

ALASKA STATE LEGISLATURE
SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

April 4, 2017

3:31 p.m.

MEMBERS PRESENT

Senator Click Bishop, Chair
Senator Anna MacKinnon
Senator Bert Stedman
Senator Berta Gardner

MEMBERS ABSENT

Senator Lyman Hoffman

COMMITTEE CALENDAR

HOUSE BILL NO. 18

"An Act relating to race classics."

- HEARD & HELD

HOUSE BILL NO. 8

"An Act relating to protective orders."

- MOVED SCS HB 8(CRA) OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 4

Urging the Alaska Congressional delegation to introduce bills to provide for the exemption of legally acquired walrus, mammoth, and mastodon ivory from laws that ban the sale, use, and possession of ivory.

- MOVED SJR 4 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 18

SHORT TITLE: RACE CLASSICS

SPONSOR(S): REPRESENTATIVE(S) ORTIZ

01/18/17	(H)	PREFILE RELEASED 1/9/17
01/18/17	(H)	READ THE FIRST TIME - REFERRALS
01/18/17	(H)	L&C, FIN
01/30/17	(H)	L&C AT 3:30 PM BARNES 124

01/30/17 (H) Heard & Held
 01/30/17 (H) MINUTE(L&C)
 02/03/17 (H) L&C AT 3:15 PM BARNES 124
 02/03/17 (H) Moved HB 18 Out of Committee
 02/03/17 (H) MINUTE(L&C)
 02/06/17 (H) L&C RPT 6DP 1NR
 02/06/17 (H) DP: STUTES, WOOL, JOSEPHSON, BIRCH,
 KNOPP, KITO
 02/06/17 (H) NR: SULLIVAN-LEONARD
 02/10/17 (H) FIN REFERRAL WAIVED
 02/13/17 (H) TRANSMITTED TO (S)
 02/13/17 (H) VERSION: HB 18
 02/15/17 (S) READ THE FIRST TIME - REFERRALS
 02/15/17 (S) CRA, L&C
 03/28/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)
 03/28/17 (S) Heard & Held
 03/28/17 (S) MINUTE(CRA)
 04/04/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)

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)
 03/16/17 (S) Heard & Held
 03/16/17 (S) MINUTE(CRA)
 03/21/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)
 03/21/17 (S) Scheduled but Not Heard
 03/28/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)
 03/28/17 (S) Heard & Held
 03/28/17 (S) MINUTE(CRA)
 04/04/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: SJR 4

SHORT TITLE: AK LEGALLY ACQUIRED IVORY USE EXEMPTION

SPONSOR(S): SENATOR(S) OLSON

02/01/17 (S) READ THE FIRST TIME - REFERRALS
 02/01/17 (S) CRA, RES
 03/28/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)
 03/28/17 (S) Heard & Held
 03/28/17 (S) MINUTE(CRA)
 04/04/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

ELISA COSNI, Policy Specialist
 Alaska Network on Domestic Violence and Sexual Assault
 Juneau, Alaska

POSITION STATEMENT: Commented on HB 18.

NANCY MEADE, General Council
 Administrative Staff
 Alaska Court System
 Anchorage, Alaska

POSITION STATEMENT: Commented on HB 18.

SENATOR DONNY OLSON
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Sponsor of SJR 4.

ACTION NARRATIVE

[3:31:38 PM](#)

CHAIR CLICK BISHOP called the Senate Community and Regional Affairs Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators MacKinnon, Stedman, and Chair Bishop.

HB 18-RACE CLASSICS

[3:32:18 PM](#)

CHAIR BISHOP announced consideration of HB 18, sponsored by Representative Ortiz.

[3:32:35 PM](#)

SENATOR MACKINNON offered Amendment 1.

30-LS0199\A.2
Martin
4/3/17

AMENDMENT 1

OFFERED IN THE SENATE

TO: HB 18

BY SENATOR MACKINNON

Page 1, lines 4 - 10:

Delete all material and insert:

"(40) "race classic" means a game of chance where prizes are awarded for the closest guess or guesses of the official winning times of a human race or races [, AND IS LIMITED TO THE MT. MARATHON RACE CLASSIC OPERATED AND ADMINISTERED BY THE SEWARD CHAMBER OF COMMERCE CONVENTION AND VISITORS' BUREAU];"

CHAIR BISHOP objected for discussion purposes.

SENATOR MACKINNON explained that Amendment 1 proposes to limit the number of bills coming before the legislature on selecting winners and losers on games of chance for guessing about the winning times of a human race or races. On page 1, lines 4-10, deletes all materials and inserts the above language.

