

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

April 2, 2015

2:33 p.m.

**MEMBERS PRESENT**

Representative Gabrielle LeDoux, Chair  
Representative Neal Foster  
Representative Bob Lynn  
Representative Matt Claman  
Representative Max Gruenberg

**MEMBERS ABSENT**

Representative Wes Keller, Vice Chair  
Representative Charisse Millett  
Representative Kurt Olson (alternate)

**COMMITTEE CALENDAR**

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

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

**PREVIOUS COMMITTEE ACTION**

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
03/10/15	(H)	Moved CSHJR 3(CRA) Out of Committee
03/10/15	(H)	MINUTE(CRA)
03/11/15	(H)	CRA RPT CS(CRA) NT 4DP 3NR
03/11/15	(H)	DP: ORTIZ, SEATON, DRUMMOND, NAGEAK
03/11/15	(H)	NR: HUGHES, REINBOLD, TILTON
03/25/15	(H)	JUD AT 1:00 PM CAPITOL 120
03/25/15	(H)	Heard & Held
03/25/15	(H)	MINUTE(JUD)
04/02/15	(H)	JUD AT 1:00 PM CAPITOL 120

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
03/10/15	(H)	Moved CSHCR 1(CRA) Out of Committee
03/10/15	(H)	MINUTE(CRA)
03/11/15	(H)	CRA RPT CS(CRA) NT 4DP 3NR
03/11/15	(H)	DP: DRUMMOND, NAGEAK, SEATON, ORTIZ

03/11/15 (H) NR: REINBOLD, HUGHES, TILTON  
03/25/15 (H) JUD AT 1:00 PM CAPITOL 120  
03/25/15 (H) Heard & Held  
03/25/15 (H) MINUTE(JUD)  
04/02/15 (H) JUD AT 1:00 PM CAPITOL 120

#### **WITNESS REGISTER**

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

**POSITION STATEMENT:** During the hearing of CSHJR 3, answered questions.

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

**POSITION STATEMENT:** During the hearing of CSHCR 1, answered questions.

#### **ACTION NARRATIVE**

[2:33:28 PM](#)

**CHAIR GABRIELLE LEDOUX** called the House Judiciary Standing Committee meeting back to order at 2:33 p.m. Representatives Foster, Lynn, Claman, Gruenberg, and LeDoux were present at the call to order.

#### **HJR 3-CONGRESS:NATIVE TRIBAL JURIS. & AUTHORITY**

[2:34:15 PM](#)

CHAIR LEDOUX announced that the first 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. [Before the committee was CS for HJR 3(CRA)]

[2:34:35 PM](#)

TIMOTHY CLARK, Staff, Representative Bryce Edgmon, Alaska State Legislature, [said he was available for questions].

[2:35:45 PM](#)

REPRESENTATIVE GRUENBERG expressed his understanding that the purpose of the [Congressional] bill was to extend the Alaska Safe Families and Villages Act of 2013 to throughout the state and not just to Metlakatla.

[2:36:35 PM](#)

MR. CLARK responded that the original legislation was directed at Alaska Native villages beyond Metlakatla, and the version the [113th Congress, 2d Session, Senate Report 113-260] deals with was simply noting changes made by the sponsor as the bill was being considered in the 113th Congress.

[2:37:14 PM](#)

CHAIR LEDOUX advised Representative Gruenberg that it appears the Alaska Safe Families and Villages Act of 2014 did not pass Congress. The purpose of CSHJR 3(CRA) is to urge Congress to take up the bill up again, and in particular the Alaska delegation, and support the substantially similar bill to be introduced in this Congress, she explained.

MR. CLARK agreed with Chair LeDoux assessment.

[2:37:47 PM](#)

REPRESENTATIVE GRUENBERG said his focus is on U.S. Senate Bill 1474, as its intent is to take the previous Act, which would only have applied to Metlakatla, and make it apply to Indian tribes throughout the State of Alaska.

MR. CLARK answered that his understanding of the original Senator Mark Begich legislation was dealing with provisions such as these wherein there were incremental increases of local tribal jurisdiction in Alaska tribal villages outside of Metlakatla. He explained that due to Metlakatla being Indian Country, the authorities are already much greater than the

authorities enjoyed by Alaska Native tribes where Indian Country does not exist.

[2:39:17 PM](#)

REPRESENTATIVE GRUENBERG surmised it is to extend previous federal law throughout Alaska to other tribes that met the qualifications.

MR. CLARK answered that Indian Law can be very complicated, however, in parts of the country where Indian Country itself does not exist, Congress nevertheless has the authority through legislation to grant certain authorities that normally would be possible only under Indian Law in the form of an Act. The U.S. Senate Bill 1474 was an attempt to modestly increase the authority of Alaska Native villages over certain crimes within the boundaries of their villages.

