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Case Name: Eastman, David Clark vs Dunleavy, Michael J

Case Number: 1JU-24-00922CI

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

REP. DAVID CLARK EASTMAN, Plaintiff, v. MICHAEL J. DUNLEAVY, IN HIS OFFICIAL CAPACITY AS AN OFFICER OF THE STATE OF ALASKA, AND THE STATE OF ALASKA, Defendants.	)	Case No. 1JU-24-00922CI

REPLY IN SUPPORT OF MOTION FOR STAY OF PROCEEDINGS

Michael J. Dunleavy, in his official capacity as an Officer of the State of Alaska, ("State") submits this Reply in Support of an Order granting a stay of proceedings. The doctrine of judicial economy favors a stay of proceedings in this case. An order staying proceedings will allow a short period of time for the Legislature to correct errors through their own process. A stay of proceedings will also preserve the merits of Plaintiff's complaint. If after a stay of proceedings there are still issues remaining for this Court to resolve, the Plaintiff can continue this litigation after the end of the legislative session.

I. Harm to the State.

The opposition states that the State's motion "has not articulated any harm that will follow from not granting a stay…" nor any "obvious or significant burden that falls

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on the executive branch or the legislative branch of government in Alaska if a stay is not granted by this court" (*See* Opp. to Motion for Stay of Proceedings at 10).

In response to Plaintiff's point, if proceedings are not stayed and SB189 is abruptly struck down by the Court, government agencies, such as the various boards and commissions that were extended by SB189, and the public whom these agencies represent, will suffer confusion at best and chaos at worst. The Legislature is currently in the process of reviewing curative legislation specifically addressing the various components of SB189 (*See* Pltf's Motion for Stay of Proceedings, Ex. A). If the Legislature does not resolve the issues complained of by the Plaintiff, the Court may resume the case without prejudice after legislative session.

Judicial economy and judicial restraint are relevant to this Court's determination regarding a stay in light of pending legislative action on SB189. Were this litigation to proceed, the Court could inadvertently weigh in on constitutional questions that could be resolved by the current Legislature. The Court's resolution of such issues could also be rendered moot if, in the next two months, the Legislature repeals or substantially reshapes SB189. The Court should therefore conclude that judicial economy weighs in favor of a stay until the Legislature revises or repeals SB189 or elects not to do so.

II. Harm to the Plaintiff.

The Plaintiff has not identified any danger or any harm that would be caused if a stay of proceedings is granted for the short period of time requested. Indeed, any harm will be prevented entirely if the Legislature repeals SB189 or corrects those issues raised by the Plaintiff. If the Legislature fails to repeal or to correct the alleged

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deficiencies raised in Plaintiff's complaint, the Court will have ample time to address the merits of the case following a stay. Accordingly, both the Plaintiff and the State of Alaska benefit from a stay.

III. This Court has discretion to stay proceedings and allow the Legislature time to correct SB189.

In addition to the federal cases cited by the State in the original motion, this case is comparative to the standard set in an Alaska administrative proceeding to send back a case to an agency for reasons within the discretion of the Court.[1] Here, this Court is aware of pending curative legislation regarding SB189 at the 34th Legislative Session. It is within the discretion of the Court to exercise judicial restraint and allow the

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[1] The Supreme Court of Alaska has held that remanding a case to an administrative agency is appropriate when equity requires additional investigation or when the agency's findings are incomplete (*Municipality of Anchorage, Police and Fire Retirement Bd. v. Coffey*, 893 P.2d 722 (1995)). For example, in the case of *Municipality of Anchorage, Police and Fire Retirement Bd. v. Coffey*, the court noted that remand was necessary when the factual record was inadequate and further evidentiary hearings were needed (*Municipality of Anchorage, Police and Fire Retirement Bd. v. Coffey*, 893 P.2d 722 (1995)). Similarly, in *City of Nome v. Catholic Bishop of Northern Alaska*, the court held that remand was proper even without express statutory authority when equity required additional investigation (*City of Nome v. Catholic Bishop of Northern Alaska*, 707 P.2d 870 (1985)).

Legislature a short period of time to resolve or correct any issue raised by the Plaintiff before a judgement on the merits is reached. [2]

IV. Conclusion

Allowing the Legislature a short period of time to complete their process is appropriate and reasonable. A stay of proceedings will preserve the right of the Plaintiff to pursue this litigation following the close of legislative session. It will also allow the Legislature to revisit, materially reshape or even eliminate the need for continued litigation. The Plaintiff has not identified any harm that would be caused by a brief pause of proceedings. On the other hand, if SB189 is abruptly struck down, the public and the agencies who represent the public will predictably suffer confusion, chaos and questions about what laws remain in effect, and what laws are no longer in effect.

It is also in the interest of judicial economy, and of the public, that this Court allow a short period of time to correct potential errors. If after August 1, 2025, the various components of SB189 have not been resolved by the Legislature, in whole or in

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[2] Alaska Statute 44.62.570 provides that the superior court has the authority and discretion to remand a case to an administrative agency if it finds, among other reasons, that relevant evidence was improperly excluded or could not have been produced with reasonable diligence during the initial hearing (AS 44.62.570). Alaska Statute 44.62.570 also supports the principle that remanding a case to an agency for reconsideration when new evidence is introduced is also within the court's discretion (AS 44.62.570). In addition, the Alaska Administrative Code allows an administrative law judge to remand a matter back to the agency when the decision of the agency was contested, preserving the ability of the party who initiated the administrative hearing to pursue a future hearing following the action on remand (2 AAC 64.340).

part, the pending motion for Summary Judgement should be revisited to address any matters still subject to the allegations of the Plaintiff's complaint.

DATED April 14, 2025.

TREG TAYLOR
ATTORNEY GENERAL

By: Anne Helzer
Anne R. Helzer
Assistant Attorney General
Alaska Bar No. 0911054

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Counsel for Plaintiff David Clark Eastman

SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

REP. DAVID CLARK EASTMAN Plaintiff, vs. **MICHAEL J. DUNLEAVY,** In his official capacity as an official of the State of Alaska, and the **STATE OF ALASKA.** Defendants.	1JU-24-00922 Civil

OPPOSITION TO MOTION FOR STAY OF PROCEEDINGS

INTRODUCTION & SUMMARY ARGUMENT

Michael J. Dunleavy ("Governor Dunleavy"), in his capacity as the Governor of Alaska, seeks a stay of proceedings in this constitutional case of public significance according to a motion dated March 27, 2025.

