

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
THIRTY-SECOND LEGISLATURE
FIRST SESSION

Juneau, Alaska

Thursday

March 25, 2021

Sixty-sixth Day

Pursuant to adjournment the House was called to order by Speaker Stutes at 10:17 a.m.

Roll call showed 40 members present.

The invocation was offered by the Chaplain, Representative Eastman. Representative Thompson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

The Cadet Prayer from West Point. Please bow with me if that is your custom:

O God, our Father, thou searcher of human hearts, help us to draw near to thee in sincerity and truth. May our religion be filled with gladness and may our worship of thee be natural.

Strengthen and increase our admiration for honest dealing and clean thinking, and suffer not our hatred of hypocrisy and pretense ever to diminish. Encourage us in our endeavor to live above the common level of life. Make us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole can be won.

Endow us with courage that is born of loyalty to all that is noble and worthy, that scorns to compromise with vice and injustice and knows no fear when truth and right are in jeopardy.

Guard us against flippancy and irreverence in the sacred things of life. Grant us new ties of friendship and new opportunities of service. Kindle our hearts in fellowship with those of a cheerful countenance, and soften our hearts with sympathy for those who sorrow and suffer. Help us to maintain the honor of the Corps untarnished and unsullied and to show forth in our lives the ideals of West Point in doing our duty to thee and to our country. All of which we ask in the name of the great friend and master of all. Amen.

The Pledge of Allegiance was led by Representative Hannan.

CERTIFICATION OF THE JOURNAL

Representative Tuck moved and asked unanimous consent that the journal for the 65th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

A letter dated March 24 was read stating that, in accordance with AS 14.40.150 and art. VII, sec. 3, Constitution of the State of Alaska, the Governor submits the following name for legislative confirmation of appointment to the position noted.

The Speaker referred the following to the Education Committee:

University of Alaska Board of Regents

John "Scott" Jepsen – Anchorage

Appointed: 3/23/2021 Term Expires: 2/6/2023

A resume for the appointment is on file in the Chief Clerk's office.

REPORTS OF STANDING COMMITTEES

HB 109

The Judiciary Committee considered:

HOUSE BILL NO. 109

"An Act extending the termination date of the Board of Governors of the Alaska Bar Association; and providing for an effective date."

The report was signed by Representative Claman, Chair, with the following individual recommendations:

Do pass (4): Drummond, Snyder, Kreiss-Tomkins, Claman

No recommendation (2): Eastman, Vance

Amend (1): Kurka

The following fiscal note(s) apply:

1. Zero, Office of the Governor/Combined

HB 109 was referred to the Finance Committee.

HB 121

The Labor & Commerce Committee considered:

HOUSE BILL NO. 121

"An Act relating to education tax credits for certain payments and contributions for child care and child care facilities; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 121(L&C)
(same title)

The report was signed by Representatives Spohnholz and Fields, Co-chairs, with the following individual recommendations:

Do pass (4): Snyder, McCarty, Spohnholz, Fields

Do not pass (1): Nelson

No recommendation (1): Kaufman

Amend (1): Schrage

The following fiscal note(s) apply to CSHB 121(L&C):

1. Indeterminate, Dept. of Commerce, Community, & Economic Development
2. Indeterminate, Dept. of Revenue

HB 121 was referred to the Finance Committee.

HB 132

The Labor & Commerce Committee considered:

HOUSE BILL NO. 132

"An Act relating to technical education and apprenticeships; relating to concurrent vocational education, training, and on-the-job trade experience programs for students enrolled in public secondary schools; relating to child labor; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 132(L&C)

"An Act relating to technical education and registered apprenticeships."

The report was signed by Representatives Spohnholz and Fields, Co-chairs, with the following individual recommendations:

Do pass (5): Snyder, Schrage, McCarty, Spohnholz, Fields

Amend (1): Nelson

The following fiscal note(s) apply to CSHB 132(L&C):

1. Zero, Dept. of Labor & Workforce Development
2. Zero, Dept. of Labor & Workforce Development
3. Indeterminate, Dept. of Revenue
4. Fiscal, Dept. of Education & Early Development

HB 132 was referred to the Education Committee.

HB 133

The Labor & Commerce Committee considered:

HOUSE BILL NO. 133

"An Act relating to the Alaska savings program for eligible individuals; relating to education savings programs; relating to the Education Trust of Alaska; relating to the Alaska advance college tuition savings fund; relating to the Alaska education savings program for children; and relating to the Governor's Council on Disabilities and Special Education."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 133(L&C)
(same title)

The report was signed by Representatives Spohnholz and Fields, Co-chairs, with the following individual recommendations:

Do pass (6): Snyder, Schrage, McCarty, Nelson, Spohnholz, Fields

No recommendation (1): Kaufman

The following fiscal note(s) apply to CSHB 133(L&C):

1. Zero, Dept. of Health & Social Services
2. Zero, University of Alaska

HB 133 was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Michaela Goade
By Representatives Kreiss-Tomkins, Story

