

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

February 7, 2024

1:13 p.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Jamie Allard, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Jesse Sumner
Representative Andrew Gray
Representative Cliff Groh

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 97

"An Act relating to self-storage facilities for personal property, including vehicles and watercraft; distinguishing self-storage facility liens from another type of storage lien; and excluding self-storage liens from the treatment of certain unclaimed property."

- HEARD & HELD

HOUSE BILL NO. 67

"An Act relating to criminal law and procedure; relating to the crime of stalking; relating to consecutive sentencing for violation of conditions of release; relating to the duty to register as a sex offender; amending the definition of 'sex offense'; amending the definition of 'crime involving domestic violence'; relating to multidisciplinary child protection teams; amending Rule 6(r), Alaska Rules of Criminal Procedure; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 161

"An Act relating to appropriations to the civil legal services fund."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 97

SHORT TITLE: SELF-STORAGE UNITS; LIENS; SALES

SPONSOR(s): REPRESENTATIVE(s) PRAX

03/06/23	(H)	READ THE FIRST TIME - REFERRALS
03/06/23	(H)	L&C, JUD
03/24/23	(H)	L&C AT 3:15 PM BARNES 124
03/24/23	(H)	Heard & Held
03/24/23	(H)	MINUTE(L&C)
04/14/23	(H)	L&C AT 3:15 PM BARNES 124
04/14/23	(H)	Heard & Held
04/14/23	(H)	MINUTE(L&C)
05/01/23	(H)	L&C AT 3:15 PM BARNES 124
05/01/23	(H)	Heard & Held
05/01/23	(H)	MINUTE(L&C)
05/03/23	(H)	L&C AT 3:15 PM BARNES 124
05/03/23	(H)	Moved CSHB 97(L&C) Out of Committee
05/03/23	(H)	MINUTE(L&C)
05/08/23	(H)	L&C RPT CS(L&C) 4DP 2AM
05/08/23	(H)	DP: PRAX, WRIGHT, SADDLER, RUFFRIDGE
05/08/23	(H)	AM: FIELDS, CARRICK
02/05/24	(H)	JUD AT 1:30 PM GRUENBERG 120
02/05/24	(H)	Heard & Held
02/05/24	(H)	MINUTE(JUD)
02/07/24	(H)	JUD AT 1:00 PM GRUENBERG 120

BILL: HB 67

SHORT TITLE: HARASSMENT; SEX OFFENDERS & OFFENSES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/08/23	(H)	READ THE FIRST TIME - REFERRALS
02/08/23	(H)	JUD, FIN
03/03/23	(H)	JUD AT 1:00 PM GRUENBERG 120
03/03/23	(H)	Heard & Held
03/03/23	(H)	MINUTE(JUD)
03/27/23	(H)	JUD AT 1:00 PM GRUENBERG 120
03/27/23	(H)	Heard & Held
03/27/23	(H)	MINUTE(JUD)
02/05/24	(H)	JUD AT 1:30 PM GRUENBERG 120
02/05/24	(H)	Heard & Held
02/05/24	(H)	MINUTE(JUD)
02/07/24	(H)	JUD AT 1:00 PM GRUENBERG 120

BILL: HB 161

SHORT TITLE: CIVIL LEGAL SERVICES FUND
SPONSOR(s): WRIGHT

04/14/23 (H) READ THE FIRST TIME - REFERRALS
04/14/23 (H) JUD, FIN
02/07/24 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

GARY JENKINS, Owner
Space Unclaimed
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on CSHB 97(L&C).

NATHANIEL DYE
Juneau Self Storage;
American Mini Storage
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 97.

WILLIAM BREWER, Owner
Fairbanks Storage
Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing on HB 97.

ELIZABETH MANN, General Manager
Alaska Mini Storage
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 97.

TYLER SCOTT
Public Self Storage
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 97.

LONNIE BICKFORD, Owner
AK Storage Center
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 97.

REPRESENTATIVE MIKE PRAX
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, gave an explanation of Amendment 1 to CSHB 97(L&C).

DANIEL BRYANT, Legal and Legislative Counsel
Self Storage Association
Alexandria, Virginia

POSITION STATEMENT: Answered questions during the hearing on CSHB 97(L&C).

REPRESENTATIVE STANLEY WRIGHT
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 161.

RACHEL GUNN, Staff
Representative Stanley Wright
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 161, on behalf of Representative Wright, prime sponsor.

MAGGIE HUMM, Interim Executive Director
Alaska Legal Services Corporation
Juneau, Alaska

POSITION STATEMENT: Gave invited testimony during the hearing on HB 161.