The motion by the head of the executive branch seeking to sidestep the pending motion by David Clark Eastman ("Eastman"), and postpone evaluation and a decision according to summary judgment is curious. Eastman has raised an important issue and questions regarding the constitutionality of legislation that facially violates an express provision in the Alaska Constitution. The issue in this case rests hard on whether Senate Bill 189, enacted by the 33rd Alaska Legislature,

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is unconstitutional according to Art. II, Sec. 13 of the Alaska Constitution. This is a straightforward legal issue and one the judiciary should address, not avoid.

No further dithering in this case is warranted. Governor Dunleavy should either defend his enactment of the legislation at issue in this case or agree that the measure was enacted contrary to the Alaska Constitution.

Continued delay in reaching the merits of the public interest claim advanced by Eastman is not justified. The request to stay these legal proceedings should be denied.

BACKGROUND

Eastman adopts by reference the *Factual Background* portion recited in the ***Verified Memorandum in Support of Motion for Summary Judgement***, dated March 12, 2025 and previously submitted to this court for consideration as part of the pending ***Motion for Summary Judgement*** according to Rule 56 (a), on March 12, 2025.

ARGUMENT

Constitutional analysis by the judiciary, at least in this case, is a binary proposition, *i.e.*, either the measure passed by the Alaska Legislature in 2024 is constitutional or not constitutional. There is no need for a stay to determine the constitutionality of the putative law in question in this case.

Eastman acknowledges there may times when at least portions of legislative measures require a nuanced review by the judiciary to determine whether the aggregated elements of particular bills violate the constitutional requirement that legislation confined in a single measure, *e.g.*, when some aspect of a bill might be severed.

The governor has made no such argument in this case. The measure at issue in this dispute is not one that requires cautious or deferential review, and instead should proceed according to the request for judicial review set out in the pending ***Motion for Summary Judgement.***

At issue in this case is whether the Alaska Legislature complied with the specific constitutional provision which requires that bills be confined to a single, ascertainable subject. The failure by the legislature in this instance is obvious, was apparently intentional, and was the subject of careful analysis[1] by the executive branch prior to SB189 becoming law. The small mystery in this case at this juncture is why Governor Dunleavy seeks to stay an orderly judicial resolution of a case in which Alaska's most fundamental organizational document – the Alaska Constitution – is directly implicated.

Alaska's constitution does not contain a "do over" provision for the situation where legislators exceed their constitutional authority, or grant to the legislature or the governor the authority to "cure" constitutionally defective enactment of laws.

Adherence to the constitutional requirement that legislation be confined to a single subject is what is at issue in this litigation. This is not something that can simply be postponed in hoping that the current legislature or a future legislature may succeed in finding a way to retroactively assent to an obvious violation of the Alaska Constitution made by a previous legislature.

Addressing the merits advanced by Eastman in this case will serve to determine whether a clear and straightforward requirement of the Alaska Constitution can be

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[1] *See generally*, Alaska Department of Law Bill Review Letter dated June 24, 2024 re: HCS SB 189 (RLS) am H. [attached as **EXHIBIT 1**]; see also, Legislative Affairs Agency, Legislative Legal Memorandum re: HB 189 "Constitutional Concerns" [attached as **EXHIBIT 2**].

subordinated to political expediency on the part of legislators running up to or even exceeding the end of a legislative session. Resolution of this issue is necessary as a matter of sound constitutional jurisprudence but also to maintain public confidence in the proposition that each branch of government remains subject to the requirements of the Alaska Constitution and adheres to the rule of law.

The analysis required by the judiciary rests on a specific constitutional provision, as follows:

> **Section 13. Form of Bills** - Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

As Gordon Harrison, a noted constitutional scholar in Alaska[2] and the author of *A Citizen's Guide to Alaska's Constitution*,[3] has observed with regard to Article II, Sec. 13 of the Alaska Constitution:

> These provisions help safeguard the integrity of the legislative process. The first sentence states the "single subject rule," which requires that separate subjects be dealt with in separate bills. This familiar constitutional provision is to prevent logrolling and deception through the concealment of extraneous matter in bills that might already be burdened by arcane material. In the words of the Alaska Supreme Court, the purpose of the single subject rule is to bar "the inclusion of incongruous and unrelated matters in the same bill to get support for it

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2 *See, e.g., Sagoonick v. State*, 503 P. 3d 777, 782 n.4 (Alaska 2022).

3 https://akleg.gov/docs/pdf/citizens_guide.pdf at page 62 - 64.

which the several subjects might not separately command [logrolling], and to guard against inadvertence, stealth and fraud in legislation." [4]

Harrison's trenchant analysis of the constitutional provision at issue in this dispute continues with the observation that:

> The third sentence [of Art. II, Sec. 13], requiring the subject of each bill to be stated in its title, further safeguards legislators and the public against deceitful legislation and facilitates their grasp of matters under consideration. Requiring the explicit clause, "Be it enacted by the Legislature of the State of Alaska," does more than guarantee uniformity and continuity in the format of legislation. It notifies legislators and the public that the measure at hand does not merely express an opinion, state a sentiment, or offer advice of the body, but is a bill that when enacted becomes the law of the land.

The underlying reasons for the constitutional requirement that legislation be enacted according to an ascertainable single-subject standard are obvious. What is not obvious is why Governor Dunleavy now seeks to stay the proceedings in this case in apparent hope that the current legislature may yet retroactively "cure" unconstitutional legislation that was passed nearly one year ago by a previous legislature. In these circumstances, the role of the judiciary is to rule on the law as written and enacted, not entertain the wishful hopes of the executive branch regarding actions the legislative branch may take in the future.

Governor Dunleavy's request for a stay in common parlance essentially seeks to "punt" or "kick-the-can-down-the road," but basically a plea to ignore the fundamental question in this litigation and asks this court to depart from a

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[4] Citation to *Suber v. Alaska State Bond Commission*, 414 P.2d 546 (Alaska 1966).

jurisprudential standards requiring resolution of cases and controverses without genuine cause.

Eastman has advanced a case and controversy founded on an important constitutional issue. Eastman has sought summary judgment regarding his theory of the dispute. Governor Dunleavy now seeks to avoid a judicial determination on this important constitutional issue, advancing the notion that a stay is somehow warranted a peculiar position that would perhaps have a small measure of attraction if it was posited by the legislative branch but which in the circumstances where it is advances by the head of the executive branch is odd. Governor Dunleavy had a constitutional opportunity to review and act on measure now before the court. The Governor elected not to veto the legislation on constitutional grounds and instead allowed the measure to at least nominally become law. This is the issue now before the court and one that the executive branch cannot postpone in the hope that something might come along to provide relief.

Governor Dunleavy is tasked with faithfully executing the laws of the State of Alaska. The putative law enacted by the Alaska Legislature in 2024 and which the Governor elected not to veto and instead allow to become law without his signature, is on the books. This law now exists in a peculiar legal limbo land.