Honoring - Josephine Tatauq Bourdon
By Representative Foster; Senator Olson

Honoring - Alaska's Principals & Assistant Principals
By Senator Stevens; Representative Story

In Memoriam - Annette Harpster
By Representative Rauscher

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 76

The following was read the second time:

HOUSE BILL NO. 76

"An Act extending the January 15, 2021, governor's declaration of a public health disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic; providing for a financing plan; making temporary changes to state law in response to the COVID-19 outbreak in the following areas: occupational and professional licensing, practice, and billing; telehealth; fingerprinting requirements for health care providers; charitable gaming and online ticket sales; access to federal stabilization funds; wills; unfair or deceptive trade practices; and meetings of shareholders; and providing for an effective date."

with the:

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FN1: ZERO(CED)	299
FN2: ZERO(DHS)	299
FN3: ZERO(DPS)	299
FN4: INDETERMINATE(MVA)	299
FN5: INDETERMINATE(REV)	299
FIN RPT CS(FIN) NEW TITLE 5DP 3DNP 3NR	410
FN1: ZERO(CED)	410
FN2: ZERO(DHS)	410
FN3: ZERO(DPS)	410
FN4: INDETERMINATE(MVA)	410
FN5: INDETERMINATE(REV)	410

Representative Tuck moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 76(FIN)

"An Act extending the January 15, 2021, governor's declaration of a public health disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic; approving and ratifying declarations of a public health disaster emergency; providing for a financing plan; making temporary changes to state law in response to the COVID-19 outbreak in the following areas: occupational and professional licensing, practice, and billing; telehealth; fingerprinting requirements for health care providers; charitable gaming and online ticket sales; access to federal stabilization funds; wills; unfair or deceptive trade practices; meetings of shareholders; and school operating funds; relating to informed consent for COVID-19 vaccines; relating to personal objections to the administration of COVID-19 vaccines; providing immunity from liability and disciplinary action for occupational licensees for exposure of clients to COVID-19; providing immunity from liability for persons engaging in business and their employees for exposure of customers to COVID-19; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Thompson:

Page 1, line 1, through page 2, line 1 (title amendment):

Delete all material and insert:

""An Act relating to the state's response to and recovery from the novel coronavirus disease (COVID-19) pandemic; making temporary changes to state law in response to the COVID-19 outbreak in the following areas: powers delegated to the Department of Health and Social Services; powers delegated to the Department of Military and Veterans' Affairs; occupational and professional licensing, practice, and billing; telehealth; fingerprinting requirements for health care providers; charitable gaming and online ticket sales; access to federal stabilization funds; wills; unfair or deceptive trade practices; and meetings of shareholders; relating to informed consent for COVID-19 vaccines; relating to personal objections to the administration of COVID-19 vaccines; providing immunity from liability and disciplinary action for occupational licensees for exposure of

clients to COVID-19; providing immunity from liability for persons engaging in business and their employees for exposure of customers to COVID-19; relating to civil and criminal liability; and providing for an effective date.'"

Page 2, line 3, through page 5, line 25:

Delete all material and insert:

*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE INTENT: COVID-19 PANDEMIC RESPONSE.

It is the intent of the legislature that

(1) certain limited authority be granted to the Department of Health and Social Services, the Department of Military and Veterans' Affairs, and the Department of Commerce, Community, and Economic Development to implement the state's response to the ongoing pandemic related to the novel coronavirus disease (COVID-19); and

(2) the governor is authorized to communicate to federal agencies that the authorities granted by this Act are in response to the ongoing pandemic and statewide public health emergency posed by COVID-19 and tied to the federal public health emergency and major disaster declarations.

*** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

POWERS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Notwithstanding any other provision of law, the Department of Health and Social Services may

(1) coordinate, allocate, distribute, and manage the state's vaccination and therapeutic response to the novel coronavirus disease (COVID-19) pandemic; and

(2) continue cooperating with the federal government on

(A) emergency allotments under the Supplemental Nutritional Assistance Program;

(B) blanket waivers enacted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services;

(C) waivers under section 1135 of the Social Security Act; and

(D) waivers under section 1915(c) of the Social Security Act, including Appendix K.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by

adding a new section to read:

POWERS OF THE DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS. (a) The Department of Military and Veterans' Affairs may

(1) support and assist the Department of Health and Social Services in implementing the provisions of sec. 2 of this Act;

(2) receive delegations of authority from the governor allowing activation of the Alaska organized militia under AS 26.05.070 to respond to, and aid in the recovery from, the novel coronavirus disease (COVID-19) pandemic; and

(3) coordinate with the Federal Emergency Management Agency to maintain or increase funding for non-congregate shelters providing temporary quarantine and isolation for the following:

(A) a first responder or health care worker who must quarantine to prevent exposure to family members;

(B) members of a homeless family residing in a congregate shelter if at least one member of the family tested positive for COVID-19 and requires isolation;

(C) a homeless individual who has tested positive for COVID-19 or who has been exposed to COVID-19 and requires isolation while awaiting test results;

(D) a homeless shelter occupant;

(E) an individual living with a certain underlying medical condition identified by the Centers for Disease Control and Prevention, United States Department of Health and Human Services, that places the individual at increased risk of severe illness from COVID-19, including cancer, chronic kidney disease, chronic obstructive pulmonary disease, Down syndrome, heart conditions, an immunocompromised state resulting from solid organ transplant, obesity, severe obesity, pregnancy, sickle cell disease, smoking, and type 2 diabetes mellitus.

