

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 12, 2024

8:04 a.m.

MEMBERS PRESENT

Representative CJ McCormick, Chair
Representative Kevin McCabe, Vice Chair
Representative Tom McKay
Representative Thomas Baker
Representative Justin Ruffridge
Representative Rebecca Himschoot
Representative Donna Mears

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 347

"An Act relating to assessment of property, boards of equalization, and certification of assessors; and providing for an effective date."

- HEARD & HELD

SENATE JOINT RESOLUTION NO. 13

Encouraging the United States Congress and the President of the United States to pass and sign legislation amending the Alaska Native Claims Settlement Act to release certain land held in trust back to affected Alaska Native village corporations.

- MOVED SJR 13 OUT OF COMMITTEE

HOUSE BILL NO. 12

"An Act relating to municipal regulation of trapping; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 347

SHORT TITLE: PROPERTY ASSESSMENT

SPONSOR(S): REPRESENTATIVE(S) COULOMBE

02/20/24 (H) READ THE FIRST TIME - REFERRALS
02/20/24 (H) CRA
03/12/24 (H) CRA AT 8:00 AM BARNES 124

BILL: SJR 13

SHORT TITLE: AMEND ALASKA NATIVE CLAIMS SETTLEMENT ACT
SPONSOR(S): SENATOR(S) DUNBAR

01/26/24 (S) READ THE FIRST TIME - REFERRALS
01/26/24 (S) CRA
02/01/24 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)
02/01/24 (S) Heard & Held
02/01/24 (S) MINUTE(CRA)
02/06/24 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)
02/06/24 (S) Moved SJR 13 Out of Committee
02/06/24 (S) MINUTE(CRA)
02/07/24 (S) CRA RPT 2DP 1NR
02/07/24 (S) DP: DUNBAR, GRAY-JACKSON
02/07/24 (S) NR: BJORKMAN
02/14/24 (S) TRANSMITTED TO (H)
02/14/24 (S) VERSION: SJR 13
02/15/24 (H) READ THE FIRST TIME - REFERRALS
02/15/24 (H) CRA
03/07/24 (H) CRA AT 8:00 AM BARNES 124
03/07/24 (H) Heard & Held
03/07/24 (H) MINUTE(CRA)
03/12/24 (H) CRA AT 8:00 AM BARNES 124

BILL: HB 12

SHORT TITLE: MUNICIPAL REGULATION OF TRAPPING
SPONSOR(S): REPRESENTATIVE(S) JOSEPHSON

01/19/23 (H) PREFILE RELEASED 1/9/23
01/19/23 (H) READ THE FIRST TIME - REFERRALS
01/19/23 (H) CRA, RES, FIN
03/12/24 (H) CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

REPRESENTATIVE JULIE COULOMBE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 347.

ELEILIA PRESLEY, Staff
Representative Julie Coulombe

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for HB 347, on behalf of Representative Coulombe, prime sponsor.

BRENDA JOSEPHSON, representing self
Haines, Alaska

POSITION STATEMENT: Gave invited testimony during the hearing on HB 347.

JOE GELDHOF, representing self
Juneau, Alaska

POSITION STATEMENT: Gave invited testimony during the hearing on HB 347.

DAVE HANNA, representing self
Juneau, Alaska

POSITION STATEMENT: Gave invited testimony during the hearing on HB 347.

SANDRA MOLLER, Director
Division of Community & Regional Affairs
Department of Commerce, Community & Economic Development
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 347.

SENATOR FORREST DUNBAR
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Gave an overview of SJR 13, as the prime sponsor.

REPRESENTATIVE ANDY JOSEPHSON
Alaska State Representative
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 12.

ALEXANDER SCHROEDER, Staff
Representative Andy Josephson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented a PowerPoint, entitled "HB 12: Municipal Regulation of Trapping," on behalf of Representative Josephson, prime sponsor.

LORRAINE TEMPLE, Director

Safe Trails Committee Cooper Landing
Cooper Landing, Alaska

POSITION STATEMENT: Gave invited testimony during the hearing on HB 12.