NANCY MEADE, General Counsel
Alaska Court System
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 161.

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

POSITION STATEMENT: Answered questions during the hearing on HB 161.

ACTION NARRATIVE

[1:13:03 PM](#)

CHAIR VANCE called the House Judiciary Standing Committee meeting to order at 1:13 p.m. Representatives Carpenter, C. Johnson, Sumner, Gray, Groh, Allard, and Vance were present at the call to order.

HB 97-SELF-STORAGE UNITS: LIENS; SALES

[1:14:00 PM](#)

CHAIR VANCE announced that the first order of business would be HOUSE BILL NO. 97, "An Act relating to self-storage facilities for personal property, including vehicles and watercraft; distinguishing self-storage facility liens from another type of storage lien; and excluding self-storage liens from the treatment of certain unclaimed property." [Before the committee was CSHB 97(L&C).]

CHAIR VANCE opened public testimony on HB 97.

[1:14:39 PM](#)

GARY JENKINS, Owner, Space Unclaimed, testified during the hearing on CSHB 97(L&C). He opined that the bill language would set some bad precedents and directed attention to Sec. 34.35.620 [Denial of access; removal of unit property.], which he believed would enable and encourage bad behavior on the part of operators. He highlighted subsection (b) as particularly troublesome. He encouraged the committee to address structural errors in the bill before moving it forward.

[1:19:40 PM](#)

NATHANIEL DYE, Juneau Self Storage; American Mini Storage, testified in support of HB 97. He opined that the bill would institute a minimum requirement statute while protecting consumers and business owners.

[1:20:32 PM](#)

WILLIAM BREWER, Owner, Fairbanks Storage, testified during the hearing on HB 97. He stated that the bill was asking for a set of laws to ensure that all self-storage business owners were operating on the same terms. He assured the committee that storage owners do not want the legal authority to take possession of customers' things; instead, they were asking for the ability to turn over the unit to new paying customers and stop the loss of revenue from customers who do not abide by the rental agreement. He added that most of the time, abandoned units are full of trash and invaluable items. Furthermore, he indicated that email is the best form of notification, as mail is often returned undeliverable.

[1:23:13 PM](#)

ELIZABETH MANN, General Manager, Alaska Mini Storage, testified in support of HB 97, as it would not challenge any existing policies or regulations. Without a lien law, she said, Alaska storage is subject to a "wild wild West" environment. She shared her belief that HB 97 would hold storage units to a higher standard, and in turn, gain greater respect from the community.

[1:24:01 PM](#)

TYLER SCOTT, Public Self Storage, testified in support of HB 97. He said the bill would protect customers and bring an even playing field to operators.

[1:25:00 PM](#)

LONNIE BICKFORD, Owner, AK Storage Center, testified in support of HB 97. He stated that the bill would protect [operators] and implement solid law that mirrored that of other states. He anecdotally reported that most possessions left behind are invaluable.

[1:27:01 PM](#)

CHAIR VANCE closed public testimony on HB 97.

[1:27:35 PM](#)

REPRESENTATIVE ALLARD moved to adopt Amendment 1 to CSHB 97(L&C), labeled 33-LS0392\S.6, Dunmire, 2/6/24, which read:

Page 2, line 8:

Delete "Notwithstanding AS 28.10.371, if"
Insert "If"

Page 2, line 9:

Delete "superior"
Insert "subordinate"

Page 2, line 11:

Delete "A storage lien is superior to a security interest perfected under AS 45.29."

Page 2, line 12, following "except":

Insert "a lien that was perfected before the date the rental agreement was signed or"

CHAIR VANCE objected for the purpose of discussion.

1:27:47 PM

REPRESENTATIVE MIKE PRAX, Alaska State Legislature, prime sponsor of CSHB 97(L&C), explained that Amendment 1 would make the facility owner's lien subordinate to any existing lien.

REPRESENTATIVE SUMNER asked why the default notice in Section 34 and Section 35 was insufficient. In addition, he questioned how storage owners would be reimbursed for the storage of a vehicle if the vehicle owner was behind on payments.

REPRESENTATIVE PRAX deferred to Mr. Bryant.

1:30:20 PM

DANIEL BRYANT, Legal and Legislative Counsel, Self Storage Association, acknowledged the concern and explained that the goal was to find common ground with financial institutions in the state in the hopes to keep the legislation moving.

REPRESENTATIVE SUMNER asked what would happen if a vehicle with a lien was towed to a tow yard, and whether "they" would be subordinate to the lien.

REPRESENTATIVE PRAX answered no, the "towing company's storage lien" would be superior to the lender.