(b) In this section, "non-congregate shelter" includes hotels, college and university dormitories, and properly modified nontraditional structures."

Page 6, lines 5 - 6:

Delete ", or 60 days after the date the governor determines, under sec. 2 of this Act, that the public health disaster emergency no longer exists, whichever is earlier"

Page 6, lines 10 - 12:

Delete "during the novel coronavirus disease (COVID-19) public health disaster emergency declared by the governor on January 15, 2021, as extended by sec. 2 of this Act,"

Page 6, line 18:

Delete "public health disaster emergency"

Insert "novel coronavirus disease (COVID-19) pandemic"

Page 6, line 19:

Delete "the earlier of"

Insert "September 30, 2021."

Page 6, lines 20 - 22:

Delete all material.

Page 6, line 24:

Delete "public health disaster emergency"

Insert "novel coronavirus disease (COVID-19) pandemic"

Page 7, lines 16 - 18:

Delete "during the novel coronavirus disease (COVID-19) public health disaster emergency declared by the governor under AS 26.23.020 on January 15, 2021, as extended by sec. 2 of this Act,"

Page 8, lines 8 - 9:

Delete "COVID-19 public health disaster emergency"

Insert "novel coronavirus disease (COVID-19) pandemic"

Page 8, lines 16 - 18:

Delete "For the duration of the novel coronavirus disease (COVID-19) public health disaster emergency declaration issued by the governor on January 15, 2021, as extended by sec. 2 of this Act, the"

Insert "The"

Page 9, lines 18 - 20:

Delete "for the duration of the novel coronavirus disease (COVID-19) public health disaster emergency declared by the governor under AS 26.23.020 on January 15, 2021, as extended by sec. 2 of this Act,"

Page 11, following line 1:

Insert a new bill section to read:

"* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CIVIL AND CRIMINAL LIABILITY. (a) A state agency, or an employee or agent of the state acting in an official capacity for the state, is immune from civil and criminal liability for acts performed in good faith based on the authority granted by this Act.

(b) A person is immune from civil and criminal liability for acts performed in good faith at the request of a government agency acting on the authority granted by this Act. This immunity does not apply to an act or omission that constitutes gross negligence, reckless misconduct, or intentional misconduct."

Renumber the following bill sections accordingly.

Page 12, lines 15 - 19:

Delete all material and insert:

"* **Sec. 19.** (a) Sections 1 - 3, 5 - 11, and 13 of this Act are repealed September 30, 2021."

Page 12, line 23:

Delete "(a) Except as provided in (b) of this section, this"

Insert "This"

Page 12, line 25:

Delete all material.

Representative Thompson moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Edgmon objected.

Representative Carpenter rose to a point of order regarding the relevance of the debate.

The Speaker cautioned members to refrain from referencing the Governor but allowed reference to his letter.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 76(FIN)
Second Reading
Amendment No. 1

YEAS: 19 NAYS: 21 EXCUSED: 0 ABSENT: 0

Yeas: Carpenter, Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Nelson, Prax, Rasmussen, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Patkotak, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

And so, Amendment No. 1 was not adopted.

The Speaker stated that amendments to CSHB 76(FIN) are due to the Chief Clerk's office by 1:00 p.m., today.

Amendment No. 2 was offered by Representatives Kurka and Eastman:

Page 1, line 10, following "**vaccines;**" (title amendment):

Insert "**relating to the powers of the governor during a disaster emergency; relating to the powers of municipalities;**"

Page 11, following line 17:

Insert new bill sections to read:

**** Sec. 14.** AS 26.23.020(b) is amended to read:

(b) **Except as provided in (l) of this section, the** [THE] governor may issue orders, proclamations, and regulations necessary to carry out the purposes of this chapter, and amend or rescind them. These orders, proclamations, and regulations have the force of law.

*** Sec. 15.** AS 26.23.020 is amended by adding new subsections to read:

(l) The governor may not issue an order, proclamation, or regulation that

(1) requires an individual to stay at home or shelter in place;

(2) prohibits or restricts the operations of a business or a place of worship; or

(3) declares a person or a business as essential or nonessential based on the trade or occupation of the person or business.

(m) In this section, "business" has the meaning given in AS 18.35.399.

