

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
THIRTY-SECOND LEGISLATURE
FIRST SESSION

Juneau, Alaska

Monday

April 12, 2021

Eighty-fourth Day

Pursuant to adjournment the House was called to order by Speaker Stutes at 10:34 a.m.

Roll call showed 38 members present. Representative Carpenter was absent, and his presence was noted later.

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

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

In deepest respect for Alaskans, of all faiths, I offer the following prayer:

Our Father, which art in heaven, hallowed be thy name. Remind us of your holiness and for our continual need to be humble. May truth and grace reside here.

Thy kingdom come. Thy will be done in earth, as it is in heaven. Remind us, O Lord, of your divine purposes for civil government, of the things you have ordained and what you have not ordained it for.

Give us this day our daily bread. Help us remember that *the earth is the Lord's, and the fullness thereof; and they that dwell therein*. That you, O Lord, are Jehovah-Jireh, our provider. And forgive us our debts, as we forgive our debtors.

And lead us not into temptation but deliver us from evil: Place a hedge of protection around us, guard the marriages and families of members and staff as many work separated from their families. Convict us, O Holy Spirit, when we give into temptation.

For thine is the kingdom, and the power, and the glory, for ever. In Jesus' holy name, Amen.

The Pledge of Allegiance was led by Representative LeBon.

CERTIFICATION OF THE JOURNAL

Representative Tuck moved and asked unanimous consent that the journal for the 81st, 82nd, and 83rd legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

SJR 9

A message dated April 9 was read stating the Governor read the following resolution and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR SENATE JOINT RESOLUTION NO. 9(L&C) am H
Urging the United States Congress to exempt cruise ships from certain provisions of the Passenger Vessel Services Act and other applicable provisions of federal law for the period during which Canadian ports are closed to cruise ships carrying more than 100 people; and urging the President of the United States not to fine or take actions against cruise ships sailing to the state.

Legislative Resolve No. 1

MESSAGES FROM THE SENATE

A message dated April 9 was read stating the Senate passed the following, and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 40**

SENATE BILL NO. 40 by Senators Revak, Kiehl, Begich, Wielechowski, Gray-Jackson, Kawasaki, Costello, Hughes, Holland, von Imhof, Stevens, Shower, Stedman, Bishop, and Micciche, entitled:

"An Act relating to veterans' benefits services and veterans' benefits appeal services."

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

**The presence of Representative Carpenter was noted.

REPORTS OF STANDING COMMITTEES

The Judiciary Committee reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Aldean Kilbourn
Jane Mores

as members of the Commission on Judicial Conduct.

The report was signed by Representative Claman, Chair; and Representatives Eastman, Vance, Drummond, and Kurka.

The Resources Committee reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Melvin Smith

as a member of the Alaska Commercial Fisheries Entry Commission.

HOUSE JOURNAL

586

April 12, 2021

Märit Carlson-Van Dort
John Jensen
McKenzie Mitchell
Abe Williams
John Wood

as members of the Board of Fisheries.

Marilyn Charles
Renee Weddle Alward

as members of the Fishermen's Fund Advisory and Appeals Council.

The report was signed by Representative Patkotak, Chair; and Representatives Rauscher, Hannan, Schrage, Cronk, and Gillham.

HB 99

The Finance Committee considered:

HOUSE BILL NO. 99

"An Act relating to the State Physical Therapy and Occupational Therapy Board; relating to the practice of physical therapy; and relating to the practice of occupational therapy."

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

Do pass (6): Ortiz, Edgmon, LeBon, Thompson, Merrick, Foster

No recommendation (2): Wool, Josephson

The following fiscal note(s) apply:

1. Fiscal, Dept. of Commerce, Community, & Economic Development

HB 99 was referred to the Rules Committee.

HB 110

The Labor & Commerce Committee considered:

HOUSE BILL NO. 110

"An Act raising the minimum age to purchase, sell, exchange, or possess tobacco, a product containing nicotine, or an electronic smoking product; relating to transporting tobacco, a product containing nicotine, or an electronic smoking product; relating to the taxation of electronic smoking products; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 110(L&C)
(same title)

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

Do pass (1): Fields

No recommendation (3): Snyder, Nelson, Spohnholz

Amend (3): Kaufman, Schrage, McCarty

The following fiscal note(s) apply to CSHB 110(L&C):

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

HB 110 was referred to the Finance Committee.