Eastman seeks a declaration concerning the constitutionality of the law. It is time for the judiciary to decide whether the measure enacted by the legislature last session is constitutional or not. Eastman, the public, the Alaska Legislature, and the members of the executive branch supposedly tasked with implementing this legislation all deserve a decision on the merits with respect to this law, not further irresolution and consignment of the measure to legal purgatory.

In this case, this court should act and address the merits of the controversy, not grant delay. The role of the judiciary in cases like the one at bar is to resolve disputes and render a decision based on the facts brought forward by Eastman and in accord with constitutional analysis.

Alaska's constitutional provision requiring that legislation be enacted according to the single-subject standard is significant and not to be idly ignored. Constitutional standards are particularly important and form the foundational basis for enactment, implementation and interpretation of our legal system. Constitutions "...hold out the enticing promise that the words and clauses contained within them will bring into being a new, improved reality." [5] "A constitution, after all, like a novel, invents and tells the story of a place and a people." [6]

"Wherever (constitutions) exist, they only function well to the degree that politicians, the law courts and the populations concerned are able and willing to put sustained effort into thinking about them, revising them when necessary, *and making them work*." [7] (Emphasis added).

Or, as Alexander Hamilton expressed regarding the federal constitution: "If it be asked, what is the most sacred duty and the greatest source of security in a Republic? The answer would be, an inviolable respect for the constitution and the laws." [8]

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[5] Colley, Linda (2020). ***The Gun, the Ship and the Pen: Warfare, Constitutions and the Making of the Modern World*** (1st ed.). Liveright Publishing, New York, New York, pg. 9.

[6] Colley (2020) pg. 12.

[7] *Id.* at pgs. 13 – 14.

[8] "Tully No. III, [28 August 1794]," ***Founders Online***, National Archives, https://founders.archives.gov/documents/Hamilton/01-17-02-0130. [Original source: ***The Papers of Alexander Hamilton***, vol. 17, *August 1794–December 1794*, ed. Harold C. Syrett. New York: Columbia University Press, 1972, pp. 159–161.]

What Eastman seeks in this action is declaratory and other equitable relief. What he and the public deserve as part of this public interest case (and also what both the legislative and the executive branch of Alaska's government apparently need), is a judicial tutorial explaining that the requirement in the Alaska Constitution at Art. II, Sec. 13 is not some aspirational standard to be set aside at the convenience of legislators, but is in fact a vital part of the fundamental legal framework in Alaska that must be followed, not to be set aside for the purpose of political expediency.

The cases cited by counsel for Governor Dunleavy are derived from other jurisdictions and do not support the contention that a stay in this litigation is justified. Additionally, no reference to the Alaska Civil Rules in support of the requested stay is made by counsel for Governor Dunleavy.

Alaska Civil Rule 62 contemplates a stay for proceedings on the assumption that a final judgment has been entered by the court, where an injunction has issued, or when an appeal or other criteria that are not present in the instant case are present.[9]

The two cases cited by Governor Dunleavy in support of seeking a stay consist of two federal cases, *Brigade Leverage Capital Structures Fund Ltd. v. Garcia-Padilla*[10] and *Stinnie v. Holcomb,*[11] do not support the conclusion that a stay before an Alaska court prior to entry of a judgment or an injunction is proper. In *Garcia-Padilla*, the court acknowledged a need for the judiciary to interpret the constitution[12] before declining to reach "constitutional questions in advance of the

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9 *See generally, Alaska Rules of Civil Procedure* 62 (a) – (c).

10 217 F.Supp.3d 508 (US District Court, D. Puerto Rico 2016).

11 396 F. Supp.3d 653 (US District Court, W.D. Virginia 2019).

12 Citing *Marbury v. Madison*, 5 U.S. 1 Cranch 137, 172, 2 L.Ed. 60 (1803).

necessity of deciding them." [13] In the *Garcia-Padilla* case, numerous other issues were present before the court, making abstinence from reaching the constitutional claims based on the doctrine of judicial restraint relevant.

In the case before this court, the only issue advanced by Eastman is one of constitutional import, a factor that distinguishes the present case from the federal case relied upon by Governor Dunleavy that originated in a territory of the United States.

Likewise, the *Sinnie* case cited by Governor Dunleavy in support of staying Eastman's constitutional case in Alaska is inapposite. While the facts in the *Sinnie* case are superficially similar to the situation in Alaska raised by Eastman, the decision by the federal district court in Virginia is not controlling. The citizens who brought suit in federal district court in the *Sinnie* case sought relief under the Fourteenth Amendment of the U.S. Constitution, claiming that application of a fee structure embedded in a motor vehicle registration law adopted by the Commonwealth of Virginia violated their individual rights. The court in *Stinnie* found that the dispute was not moot,[14] although the facts in *Sinnie* provide the court with enough support to conclude a stay in order to prevent obvious "harm," "burden" and in the interest of "judicial economy." [15]

The court went on in *Sinnie* to discuss obvious factors regarding issuance of a stay, including discussion about the obvious burden to the Commissioner of the Virginia Department of Motor Vehicles that the federal court considered relevant,

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13 *Brigade v. Garcia-Padilla* at pg. 530.

14 *Stinnie* at pg. 659.

15 *Id.* at pg. 660.

which appeared to center on the certification of a class action lawsuit that conceivably would be obviated through legislative action.[16]

In the current case, Governor Dunleavy has not articulated any harm that will follow from not granting a stay. The Governor has not pointed out any obvious or significant burden that falls on the executive branch or the legislative branch of government in Alaska if a stay is not granted by this court. Without a showing of an obvious and significant burden to Governor Dunleavy, the pending request for a stay is inappropriate.

In the case at bar, Eastman and the public are harmed. They are harmed by the failure by their government to adhere to an express provision of the Alaska Constitution that can and should be interpreted and upheld by the judiciary.

The public and Eastman deserve to have the judiciary rule on this case. Just as importantly, it is apparent that the legislative and executive branches of Alaska's government need to be reminded that adhering to an express provision of the Alaska Constitution is required and not merely a guideline to be finessed or ignored for any length of time.

The motion for a stay of proceedings is inappropriate in this case because the legislature has already exceeded the authority granted to it under the Alaska Constitution. By allowing the enactment of, and then choosing to conceivably implement legislation that violates the plain reading of Art. II, Sec. 13, the executive branch of Alaska's government has embarked on the administration of law for which there is no constitutional authority.

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16 *Id.*

Instead of furthering the public interest and providing certainty regarding the law, a stay in this case creates the potential for legal mischief and erodes well-settled principles that are at the heart of a society that adheres to genuine legal standards.