KNEELAND TAYLOR, representing self
Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony during the hearing on HB 12.

ACTION NARRATIVE

[8:04:30 AM](#)

CHAIR MCCORMICK called the House Community and Regional Affairs Standing Committee meeting to order at 8:04 a.m. Representatives McKay, Baker, Ruffridge, Himschoot, Mears, McCabe, and McCormick were present at the call to order.

REPRESENTATIVE BAKER recognized March 12 as Ashley Johnson Barr Day. He informed the committee that Ms. Barr was a child from Kotzebue whose life was taken after being abducted and mistreated. He added that she was one of many lost to the MMIP crisis.

HB 347-PROPERTY ASSESSMENT

[8:07:47 AM](#)

CHAIR MCCORMICK announced that the first order of business would be HOUSE BILL NO. 347, "An Act relating to assessment of property, boards of equalization, and certification of assessors; and providing for an effective date."

[8:08:15 AM](#)

REPRESENTATIVE JULIE COULOMBE, Alaska State Legislature, prime sponsor, presented HB 347. She explained that in the original version of the bill, the definition of "real and true value" was inadvertently taken out. She added that the forthcoming committee substitute (CS) would reinsert that definition.

[8:09:03 AM](#)

REPRESENTATIVE MEARS asked whether [the CS] is on par with the companion bill in the Senate.

REPRESENTATIVE COULOMBE answered yes.

[8:09:24 AM](#)

REPRESENTATIVE HIMSCHOOT asked whether the bill sponsor had reached out to the Alaska Association of Assessing Officers (AAAO). She shared her belief that the bill would place a burden on them.

REPRESENTATIVE COULOMBE asked Representative Himschoot to clarify what burden she referred to.

[8:10:23 AM](#)

REPRESENTATIVE MCCABE moved to adopt the proposed committee substitute (CS) for HB 347, Version 33-LS1430\B, Dunmire, 3/8/24, as the working document. There being no objection, Version B was before the committee.

[8:10:54 AM](#)

REPRESENTATIVE COULOMBE paraphrased the sponsor statement for HB 347 [included in the committee packet], which read as follows [original punctuation provided]:

Alaskans deserve transparency and fairness when it comes to property taxes. HB 347 puts some baseline requirements in place for Alaska municipalities, while preserving the important principle of local control.

The bill has the State set baseline standards for assessors to use so Alaskans know what the rules are for figuring property values. It also lets municipalities adopt their own by ordinance if state or national standards don't fit.

It also changes the default for who hears tax appeals to an appointed Board of Equalization instead of local elected officials. It's important to keep those separate because Alaskans can't talk freely about problems with the assessment process with an elected official who will later sit as a quasi-judge over their appeal. Citizens shouldn't lose access to their representatives when they disagree with city hall. Because some municipalities may be unable to fill appointed seats, the bill lets them opt out of this change by passing an ordinance.

HB 347 stops a municipality from raising the assessed value during an appeal process. Government's bite at the apple comes when it sends you a notice of assessed value. Raising that value when a citizen disagrees can chill taxpayers from exercising their rights.

The bill also levels the playing field for citizens with a recent appraisal in hand by requiring any Board of Equalization that doesn't agree with a fee appraisal to explain its findings on the record. Finally, HB 347 ensures assessors have the experience and credentials to do the job well.

[8:13:43 AM](#)

ELEILIA PRESLEY, Staff, Representative Julie Coulombe, Alaska State Legislature, on behalf of Representative Coulombe, prime sponsor of HB 347, presented the sectional analysis [included in the committee packet], which read as follows [original punctuation provided]:

Section 1: Requires local assessors to use published standards. Default standards will be adopted by the state, or a local governing body can adopt alternate standards by ordinance.

Section 2: Requires the Department of Commerce, Community, and Economic Development to adopt the default assessment standards—based on those published by the International Association of Assessing Officers—by regulation.