REPRESENTATIVE SUMNER asked why there was stricter treatment for a situation into which people were voluntarily entering.

REPRESENTATIVE PRAX said, "That's a good point."

1:33:02 PM

REPRESENTATIVE CARPENTER pointed out that if an occupant stored a piece of equipment in the unit and stopped making payments on both, [the equipment] would revert back to the bank, and the bank would need to reclaim it from the storage unit. He said he did not see the need for Amendment 1.

1:34:31 PM

REPRESENTATIVE ALLARD expressed concern about email being the only form of notification. She asked whether the bill sponsor

would be amenable to adding [Certified Mail] as a form of contact.

REPRESENTATIVE PRAX answered no, because the facility owner still accrues expenses through loss of income.

REPRESENTATIVE SUMNER called a point of order, as the question was not germane to Amendment 1.

CHAIR VANCE redirected attention back to Amendment 1.

[1:36:39 PM](#)

REPRESENTATIVE C. JOHNSON said he had a problem with rushing amendments through without proper vetting. He moved to table Amendment 1. There being no objection, Amendment 1 was tabled.

[1:37:59 PM](#)

The committee took an at-ease from 1:37 p.m. to 1:39 p.m.

[1:39:45 PM](#)

CHAIR VANCE said after deliberation about consideration of amendments and further action on the bill, she wanted members to feel comfortable with the ability to review material. She announced that CSHB 97(L&C) would be held over.

HB 67-HARASSMENT; SEX OFFENDERS & OFFENSES

[1:40:34 PM](#)

CHAIR VANCE announced that the next order of business would be HOUSE BILL NO. 67, "An Act relating to criminal law and procedure; relating to the crime of stalking; relating to consecutive sentencing for violation of conditions of release; relating to the duty to register as a sex offender; amending the definition of 'sex offense'; amending the definition of 'crime involving domestic violence'; relating to multidisciplinary child protection teams; amending Rule 6(r), Alaska Rules of Criminal Procedure; and providing for an effective date." [Before the committee was HB 67, as amended on 2/5/24.]

[1:41:18 PM](#)

The committee took a brief at-ease.

[1:41:23 PM](#)

CHAIR VANCE announced that HB 67, as amended, would be held over.

HB 161-CIVIL LEGAL SERVICES FUND

[1:49:16 PM](#)

CHAIR VANCE announced that the final order of business would be HOUSE BILL NO. 161, "An Act relating to appropriations to the civil legal services fund."

[1:49:44 PM](#)

REPRESENTATIVE STANLEY WRIGHT, Alaska State Legislature, prime sponsor, presented HB 161. He stated that the bill, aiming to enhance appropriations to the Civil Legal Services Fund, is a testament to the collective determination to restore the foundational promise of the legal system: accessible justice for all. The Alaska Legal Services Corporation (ALSC) serves as a beacon of hope by offering indispensable legal assistance to low-income Alaskans. By increasing the funds appropriation, the bill would enable ALSC to extend its reach, and amplify the economic benefits to the state. Every dollar invested generates a remarkable return by empowering residents, stimulating local economies, and alleviating burdens on the court. He explained that increasing support to the ALSC would ensure that individuals have the legal support necessary to navigate the judicial system.

[1:51:32 PM](#)

RACHEL GUNN, Staff, Representative Stanley Wright, Alaska State Legislature, on behalf of Representative Wright, prime sponsor of HB 161, highlighted the growing gap between those who can afford legal help and those who can't. Despite constitutional guarantees, she said, many are left without necessary legal support due to insufficient funding. ALSC aims to provide fairness in the justice system for all by providing individual legal advice, form drafting, community education, and clinics, and is the largest provider of legal services for victims of domestic violence. The organization demonstrates the undeniable value of legal services by delivering a five-to-one return on investment to state and local economies. Furthermore, 80 percent of cases that make it to the ALSC are mitigated before a court case or administrative hearing, saving the courts valuable

time, energy, and cost. However, the efficacy of the ALSC is hampered by funding challenges, with the organization forced to turn away 50 percent of applicants who pre-qualify under the federal poverty guidelines. The stark reality, she said, is that the ALSC funding has not kept pace with the growing need. She stated that HB 161 is a valuable investment that would translate into tangible benefits for communities while ensuring an equitable justice system for all.

