

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
THIRTY-FIRST LEGISLATURE
SECOND SESSION

Juneau, Alaska

Monday

January 27, 2020

Seventh Day

Pursuant to adjournment the House was called to order by Speaker Edgmon at 11:13 a.m.

Roll call showed 38 members present. Representative Drummond had been excused from a call of the House today. District 3 was vacant.

The invocation was offered by the Chaplain, Major Shane Halverson of The Salvation Army. Representative Kopp moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Our gracious and loving God. We give you thanks for another year.

We ask your blessings over these elected members of the House of Representatives as they come together once again to move our great state of Alaska forward into the future. May you give them clear vision to see the opportunities and threats that lie before them. Grant them guidance and wisdom to know which direction to go. May they be committed to working diligently and swiftly to find solutions to the issues facing Alaskans.

Watch over and protect these servants and all who work in this place. May all who visit be treated with respect and kindness.

Father, we are not promised tomorrow so we ask you to help us make the most of each day.

May all that is completed today be for your honor and glory.
Amen.

The Pledge of Allegiance was led by Representative Knopp.

CERTIFICATION OF THE JOURNAL

Representative Thompson moved and asked unanimous consent that the journal for the first through sixth legislative days, House Journal Supplement No. 6, and House and Senate Joint Journal Supplement No. 11 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

* * * * *

Representative Kopp introduced this session's House Pages and floor staff:

Erin Verhagen - Nenana
Ariel Svetlik - Juneau
Griffin Young - Juneau
Benjamin Krall - Juneau
Taylor McCann - Palmer
Leah Fraser - Juneau

Crys Jones - Chief Clerk
Krisztina Bury - Assistant Chief Clerk
Stephanie Hall - Assistant Chief Clerk
Micaela Bradner - Sergeant-at-Arms
Matt Simpson - Assistant Sergeant-at-Arms

MESSAGES FROM THE SENATE

A message dated January 21 was read stating the Senate accepted the invitation to meet in joint session in the House Chamber at 7:00 p.m., January 27 to hear the Governor's State of the State Address.

A message dated January 22 was read stating the Senate accepted the invitation to meet in joint session in the House Chamber at 11:00 a.m., February 12 to hear the State of the Judiciary Address by Chief Justice Joel H. Bolger.

HJR 9

A message dated January 21 was read stating the Senate passed:

CS FOR HOUSE JOINT RESOLUTION NO. 9(STA)

Requesting the United States Secretary of the Treasury to mint not less than 5,000,000 \$1 coins honoring Elizabeth Peratrovich under the Native American \$1 Coin Act.

HJR 9 was referred to the Chief Clerk for enrollment.

COMMUNICATIONS

Letters of disclosure received from the Select Committee on Legislative Ethics, as required by AS 24.60, were published in House Journal Supplement No. 6 and House and Senate Joint Journal Supplement No. 11.

The following letter dated January 23, was read:

"Speaker Edgmon:

This letter affirms that the Republican members of the House of Representatives unanimously confirmed the Governor's appointment of Mel Gillis to fill the vacant seat in House District 25 on Dec. 2nd, 2019.

I sign this letter on behalf of the House Minority Caucus and the other Republican members of the House of Representatives.

Sincerely,

/s/

Representative Lance Pruitt
House Minority Leader"

A letter dated January 24 from Representative Wilson, House District 3, to Speaker Edgmon, was read tendering her resignation from the House effective January 25.