That the executive branch is advancing the notion that a stay should now be adopted by the judiciary for legislation that failed to be enacted according to obvious constitutional requirements is ironic.

Implicit in Governor Dunleavy's request for a stay is a desire to implement legislation improperly adopted according to the Alaska Constitution. This request leans heavily on the notion that somehow the executive branch may yet obtain the requisite constitutional authority through the future passage of one or several new laws by the current legislature which may enact into law each or some of the various disparate elements jammed into the legislation that is the subject of Eastman's lawsuit.

Here then is a novel legal theory that fails to square with the separation of powers doctrine at the core of the Alaska Constitution. The executive branch is to look to guidance from the law – existing, properly enacted laws – for instruction on how it is to carry out its duties. When the executive branch begins to look to future laws to guide its present duties the framework for orderly execution of actual laws begins to fray. It would be as if the governor's introduction of a proposed bill to the legislature was sufficient to grant the governor the constitutional authority to begin implementation of the desired legislation.

The 33rd Legislature passed the legislation at issue in this case. The 33rd Legislature ended on January 21, 2025. It is possible that the 34rd Legislature (the legislative body now tasked with duties under Article II of the Alaska Constitution),

might take up and pass some or all of the measures that were packed into the legislation that is now the subject of this litigation.

Or, this new legislature might not. Conceivably, the 34th Legislature might take up and enact the entire package of subjects separately as is consistent with the Alaska Constitution, or partially in some piecemeal manner.

The legislature could at the same time improve upon the legislation passed by the 33rd Legislature in any number of ways, as it is not in any way bound to adhere to the agenda pursued by the previous legislature. What is apparent from a legal perspective is that the current 34th Legislature is not bound by the unconstitutional acts of the previous legislature nor is it compelled to pass any or all of the disparate elements in the unconstitutional measure now before this court.

Eastman believes the alleged constitutional violation in this case is particularly noteworthy given the clear authority granted to the Alaska governor to review and strike down legislation. The Alaska Constitution grants the governor the authority to exercise the veto power unilaterally. When the governor identifies a constitutional infirmity in a piece of legislation following transmittal from the legislature, the constitution grants the governor the authority to veto a measure and instructs the governor to then return the legislation to the legislative house of origin "with a summary of his objections." [17]

Instead of utilizing his constitutional power to veto legislation with constitutional infirmities, Governor Dunleavy apparently wishes to create a novel approach to such situations whereby an Alaska governor can simply refuse to sign a

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17 Alaska Constitution, Art. II, Sec. 15.

bill into law and then pursue implementation of the unconstitutional legislation while seeking to have a future legislature magically ratify the suspect legislation, *post hoc*.

This approach, while novel and perhaps not exactly what Governor Dunleavy contemplated when he first began down this path, is utterly foreign to long-standing judicial pronouncement about the Alaska Constitution and reason enough to reject the call for a stay in this case.

Eastman believes, correctly, that Governor Dunleavy could have vetoed the unconstitutional legislation. Eastman believes the Governor could have called the legislature into special session last year for the single purpose of addressing the legislation the legislature bungled.

Governor Dunleavy elected not to pursue any of the normal avenues available to him during his review of the legislation. The Governor's decision not to veto or require the previous legislature to fix the problem that the legislature created in 2024 is telling.

The fact that the 34th Legislature is currently in session is irrelevant to the question of whether the 33rd Alaska Legislature properly enacted SB 189 according the mandates of the Alaska Constitution. Eastman believes the measure was not enacted according to the specific provisions discussed in the pending dispositive motion he has submitted to this court.

The time to decide this issue on the merits is now. No stay is warranted. Governor Dunleavy should defend the constitutionality of the legislation or concede that the measure is unconstitutional and stop wishing the matter away as if a stay was a magic wand by which he could set aside his obligations to the Alaska Constitution.

CONCLUSION

For the reasons set forth, *supra*, the stay sought by Governor Dunleavy should be denied.

DATED this 7th day of April 2025 at Juneau, Alaska.

LAW OFFICES OF
JOSEPH W. GELDHOF
Attorney for Plaintiff

Joe G.

Joseph W. Geldhof
Alaska Bar # 8111097

PROOF OF SERVICE CERTIFICATION

I certify that on this date, a copy of this document and a proposed Order was conveyed to:

Anne R. Helzer,
Assistant Attorney General
Alaska Department of Law
Office of the Attorney General
1031 West 4th Avenue, Suite # 200
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DATE: April 7, 2025

Joe G.

Joseph W. Geldhof

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law
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June 24, 2024

The Honorable Mike Dunleavy
Governor
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811-0001

Re: HCS SB 189(RLS) am H: Extending Boards, Game Concession Permits; Taxes; Child Care
Our file: 2023200096

Dear Governor Dunleavy:

At the request of your legislative director, we have reviewed the enrolled version of HCS SB 189(RLS) am H, extending the termination date of the Big Game Commercial Services Board; extending the termination date of the Board of Massage Therapists; establishing a big game guide concession area permit program on land in the state; relating to the duties of the Big Game Commercial Services Board, the Board of Game, the Department of Fish and Game, and the Department of Natural Resources; relating to education tax credits for certain payments and contributions for child care and child care facilities; relating to the insurance tax education credit, the income tax education credit, the oil or gas producer education credit, the property tax education credit, the mining business education credit, the fisheries business education credit, and the fisheries resource landing tax education credit; extending the termination date of the Alaska Commission on Aging; extending the termination date of the Marijuana Control Board; renaming the day care assistance program the child care assistance program; relating to the child care assistance program and the child care grant program; requiring the Board of Game to establish an initial big game guide concession area; providing for an effective date by amending the effective date of secs. 1, 2, and 21, ch. 61, SLA 2014; and providing for an effective date.

I. Introduction

This bill would extend the existing statutory sunsets of the Big Game Commercial Services Board, the Board of Massage Therapists, the Marijuana Control

Board, and the Alaska Commission on Aging. It would establish a big game guide concession permit program to be administered by the Department of Natural Resources in concession areas on state land established by the Board of Game.

The bill would also expand the circumstances under which various taxed entities may qualify for education tax credits to include contributions and payments supporting child care for their employees. Finally, the bill would make various adjustments to the child care assistance program, including lowering the cap on family contributions and increasing the income eligibility threshold. Except for section 51 relating to the conditional effectiveness of an amendment to child care assistance eligibility in section 31, this bill would take effect immediately.

II. Board and Commission Extensions

The Alaska Commission on Aging, the Marijuana Control Board, the Board of Massage Therapists, and the Big Game Commercial Services Board will all terminate on June 30, 2024, under existing statutory sunset provisions. This bill would extend the termination date of each of these entities. Section 1 of the bill would extend the Big Game Commercial Services Board to June 30, 2032. Section 2 would extend the Board of Massage Therapists to June 30, 2030. Section 27 would extend the Alaska Commission on Aging to June 30, 2032. And finally, section 28 would extend the Marijuana Control Board to June 30, 2027.