* **Sec. 16.** AS 26.23.140 is amended by adding new subsections to read:

(d) Notwithstanding a local disaster emergency declared under (a) of this section, a municipality may not issue an order, proclamation, or regulation that

(1) requires an individual to stay at home or shelter in place;

(2) prohibits or restricts the operations of a business or a place of worship; or

(3) declares a person or a business as essential or nonessential based on the trade or occupation of the person or business.

(e) In this section, "business" has the meaning given in AS 18.35.399."

Renumber the following bill sections accordingly.

Page 12, line 13:

Delete "14"

Insert "17"

Page 12, line 23:

Delete "Except as provided in (b) of this section, this Act is"

Insert "Sections 1, 2(b) - (d), 3 - 13, and 17 - 21 of this Act are"

Representative Kurka moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Josephson objected.

Representative Tuck moved and asked unanimous consent that Representative Carpenter be excused from a call of the House today. There being no objection, it was so ordered.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 76(FIN)
Second Reading
Amendment No. 2

YEAS: 17 NAYS: 22 EXCUSED: 1 ABSENT: 0

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Nelson, Prax, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Patkotak, Rasmussen, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Carpenter

And so, Amendment No. 2 was not adopted.

The Speaker stated that, without objection, the House would recess to 1:15 p.m.; and so, the House recessed at 12:11 p.m.

AFTER RECESS

The Speaker called the House back to order at 1:17 p.m.

Representative Edgmon requested that members stand for a moment of silence to honor the life of Gail Phillips, former Speaker of the House.

SECOND READING OF HOUSE BILLS

HB 76

CSHB 76(FIN) was before the House in second reading.

Amendment No. 3 was offered by Representatives Kurka and Eastman:

Page 1, line 11, following "**COVID-19;**" (title amendment):
Insert "**relating to civil rights;**"

Page 11, following line 17:

Insert a new bill section to read:

"* **Sec. 14.** AS 18.80.210 is amended to read:

Sec. 18.80.210. Civil rights. The opportunity to obtain employment, credit and financing, public accommodations, housing accommodations, and other property without discrimination because of sex, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, race, religion, color, [OR] national origin, or COVID-19 vaccination status is a civil right. In this section, "COVID-19" means the novel coronavirus disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)."

Renumber the following bill sections accordingly.

Page 12, line 13:

Delete "13 and 14"

Insert "13 and 15"

Page 12, line 23:

Delete "Except as provided in (b) of this section, this Act is"

Insert "Sections 1, 2(b) - (d), 3 - 13, and 15 - 19 of this Act are"

Representative Kurka moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative Josephson objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

CSHB 76(FIN)
Second Reading
Amendment No. 3

YEAS: 18 NAYS: 21 EXCUSED: 1 ABSENT: 0

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Patkotak, Prax, Rasmussen, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Nelson, Ortiz, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Carpenter

Ad so, Amendment No. 3 was not adopted.

Amendment No. 4 was offered by Representative Eastman:

Page 1, line 11, following "COVID-19;" (title amendment):

Insert "**relating to a declaration of a disaster emergency;**"

Page 11, following line 17:

Insert a new bill section to read:

** **Sec. 14.** AS 26.23.020(c) is amended to read:

(c) If the governor finds that a disaster has occurred or that a disaster is imminent or threatened, the governor shall, by proclamation, declare a condition of disaster emergency. The disaster emergency remains in effect until the governor **or the legislature** finds that the danger has passed or the disaster has been dealt with so that the emergency no longer exists. The governor may terminate the disaster emergency by proclamation **or the legislature may terminate the disaster emergency by a majority vote of the members in joint session or by a concurrent resolution.** A proclamation of disaster emergency may not remain in effect longer than 30 days unless extended by **a majority of the members of** the legislature **in joint session or** by a concurrent resolution. The proclamation must indicate the nature of the disaster, the area threatened or affected, and the conditions that have brought it about or that make possible the termination of the disaster emergency. A proclamation to declare a condition of disaster emergency must also state whether the governor proposes to expend state funds to respond to the disaster under (i) or (j) of this section. **Unless authorized by a majority of the members of the legislature in joint session or by concurrent resolution, the**

governor may not declare a condition of disaster emergency
(1) while a declared condition of disaster emergency
remains in effect; and
(2) related to a condition of disaster emergency
previously declared by that governor."

Renumber the following bill sections accordingly.

Page 12, line 13:

Delete "13 and 14"

Insert "13 and 15"

Representative Eastman moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative Spohnholz objected.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

CSHB 76(FIN)
Second Reading
Amendment No. 4

YEAS: 17 NAYS: 21 EXCUSED: 1 ABSENT: 1

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Nelson, Prax, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Patkotak, Rasmussen, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Carpenter

Absent: Claman

And so, Amendment No. 4 was not adopted.

