:34 AM](#)

REPRESENTATIVE REINBOLD inquired as to how the nonprofit corporations versus lands play into this.

REPRESENTATIVE NAGEAK explained that the nonprofits perform other things, such as housing and hospitals. With regard to social programs, [the nonprofit corporations] work with the [municipal governments]. He pointed out that although the various entities try to work together, they have various perspectives just as any organization would. As with any organization, when a group wants to do something to better

itself, everyone needs to be heard and regional differences understood.

[8:32:41 AM](#)

REPRESENTATIVE REINBOLD asked if this type of resolution/model has worked such that a reduction in domestic violence, drug abuse, and other areas of concern have resulted.

REPRESENTATIVE NAGEAK emphasized that for Native Americans suicide, welfare, violence, and hunger are prevalent. If [the Alaska tribes and government] don't work together, these [social ills] will continue. He stressed the need to come together as one in this state in order to take care of the problems in tribal Alaska. Representative Nageak related that the problems happen to all in tribal Alaska. Working with the state and the federal government has been very helpful, he opined, as it's necessary for all to work together to address these issues. He said he didn't want others to have to deal with what he had to with the suicide of his son. Suicide happens too often, he stressed. In fact, there was another suicide just last week. With regard to tribal governance, Representative Nageak said it comes from the heart. He then said that HCR 1 would be helpful. He reiterated the need for Alaska tribes, state government, federal government, nonprofits, regional corporations, and municipal governments to ensure that Alaska tribes are as successful as possible.

[8:35:57 AM](#)

REPRESENTATIVE REINBOLD asked if Representative Nageak believes that HCR 1 will help.

REPRESENTATIVE NAGEAK characterized HCR 1 as a start. Although he said he didn't know whether it will work or not, he reiterated the need to try because the existing system isn't working.

[8:36:52 AM](#)

REPRESENTATIVE DRUMMOND said that with the knowledge of budget cuts, cuts to public safety, cuts to corrections, and the inaccessibility of many communities to the road system, the state has to do what it can to allow communities to govern themselves. She then recalled a federal study that chastised Alaska with regard to the inadequacy of its justice system in its rural communities.

[8:38:08 AM](#)

TIM CLARK, Staff, Representative Bryce Edgmon, Alaska State Legislature, clarified that although the Indian Law and Order Commission created in 2010 was reviewing Native American law and order issues nationwide, it devoted an entire chapter of its final report to what it deemed as serious problems in Alaska.

[8:38:43 AM](#)

REPRESENTATIVE DRUMMOND requested access to the statement that says "Alaska is dead last in terms of dealing with its tribal issues."

MR. CLARK pointed out that the entire chapter 2 of the Indian Law and Order Commission report is included in the committee packet.

[8:39:44 AM](#)

REPRESENTATIVE REINBOLD restated her question regarding whether HCR 1 is modeled after anything in the Lower 48 or is it the first of its kind. She, again, asked if the collaboration proposed in HCR 1 has worked [elsewhere].

MR. CLARK informed the committee that over the last 25 years there have been more than half a dozen commissions composed of experts and stakeholders that have reviewed these issues and come to the same conclusion presented in the resolution. That is, the kind of partnership and collaboration that the resolution asks for as well as the increased ability for tribes to deliver justice and address law and order at the local level has promising potential to help improve the situations in these communities. Mr. Clark added that he provided Representative Reinbold's staff an article published this winter, following the introduction of the resolution, from the Alaska Justice Forum that includes a survey with regard to tribal court effectiveness. Although he acknowledged that studies of tribal court effectiveness are limited, the article does conclude that outcomes in tribal court decisions have led to less recidivism and better general outcomes in terms of acceptance among tribal members than those more traditional approaches to the delivery of justice.

[8:41:46 AM](#)

REPRESENTATIVE REINBOLD asked if the sponsor has statistical research that illustrates that collaboration results in a reduction of social ills, such as domestic violence.

MR. CLARK answered that the studies and statistical analysis of tribal courts is very limited. The hardest facts and the best numbers that were included in the Alaska Justice Forum article were regarding recidivism rates. He recalled there weren't a great deal of statistics available regarding an increase or decrease of instances in other problems in those communities.

[8:42:52 AM](#)

CHAIR TILTON reminded the committee that there is a motion before the committee.

[8:42:57 AM](#)

REPRESENTATIVE REINBOLD withdrew her objection.

[8:43:04 AM](#)

There being no further objection, CSHCR 1, Version 29-LS0353\H, Wallace/Martin, 2/19/15, as amended, was reported from the House Community and Regional Affairs Standing Committee.

[8:43:20 AM](#)

The committee took an at ease from 8:43 a.m. to 8:46 a.m.

[8:46:12 AM](#)

REPRESENTATIVE HUGHES, referring to the last Further Resolved of Version H, expressed concern with regard to the cost to the state if the governor directs the attorney general to perform a complete review of the state's litigation. She noted that she would speak to members of the House Judiciary Standing Committee, the next committee of referral, regarding that concern.

[8:47:13 AM](#)

REPRESENTATIVE DRUMMOND reminded the committee of Supreme Court Justice Fabe's recent strong message about tribal justice and the need to move forward. She recalled that the Judiciary has done much work in that area, and therefore she opined that it behooves the legislature to move forward arm-in-arm with the

Judiciary's suggestions and the resolution to allow tribes to provide justice in remote communities.

[8:48:05 AM](#)

REPRESENTATIVE SEATON characterized the last Further Resolved of Version H as merely legislative support for an initiative the governor has already announced.

[CSHCR 1(CRA) was reported from committee.]

HJR 3-CONGRESS:NATIVE TRIBAL JURIS. & AUTHORITY

[8:48:39 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.

CHAIR TILTON reminded the committee that CSHJR 3, Version 29-LS0354\W, Wallace/Martin, 2/19/15, was adopted at the February 26, 2015, meeting.

[8:48:54 AM](#)

REPRESENTATIVE HUGHES moved that the committee adopt Amendment 1, labelled 29-L0354\W.1, Martin, 3/7/15, which read:

Page 2, lines 17 - 19:

Delete all material and insert:

"**WHEREAS** each of those bodies concluded that the current law enforcement and justice systems alone have been unable to address and reduce crime, social ills, and community distress adequately in rural Alaska; and"

Page 2, lines 27 - 28:

Delete all material and insert:

"**WHEREAS**, in matters of jurisdiction and the delivery of justice at the local level, having the state and Alaska Native tribes work together in an improved relationship will benefit communities throughout Alaska; and"

CHAIR TILTON objected for discussion purposes.

[8:49:02 AM](#)

REPRESENTATIVE HUGHES explained that Amendment 1 to HJR 3 is very similar to Amendment 1 to HCR 1 as both delete language and replace it with language that has a positive tone.

[8:49:41 AM](#)

CHAIR TILTON [withdrew her objection]. There being no further objection, Amendment 1 was adopted.

[8:49:55 AM](#)

REPRESENTATIVE SEATON moved to report CSHJR 3, Version 29-LS0354\W, Wallace/Martin, 2/19/15, as amended, out of committee with individual recommendations. There being no objection, CSHJR 3, as amended, was reported from the House Community and Regional Affairs Standing Committee.

The committee took a brief at ease.

[8:50:42 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 8:50 a.m.