The following were received:

Alaska Court System
Annual Report FY 2019
<https://public.courts.alaska.gov/web/admin/docs/fy19.pdf>
(as required by AS 22.20.310)

Alaska State Legislature
Bicameral Permanent Fund Working Group Report
January 20, 2020

Alaska State Legislature
Joint Armed Services Committee
Activities Report
January 21, 2020
(as required by AS 24.20.675)

Dept. of Revenue
Alaska Marine Highway System Fund
Alaska Marine Highway Vessel Replacement Fund
Investment Earnings Reports
January 15, 2020
(as required by AS 19.65.070 and 37.05.550)

INTRODUCTION OF CITATIONS

The following citations were introduced and referred to the Rules Committee for placement on the calendar:

Honoring - Robert Metcalf
By Representative Foster; Senator Olson

Honoring - Rebecca Missler
By Representative Wilson; Senator Coghill

Honoring - United States Coast Guard
By Representative Stutes; Senator Stevens

Honoring - 2020 Top Five Kuskokwim 300 Finishers
By Senator Hoffman; Representative Zulkosky

In Memoriam - Alan S. Boraas, Ph.D.
By Representative Knopp; Senator Micciche

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS**

HB 182

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 182 by
Representatives Tarr, Spohnholz, Drummond, Tuck, and Zulkosky,
entitled:

"An Act relating to testing of sexual assault examination kits; and
providing for an effective date."

was read the first time and referred to the State Affairs and Finance
Committees.

HB 215

HOUSE BILL NO. 215 by the House Rules Committee by request of
the Governor, entitled:

"An Act relating to unemployment insurance contribution rates;
and providing for an effective date."

was read the first time and referred to the Labor & Commerce and
Finance Committees.

The following fiscal note(s) apply:

1. Fiscal, Dept. of Labor & Workforce Development

The Governor's transmittal letter dated January 21 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to unemployment insurance employer contribution rates.

In Alaska, the Unemployment Insurance Tax is one of the primary taxes that employers must pay. Alaska is the only state that currently has a fixed minimum tax rate contribution of one percent. This minimum tax is assessed on businesses, irrespective of an employers' experience factor.

Currently, AS 23.20.290(c) requires employers to make contributions of not less than one percent in unemployment insurance taxes. This bill lowers the minimum tax rate for employers in rate classes 1-9 from the existing one percent, to a rate correlated to the employer's experience factor. Experience factors for classes 1-9 range from 0.4 to 0.9 percent. These changes are intended to address the disproportionately high employer tax rate contributions for small business employers.

This legislation reduces the tax burden on Alaska businesses and employers, while preserving the health of the Alaska Unemployment Trust Fund, ensuring that Alaska workers are able to access benefits when necessary.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy
Governor"

HB 216

HOUSE BILL NO. 216 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to professional licensing; relating to temporary licenses for some professions; relating to audiologists and speech-language pathologists; relating to the regulation of hair braiding;

relating to the demonstration of traditional Alaska Native tattoo techniques; relating to home inspector licensing; relating to collection agency licensing; relating to hearing aid dealer licensing; repealing requirements for certification of professional geologists; repealing the requirements for registration of concert promoters; repealing the athletic commission; relating to boxing, sparring and wrestling contests, matches, and exhibitions; relating to dental radiological equipment; repealing certain oil and gas business bonding and cash deposit requirements; and providing for an effective date."

was read the first time and referred to the Labor & Commerce, Health & Social Services, Resources, and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources
2. Zero, Dept. of Natural Resources
3. Fiscal, Dept. of Commerce, Community, & Economic Development
4. Fiscal, Dept. of Health & Social Services

The Governor's transmittal letter dated January 21 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill regarding professional licensing reform.

This bill would streamline professional licensing provisions and increase the efficiency of the Department of Commerce, Community, and Economic Development, as well as multiple boards that oversee professional licensing. This bill would eliminate outdated requirements, align requirements with federal law, and eliminate burdensome regulation.

The bill addresses current inconsistencies in the rules regarding temporary professional licenses and reworks language to institute one clear, fair, and responsible standard for allowing qualified persons to

begin practice under a temporary license. This will ensure efficiency, remove barriers to workforce entry and improve availability of licensed professionals, while protecting public safety.

Amendments clarify when a previous brush with the law would disqualify a person from entering a licensed profession. The bill also repeals many obsolete statutes, including the Athletic Commission, a body that has not been funded or active for many years.