Amendment No. 5 was offered by Representative Eastman:

Page 1, line 11, following "**COVID-19**;" (title amendment):
Insert "**relating to COVID-19 vaccine inquiries**;"

Page 11, following line 17:

Insert a new bill section to read:

**** Sec. 14.** AS 18.09 is amended by adding a new section to read:

Article 2A. COVID-19 Immunization Rights.

Sec. 18.09.250. Vaccination inquiries and lists. An employee of the state or an employee of a political subdivision of the state may not ask an individual whether that individual has been vaccinated against COVID-19. A state agency or a political subdivision of the state may not create, maintain, or possess a list of individuals who have or have not been vaccinated against COVID-19. In this section, "COVID-19" means the novel coronavirus disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)."

ReNUMBER the following bill sections accordingly.

Page 12, line 13:

Delete "13 and 14"

Insert "13 and 15"

Page 12, line 23:

Delete "Except as provided in (b) of this section, this Act is"

Insert "Sections 1, 2(b) - (d), 3 - 13, and 15 - 19 of this Act are"

Representative Eastman moved and asked unanimous consent that Amendment No. 5 be adopted.

Representative Patkotak objected.

The question being: "Shall Amendment No. 5 be adopted?" The roll was taken with the following result:

CSHB 76(FIN)

Second Reading

Amendment No. 5

YEAS: 17 NAYS: 22 EXCUSED: 1 ABSENT: 0

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Nelson, Prax, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Patkotak, Rasmussen, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Carpenter

And so, Amendment No. 5 was not adopted.

Amendment No. 6 was not offered.

Amendment No. 7 was offered by Representative Eastman:

Page 1, line 11, following "COVID-19;" (title amendment):

Insert "**relating to the civil liability of employers;**"

Page 11, following line 17:

Insert new bill sections to read:

** **Sec. 14.** AS 09.65 is amended by adding a new section to read:

Sec. 09.65.355. Liability of employers who encourage health-related actions. Notwithstanding AS 09.50.250 and AS 09.65.070, an employer who incentivizes, induces, or encourages an employee to receive a medical intervention, or penalizes an employee for not receiving a medical intervention, is civilly liable for any damages incurred by the employee as the result of an adverse reaction to the medical intervention. In this section, "medical intervention" includes a treatment, procedure, vaccination, countermeasure, or other action taken to prevent or treat disease or improve health.

* **Sec. 15.** AS 23.30.055 is amended by adding a new subsection to read:

(b) Notwithstanding (a) of this section or AS 23.30.045, this chapter does not apply to a claim arising under AS 09.65.355."

ReNUMBER the following bill sections accordingly.

Page 12, line 13:

Delete "14"

Insert "16"

Page 12, line 23:

Delete "Except as provided in (b) of this section, this Act is"

Insert "Sections 1, 2(b) - (d), 3 - 13, and 16 - 20 of this Act are"

Representative Eastman moved and asked unanimous consent that Amendment No. 7 be adopted.

There was objection.

The question being: "Shall Amendment No. 7 be adopted?" The roll was taken with the following result:

CSHB 76(FIN)

Second Reading

Amendment No. 7

YEAS: 16 NAYS: 23 EXCUSED: 1 ABSENT: 0

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Prax, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Nelson, Ortiz, Patkotak, Rasmussen, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Carpenter

And so, Amendment No. 7 was not adopted.

Amendment No. 8 was offered by Representative Eastman:

Page 1, line 8 (title amendment):

Delete "**and school operating funds;**"

Insert "**school operating funds; and exposure of a natural person to COVID-19;**"

Page 11, following line 1:

Insert a new bill section to read:

"* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LIABILITY FOR EXPOSURE TO COVID-19. (a) Notwithstanding another provision of law to the contrary and subject to (b) of this section and AS 23.30, a natural person, a corporation, a nonprofit corporation, a partnership, a limited liability company, an association, a joint venture, a trust, an estate, a municipal school district, a regional educational attendance area, a church or religious organization, a municipality, a college, university, or other institution of higher education, the Alaska Railroad, a public corporation or authority, and the executive, legislative, and judicial branches of state government are immune from civil liability for sickness, death, economic loss, and other damages resulting from exposure of a natural person to COVID-19.

(b) The immunity provided under (a) of this section does not apply to exposure to COVID-19 resulting from gross negligence, recklessness, or intentional misconduct.

(c) The immunity provided under (a) of this section is in addition to any other immunity from liability provided under state or federal law."

Renumber the following bill sections accordingly.

Page 12, lines 13 - 14:

Delete all material and insert:

"APPLICABILITY. (a) Section 13 of this Act applies to novel coronavirus disease (COVID-19) exposure occurring on or after the effective date of sec. 13 of this Act.

(b) Sections 14 and 15 of this Act apply to novel coronavirus disease (COVID-19) exposure occurring on or after February 15, 2021.

(c) Nothing in sec. 13 of this Act modifies the application of AS 23.30."

Page 12, following line 20:

Insert a new subsection to read:

"(c) Section 13 of this Act is repealed August 31, 2025."