Section 3: Requires a local assessor to have or be supervised by someone who has a level 3 certification from the Alaska Association of Assessing Officers.

Section 4: Says a local governing body must appoint a Board of Equalization unless it adopts an ordinance to set itself as the Board of Equalization.

Section 5: Prohibits local government from raising the assessed value of the property during the appeals process, unless requested by the appellant. Sec. 5 also requires a Board of Equalization to make specific findings on the record if it disagrees with a fee appraisal.

Section 6: Lets the Department of Commerce, Community, and Economic Development adopt regulations setting the default assessment standards.

Section 7: Sets an immediate effective date for the department to put out regulations.

Section 8: Sets a January 1, 2025 effective date for all other changes in the bill.

CHAIR MCCORMICK opened invited testimony.

[8:15:44 AM](#)

BRENDA JOSEPHSON, representing self, gave invited testimony during the hearing on HB 347. She said she was passionate about the need to codify assessment standards and best practices because she had personally witnessed unjust actions that occurred in Haines. Last year, the Haines Borough hired an uncertified contract assessor who enacted a new hybrid replacement cost new mass appraisal methodology, which ignored actual market sales conditions by adding speculative costs for replacing existing structures. The stated goal was to equalize property values across large areas of the community. However, the new replacement cost did not properly consider the specific marketability of the parcels, nor did it give due weight to the physical and functional obsolescence of the buildings, resulting in excessive assessments. The approach resulted in what appeared to be a regressive taxation scheme, she said, by shifting a disproportionate burden of the tax to the lower and middle value properties. She reported that over 200 appeals were filed with the assessor's office, and many more went unreported. The assessor refused to address the merits of many appeals and property owners were faced with a confrontational process, including unprofessional interactions, an unwillingness to correct obvious errors, retaliatory increases, willful misdescriptions, a lack of sufficient notice for hearing dates, and failure to receive the assessor's staff reports, as required by the borough's policy. She shared several examples of wrongful conduct. She stated that HB 347 would establish needed guardrails to bring trust to the assessment process and help promote a transparent and professional approach by requiring certification. Further, the bill would protect the ability to redress the government by defaulting to an appointed Board of Equalization and reduce the "chilling" effect of retaliatory increases in assessments.

[8:27:48 AM](#)

REPRESENTATIVE MCCABE asked whether the assessor works for the mayor.

MS. JOSEPHSON explained that the assessor was hired by the administration and directly reported to the borough manager. In response to a follow up question, she explained that there was a community petition for the contract assessor's removal on the basis that he was uncertified. The petition was signed by nearly 600 people. Ultimately, she explained that his contract was not renewed.

REPRESENTATIVE MCCABE asked what happened to the money that was collected from the over-assessments.

MS. JOSEPHSON confirmed that the money was spent by the borough.

[8:32:23 AM](#)

REPRESENTATIVE HIMSCHOOT asked whether citizens appointed to the Board of Equalization would be required to avoid talking about the cases in the same way the assembly members were.

MS. JOSEPHSON agreed that at any quasi-judicial hearing, any [board member] cannot have ex parte communication with appellants.

REPRESENTATIVE HIMSCHOOT sought to confirm that if the board was composed, at least partially, of regular citizens, the assembly could then speak with them about these issues without violating any confidentiality rules.

MS. JOSEPHSON said, "That is correct."

[8:37:25 AM](#)

JOE GELDHOF, representing self, gave invited testimony during the hearing on HB 347. He stated that this is a statewide problem driven by local governments deciding that they need more money. He opined that the bill is grounded in fundamental fairness and would eliminate potential for abuse. He explained his support for allowing local governments to opt out because not all municipalities need the full "belt and braces." Nonetheless, he stressed that the standards in HB 347 should be a floor. He described the three methods of assessing property:

sales comparison approach, income approach, and cost replacement approach.