Please note that Executive Order 127 would have eliminated the Board of Massage Therapists and transferred its functions to the Department of Commerce, Community, and Economic Development. The legislature disapproved EO 127 in Senate Special Concurrent Resolution 4.

The bill also contains a provision of uncodified law in section 45 exempting the bill's sunset extensions from AS 44.66.050(e), which prohibits a single bill from continuing or reestablishing more than one board or commission. The bill's sunset extensions would be effective immediately under section 52.

III. Big Game Guide Concession Permits

This bill would create a mechanism to limit the number of commercial hunting guide operations in a given area by establishing a big game guide concession permit program under new statutory provisions. Section 3 would amend the existing duties of the Big Game Commercial Services Board to require that it coordinate and consult with the Board of Game and the Department of Natural Resources to fulfill the duties under these new provisions.

A. Section 4: Establishing concession areas

Section 4 would provide for the establishment of big game guide concession areas by the Board of Game under the newly created AS 16.05.262. The board would only establish a concession area by approving a proposal after 15 days' public notice[1] at the next regular meeting held in the region where the concession area is proposed.

Prior to approving a concession area, the board (which holds regular meetings two or three times each year) must take public comment and consult with the Department of Fish and Game, the Department of Natural Resources, and the Big Game Commercial Services Board. In approving a concession area, the board must find that the establishment of the area would support conservation and management of the state's land and big game resources, aid in enforcement of statutes and regulations relating to big game guided hunts, and be in the public interest.

Once the board has established a concession area, it would be required to determine the number of big game guide concession area permits, including "full" and "limited" big game guide concession area permits, that the Department of Natural Resources will make available for the area. A concession permit grants a big game guide the right to conduct commercial big game hunts within a geographic area defined by the Department of Natural Resources. The difference between a full permit and a limited permit is that a limited permit is available through a random draw application process and a full permit is competitively bid. Also, a limited permit is more restrictive than a full permit in terms of the number of allowable clients and species for which the guide may provide guided hunts in the concession area.

In determining the number of allowable permits, the board would be able to establish advisory boards to assist it, consisting of interested members of the public and members of the Board of Game, the Big Game Commercial Services Board, and the Department of Fish and Game and the Department of Natural Resources. The board may not combine more than three guide use areas into a concession area, nor may it establish more than one concession area in a single guide use area.

Although AS 16.05.262 contemplates that the board would designate a concession area only in response to a proposal submitted by a person seeking to establish such an area, section 46 of the bill would require in uncodified law that the board establish an initial concession area on its own initiative, based on its own determination

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[1] Note, this is shorter than the notice period normally provided for under the Administrative Procedure Act for taking public comments to a proposed action. AS 44.62.190(a). The Board of Game sets its agenda and currently addresses each of the five regions every three years on an alternating cycle.

of which game management unit or subunit would benefit most from the establishment of a concession area. Under section 48, the board may not accept or consider a proposal submitted by a person to establish a concession area until it has already established a concession area under section 46 and the Department of Natural Resources has operated the concession area permit program for at least three years.

B.. Section 8: Administering the concession permit program

Section 8 would create another new statute, AS 38.05.022, directing the commissioner of natural resources to implement a permit program for big game guide concession areas established by the Board of Game. In administering the program, the commissioner would be required to encourage conservation of natural resources, provide superior big game hunting experiences by limiting the number of guided hunts in the same area, reduce user conflict, ensure a responsible, professional, and economically healthy big game guide industry, and incentivize long-term planning and conservation by big game guides.

The commissioner, in consultation with the Big Game Commercial Services Board, the Board of Game, and the Department of Fish and Game, would be directed to adopt regulations to implement the permit program.

The department would issue permits through an open, public, and competitive process under established permit standards and scoring criteria. In considering a permit application, the commissioner must consider the applicant's professional history and reputation. Permits would not be issued based solely on the highest bid amount. Big game guides would be limited to three concession permits at a time.

Concession permits would be valid for 10 years and only subject to extension or renewal through the same competitive process applicable to issuance of new permits. Permits would be transferrable, subject to approval by the commissioner based on the same principles applicable to issuance of new permits.

The commissioner or commissioner's designee would be responsible for program administration and enforcement, with the authority to issue citations for violations. Section 8 requires the commissioner to keep confidential proprietary information received in in the process of considering permit applications. It would also require the commissioner, in consultation with the Game and Big Game Commercial Services Boards and the Department of Fish and Game and Department of Natural Resources, to adopt regulations necessary to establish and administer the program. The commissioner would be authorized to suspend or revoke a concession permit, after consultation with the same state entities. The commissioner could suspend or revoke a permit if the permittee violates its terms, subject to the requirement of written notice and a hearing.

C. Constitutional considerations

In 1988, the Alaska Supreme Court struck down a previous attempt to establish exclusive guide areas in *Owsichek v. State of Alaska*.[2] The court held that the program violated art. VIII, sec. 3 of the Alaska Constitution, the common use clause.[3] The court found it significant that guides were granted exclusive access based on "use, occupancy and investment," which tipped the scales in favor of established guides and against new guides.[4] In addition, exclusive use grants were not limited in duration and could be transferred at will by the grantee.[5] Finally, the state charged no rental or usage fees for the grants.[6] These "special privileges" could not be justified, the court determined, in terms of wildlife management concerns.[7]

In establishing the concession area permit program that would restrict access by commercial big game hunting guides, this bill addresses the factors that the *Owsichek* court found fatal to the prior exclusive guide areas. There is no preference for existing permittees. Instead, the bill establishes a competitive, multi-factor procedure for award and renewal of permits, based on principles of responsible resource use and management. Permits are durationally limited to 10 years and transfers must be approved by the commissioner, based on the same factors relevant to award. The bill expressly directs the commissioner of natural resources to adopt regulations for the "determination and collection of reasonable concession permit fees."

We are not able to predict with certainty that a court would find the concession area permit program that this bill creates to be constitutional. This program is distinguished, however, from the earlier exclusive use areas features that the *Owsichek* court found unconstitutional.

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2 763 P.2d 488 (Alaska 1988).

3 *Id.*, at 498.

4 *Id.*, at 496.

5 *Id.*

6 *Id.*

7 *Id.*

IV. Child Care

This bill would add child care tax credits to existing statutes providing for education tax credits applicable to various entities. The credits would be available to taxpaying entities that make expenditures to operate child care facilities for their employees, contributions of cash or equipment to nonprofit child care facilities attended by children of their employees, and payments directly to their employees to offset child care costs.