Page 12, line 23:

Delete "Except as provided in (b) of this section, this Act is"

Insert "Sections 1, 2(b) - (d), 3 - 12, and 14 - 19 of this Act are"

Representative Eastman moved and asked unanimous consent that Amendment No. 8 be adopted.

There was objection.

The question being: "Shall Amendment No. 8 be adopted?" The roll was taken with the following result:

CSHB 76(FIN)

Second Reading

Amendment No. 8

YEAS: 18 NAYS: 21 EXCUSED: 1 ABSENT: 0

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Nelson, Prax, Rasmussen, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Patkotak, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Carpenter

And so, Amendment No. 8 was not adopted.

Amendment No. 9 was offered by Representative Eastman:

Page 1, line 10, following "**vaccines;**"(title amendment):

Insert "**relating to COVID-19 immunization rights;**"

Page 11, following line 17:

Insert a new bill section to read:

**** Sec. 14.** AS 18.09 is amended by adding new sections to read:

Article 2A. COVID-19 Immunization Rights.

Sec. 18.09.270. Access to areas and services. A business, state agency, or political subdivision of the state may not require an individual to be vaccinated against COVID-19 for the

individual to access an area or service that is open to the public. In this subsection, "business" has the meaning given in AS 18.35.399.

Sec. 18.09.280. Exercise of rights and access to benefits. A state agency or political subdivision of the state may not adopt or issue a regulation, ordinance, order, or similar policy that requires an individual to be vaccinated against COVID-19 for the individual to exercise a right or receive a benefit that is available to the public.

Sec. 18.09.290. Definition. In AS 18.09.270 – 18.09.290, "COVID-19" means the novel coronavirus disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)."

Renumber the following bill sections accordingly.

Page 12, line 13:

Delete "13 and 14"

Insert "13 and 15"

Page 12, line 23:

Delete "Except as provided in (b) of this section, this Act is"

Insert "Sections 1, 2(b) - (d), 3 - 13, and 15 - 19 of this Act are"

Representative Eastman moved and asked unanimous consent that Amendment No. 9 be adopted.

Representative Fields objected.

The question being: "Shall Amendment No. 9 be adopted?" The roll was taken with the following result:

CSHB 76(FIN)

Second Reading

Amendment No. 9

YEAS: 19 NAYS: 20 EXCUSED: 1 ABSENT: 0

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Nelson, Patkotak, Prax, Rasmussen, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Carpenter

And so, Amendment No. 9 was not adopted.

Amendment No. 10 was offered by Representative Eastman:

Page 1, line 11, following "COVID-19;"(title amendment):

Insert "**relating to the civil liability of common carriers and transportation network companies;**"

Page 11, following line 17:

Insert a new bill section to read:

"* **Sec. 14.** AS 09.65 is amended by adding a new section to read:

Sec. 09.65.360. Liability of common carriers and transportation network companies. (a) Notwithstanding AS 09.50.250 and AS 09.65.070, a common carrier or transportation network company that requires its passengers, as a condition of transport, to receive a medical intervention is civilly liable for any damages incurred by the passenger that are the result of an adverse reaction to the medical intervention.

(b) A common carrier or transportation network company is not liable for civil damages under (a) of this section that a passenger incurs from an adverse reaction to a medical intervention required by the common carrier or transportation network company as a condition of transport if the person knowingly received a medical intervention to which the person is allergic.

(c) In this section,

(1) "common carrier" has the meaning given in AS 04.16.125(c);

(2) "knowingly" has the meaning given in AS 09.58.100;

(3) "medical intervention" includes a treatment, procedure, vaccination, countermeasure, or other action taken to prevent or treat disease, or improve health;

(4) "transportation network company" has the meaning given in AS 28.23.180."

Renumber the following bill sections accordingly.

Page 12, line 13:

Delete "14"

Insert "15"

Page 12, line 23:

Delete "Except as provided in (b) of this section, this Act is"

Insert "Sections 1, 2(b) - (d), 3 - 13, and 15 - 19 of this Act are"

Representative Eastman moved and asked unanimous consent that Amendment No. 10 be adopted.

Representative Claman objected.

The question being: "Shall Amendment No. 10 be adopted?" The roll was taken with the following result:

CSHB 76(FIN)

Second Reading

Amendment No. 10

YEAS: 17 NAYS: 22 EXCUSED: 1 ABSENT: 0

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, McCabe, McCarty, McKay, Patkotak, Prax, Rasmussen, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, LeBon, Merrick, Nelson, Ortiz, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Carpenter

And so, Amendment No. 10 was not adopted.

Amendment No. 11 was offered by Representatives Johnson, Eastman, and Rauscher:

Page 12, following line 1:

Insert a new bill section to read:

**** Sec 15.** The uncodified law of the State of Alaska is amended

by adding a new section to read:

No money received under the CARES, CRSSA or American Rescue Plan Act may be expended for an abortion that is not mandatory under AS 47.07.030(a). Money may only be expended under this chapter for mandatory services required under Title XIX of the Social Security Act and for optional services offered by the state plan for medical assistance that has been approved by the United States Department of Health and Human Services."