[8:44:24 AM](#)

DAVE HANNA, representing self, gave invited testimony during the hearing on HB 347. He stated that there is no reason not to pass the legislation because it would assign no cost to the state and force the municipalities to do that which they claim to already do. He shared his experience attending 70-80 Board of Equalization meetings, characterizing many of those as "horror stories." He pointed out that assessors are not required to show their work or justify their assessments; further that no assessor certification is required. He shared several anecdotal examples of wrongful conduct.

[8:52:07 AM](#)

REPRESENTATIVE MCCABE recalled an instance in Juneau in which the value of the property was being shared on public record to allow the assessor to tax the property on the cost of the property, versus its actual value.

MR. HANNA responded, "That's true." He discussed the disclosure rules in Juneau and characterized them as a double-edged sword, noting that they were eventually removed by an initiative. Nonetheless, he pointed out that the sales data is easy to find.

REPRESENTATIVE HIMSCHOOT highlighted the assessor certification on page 2 of the bill. She asked who would keep track of [the certification requirements].

REPRESENTATIVE COULOMBE said did not anticipate a large increase in workload.

[8:56:37 AM](#)

REPRESENTATIVE MCCABE asked how often property assessments are required.

REPRESENTATIVE COULOMBE answered every five years.

REPRESENTATIVE MCCABE asked whether there would be a way to encourage the borough to follow those guidelines or a way to self-report.

CHAIR MCCORMICK shared her understanding that there are no penalties at the local level. She pointed out that conducting assessments on a regular basis is in the best interest of municipalities to avoid under-assessments.

[8:59:56 AM](#)

SANDRA MOLLER, Director, Division of Community & Regional Affairs, Department of Commerce, Community & Economic Development (DCCED), stated that it's up to the municipality to decide when to conduct assessments.

[9:00:47 AM](#)

REPRESENTATIVE RUFFRIDGE questioned the difference between assessors and appraisers.

REPRESENTATIVE COULOMBE indicated that there are different standards used by assessors versus appraisers.

CHAIR MCCORMICK sought closing remarks from the bill sponsor.

[9:04:24 AM](#)

REPRESENTATIVE COULOMBE concluded that the bill would help fix the cracks in the system and retain local control.

CHAIR MCCORMICK announced that HB 347 would be held over.

SJR 13-AMEND ALASKA NATIVE CLAIMS SETTLEMENT ACT

[9:05:14 AM](#)

CHAIR MCCORMICK announced that the next order of business would be SENATE JOINT RESOLUTION NO. 13, Encouraging the United States Congress and the President of the United States to pass and sign legislation amending the Alaska Native Claims Settlement Act to release certain land held in trust back to affected Alaska Native village corporations.

[9:05:42 AM](#)

FORREST DUNBAR, Alaska State Legislature, prime sponsor, gave an overview of SJR 13. He explained that SJR 13 supports the Alaska Native Village Municipal Lands Restoration Act of 2023, sponsored by all three members of Alaska's federal delegation. The joint resolution seeks to fix an issue with Alaska Native

Claims Settlement Act (ANCSA) section 14(c)(3) that set aside land, held in state trust, for future municipalities that will never come to be. SJR 13 would restore the lands to Alaska Native village corporations to be used, among other things, for housing.

CHAIR MCCORMICK opened public testimony on SJR 13. After ascertaining that no one wished to testify, he closed public testimony.

[9:07:22 AM](#)

REPRESENTATIVE MCCABE moved to report SJR 13 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SJR 13 was reported from the House Community and Regional Affairs Standing Committee.

[9:07:51 AM](#)

REPRESENTATIVE BAKER disclosed his affiliation with an ANCSA village corporation.

[9:08:01 AM](#)

The committee took an at-ease from 9:08 a.m. to 9:13 a.m.

HB 12-MUNICIPAL REGULATION OF TRAPPING

[9:13:17 AM](#)

CHAIR MCCORMICK announced that the final order of business would be HOUSE BILL NO. 12, "An Act relating to municipal regulation of trapping; and providing for an effective date."

[9:13:31 AM](#)

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Representative, prime sponsor, presented HB 12. He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

House Bill 12 seeks to make explicit the authorization for home rule and general law municipalities to regulate trapping for the limited purpose of preventing injury to persons or property, including domestic animals.