HB 117

The Finance Committee considered:

HOUSE BILL NO. 117

"An Act extending the termination date of the Board of Certified Direct-Entry Midwives; and providing for an effective date."

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

HOUSE JOURNAL

588

April 12, 2021

Do pass (8): Edgmon, LeBon, Thompson, Ortiz, Wool, Josephson, Merrick, Foster

No recommendation (1): Johnson

The following fiscal note(s) apply:

1. Fiscal, Dept. of Commerce, Community, & Economic Development

HB 117 was referred to the Rules Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Missy Simms
By Representative Tarr; Senator Begich

Honoring - Verona Hyacinth Gentry
By Representative Spohnholz; Senators Wielechowski, Gray-Jackson

Honoring - Chris & Joanna Owens and Their Family
By Representative Vance; Senator Stevens

Honoring - Newhalen High School Malamutes, 2021 ASAA 1A Girls' Basketball Champions
By Representative Edgmon

Honoring - Al & Isabel Milspaugh
By Senator Wielechowski; Representatives Spohnholz, Josephson

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 171

HOUSE BILL NO. 171 by Representatives Hannan and Tuck,
entitled:

"An Act relating to pollutants; relating to perfluoroalkyl and polyfluoroalkyl substances; relating to the duties of the Department of Environmental Conservation; relating to firefighting substances; relating to thermal remediation of perfluoroalkyl and polyfluoroalkyl substance contamination; and providing for an effective date."

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

HB 172

HOUSE BILL NO. 172 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to admission to and detention at a subacute mental health facility; establishing a definition for 'subacute mental health facility'; establishing a definition for 'crisis residential center'; relating to the definitions for 'crisis stabilization center'; relating to the administration of psychotropic medication in a crisis situation; relating to licensed facilities; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Public Safety
2. Fiscal, Dept. of Health & Social Services
3. Fiscal, Dept. of Health & Social Services

The Governor's transmittal letter dated April 9 follows:

"Dear Speaker Stutes:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to subacute mental health facilities (AS 47.30).

Subacute mental health facilities are facilities designed to evaluate, stabilize, and treat an individual experiencing behavioral health crisis

in a short-term, intensive, and recovery-oriented way so that the individual has the chance to avoid inpatient hospitalization. Although two such facilities exist in current law – a crisis stabilization center and a crisis residential center - this bill would further define those facility types and set out what each may do in relationship to existing in-hospital evaluation and treatment options in the context of involuntary commitment.

Currently, law enforcement, emergency medical services, and hospitals are being relied on to serve individuals experiencing a behavioral health crisis. Expanding subacute facilities and crisis stabilization services will allow law enforcement to focus on crime prevention and public safety, rather than psychiatric crises and provide an opportunity to divert these individuals to the appropriate level of behavioral health treatment.

Without these services, law enforcement is often the first to respond to individuals having a behavioral health crisis, which is largely outside of their primary scope of training. Increasing the availability of crisis stabilization services will also help to better align public safety resources within the Department of Corrections, and the Alaska Court System.

This bill adds a new section to AS 47.30 that would solely address subacute mental health facilities, including how an individual may be admitted and detained, the rights and notification available to an individual, and how a facility may administer psychotropic medication to an individual.

Specifically, this bill allows for admission to, and a stabilization hold, of an individual at a crisis stabilization center for up to 23 hours and 59 minutes. It also requires that a mental health professional examine an individual within three hours of the individual's arrival at the center. If the professional person in charge has a probable cause belief that a detained individual's crisis will be resolved during admission to a crisis residential center, a mental health professional would have to apply to the court for permission for the crisis residential center to detain the individual for a period of up to 120 hours. The stay at the facility would be for evaluation, stabilization, and treatment.

If the professional person in charge at a crisis residential center has a probable cause belief that an individual's behavioral health crisis requires hospitalization for evaluation, a mental health professional would be required to apply to the court for an order authorizing hospitalization for evaluation. In this way, the bill would lay out the role of each subacute mental health facility and the terms by which an individual receives progressive care.