Renumber the following bill sections accordingly.

Representative Johnson moved and asked unanimous consent that Amendment No. 11 be adopted.

Representative Spohnholz objected.

The question being: "Shall Amendment No. 11 be adopted?" The roll was taken with the following result:

CSHB 76(FIN)

Second Reading

Amendment No. 11

YEAS: 21 NAYS: 18 EXCUSED: 1 ABSENT: 0

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Merrick, Nelson, Patkotak, Prax, Rasmussen, Rauscher, Shaw, Thompson, Tilton, Tuck, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Ortiz, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Wool, Zulkosky

Excused: Carpenter

And so, Amendment No. 11 was adopted.

Amendment No. 12 was offered by Representative Eastman:

Page 1, line 11, following "**COVID-19**";:

Insert "**relating to martial law**;"

Page 3, following line 23:

Insert a new subsection to read:

"(c) The legislature does not find that proclaiming martial law is in the best interest of the state. Nothing in this Act shall be construed to authorize the proclamation of martial law."

Page 11, following line 17:

Insert new bill sections to read:

** **Sec. 14.** AS 26.05.090 is amended to read:

Sec. 26.05.090. Proclamations of martial law. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion, and may order all or any part of the organized militia into active state service to enforce the proclamation. The militia shall assume only those functions of civil government specified by the governor, or those that, in the discretion of the militia commander, must be assumed in order to accomplish a specific mission assigned by the governor. Martial law may not continue for longer than 20 days without the approval of a majority of the members of the legislature in joint session. **In this section, "martial law" means the suspension of a civil law or a civil lawmaking process, but does not include the suspension of a law under AS 26.23.020(g)(1).**

* **Sec. 15.** AS 26.23.200 is amended to read:

Sec. 26.23.200. Limitations. Nothing in AS 26.23.010 - 26.23.220

(1) interferes with or allows interference with the course or conduct of a labor dispute, except that actions otherwise authorized by AS 26.23.010 - 26.23.220 or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(2) interferes with or allows interference with dissemination of news or comment on public affairs; but any communications facility or organization, including but not limited to radio and television stations, wire services, and newspapers, may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency, in a manner that encroaches as little as possible **on** [UPON] the normal functions of the news media;

(3) affects the jurisdiction or responsibilities of police

forces, firefighting forces, units of the armed forces of the United States, or of any personnel of them, when on active duty; but state, local, and interjurisdictional disaster emergency plans shall place reliance on [UPON] the forces available for performance of functions related to disaster emergencies;

(4) limits, modifies, or abridges the authority of the governor to proclaim martial law, or exercise any other powers vested in the governor under the constitution, statutes, or common law of this state independent of, or in conjunction with, any provision of AS 26.23.010 - 26.23.220; in this paragraph, "martial law" has the meaning given in AS 26.05.090; or

(5) authorizes the confiscation of a firearm lawfully owned, possessed, or carried by a law-abiding citizen."

Renumber the following bill sections accordingly.

Page 12, line 13:

Delete "13 and 14"

Insert "13 and 16"

Representative Eastman moved and asked unanimous consent that Amendment No. 12 be adopted.

Representative Josephson objected.

The question being: "Shall Amendment No. 12 be adopted?" The roll was taken with the following result:

CSHB 76(FIN) am

Second Reading

Amendment No. 12

YEAS: 18 NAYS: 21 EXCUSED: 1 ABSENT: 0

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Nelson, Prax, Rasmussen, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Patkotak, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Carpenter

And so, Amendment No. 12 was not adopted.

Representative Tuck moved and asked unanimous consent that CSHB 76(FIN) am be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 76(FIN) am will advance to third reading on tomorrow's calendar.

HOUSE BILLS IN THIRD READING

HB 36

The following, which was held in third reading from the March 24 calendar (page 415), was before the House:

HOUSE BILL NO. 36

"An Act relating to an application for a license to operate as a dealer in motor vehicles; and requiring a dealer in motor vehicles to maintain liability and property insurance."

Representative Eastman moved and asked unanimous consent that HB 36 be returned to second reading for the specific purpose of considering Amendment No. 1.

Objection was heard and withdrawn. There being no further objection it was so ordered.