Finally, this bill addresses areas, such as the oversight of dental radiological equipment, by moving oversight to the Department of Health and Social Services, an agency much more appropriate for this task.

Together, we can keep our citizens safe, but allow a streamlined, efficient, and robust professional licensing. This bill is an important first step towards that goal.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy

Governor"

HB 217

HOUSE BILL NO. 217 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to fees levied by resource agencies for designated regulatory services; and providing for an effective date."

was read the first time and referred to the Resources and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources
2. Indeterminate, Dept. of Environmental Conservation

The Governor's transmittal letter dated January 21 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to fees levied by resource agencies for designated regulatory services. Designated regulatory services include control of solid waste facilities, disposal of waste into state waters, certification for federal permits under the Clean Water Act, authorization for use of appropriation of water, administration of emission control for air quality programs, and regulation of registered pesticides and broadcast chemicals.

Currently, resource agencies can only assess a fee based on the "direct costs" incurred by the agency. This bill adds "indirect costs" to the basis of the fee. Adding indirect costs more accurately reflects the real costs that an agency incurs for services rendered. Applying an indirect rate to fees for regulatory services will allow resource agencies to recover overhead costs, such as accounting, procurement, operations, information technology and centralized service costs. An indirect rate fee also allows resource agencies to recoup the full direct cost of personal services salary and benefits, which is currently capped at 149 percent of the base salary. Application of an indirect rate fee would enhance program receipt revenue, which could reduce unrestricted general fund expenditures in program areas within our resource agencies.

I urge your prompt and favorable action on this bill.

Sincerely,

/s/

Mike Dunleavy
Governor"

HB 218

HOUSE BILL NO. 218 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to salt water sport fishing operators and salt water sport fishing guides; and providing for an effective date."

was read the first time and referred to the House Special Committee on Fisheries and the Resources and Finance Committees.

The following fiscal note(s) apply:

1. Fiscal, Dept. of Fish & Game

The Governor's transmittal letter dated January 21 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill regarding sportfish guide and operator licensing.

This bill would reinstitute the salt water sport fishing guide and operator licensing standards, salt water guide and operator fees, and logbook reporting requirements for salt water guides. The logbook data provided by salt water fishing guides provides critical information that informs in season management. The Board of Fisheries management plans also benefit from updated and complete information.

The data obtained through the logbook reporting requirement is critical for the Department of Fish and Game to successfully uphold the State of Alaska's Pacific Salmon Treaty obligations. Under the treaty the state is required to issue logbooks and collect data, however the mandate is unfunded. This bill would re-establish the license fees for sport salt water fishing guide services to cover the costs of the mandated program.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy
Governor"

HB 219

HOUSE BILL NO. 219 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to forest land use plans; relating to forest land use plan appeals; relating to negotiated timber sales; and providing for an effective date."

was read the first time and referred to the Resources and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

The Governor's transmittal letter dated January 21 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to timber sales and harvests.

Under current law, negotiated timber sales are authorized by three different statutes. This bill creates one comprehensive negotiated timber sale statute to provide the Commissioner of the Department of Natural Resources with the flexibility to negotiate timber sales to balance the evolving economics of the timber industry with the Alaska Constitution's mandate for resource development in the public interest.

The bill also amends statutes on forest land use plans. Under current law, such plans can be appealed or reconsidered under AS 44.37.011, and a timber sale contract entered into based on the Commissioner's best interest-finding may be appealed in the process outlined in AS 38.05.035. This leaves a timber sale subject to appeals at multiple stages, creating the risk of delays in timber harvests, and raising uncertainty among timber purchasers, processors, and investors.

The bill addresses this situation by making forest land use plans non-appealable or subject to reconsideration under AS 44.37.011, while

leaving intact other significant public process protections, including: the right to appeal a commissioner's best interest finding concerning a timber sale; the public notice and written best interest finding requirements in AS 38.05.035; public notice requirements for negotiated sales of 500,000 board feet of timber or less in 38.05.945; and the requirement for public notice of disposal of state interests in Article VIII, Section 10, of the Alaska Constitution.