Eligible for the credit are taxes on insurers, income taxes on corporations, oil and gas production taxes, oil and gas exploration, production, and pipeline property taxes, mining business taxes, fisheries taxes, and floating fisheries business taxes. The bill would also increase the cap on these credits from $1 million to $3 million and provide for inflation adjustment of the cap based on the Consumer Price Index for all urban consumers for urban Alaska. In addition, section 50 of this bill would extend these tax credit statutes until January 1, 2028.

Please note that HB 148 would also amend these same tax provisions to authorize an additional tax credit for contributions to the operation of a nonprofit educational resource center that promotes academic achievement in certain subject areas and also to increase the credit cap to $3 million, as this bill would. In addition, it would extend the credits until January 1, 2029, while this bill would only do so until 2028.

The bill would also amend criteria relating to eligibility for child care assistance and child care grants under article 1 of AS 47.25. The bill would replace references to "day care" throughout this article with the term "child care." Section 44 repeals the definition of a "day care facility" found in AS 47.25.095.

Section 31 of the bill would amend the eligibility criteria for state child care assistance to low and moderate income families by capping the maximum monthly household income at 105 percent of the median monthly household income in the state, adjusted for family size. Section 31 further directs the Department of Health to establish a program to partner with private sector entities to create incentives for employers to develop on- and near-site child care.

Under section 49, however, the effectiveness of section 31 is contingent upon the federal approval of an amendment to Alaska's state plan for its child care assistance program under federal law, or a determination by the federal government that a plan amendment is not necessary. Section 47 directs the Department of Health to submit an appropriate amendment to implement the plan change. Under section 51, section 31 would be effective on the day after the federal government approves the state plan amendment or determines the amendment is not necessary.

Section 35 of the bill would cap contributions of families receiving child care assistance at seven percent of a family's monthly income. Section 37 would require the department to use a market rate or cost of care study to establish a subsidy rate for each region served by the child care assistance program to determine the amount of benefits payable under the program.

Section 38 would require that recipients of child care grants under the state's child care grant program by designated as "quality" child care facilities by the department. Section 39 would require that a grantee child care facility prioritize children from low-income families when filling available spaces at the facility. Section 40 would require that the department identify criteria for designating "quality" child care facilities eligible for program grants.

Section 41 would prohibit program grantees from denying children based on disability or socioeconomic statute. It would also authorize the department, subject to appropriation, to award additional grants to the highest performing and highest quality child care facilities in the state. Section 42 would amend the definition of a "child care facility" to eliminate certain enumerated facilities and include establishments recognized by the federal government for the care of children. Section 44 would repeal the $50 cap on child care grants.

V. Single Subject Rule

Article II, sec. 13 of the Alaska Constitution provides that "[e]very bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws." In *Croft v. Parnell*, the Alaska Supreme Court interpreted the single subject clause to require that every

> act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.[8]

The court explained that one of the primary motivations for the single subject requirement was to prevent "log-rolling," which is "appealing to different constituencies by including distinct provisions calculated to obtain sufficient votes to pass a measure."[9]

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8 236 P.3d 369, 373 (Alaska 2010).

9 *Id.*, at 374.

We cannot identify any one general subject that unites the extension of these four boards and commissions, the establishment of big game guide concession area permits, child care tax incentives, and eligibility for state child care assistance. These different provisions are not related logically or in popular understanding as to be parts of or germane to one general subject. Consequently, we believe that HCS SB 189(RLS) am H is unconstitutional because it violates art. II, sec. 13 of the Alaska Constitution.

Sincerely.

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto
Digitally signed by Rebecca C. Polizzotto
Date: 2024.06.24 10:32:57 -08'00'

Rebecca Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and Legislative Research Section

RCP/PWP/hjh

LEGAL SERVICES

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MEMORANDUM June 25, 2024

SUBJECT: SB 189 constitutional concerns
(HCS SB 189(RLS) am H; Work Order No. 33-LS1179\U.A.E)

TO: Representative David Eastman

FROM: Allison L. Radford
Legislative Counsel Allison L Radford

You asked whether HCS SB 189(RLS) am H ("SB 189") was constitutionally enacted, and for the strongest arguments for and against the constitutionality of the legislation. As a preliminary matter, I do not have concerns about the constitutionality of the individual sections of SB 189 when considered separately. However, should litigation occur, a court may find that SB 189 was not constitutionally enacted because all provisions included in the legislation do not appear to be germane to a single subject, as required by the constitution.[1] Accordingly, this memorandum will address the single subject concern.

Single subject. The Alaska Supreme Court has held that the purpose of the constitutional single subject provision is to guard against legislative log-rolling, "the practice of deliberately inserting in one bill several dissimilar or incongruous subjects in order to secure the necessary support for passage of the measure."[2] In ruling on single subject challenges, the Alaska Supreme Court balances "the rule's purpose against the need for efficiency in the legislative process."[3] Historically, the court has interpreted the single subject rule to permit very broad subject matter in one bill without violating the single subject requirement. For example, the court has held that bills relating to such broad themes as "development of water resources,"[4] "taxation,"[5] "land,"[6] "intoxicating liquor,"[7]

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[1] Art. II, sec. 13, Constitution of the State of Alaska provides, in relevant part, "Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws."

[2] *Evans ex rel. Kutch v. State*, 56 P.3d 1046, 1069 (Alaska 2002), *quoting State v. First National Bank of Anchorage*, 660 P.2d 406, 415 (Alaska 1982).

[3] *Croft v. Parnell*, 236 P.3d 369, 372 (Alaska 2010).

[4] *Id.*

[5] *North Slope Borough v. Sohio Petroleum Corp.*, 585 P.2d 534, 545 (Alaska 1978).

benefits and expanding child care assistance eligibility.[15] These sections can be described as relating to the subject of "child care."

Big game guide concession area and permitting program: The sections of SB 189 establishing a big game guide concession area and permitting program[16] appear to have the overall objective of enhancing conservation of game populations by limiting commercial use of certain game units. The extension of the Big Game Commercial Services Board might also be appropriately grouped within this subject. These sections can be described as relating to big game management.

Constitutionality. Although I have given it considerable thought, I am unable to identify a unifying idea that connects the extension of boards and commissions, childcare, and big game management. Accordingly, I am not able to articulate a strong argument that SB 189 was constitutionally enacted. As noted above, the court has historically interpreted the single-subject requirement broadly. However, should litigation occur, in order to prevail on the constitutionality question, proponents will have to demonstrate that *all* sections of the bill relate to the single subject.[17] Although AS 01.10.030[18] contains a general severability clause that will apply to provisions or applications of an Act that are found to be invalid, general severability is unlikely to save a bill if the court finds a single-subject violation. The reason is that if a court finds a violation of the single-subject rule, it will not be possible for the court to determine which part of the bill should be saved; the single-subject requirement applies to the entire bill.