Amendment No. 1 was offered by Representative Eastman:

Page 1, line 2 (title amendment):

Delete the first occurrence of "**and**"

Following "**insurance**":

Insert "**; and relating to the definition of motor vehicle dealer**"

Page 3, following line 2:

Insert a new bill section to read:

**** Sec. 4.** AS 08.66.350 is amended to read:

Sec. 08.66.350. Definitions. In this chapter,

(1) "buyer's agent" means a person who does business in the state by negotiating on behalf of a buyer the purchase of a motor vehicle from a motor vehicle dealer;

(2) "department" means the Department of Administration;

(3) "motor vehicle" means a motor vehicle that is required to be registered under AS 28.10;

(4) "motor vehicle dealer" or "dealer"

(A) means

(i) a buyer's agent; or

(ii) a person, other than a manufacturer, who sells, leases, solicits, or arranges for the sale or lease of **12** [FIVE] or more motor vehicles in any 12 consecutive months, regardless of who owns the vehicles;

(B) does not include

(i) a receiver, a trustee, an administrator, an executor, a guardian, or another person appointed by a court or a person performing duties as a public officer;

(ii) a person disposing of a motor vehicle acquired and actually used for the person's own use or for the use of a family member of the person, or acquiring a motor vehicle for the person's own use or for the use of a family member of the person if the vehicle is acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter;

(iii) a person who sells motor vehicles as an incident of the person's principal business but who is not engaged primarily in the selling of motor vehicles;

(iv) an employee of an organization arranging for the purchase or lease by the organization of a vehicle for use in the organization's business;

(v) a publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of a motor vehicle owned by another person."

Representative Eastman moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Hannan objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

HB 36

Second Reading

Amendment No. 1

YEAS: 17 NAYS: 22 EXCUSED: 1 ABSENT: 0

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Nelson, Prax, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Patkotak, Rasmussen, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Carpenter

And so, Amendment No. 1 was not adopted.

HB 36 was automatically in third reading.

The question being: "Shall HB 36 pass the House?" The roll was taken with the following result:

HB 36

Third Reading

Final Passage

YEAS: 29 NAYS: 10 EXCUSED: 1 ABSENT: 0

Yeas: Claman, Cronk, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Johnson, Josephson, Kreiss-Tomkins, LeBon, McCarty, Merrick, Nelson, Ortiz, Patkotak, Rasmussen, Rauscher, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Thompson, Tuck, Wool, Zulkosky

Nays: Eastman, Gillham, Kaufman, Kurka, McCabe, McKay, Prax, Shaw, Tilton, Vance

Excused: Carpenter

And so, HB 36 passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Tuck moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the following citations were approved and sent to enrolling:

Honoring - Delaina Rachelle Pugh
By Representative Tilton

Honoring - Jane Angvik & Vic Fischer
By Representatives Josephson, Fields, Claman

Honoring - 2021 Top Five Kuskokwim 300 Finishers
By Senator Hoffman; Representative Zulkosky

In Memoriam - Dale C. Haggard
By Representative McCabe; Senator Wilson

In Memoriam - Dr. John Sackett
By Senators Hoffman, Olson, Bishop

UNFINISHED BUSINESS

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

Representative Vance – from 1:00 p.m., March 26 to 2:00 p.m., March 30

Representative Rauscher – from 1:00 p.m., April 2 to 10:00 p.m., April 4

Representative Patkotak – from 6:00 am, April 1 to 6:00 p.m., April 4

Representative Johnson – from noon, March 26 to 6:00 p.m., March 28

HB 4

Representative LeBon added as a cosponsor to:

HOUSE BILL NO. 4

"An Act providing immunity from liability and disciplinary action for occupational licensees for exposure of clients to COVID-19; providing immunity from liability for persons engaging in business and their employees for exposure of customers to COVID-19; and providing for an effective date."

HB 5

Representative Hopkins added as a cosponsor to:

HOUSE BILL NO. 5

"An Act relating to sexual abuse of a minor; relating to sexual assault; relating to the code of military justice; relating to consent; relating to the testing of sexual assault examination kits; and providing for an effective date."

HB 60

Representative McCarty added as a cosponsor to:

HOUSE BILL NO. 60

"An Act relating to mental health education."

HB 88

Representative Hopkins added as a cosponsor to:

HOUSE BILL NO. 88

"An Act relating to an annual report concerning the payment of equal pay for comparable work; increasing the minimum wage; and providing for an effective date."

HB 89

Representative Hopkins added as a cosponsor to:

HOUSE BILL NO. 89

"An Act relating to disclosure of employee compensation; and providing for an effective date."

HB 91

Representative Hopkins added as a cosponsor to:

HOUSE BILL NO. 91

"An Act exempting veterinarians from the requirements of the controlled substance prescription database."

HB 150

Representative Kurka added as a cosponsor to:

HOUSE BILL NO. 150

"An Act providing immunity from liability for exposure of a natural person to COVID-19; and providing for an effective date."

ENGROSSMENT

HB 36

HB 36 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published under separate cover.

The following meetings today were changed:

Finance Committee CANCELED

State Affairs Committee CANCELED

ADJOURNMENT

Representative Tuck moved and asked unanimous consent that the House adjourn until 10:30 a.m., March 26. There being no objection, the House adjourned at 4:12 p.m.

Crystaline Jones
Chief Clerk

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