The bill also leaves intact limiting a single purchaser to one negotiated sale per year of more than 500,000 board feet of timber under AS 35.05.118, and exempting negotiated sales of more than 500,000 board feet of timber from the written best interest-finding requirement.

This bill will result in more efficient land use planning and more predictable timber harvests, while retaining robust public and agency participation in the process.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy

Governor"

HB 220

HOUSE BILL NO. 220 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to geothermal resources; relating to the definition of 'geothermal resources'; and providing for an effective date."

was read the first time and referred to the Resources and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Zero, Dept. of Natural Resources
3. Fiscal, Dept. of Natural Resources

The Governor's transmittal letter dated January 21 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill revising statutes related to the State's geothermal resources.

This bill removes obstacles for exploration and development of Alaska's geothermal resources. Current law provides companies only two to three years to prove a commercial discovery, which then allows the company to apply for a more long-term lease. The bill increases the time available for exploration to five years to better account for the time needed to complete an exploration program. The bill more clearly defines what constitutes geothermal resources available for lease. It reclassifies the current permit system as a license system similar to that for oil and gas exploration. The bill's proposed five-year exploration license term in the bill allows explorers more time to conduct background research, acquire surface use permits, and perform the field work necessary to locate a resource and produce the data necessary to convert a license to a lease.

This bill also nearly doubles the maximum acreage a person may have under lease for geothermal projects from 51,200 acres to 100,000 acres, to account for the tendency of geothermal resources to be dispersed over large areas. The proposed acreage increase in the bill will attract greater interest in geothermal resources because developers will have a greater opportunity to explore the appropriate area to delineate geothermal systems. With enactment of this measure, our state will continue to responsibly manage our natural resources in a manner to provide maximum benefits to our citizens through development of needed energy sources.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy
Governor"

HB 221

HOUSE BILL NO. 221 by Representatives Kopp, Edgmon, Ortiz, Story, Fields, Kreiss-Tomkins, Foster, Hannan, Claman, Zulkosky, LeDoux, Lincoln, Spohnholz, Hopkins, Johnston, Tarr, Tuck, and Stutes, entitled:

"An Act providing for state recognition of federally recognized tribes; and providing for an effective date."

was read the first time and referred to the House Special Committee on Tribal Affairs and the Community & Regional Affairs Committee.

HB 222

HOUSE BILL NO. 222 by Representatives Tilton, Jackson, Shaw, Carpenter, Rasmussen, Rauscher, Talerico, Wilson, and Vance, entitled:

"An Act relating to the authority of the Department of Administration to transmit registration information to the Selective Service System; and relating to identification cards and drivers' licenses."

was read the first time and referred to the House Special Committee on Military & Veterans' Affairs and the State Affairs Committee.

HB 223

HOUSE BILL NO. 223 by Representatives Shaw, Tilton, Rauscher, Thompson, Eastman, Jackson, Carpenter, and Vance, entitled:

"An Act naming the Vietnam Helicopter Pilots' Memorial Bridge."

was read the first time and referred to the House Special Committee on Military & Veterans' Affairs.

HB 224

HOUSE BILL NO. 224 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the crime of impersonating a peace officer; relating to the powers of the Alaska Police Standards Council;

relating to the definition of 'village police officer'; and providing for an effective date."

was read the first time and referred to the House Special Committee on Tribal Affairs and the Judiciary Committee.

The following fiscal note(s) apply:

1. Zero, Dept. of Public Safety

The Governor's transmittal letter dated January 24 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to Police Standards in Alaska. This bill will ensure that Alaska has rigorous, enforceable standards for the employment of police and village police officers throughout Alaska.

