

ALASKA STATE LEGISLATURE
SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 16, 2017

3:38 p.m.

MEMBERS PRESENT

Senator Click Bishop, Chair
Senator Bert Stedman
Senator Berta Gardner

MEMBERS ABSENT

Senator Anna MacKinnon
Senator Lyman Hoffman

COMMITTEE CALENDAR

HOUSE BILL NO. 8

"An Act relating to protective orders."

- HEARD & HELD

SENATE BILL NO. 77

"An Act relating to service areas in second class boroughs; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 8

SHORT TITLE: ENFORCEMENT OF FOREIGN PROTECTIVE ORDERS

SPONSOR(S): REPRESENTATIVE(S) EDGMON

01/18/17	(H)	PREFILE RELEASED 1/9/17
01/18/17	(H)	READ THE FIRST TIME - REFERRALS
01/18/17	(H)	CRA, JUD
01/31/17	(H)	CRA AT 8:00 AM BARNES 124
01/31/17	(H)	Moved HB 8 Out of Committee
01/31/17	(H)	MINUTE(CRA)
02/01/17	(H)	CRA RPT 5DP 1NR
02/01/17	(H)	DP: TALERICO, WESTLAKE, DRUMMOND, PARISH, FANSLER
02/01/17	(H)	NR: RAUSCHER
02/08/17	(H)	JUD AT 1:30 PM GRUENBERG 120

02/08/17 (H) Heard & Held
02/08/17 (H) MINUTE(JUD)
02/13/17 (H) JUD AT 1:30 PM GRUENBERG 120
02/13/17 (H) Heard & Held
02/13/17 (H) MINUTE(JUD)
02/15/17 (H) JUD AT 1:30 PM GRUENBERG 120
02/15/17 (H) Moved HB 8 Out of Committee
02/15/17 (H) MINUTE(JUD)
02/17/17 (H) JUD RPT 4DP 2NR
02/17/17 (H) DP: KOPP, KREISS-TOMKINS, FANSLER,
CLAMAN
02/17/17 (H) NR: EASTMAN, REINBOLD
03/06/17 (H) TRANSMITTED TO (S)
03/06/17 (H) VERSION: HB 8
03/08/17 (S) READ THE FIRST TIME - REFERRALS
03/08/17 (S) CRA, JUD
03/16/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: SB 77

SHORT TITLE: SECOND CLASS BOROUGH SERVICE AREAS

SPONSOR(s): SENATOR(s) MICCICHE

03/03/17 (S) READ THE FIRST TIME - REFERRALS
03/03/17 (S) CRA, STA
03/16/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

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

POSITION STATEMENT: Introduced HB 8 for the sponsor.

MARY LUNDQUIST, Assistant Attorney General
Civil Division
Opinions, Appeals, and Ethics Section
Department of Law (DOL)
Fairbanks, Alaska

POSITION STATEMENT: Commented on HB 8.

CAITLYN KELLY, representing herself
Juneau, Alaska

POSITION STATEMENT: Supported HB 8.

RACHEL HENKE, staff
Senator Peter Micciche

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 77 on behalf of the sponsor.

MIKE NAVARRE, Mayor
Kenai Peninsula Borough
Soldotna, Alaska

POSITION STATEMENT: Supported SB 77.

LARRY PERSILY, Chief of Staff
Mayor Navarre
Kenai Peninsula Borough
Soldotna, Alaska

POSITION STATEMENT: Said he was available to answer questions on SB 77.

DAVID GIBBS, Director
Emergency Services
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: Supported SB 77.

KATHERINE WASSERMAN, Executive Director
Alaska Municipal League (AML)
Juneau, Alaska

POSITION STATEMENT: Supported SB 77.

ACTION NARRATIVE

[3:38:19 PM](#)

CHAIR CLICK BISHOP called the Senate Community and Regional Affairs Standing Committee meeting to order at 3:38 p.m. Present at the call to order were Senators Stedman, Gardner, and Chair Bishop.

HB 8-ENFORCEMENT OF FOREIGN PROTECTIVE ORDERS

[3:39:12 PM](#)

CHAIR BISHOP announced consideration of HB 8.

[3:39:23 PM](#)

TIM CLARK, staff to Representative Bryce Edgmon, sponsor of HB 8, Alaska State Legislature, Juneau, Alaska, introduced HB 8 for the sponsor. He said that HB 8 reconciles state statutes that are now in conflict with federal law under the Violence Against Women Act (VAWA), which makes sure that a protection order

issued in another jurisdiction (meaning another state or tribal court) is treated no differently than a protective order issued by an Alaska State court. Under existing statute, state law enforcement is only compelled to enforce a protection order from another jurisdiction if it has been first filed with a clerk of an Alaskan court.

MR. CLARK said HB 8 ensures that a protection order from another state or a tribal court would be given full faith and credit with no requirement that it first be registered with the state. This efficiency is important to some peoples' immediate safety. The state is already enforcing existing provisions in the superseding federal law, but it's important to clean up state statute to eliminate possible complications in prosecutions and any risk of lawsuits for the state. The bill carries a zero fiscal note.

CHAIR BISHOP asked for an example of what a "potential conflict" could be if the state isn't in compliance with federal law.

MARY LUNDQUIST, Assistant Attorney General, Department of Law (DOL), Civic Division, Opinions, Appeals, and Ethics Section, Fairbanks, Alaska, said she didn't have any specific examples of ongoing conflicts, because the state complies with VAWA now. However, the state law is out of sync with federal law, because it requires registration of tribal protection orders, and this bill would eliminate that inconsistency. By doing that it would also eliminate the possibility for a prosecutor to say the state wasn't complying with state law by not arresting a person for violating a protection order in the future, even though the federal law would pre-empt the state law requirements.