[3:34:38 PM](#)

She didn't think there was any harm in deleting having each community having to come forward and go through this process.

[3:35:10 PM](#)

REPRESENTATIVE ORTIZ, sponsor of HB 18, said he appreciates the intent of the amendment and the concerns that it addresses, but her amendment just addresses race classics. He also went back and looked into the record and a legislative body hadn't been

presented with a request for sponsorship of a race classic since 1993. It's not something that comes before the committee or any body of the legislature and occupies any amount of their time in recent history.

[3:36:05 PM](#)

SENATOR GARDNER joined the committee.

REPRESENTATIVE ORTIZ said his concern with the amendment is that it opens up the potential for anyone with a permit to be able to piggyback on the event, which in this case is the Ketchikan Chamber of Commerce sponsorship of this race. If this amendment goes forward, there would be nothing to prevent another body, either in close proximity to Ketchikan or not, to also sponsor a gaming opportunity for their group on this particular event using this particular permit, thereby diluting the potential revenue that could come forward to the Ketchikan Chamber of Commerce.

SENATOR MACKINNON said that while it is true that that particular section of code has not been amended, there are over 49 different sections that she could go through if he wanted to hold the bill.

REPRESENTATIVE ORTIZ said he appreciated that, but didn't see the need. He said her concerns are about the broader list of races and events that happen throughout the state and addressing that broader issue would require a different bill. This particular amendment addresses the race classics, specifically, and her broader goals won't be achieved.

[3:39:49 PM](#)

CHAIR BISHOP set HB 18 aside until Thursday.

[3:40:09 PM](#)

At ease

HB 8-ENFORCEMENT OF FOREIGN PROTECTIVE ORDERS

[3:41:28 PM](#)

CHAIR BISHOP called the meeting back to order and announced consideration of HB 8, sponsored by Representative Edgmon. Senator MacKinnon had an amendment when it was last considered.

SENATOR MACKINNON moved Amendment 1, version 30-LS0127\A.3

30-LS0127\A.3

AMENDMENT 1

OFFERED IN THE SENATE
TO: HB 8

BY SENATOR MACKINNON

Page 4, following line 22:

Insert a new bill section to read:

"* **Sec. 8.** AS 22.35.030 is amended to read:

Sec. 22.35.030. Publication of Records [RECORDS CONCERNING CRIMINAL CASES RESULTING IN ACQUITTAL OR DISMISSAL]. The Alaska Court System may not publish a court record [OF A CRIMINAL CASE] on a publicly available website

(1) in a criminal case if 60 days have elapsed from the date of acquittal or dismissal and

(A) [(1)] the defendant was acquitted of all charges filed in the case;

(B) [(2)] all criminal charges against the defendant in the case have been dismissed and were not dismissed as part of a plea agreement in another criminal case under Rule 11, Alaska Rules of Criminal Procedure;

(C) [(3)] the defendant was acquitted of some of the criminal charges in the case and the remaining charges were dismissed; or

(D) [(4)] all criminal charges against the defendant in the case have been dismissed after a suspended entry of judgment under AS 12.55.078;

(2) of a protective order under AS 18.66.100 - 18.66.180, restraining order, or injunction in a case involving domestic violence if the publication would likely reveal the identity or location of the party protected under the order."

Renumber the following bill sections accordingly.

CHAIR BISHOP objected for discussion purposes.

SENATOR MACKINNON explained that Amendment 1 aligns state statute with federal statute with regards to protective orders for victims of domestic violence. There are multiple complications in complying with federal law, and HB 8 is not supported by the Alaska Network on Domestic Violence and Sexual Assault nor the Council on Domestic Violence and Sexual Assault

(CDVSA). The concern from agencies that advocate on behalf of those affected by domestic violence believe that a perpetrator's name should be in CourtView and available for the general public to view.

[3:43:21 PM](#)

She said Nancy Meade from the court system suggested using the word "petitioner", because otherwise the court would have to take all records down from CourtView to be in compliance with what this amendment proposes. The courts already do not show the victim or the perpetrator on CourtView in light of agreements Alaska has with other states. So, being put in an awkward situation of advocating for something that is fair to everyone under the eyes of the court or the law, Senator MacKinnon said she believes this bill should advance to the Judiciary Committee where it should have a robust conversation about what is currently shown on CourtView.

SENATOR MACKINNON said 3,400 protection orders were issued in the previous year, and she was told about 50 percent of those who are seeking protective orders are denied, because the reasons they give may not reach the threshold to actually qualify. The concern she has with using the language the court proposes - a petitioner - is that anyone can go to the court and ask for a protective order and give a specific set of circumstances, but the accused does not have any input into the conversation at that time.