The bill proposes amendments to AS 18.65, Police Protection, to provide that a person may not be appointed as a police or village police officer if the person has been convicted of a felony, a sex offense defined in AS 12.63.100, or a crime involving domestic violence as defined in AS 18.66.990. The legislation further clarifies that the Alaska Police Standards Council has the power to set standards for employment for village police officers by regulation and may investigate when there is reason to believe an officer or a village police officer does not meet minimum standards for employment. In addition, this bill would include a definition for village police officer in statute.

Establishing in law the standards and qualifications for the employment of police and village police officers, will ensure that individuals who are appointed to these important positions of trust and authority in our communities, are qualified to hold such a position.

I urge your prompt and favorable action on this important public safety measure.

Sincerely,

/s/

Mike Dunleavy
Governor"

HB 225

HOUSE BILL NO. 225 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to sex trafficking; establishing the crime of patron of a victim of sex trafficking; relating to the crime of human trafficking; relating to sentencing for sex trafficking and patron of a victim of sex trafficking; establishing the process for a vacation of judgment for a conviction of prostitution; and providing for an effective date."

was read the first time and referred to the State Affairs, Judiciary, and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Dept. of Health & Social Services
3. Zero, Dept. of Law
4. Zero, Dept. of Public Safety
5. Zero, Dept. of Public Safety
6. Zero, Dept. of Public Safety
7. Indeterminate, Dept. of Administration
8. Indeterminate, Dept. of Administration
9. Indeterminate, Dept. of Corrections

The Governor's transmittal letter dated January 24 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to sex trafficking and human trafficking; establishing the crime of "Patron of a Victim of Sex Trafficking;" and creating a process for a victim of sex trafficking

who has been convicted of prostitution to have that conviction vacated.

Alaska's sex trafficking and human trafficking statutes do not adequately address the serious nature of these offenses or provide sufficient protections for underage victims. The language in these statutes is archaic and no longer addresses the realities faced by individuals who are forced into the labor or sex trade; creating situations where victims are unaided and perpetrators go undetected.

The proposed legislation will restructure the human trafficking and sex trafficking statutes to better address the realities of how these offenses are committed and protect underage victims. The bill increases the penalties for all forms of trafficking, leaving the most serious classification for those who use force or traffic an underage person. Additionally, sex trafficking of all degrees will be a sex offense subject to the increased penalties for sex offenses and require registration as a sex offender. The legislation also establishes the new crime of "Patron of a Victim of Sex Trafficking." While it is crucial to target those who traffic individuals, it is equally important to address those who create a demand for victims of sex trafficking; specifically underage victims of sex trafficking.

Finally, the legislation establishes a mechanism by which a person who has been convicted of prostitution can get that conviction vacated if they were a victim of sex trafficking at the time of the prostitution offense. The threat of being charged with a crime is often a tactic that traffickers will use to continue to control their victims. It is important for society to recognize that these victims often have no other choice, and they should not be treated as criminals when they are, in fact, victims themselves.

Human trafficking and sex trafficking are insidious, and these crimes ruin lives. It is time that our laws adequately address the devastation this predatory conduct has on our society and protect those who need it most. I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy
Governor"

HB 226

HOUSE BILL NO. 226 by the House Rules Committee by request of the Governor, entitled:

"An Act amending the authority of pretrial services officers to file charges, make a warrantless arrest, or request the court to issue a warrant for arrest for escape in the third degree; and providing for an effective date."

was read the first time and referred to the State Affairs and Judiciary Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Corrections
2. Zero, Dept. of Public Safety

The Governor's transmittal letter dated January 24 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill amending the authority of pretrial services officers to make arrests, file charges, and request warrants from the court for defendants who commit Escape in the Third Degree.

Under current law, pretrial services officers may only arrest, file criminal charges, or request a warrant when a person violates a condition of pretrial release (AS 11.56.757) or fails to appear for a court hearing (AS 11.56.730). However, defendants often violate their conditions of release by removing their electronic monitoring bracelet, which upgrades the offense to Escape in the Third Degree, a Class C felony. Since pretrial services officers are unable to arrest, file charges, or request warrants for this offense, they must notify law enforcement or a prosecutor who must then gather the information from the pretrial services officer in order to file charges or request a warrant.