Please let me know if you have additional questions.

ALR:mis
24-290.mis

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[15] *Id.*

[16] *See* SB 189, bill secs. 1, 3 - 4, 8, 46, and 48.

[17] *State v. First Nat'l Bank of Anchorage*, 660 P.2d 406, 415 (Alaska 1982).

[18] AS 01.10.030 states:

> Any law heretofore or hereafter enacted by the Alaska legislature which lacks a severability clause shall be construed as though it contained the clause in the following language: "If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application to other persons or circumstances shall not be affected thereby."

AK Trial Courts	**PROOF OF SERVICE**	1JU-24-00922CI Eastman, David Clark vs. Dunleavy, Michael J et al LRW

1. At the time of service, I was at least 18 years of age.
2. My email address used to e-serve: **joeg@alaskan.com**
3. I served a copy of the following document(s) indicated below:

Title(s) of documents served:

- **Other Filing (Civil):** Opposition to Motion for Stay
- **Other Filing (Civil):** EXHIBIT 1 A.G. Opinion
- **Other Filing (Civil):** EXJBIT 2 Leg Legal Memo
- **Other Filing (Civil):** ORDER Denying Moton for Stay

Person Served	Service Address	Type	Service Date
Anne Helzer	anne.helzer@alaska.gov	e-Serve	4/7/2025 8:44:55 PM
AGO		9aa9c4d0-7007-498e-b45c-2fed6ebd3424	
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I declare under penalty of perjury that the foregoing is true and correct.

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Date

/s/Joseph Geldhof
Signature

Geldhof, Joseph (8111097)
Last Name, First Name (Attorney Number)

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Counsel for Plaintiff David Clark Eastman

SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

REP. DAVID CLARK EASTMAN Plaintiff,	)	
vs.	)	1JU-24 - 00922 Civil
MICHAEL J. DUNLEAVY, In his official capacity as an official of the State of Alaska, and the **STATE OF ALASKA.** Defendants.	)	

ORDER ON MOTION FOR A STAY

Defendant, Governor Michael J. Dunleavy, having moved this court for a stay in these proceeding according to the ***Motion for Stay of Proceedings*** dated Marcy 27, 2025, and having considered this matter, including the opposition filed by plaintiff and any reply submitted by the defendants in this case,

THE COURT FINDS that a stay of the proceedings in this dispute is not warranted.

THEREFORE, IT IS ORDERED that the motion for a stay is **DENIED**.

IT IS FURTHER ORDERED that defendants will respond to the pending ***Motion for Summary Judgment*** filed by plaintiff on March 12, 2025, within 7 days of the entry of this Order.

DATED this _____ day of _____, 2025 at Juneau, Alaska.

ALASKA SUPERIOR COURT

_____

Larry Woolford,
Superior Court Judge

Lodged 4/7/25 EME

anc.law.ecf@alaska.gov

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

REP. DAVID CLARK EASTMAN, Plaintiff, v. MICHAEL J. DUNLEAVY, IN HIS OFFICIAL CAPACITY AS AN OFFICE OF THE STATE OF ALASKA, AND THE STATE OF ALASKA, Defendants.	)	Case No. 1JU-24-00922CI

MOTION FOR STAY OF PROCEEDINGS

Michael J. Dunleavey, in his official capacity as an Officer of the State of Alaska, ("State") requests an Order granting a stay of proceedings in the above captioned matter pending the conclusion of the first regular session of the 34th legislature. A period of time is necessary, following the end of the legislative session, to allow the legislative process to complete, including but not limited to, the passage and transmittal of legislation to the Governor for his consideration to approve or veto any new legislation.

The 34th Legislative Session is currently in operation and new legislation has been introduced to cure any alleged defects in SB189 (*see* attached, Exhibit A). SB189 was enacted during the 33rd Legislative Session, and the Plaintiff has alleged in this matter that the process of enactment violated the "single subject rule." The Plaintiff has

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asked this Court to find that SB189 was improperly enacted and to declare that it has no legal effect. The Plaintiff has also asked for attorney's fees and costs.

Since the 34th Legislative Session began on January 21, 2025, the attached legislation—if enacted—could resolve, materially reshape or render moot the need for this litigation. While this legislative process is in play, the legislature and not the superior court, is the best place to reconsider and address any alleged defects or curative action taken related to SB189. Accordingly, the Court should stay the pending motion for summary judgment for a reasonable time to allow the Legislature the opportunity to pass SB189 related or curative legislation.

A stay of proceedings supports the doctrine of judicial economy and efficiency by allowing the court to avoid issuing an advisory opinion on a legislative issue. This principle is illustrated in several cases. In *Stinnie v. Holcomb*, the court concluded that judicial economy weighed in favor of a stay until the Virginia General Assembly either repealed or decided not to repeal a specific statute. The court noted that proceeding with the litigation could result in the court addressing sensitive constitutional questions and case-specific issues that might be rendered moot by legislative action (*Stinnie v. Holcomb*, 396 F.Supp.3d 653 (2019)). Similarly, in *Brigade Leveraged Capital Structures Fund Ltd. v. Garcia-Padilla*, the court emphasized the principle and importance of judicial restraint, stating that it was unnecessary and premature to pass judgment on constitutional issues that could be materially reshaped or eliminated by legislative action (*Brigade Leveraged Capital Structures Fund Ltd. v. Garcia–Padilla*, 217 F.Supp.3d 508 (2016)).

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A stay of proceedings until late summer 2025, supports the Legislature's independent ability to materially reshape or even eliminate Plaintiff's concerns by currently pending legislative action. It is also possible that during this 34th Legislative Session, any constitutional issues, as in *Brigade*, could be materially reshaped or even eliminated by the currently pending legislative action. Providing the Legislature with an opportunity to address SB189 in this current session, does not prejudice the Plaintiff in any way. If after August 1, 2025, the Plaintiff's concerns relating to SB189 are not resolved by the Legislature, in whole or in part, the pending motion for Summary Judgement can be revisited to address any matters that are still subject to the allegations of the Plaintiff's complaint.

A proposed Order is lodged with this Motion.

DATED March 27, 2024.