Stories of pets and people inadvertently caught in (or simply triggering) traps are legion, and cause worry and concern for many Alaskans who enjoy Alaska's extensive outdoors. In a state as large as ours, local government is often best-positioned to understand local land-use issues, and this bill aims to guarantee the ability of local municipalities to tailor specific regulations to promote safe trapping practices within their jurisdiction. Absent the passage of this bill, local government may lack the ability to regulate trapping under existing state law or the state Constitution.

Drawing on provisions of Alaska statutes and the Alaska Constitution, an Attorney General's opinion from 1982 determined that municipalities cannot directly regulate game but may enact ordinances with an 'incidental effect' on game.

In effect, approximately fifteen cities or boroughs within Alaska regulate trapping in some way already. The scope of these regulations spans from prohibitions on trapping of domestic animals, which is arguably already illegal under the state's cruelty to animals statute, to prohibitions on trapping within the entire jurisdiction, which arguably is a direct regulation of game.

HB 12 seeks to remove legal uncertainty over whether existing or future municipal safe trapping ordinances are direct regulations or merely have incidental effect. It does so by: (1) stipulating the statutory authorization of state game management in Title 16; and (2) specifically authorizing municipalities to limit trapping in certain ways (for example, trap tags and signage) for a specific purpose (preventing injury to people and domestic animals) in particular areas (where injury is likely to occur) and allows for exemptions (for example, to prevent the spread of disease), in Title 29.

I urge you to support this legislation. Please feel free to contact my staff Alexander at 465-4939 with any questions.

[9:21:47 AM](#)

ALEXANDER SCHROEDER, Staff, Representative Andy Josephson, Alaska State Legislature, on behalf of Representative Josephson, prime sponsor of HB 12, presented a PowerPoint, entitled "HB 12: Municipal Regulation of Trapping," [hard copy included in the committee packet]. He began on slide 2, "Alaska Constitution," which read as follows [original punctuation provided]:

Two constitutional sections pertain to trapping

- Article X, Section 11. Home Rule Powers: A home rule borough or city may exercise all legislative powers not prohibited by law or by charter
- Article VIII, Section 3. Common Use: Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.
- There is ambiguity as to whether cities/municipalities can manage trapping within their local boundaries.

MR. SCHROEDER continued to slide 3, which featured a chart of the municipal codes in 15 municipalities that prohibit trapping within their boundaries in some capacity.

[9:24:28 AM](#)

MR. SCHROEDER proceeded to slide 4, "Trapping Regulations," which read as follows [original punctuation provided]:

Alaska trapping regulations are extremely permissive regarding traps set near public-use trails

2023-2024 Alaska Trapping Regulations

- "Avoid situations where you might catch a domestic dog or cat, such as near homes or trails frequently used by hikers, skijorers, dog mushers, or other people" (page 6)
- "Remember to act responsibly by trapping in ways that minimize conflict between trappers and other users. Failing to do so may jeopardize the future of trapping in Alaska" (page 4)
- There is no clear penalty for failing to avoid situations where a pet or child is caught in a trap by a trail

Alaska Statute

- AS 16.05.790: Obstruction or hinderance of lawful hunting, fishing, trapping, or viewing of fish or game
- Violation of this statute could result in a \$500 fine and 30 days imprisonment
- Additionally, AS 16.05.791 allows civil penalties for costs related to violation of AS 16.05.790
- There is a clear penalty for intentionally obstructing or hindering a trap, even if it is near a public-use trail

MR. SCHROEDER turned to slide 5, which featured the headlines of articles reporting on animals caught in traps.

[9:27:15 AM](#)

MR. SHROEDER concluded on slide 6, "HB 12 What does it do?" Slide 6 read as follows [original punctuation provided]:

- Resolves ambiguity about home rule cities/municipalities powers to regulate trapping within their boundaries
- Allows them to do so "to protect persons and property within its boundaries..."
- Nothing in bill prohibits exercising powers of DEC, DF&G, or DPS

CHAIR MCCORMICK opened invited testimony.