Adding Escape in the Third Degree to the list of offenses that a pretrial services officer can arrest, file charges, or request a warrant for will streamline the process and allow warrants to be issued and charges to be filed in a more timely manner.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy
Governor"

HB 227

HOUSE BILL NO. 227 by the House Rules Committee by request of the Governor, entitled:

"An Act providing for an aggravating factor at sentencing for contractors, volunteers, and employees of the Department of Corrections; and providing for an effective date."

was read the first time and referred to the State Affairs and Judiciary Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Corrections
2. Zero, Dept. of Law
3. Zero, Dept. of Public Safety

The Governor's transmittal letter dated January 24 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill establishing an aggravator at sentencing for defendants who are contractors, volunteers, or employees of the Department of Corrections and bring contraband into a prison facility during the course of their employment.

Contractors, volunteers, and employees of the Department of Corrections are able to obtain security clearances, which assist them in the performance of their duties. These clearances require a certain level of trust. When a contractor, volunteer, or employee of the department violates that trust by using their clearance to bring contraband into our prisons an enhanced penalty should apply.

The bill will establish an aggravator at sentencing which the court may apply when a defendant is convicted of promoting contraband and the offense occurred in the course of the person's contractual, volunteer, or employment duties. The aggravator, if proven, would allow the court to sentence the person above the presumptive sentencing range for promoting contraband, up to the maximum term.

Contraband in our prisons seriously undermines the safety and security of correctional facilities. Those who are held in a position of trust know the rules and should be held to a higher standard.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy
Governor"

HB 228

HOUSE BILL NO. 228 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to notice provided to victims regarding petitions for removal from a registry that is published on the Internet; relating to the duration of the duty to register as a sex offender or child kidnapper; relating to petitions for removal from a registry that is published on the Internet; relating to the definitions of 'tier I sex offense,' 'tier II sex offense or child kidnapping,' and 'tier III sex offense or child kidnapping'; amending the definition of 'sex offense'; relating to the jurisdiction of the Court of Appeals; establishing Rule 35.3, Alaska Rules of Criminal Procedure; and providing for an effective date."

was read the first time and referred to the State Affairs, Judiciary, and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Military & Veterans' Affairs
2. Indeterminate, Dept. of Corrections

3. Fiscal, Dept. of Administration
4. Fiscal, Dept. of Administration
5. Fiscal, Dept. of Law
6. Fiscal, Dept. of Public Safety

The Governor's transmittal letter dated January 24 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill redefining registration periods for sex offenders and child kidnappers and allowing for a sex offender or child kidnapper to have their information removed from an Internet registry.

In June of 2019, the Alaska Supreme Court issued an opinion regarding the registration requirements imposed by Alaska's Sex Offender Registration Act (ASORA). *Doe v. Department of Public Safety*, 2019 WL 2480282 (Alaska 2019). In essence, the court held that ASORA is overbroad because it imposes lengthy registration requirements on all persons convicted of registerable sex offenses without affording them a hearing in which they might show that they are no longer dangerous and, therefore, should not be required to continue to register. The court stopped short of invalidating the entire ASORA. However, individuals on the registry may now petition the court for an opportunity to demonstrate that they are not dangerous and should be removed. There are virtually no guidelines in case law or statute to guide the court through this process. Therefore, the bill establishes the framework for these hearings in statute.