REPRESENTATIVE GRUENBERG opined that he had requested the [federal] committee report as the reports often provide the core source for determining the legislative history of the bill. He said the minority tends to focus on points of controversy and in reviewing the report, there were no minority views. Currently, Senator Lisa Murkowski is a co-sponsor and Senator Dan Sullivan's position is unknown.

[2:42:29 PM](#)

REPRESENTATIVE LYNN referred to a bill from the past regarding casinos and opined that Metlakatla is the only place in the State of Alaska that could have a casino. He questioned whether HJR 3 and the attendant bill in Congress were to pass, would that open up every Indian village to have a casino.

MR. CLARK responded "No," that would not be the case as the federal legislation is proscribed in what it describes and focuses simply on expanded criminal jurisdiction within village boundaries.

[2:43:42 PM](#)

REPRESENTATIVE GRUENBERG pointed to the U.S. Senate Bill 1474 in each committee member's packet. He offered that the new section is in italics and he does not believe it has to do with gaming.

CHAIR LEDOUX advised that public testimony was closed during the last committee meeting.

[2:45:03 PM](#)

REPRESENTATIVE GRUENBERG referred to {U.S. Senate Bill 1474, Sec. 2, Findings and Purpose] page 17, lines 10-17, which read:

- (b) PURPOSES - The purposes of this Act are -
- (1) to improve the delivery of justice in Alaska Native villages by -
    - (A) encouraging the State and Indian tribes to enter into intergovernmental agreements relating to the enforcement and adjudication of State laws relating to drug and alcohol offenses; and
    - (B) supporting Indian tribes in the State in the enforcement and adjudication of tribal laws relating to child abuse and neglect, domestic violence, and drug and alcohol offenses; and
  - (2) to enhance coordination and communication among Federal, State, tribal, and local law enforcement agencies.

REPRESENTATIVE GRUENBERG commented that it was far away from gaming issues.

[2:45:49 PM](#)

REPRESENTATIVE FOSTER moved to report CSHJR 3, version 29-LS0354\H, out of committee with individual recommendations and the accompanying fiscal note. There being no objection, CSHJR 3(CRA) was moved from the House Judiciary Standing Committee.

[2:46:24 PM](#)

The committee took an at-ease from 2:46 to 2:49 p.m.

**HCR 1-GOVERNOR:TRIBAL SOVEREIGNTY AND JURIS.**

[2:49:30 PM](#)

CHAIR LEDOUX announced that the final 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. [Before the committee was CSHCR 1(CRA).]

[2:49:36 PM](#)

TIMOTHY CLARK, Staff, Representative Bryce Edgmon, Alaska State Legislature, said this resolution is addressed to Governor Bill Walker and requests that he establish a more collaborative relationship in terms of the state's dealings with tribes. He offered that it encourages Governor Walker to negotiate intergovernmental agreements, increase tribal authority and responsibility, enforce laws and deliver justice in their communities, and directs the Alaska Attorney General to conduct a review of the state's litigation against tribes.

REPRESENTATIVE GRUENBERG surmised that page 3, lines 8-17, urges Governor Walker to establish the policies, negotiate agreements, and directs the attorney general to conduct a complete review of the state's litigation. He suggested a report also being submitted to the legislature of which would be a conceptual amendment. He asked whether the sponsor would be in agreement so the legislature knows what has been accomplished, and that the report is available at the beginning of each year.

[2:51:49 PM](#)

CHAIR LEDOUX advised that amendments are submitted 24 hours in advance.

REPRESENTATIVE GRUENBERG asked if Chair LeDoux would be willing to allow the discussion to continue.

CHAIR LEDOUX said "Not on the amendment."

REPRESENTATIVE GRUENBERG confirmed that Chair LeDoux is not taking any amendments.

CHAIR LEDOUX responded "I'm not taking any amendments," and it can be discussed on the floor of the House of Representatives.

[2:52:23 PM](#)

MR. CLARK said he is not at liberty to answer for Representative Edgmon as to whether he would be amenable to the conceptual amendment, but that Representative Edgmon would be willing to discuss the amendment.

[2:52:49 PM](#)

CHAIR LEDOUX noted that public testimony was closed during the last meeting.

[2:53:37 PM](#)

REPRESENTATIVE CLAMAN moved to report CSHCR 1, version 29-LS0353\E out of committee with individual recommendations and the accompanying fiscal notes. There being no objections, CSHCR 1(CRA) moved from the House Judiciary Standing Committee.

[2:53:56 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:53 p.m.