SENATOR MACKINNON said she does not support anyone who does anything violent to any other person, but she has seen individuals rush to the court house to get a protective order when they are in a child custody case and the person who is being accused of something in that order may or may not have committed a crime. But their name is forever posted on CourtView with very little way to have it removed. Sometimes an accused can petition the court to have their name removed, but by only taking the victim's (petitioner) name off, the accused is sitting there with no rebuttal on the conversation. This is an important conversation to have.

SENATOR MACKINNON said that those who are accused or those who have had violence inflicted on them should be treated equitably in the sense that they deserve consideration. This language matches federal law, so she wanted this language to be submitted to the Judiciary Committee for discussion. She would defer to whatever they believe is the best for the people of Alaska.

[3:47:19 PM](#)

At ease

[3:47:40 PM](#)

CHAIR BISHOP called the meeting back to order and finding no comments, invited Senator Gardner to speak.

SENATOR GARDNER asked if the sponsor of the amendment suggested the CDVSA would support it.

SENATOR MACKINNON clarified that the CDVSA opposes the amendment. Representatives from CDVSA want the victims' names removed so that the victim would not be identified in their community or elsewhere. She would like the accused names removed if no crime has actually been proved in court. That is why she is separating this a bit.

SENATOR GARDNER asked if any "noddors" in the audience wanted to testify on record about this amendment.

CHAIR BISHOP asked again for public testimony.

[3:49:38 PM](#)

ELISA COSNI, Policy Specialist, Alaska Network on Domestic Violence and Sexual Assault, Juneau, Alaska, said they are the actual victim advocate service agencies across the state and that she agreed with Senator Mackinnon's characterization of their view of the amendment. From the victim advocate perspective, they have two goals: one is to absolutely uphold victim safety and the other is privacy. In certain cases, that might require the victim making that decision: to be anonymous. But the agency's experience is that opportunity is not clear to the petitioner (the victim) even though it is in the administrative rules. The other piece is the benefit of having the protective orders on line and viewable by advocates and shelters, so they are better able to hold the accused accountable and being able to track them in that way. The accused might have a history of domestic violence that maybe wasn't prosecuted or prosecuted successfully, but oftentimes - frequently - violence is perpetrated in cycles. So, her people might have that kind of knowledge about this person.

CHAIR BISHOP closed public testimony on HB 8. He removed his objection.

SENATOR GARDNER objected for more questions. She asked if the protective order is not available on CourtView, to whom it is available.

SENATOR MACKINNON replied law enforcement officers.

NANCY MEADE, General Counsel, Administrative Staff, Alaska Court System, Anchorage, Alaska, answered they are removed from CourtView, but they are not made confidential. And other than being on the public version of CourtView, it is the same as any other case. So, all protective orders are transmitted by the court to Department of Public Safety (DPS) for posting within ABSIN. Law Enforcement has access to the fact that there was a protective order and people would be able to access those at the court house in their paper form. The prohibition in the amendment would say the court cannot post them on a publically available Internet site, which is the CourtView that people look at from their kitchens on their laptops.

SENATOR GARDNER removed her objection.

CHAIR BISHOP found no further objections and said Amendment 1 was adopted.

SENATOR MACKINNON moved HB 8, as amended, from committee with individual recommendations and attached fiscal note.

CHAIR BISHOP announced that without objection, SCS HB 8(CRA) moved from the Senate Community and Regional Affairs Standing Committee.

[3:54:36 PM](#)

At ease

SJR 4-AK LEGALLY ACQUIRED IVORY USE EXEMPTION

[3:56:34 PM](#)

CHAIR BISHOP announced consideration of SJR 4. He said public testimony was closed in the last hearing.

[3:56:40 PM](#)

At ease

[3:57:21 PM](#)

SENATOR DONNY OLSON, Alaska State Legislature, Juneau, Alaska, sponsor of SJR 4, thanked the chair for hearing the resolution. It supports local artists who use the byproducts of subsistence

hunting to create and sell handicrafts, and urges the federal delegation to introduce legislation for the exemption of legally acquired walrus, mammoth, narwhal, and mastodon ivory.

SENATOR MACKINNON said for the people who missed the public hearing last week that the committee does take email or other comments on legislative issues.

SENATOR MACKINNON moved to report SJR 4, version 30-LS0109\D, from committee with individual recommendations and attached fiscal note(s).

CHAIR BISHOP announced that without objection, SJR 4 moved from the Senate Community and Regional Affairs Standing Committee.

[3:59:07 PM](#)

CHAIR BISHOP, finding no other business to come before the committee, adjourned the Senate Community and Regional Affairs Committee meeting at 3:59 p.m.