TREG TAYLOR
ATTORNEY GENERAL

By: Anne Helzer
Anne R. Helzer
Chief Assistant Attorney General
Alaska Bar No. 0911054

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B 189 Sec.	Description	34th Leg Bill Equivalent
1	Renew BGCS Board	CSSB 80 (Sec. 1 - 2)
2	Renew Board of Massage Therapists	CSSB 80 (Sec. 3 - 4)
3	Amend AS 08.54.600(a)	SB 97 Sec. 1
4	Establish Concession Areas (create AS 16.05.262)	SB 97 Sec. 2 (AS 16.05.263)
5	Insurance Tax Education Credit (AS 21.96.070(a))	SB 96 Sec. 1
6	Increase credit limit to $3 million (AS 21.96.070(d))	Accomplished by HB 148 (2024)
7	Inflation adjust limit in AS 21.96.070(d)	SB 96. Sec. 2
8	Concession Area Permit Program (create AS 38.05.022)	SB 97 Sec. 3 (AS 38.05.021)
9	Income Tax Education Credit (43.20.014(a))	SB 96 Sec. 3
10	Increase credit limit to $3 million (AS 43.20.014(d))	Accomplished by HB 148 (2024)
11	Inflation adjust limit in AS 43.20.014(d)	SB 96 Sec. 4
12	Oil or Gas Producer Education Credit (AS 43.55.019(a))	SB 96 Sec. 5
13	Increase credit limit to $3 million (AS 43.55.019(d))	Accomplished by HB 148 (2024)
14	Inflation adjust limit in AS 43.55.019(d)	SB 96 Sec. 6
15	Property Tax Education Credit (AS 43.56.018(a))	SB 96 Sec. 7
16	Increase credit limit to $3 million (AS 43.56.018(d))	Accomplished by HB 148 (2024)
17	Inflation proof limit in AS 43 56.018(d)	SB 96 Sec. 8
18	Mining Business Education Credit (AS 43.65.018(a))	SB 96 Sec. 9
19	Increase cedit limit in AS 43.65.018(d))	Accomplished by HB 148 (2024)
20	Infation adjust limit in AS 43.65.018(d)	SB 96 Sec. 10
21	Fisheries Business Education Credit (AS 43.75.018(a))	SB 96 Sec. 11

22	Increase credit limit to $3 million (AS 43.75.018(d)	Accomplished by HB 148 (2024)
23	Inflation adjust limit in AS 43.75.018(d)	SB 96 Sec. 12
24	Fisheries Resource Landing Tax Education Credit (AS 43.77.045(a))	SB 96 Sec. 13
25	Increase credit limit to $3million (AS 43.77.045(d))	Accomplished by HB 148 (2024)
26	Inflation adjust limit in AS 43.77.045(d)	SB 96 Sec. 14
27	Renew Commission on Aging	CSSB 80 (Sec. 5 - 6)
28	Renew Marijana Control Board	CSSB 89 (Sec. 7 - 8)
29	Amend AS 47.05.030(a)	SB 95 Sec. 1 - 2
30	Amend AS 47.05.085(a)	SB 95 Sec. 3 - 4
31	Amend AS 47.25.001(a) (DoH powers and duties)	SB 95 Sec. 5 - 6
32	Amend AS 47.25.011	SB 95 Sec. 7 - 8
33	Amend AS 47.25.021	SB 95 Sec. 9 - 10
34	Amend AS 47.25.031	SB 95 Sec. 11 - 12
35	Amend AS 47.25.041 (limit on parent contribution)	SB 95 Sec. 13 - 14
36	Amend 47.25.051	SB 95 Sec. 15 - 18
37	Create AS 47.25.051(d) (establishing subsidy rate)	SB 95 Sec. 19
38	Amend AS 47.25.071(b) (requirement to be designated a child care facility)	SB 95 Sec. 20 - 21
39	Amend AS 47.25.071(g) (priority for low income families)	SB 95 Sec. 22 - 23
40	Amend AS 47.25.071(h) (designating child care facilities as qualified)	SB 95 Sec. 24 - 25
41	Create AS 47.25.071(i) (grants to high performing facilities)	SB 95 Sec. 26
42	Amend definition of "child care facility"	SB 95 Sec. 29 - 30

43	Amend definition of "child care"	SB 95 Sec. 27 - 28
44	Repealing AS 47.25.071(c) and 47.25.095(4)	SB 95 Sec. 31 - 32, AS 47. 25.071(c) repealed by HB 148 (2024)
45	exempting from prohibition on renewing multiple boards	CSSB 80 Sec. 9
46	Initial Big Game Concession Area Permit Program	SB 97 Sec. 6
47	State Plan approval (child care assistance program)	SB 95 Sec. 35
48	Big Game Consession Transition provision	SB 97 Sec. 7
49	Condition effect based on plan amendment	SB 95 Sec. 37
50	Extending tax credits	SB 96 Sec. 18, note HB 148 (2024) also extended these tax credits
51	Effective date after plan amendment	SB 95 Sec. 38
52	Immediate effective date	SB 95 Sec. 39

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT JUNEAU

REP. DAVID CLARK EASTMAN, Plaintiff, v. MICHAEL J. DUNLEAVY, IN HIS OFFICIAL CAPACITY AS OFFICER OF THE STATE OF ALASKA, AND THE STATE OF ALASKA, Defendants.	)	Case No. 1JU-24-00922CI

CERTIFICATE OF SERVICE

I certify that on March 27, 2025, true and correct copies of *Motion for Stay of Proceedings*, *Proposed Order* and this *Certificate of Service* were served on the following via email without error:

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Email: joeg@alaskan.com

Ninia Dizon

Ninia Dizon
Executive Secretary

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AK Trial Courts	**PROOF OF SERVICE**	1JU-24-00922CI Eastman, David Clark vs. Dunleavy, Michael J et al LRW

1. At the time of service, I was at least 18 years of age.
2. My email address used to e-serve: **anne.helzer@alaska.gov**
3. I served a copy of the following document(s) indicated below:

Title(s) of documents served:

- **Other Filing (Civil):** Motion for Stay of Proceedings
- **Other Filing (Civil):** Exhibit A
- **Other Filing (Civil):** Proposed Order Granting Stay of Proceedings
- **Other Filing (Civil):** Certificate of Service - Motion & Proposed Order for Stay of Proceedings

Person Served	Service Address	Type	Service Date
Anne Helzer	anne.helzer@alaska.gov	e-Serve	3/27/2025 3:09:22 PM
AGO		d4182ae3-33b4-449b-b219-324988cb8d27	
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State of Alaska Department of Law		b3d6c95d-a472-4241-b477-c62d3c9f4f4f	
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TrueFiling created, submitted and signed this proof of service on my behalf through my agreements with TrueFiling.
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I declare under penalty of perjury that the foregoing is true and correct.

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/s/Ninia Dizon
Signature

Helzer, Anne (0911054)
Last Name, First Name (Attorney Number)

AGO
Firm Name