[9:28:15 AM](#)

LORRAINE TEMPLE, Director, Safe Trails Committee Cooper Landing, gave invited testimony during the hearing on HB 12. Shared her experience with trappers in Cooper Landing, explaining that trappers and recreational users are forced to occupy the same areas causing at least 9 dogs and 1 child in the past 20 years to have encounters with traps. She reported that a 50-yard setback from campgrounds was enacted by the Board of Game after the Safe Trails Committee submitted five proposals to establish 100-yard setbacks from specific trails, roads, campgrounds, beaches, and recreational areas. She relayed anecdotes about close encounters with active traps in Cooper Landing. She opined that a safer scenario could be achieved and allow for all users to have the benefit of wilderness in their rightful ways with an updated form of management.

[9:33:51 AM](#)

REPRESENTATIVE MEARS sought to confirm that the bill would support local governments in implementing their own rules.

REPRESENTATIVE JOSEPHSON answered yes and cited Article 10 of the Alaska Constitution.

[9:35:06 AM](#)

KNEELAND TAYLOR, representing self, gave invited testimony during the hearing on HB 12. He provided historical context in the way of court cases and public safety ordinances related to trapping. He shared his understanding that first-, second-, and third-class boroughs have the statutory authority to enact ordinances that impact trapping; however, the state contends that they do not, he said, which creates a jurisdictional conflict. Therefore, the bill is needed to provide clarity. He explained that commonly used traps used in Alaska can kill small children and dogs. He opined that local governments are best equipped at identifying the places that are inappropriate for trapping. He reminded the committee that HB 12 would not require municipalities to enact ordinances, and that doing so would be at the discretion of each municipality.

[9:42:55 AM](#)

CHAIR MCCORMICK sought questions from committee members.

[9:43:02 AM](#)

REPRESENTATIVE BAKER asked whether any municipalities had made it known to the bill sponsor that they could not manage this proposal.

REPRESENTATIVE JOSEPHSON answered no.

REPRESENTATIVE BAKER asked whether there are any communities that could not manage this issue without the passage of HB 12.

REPRESENTATIVE JOSEPHSON responded yes. He reported that the list of communities that want to take affirmative action is growing.

[9:45:52 AM](#)

REPRESENTATIVE MCCABE asked how many dogs or cats are killed by vehicles every year.

REPRESENTATIVE JOSEPHSON did not know the answer.

REPRESENTATIVE MCCABE said he was struggling with the bill because he felt for the animal owners and pets; however, he said he blames the owners for not keeping their pets under control.

REPRESENTATIVE JOSEPHSON shared his belief that municipalities may want to grant people the privilege of walking their pets off leash without having to worry about traps. Furthermore, he opined that a 50- or 100-yard setback would not be burdensome to trappers.

REPRESENTATIVE MCCABE asked whether it would be acceptable for the Alaska Department of Fish & Game (ADF&G) to contract with a local trapper to reduce an infestation of muskrats, for example.

REPRESENTATIVE JOSEPHSON answered yes. He directed attention to page 1, lines 9-10 of the bill, which speaks to municipal exemptions.

[9:50:36 AM](#)

REPRESENTATIVE HIMSCHOOT referenced "Grubby" the opossum in Homer. She asked how much of Alaska is available to trappers.

REPRESENTATIVE JOSEPHSON suspected that it exceeds 99 percent [of state land].

REPRESENTATIVE HIMSCHOOT asked whether, by the bill sponsor's estimation, that allowing municipalities to govern themselves by setting aside areas free from trapping would have a minimal impact on trappers' economic activity.

REPRESENTATIVE JOSEPHSON agreed that trappers' objective would not be seriously impeded.

[9:52:14 AM](#)

CHAIR MCCORMICK said he wanted to bring the bill forward for its applicability to rural Alaska.

[HB 12 was held over.]

[9:53:27 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:53 a.m.