Under the bill, sex offenders and child kidnappers will be categorized into three different tiers based on the type of offense they have been convicted of. The tier will determine the length of the registration period. Tier I offenders will need to register for 10 years, Tier II offenders will need to register for 15 years, and Tier III offenders will need to register for life. An offender who is no longer on probation or parole may petition the court to have their information removed from the Internet registry. Before an offender may petition the court, they must have first registered with the Department of Public Safety for the previous five years for a Tier I offender, 10 years for a Tier II

offender, and 15 years for a Tier III offender. In addition, the offender must have completed all treatment programs required by the court or the parole board and cannot have been convicted of an offense, attempt, solicitation, or conspiracy of any of the following offenses since being convicted for the offense that has required the person to register:

- (i) a crime against a person under AS 11.41;
- (ii) a violation by sex offender of condition of probation under AS 11.56.759;
- (iii) sending an explicit image of a minor under AS 11.61.116;
- (iv) cruelty to animals under AS 11.61.140;
- (v) misconduct involving weapons under AS 11.61.190 – 11.61.250;
- (vi) a sex offense or child kidnapping as defined in AS 12.63.100;
or
- (vii) a crime of domestic violence under AS 18.66.990.

In order to issue an order requiring the Department of Public Safety to remove the offender's information from the Internet registry, the court must find by clear and convincing evidence that (1) the registration and compliance requirements outlined in statute have been satisfied; (2) the sex offender or child kidnapper is unlikely to commit another sex offense or child kidnapping; and (3) continued registration on a registry, that is published on the Internet, is not necessary for the protection of the public. The bill only allows an offender to be removed from an Internet registry. The offender must continue to register with the Department of Public Safety, which means law enforcement will continue to have the registration information in order to protect the public.

Without this legislation, the parameters for removal will be established slowly by the courts through an enormous amount of litigation. By establishing parameters in statute and only allowing the offender's information to be removed from an Internet registry, this bill can effectuate the holding in *Doe* in a way that continues to protect the public.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy
Governor"

HB 229

HOUSE BILL NO. 229 by Representative Spohnholz, entitled:

"An Act establishing the Alaska Health Care Transformation Corporation; relating to an all-payer claims database; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

UNFINISHED BUSINESS

Representative Thompson moved and asked unanimous consent that the following member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Zulkosky – from noon, January 29 to 10:00 p.m., January 31

The Speaker stated that, without objection, the House would recess to 6:45 p.m. for the Governor's State of the State Address; and so, the House recessed at 11:59 a.m.

AFTER RECESS

The Speaker called the House back to order at 6:46 p.m.

JOINT SESSION IN THE HOUSE

In accordance with Uniform Rule 51, Speaker Edgmon turned the gavel over to President Giessel who called the joint session to order at 7:03 p.m.

The purpose of the joint session was to hear the State of the State Address by the Honorable Michael J. Dunleavy, Governor of Alaska.

Senator Hoffman moved and asked unanimous consent that the roll call of the Senate be waived and all members be shown as present. There being no objection, it was so ordered.

Representative Thompson moved and asked unanimous consent that the roll call of the House be waived and all members be shown as present. There being no objection, it was so ordered.

President Giessel appointed Representative Knopp and Senator Coghill to escort the Governor to the joint session.

The Senate Sergeant-at-Arms announced the Governor's entrance into the House Chamber.

Governor Dunleavy was escorted to the rostrum and welcomed by President Giessel.

Governor Dunleavy delivered his address, and it is published in Senate and House Joint Journal Supplement No. 12.

Governor Dunleavy received a standing ovation.

Senator Hoffman moved and asked unanimous consent that the joint session adjourn. There being no objection, President Giessel adjourned the joint session at 7:38 p.m.

The Speaker ordered the House at ease to allow members of the Senate to leave the Chamber.

IN THE HOUSE

The Speaker called the House back to order at 7:41 p.m.

UNFINISHED BUSINESS

HB 17

Representative Vance added as a cosponsor to:

HOUSE BILL NO. 17

"An Act repealing the certificate of need program for health care facilities; making conforming amendments; and providing for an effective date."

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Thompson moved and asked unanimous consent that the House adjourn until 10:30 a.m., January 29. There being no objection, the House adjourned at 7:41 p.m.

Crystalline Jones
Chief Clerk