CHAIR BISHOP opened public comment.

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CAITLYN KELLY, representing herself, Juneau, Alaska, supported HB 8. She said her older sister has a long-term, criminal protective order against someone in California. When she came back up to Alaska, this person followed her. He came to the house where she was staying and attacked her. The police were called; he was found and arrested, but he wasn't charged with violating a protective order, because under state law it has to be registered. Her sister didn't know that, because the protective order says that it's enforceable in all 50 states. The fact that a protective order has to be registered isn't a well-known procedure or information that is readily available to the public.

SENATOR GARDNER thanked Ms. Kelly for testifying.

MS. KELLY reiterated that she felt it "very crucial" to pass this bill, because this person has made life-threatening comments against her sister. That is why the protective order is there.

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CHAIR BISHOP, finding no further comments, closed public testimony and held HB 8 for a later hearing.

SB 77-SECOND CLASS BOROUGH SERVICE AREAS

[3:46:47 PM](#)

CHAIR BISHOP announced consideration of SB 77.

RACHEL HENKE, staff to Senator Peter Micciche, Alaska State Legislature, Juneau, Alaska, presented SB 77 for the sponsor. She said SB 77 would expand the authority for second class boroughs to exercise the local option of creating a non-taxable service area, specifically, areas where there are no voters within the service areas boundaries. No new taxes will be levied, but rather the borough could use a portion of its federal payment in lieu of taxes allocation to cover the costs. The point of SB 77 is to just give boroughs more authority to protect their main roadways at no extra cost to the state.

CHAIR BISHOP opened public testimony on SB 77.

[3:49:25 PM](#)

MIKE NAVARRE, Mayor, Kenai Peninsula Borough, Soldotna, Alaska, supported SB 77, and said its purpose is to clarify a provision that already exists in law, but is difficult to implement. He elaborated that the borough has stretches of highway that have no emergency coverage and a very low taxable base in order to provide for that service. So, volunteer emergency responders are struggling to provide those services. The highway corridor between Anchorage and Kenai is heavily traveled and they end up responding to a lot of travelers who are traveling to and from the Kenai Peninsula and it's beyond their ability to cover it. Additionally, existing statutory provisions restrict using service area funds from one area in another service area or outside the boundaries of the service area, so they are having a difficult time trying to supplement the volunteer efforts.

MAYOR NAVARRE said SB 77 would allow the borough to create a highway corridor service area where there will be no residents and no taxpayers, and because most of the land adjacent to the roadway is federally owned or even in some cases state lands, this authority would allow using in lieu of taxes funds that the Kenai Borough currently gets from the federal government in order to help provide and supplement those services. He showed a map illustrating the number of accidents in the highway corridor.

MAYOR NAVARRE explained that the reason the law needs clarification is because even though it says they can do this already, they still have to get approval from all the owners of the property, and that is next to impossible to do. And because it's a highway corridor that has underlying land owners that makes it even more difficult than it ought to be to provide reasonable emergency service coverage.

MAYOR NAVARRE said SB 77 has a zero fiscal note; the Alaska State Troopers support it, and none of the other second class boroughs have concerns or object to the language. It enhances public safety and allows the borough to close the legal gap in a significant public safety concern using funds it currently gets from the federal government while recognizing that those funds are already fully utilized within their budget, and it likely means that either some other area will have to be reduced or all the residents of the Kenai Peninsula Borough will be paying to help support this service.

[3:53:59 PM](#)

SENATOR STEDMAN noted that Prince of Wales Island is not on the list of affected areas even though it is the only island that has multiple inter-connected communities on it.

MAYOR NAVARRE said this measure only applies to second class boroughs.

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CHAIR BISHOP said he liked the bill, but asked if the Mayor said his borough would provide "mutual aid" along the safety corridor helping these other smaller communities.

MAYOR NAVARRE replied yes; the reality is that the mutual aid authority is kind of stretching already existing state law for fire and emergency services, because there is nothing mutual about it. "Mutual aid" also requires that somebody actually responds and calls for the mutual aid. In some cases that

doesn't happen, because the community of Cooper Landing is a senior community and has a very high number of senior tax exemptions, but also some of the volunteers have been doing it for 20 or more years and can no longer drive at night or lift as much weight. All they are trying to do is make sure legal authority is established to provide the service and recognize that more than half of the responses are to people who don't live in the Cooper Landing area boundaries.

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LARRY PERSILY, Chief of Staff to Mayor Navarre, Kenai Peninsula Borough, Soldotna, Alaska, said he was available to answer questions on SB 77.

DAVID GIBBS, Director, Emergency Services, Fairbanks North Star Borough, Fairbanks, Alaska, supported SB 77. He said the Fairbanks North Star Borough is a second class borough and they fully recognize that this measure may provide a benefit for them as they work on their road corridor safety issues, in addition to the obvious benefit it provides to the Kenai Borough.

[3:59:04 PM](#)

KATHERINE WASSERMAN, Executive Director, Alaska Municipal League (AML), Juneau, Alaska, supported SB 77. She said AML really likes this kind of legislation, because it identifies an issue that needs to be fixed and then provides a tool to actually fix it. This concept could be expanded to communities on Prince of Wales Island if the legislature wanted to do that.

SENATOR STEDMAN noted that language on page 1, line 5, says "a second class borough may establish," and that answered his earlier question.

SENATOR MICCICHE remarked that this is a life or death situation.

CHAIR BISHOP said he understands what Senator Micciche wants to accomplish and that he likes the bill.

He closed public testimony and said he would hold SB 77 for a later hearing.

[4:03:03 PM](#)

CHAIR BISHOP adjourned the Senate Community and Regional Affairs Standing Committee meeting at 4:05 p.m.