[1:54:27 PM](#)

MAGGIE HUMM, Interim Executive Director, Alaska Legal Services Corporation (ALSC), gave invited testimony during the hearing on HB 161. She addressed the importance of adequately funding civil legal services and gave examples of the work performed by the ALSC. She reported that last year, ALSC's 12 offices around the state provided direct representation to nearly 5,000 families impacting 13,000 individuals. Countless more were served through educational and outreach opportunities. She emphasized the five-to-one return on investment for every dollar invested in ALSC, which is returned to the community in terms of direct economic investment and community savings. She listed a number of cases that the organization is federally prohibited from taking on, including but not limited to abortion, wellness reform, assisted suicide, and redistricting. She reiterated that funding has not kept pace with the growth of the poverty population in Alaska. The bill, she said, is requesting an increase in ALSC's percentage of the Civil Legal Services Fund from 10 percent to 25 percent. She stressed the need for critical legal services, adding that access to justice should be a reality for all Alaskans, not just those who can afford an attorney.

[2:00:36 PM](#)

REPRESENTATIVE GROH asked whether the ALSC was ever awarded punitive damages by the court.

MS. HUM shared her understanding that there had not been punitive damages awarded to ALSC via the state. In response to a follow up question, she shared her understanding that the amount of punitive damages awarded to ALSC under the Civil Legal Services Fund was essentially nonexistent as a source of funding.

[2:02:45 PM](#)

REPRESENTATIVE ALLARD asked what the increase from 10 to 25 percent would look like in dollars.

MS. HUM indicated [that 10 percent] in the most recent fiscal year was \$301,000 and 281,000 in the year prior. An increase to 25 percent would be roughly \$700,000.

REPRESENTATIVE ALLARD asked how the COVID-19 Pandemic impacted ALSC's caseload.

MS. HUM reported that the ALSC had 5,000 cases [in 2023], 3,000 [in 2022], and she offered to follow up with [2021] data.

[2:04:33 PM](#)

REPRESENTATIVE SUMNER questioned the percentage of cases related to evictions.

MS. HUM did not know the answer. Nonetheless, she said housing cases are a top issue for the ALSC. In response to a follow up question, she reported that last year, the ALSC helped roughly 700 people with housing matters.

[2:05:40 PM](#)

REPRESENTATIVE ALLARD indicated that landlords had expressed concern about the bill. She shared a scenario and asked how landlords, who are also struggling, are reconciled.

MS. HUM said the ALSC was often able to negotiate with landlords before an eviction case made to court. She added that a great deal of negotiating was done between landlords and tenants for the benefit of both parties.

REPRESENTATIVE ALLARD asked how landlords are reconciled if a tenant, who is in the wrong, refuses to pay rent. She questioned whether everyone is treated equally.

MS. HUM reiterated that negotiating was helpful because it ultimately benefits both parties. She added that landlords are always free to pursue damages to recoup some of the money.

[2:10:13 PM](#)

REPRESENTATIVE GRAY asserted that Alaska landlord and tenant laws law favored landlords. He shared a personal anecdote, emphasizing the importance of rental deposits to poor residents.

He thanked ALSC and voiced his hope that more could be done for renters.

[2:12:01 PM](#)

REPRESENTATIVE C. JOHNSON inquired about the remaining 75 percent of the Civil Legal Services Fund.

[2:12:50 PM](#)

NANCY MEADE, General Counsel, Alaska Court System, responded that all filing fees collected by the court, in addition to punitive damages, are deposited directly into the general fund (GF) for the legislature to appropriate.

REPRESENTATIVE C. JOHNSON questioned why there was no fiscal note reflecting the impact on the GF.

MS. MEADE shared her understanding that the court submitted a zero fiscal note.

CHAIR VANCE noted that two fiscal notes had been submitted, but only one, from DCCED, showed a fiscal impact.

[2:15:28 PM](#)

REPRESENTATIVE ALLARD asked whether landlords were ever reimbursed.

MS. HUM said landlords are permitted to seek attorney fees against a tenant if they are successful. She anecdotally reported that if a case is being dragged out, it's typically due to active negotiations between both parties.

CHAIR VANCE questioned the reason for the increase from 10 percent to 25 percent.

MS. HUM reported that the poverty population had grown three times since 1984 while state funding had dramatically decreased. She said the increase was to keep pace with both the rising demand for services and the rising cost of providing those services.

[2:17:54 PM](#)

REPRESENTATIVE CARPENTER asked whether the legislature had appropriated money into the Civil Legal Services Fund from any

location other than the authority granted under AS 09.17.020(j) or from the filing fees.

2:18:22 PM

SANDRA MOLLER, Director, Division of Community and Regional Affairs, Department of Commerce, Community & Economic Development, said, to her knowledge, no.

CHAIR VANCE announced that HB 161 would be held over.

2:20:14 PM

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:20 p.m.