To achieve the benefit of using subacute mental health facilities as a diversion to hospitalization, this bill refines AS 47.30.705(c) by requiring a peace officer to take an individual to a crisis stabilization center if one exists in the service area served by the peace officer, even if an evaluation facility is available. "Service area" helps define the reach of this section now that emergency medical technicians, paramedics, and firefighters are added to the definition of "peace officer" in Section 12.

This bill would make subacute mental health facilities a new type of licensed facility, and it directs the Department of Health and Social Services to adopt regulations to implement the provisions of this bill and existing statutes in AS 47.30.700 – 47.30.915.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy

Governor"

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF SENATE BILLS

SB 70

The following was read the second time:

CS FOR SENATE BILL NO. 70(HSS)

"An Act relating to opioid overdose drugs; and providing for an effective date."

HOUSE JOURNAL

592

April 12, 2021

with the:

Journal Page

HSS RPT 7DP	487
FN1: ZERO(DHS)	487

Representative Tuck moved and asked unanimous consent that CSSB 70(HSS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 70(HSS) was read the third time.

The question being: "Shall CSSB 70(HSS) pass the House?" The roll was taken with the following result:

CSSB 70(HSS)
Third Reading
Final Passage

YEAS: 39 NAYS: 0 EXCUSED: 1 ABSENT: 0

Yeas: Carpenter, Claman, Cronk, Drummond, Eastman, Edgmon, Fields, Foster, Gillham, Hannan, Hopkins, Johnson, Josephson, Kaufman, Kreiss-Tomkins, Kurka, LeBon, McCabe, McCarty, McKay, Merrick, Nelson, Ortiz, Patkotak, Prax, Rauscher, Schrage, Shaw, Snyder, Spohnholz, Story, Stutes, Tarr, Thompson, Tilton, Tuck, Vance, Wool, Zulkosky

Excused: Rasmussen

And so, CSSB 70(HSS) passed the House.

Representative Tuck moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSSB 70(HSS) was signed by the Speaker and Chief Clerk and returned to the Senate.

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:

HOUSE JOURNAL

April 12, 2021

593

Honoring - Chief Douglas Schrage
By Representatives Hopkins, Schrage

Honoring - AnnaBell Stevens
By Representatives Tarr, Claman; Senator Begich

Honoring - Adam Crum
By Representative Tilton

Honoring - Judith Anne Slajer
By Representative Ortiz; Senator Stedman

Honoring - Dennis Spurgeon
By Representative Ortiz; Senator Stedman

Honoring - Cecilia Lorraine Christiansen
By Representative Ortiz; Senator Stedman

Honoring - Steve Corporon
By Representative Ortiz; Senator Stedman

Honoring - Abner Hoage
By Representative Ortiz; Senator Stedman

Honoring - Karlin Itchoak
By Representative Claman

Honoring - Victoria McKenzie
By Representatives Tarr, Drummond

Honoring - Molly of Denali
By Representatives Tarr, Foster, Zulkosky

Honoring - District 39 Schools
By Representative Foster; Senator Olson

Honoring - Alaska Women's Hall of Fame, 2021 Honorees
By Representatives Tarr, Drummond; Senator Gray-Jackson

Honoring - Delta Huskies Youth Hockey Team, 2020-2021 10UA State Champions
By Representative Rauscher; Senator Shower

HOUSE JOURNAL

594

April 12, 2021

In Memoriam - Ignatius "Iggy" Chayalkun
By Representatives Foster, Story; Senator Olson

In Memoriam - Trefon Angasan, Jr.
By Representative Rasmussen; Senator Costello

In Memoriam - Wesley Loe
By Representative Ortiz

In Memoriam - George Woodbury
By Representative Ortiz; Senator Stedman

In Memoriam - Kent Colby
By Representative Ortiz; Senator Stedman

In Memoriam - Helen Francis Decker
By Representative Ortiz; Senator Stedman

In Memoriam - Sigurd Decker
By Representative Ortiz; Senator Stedman

In Memoriam - William "Bill" Pelke
By Senator Wielechowski; Representatives Josephson, Claman

UNFINISHED BUSINESS

Representative Tuck moved and asked unanimous consent that the Sense of the House (page 570) be taken up from the table. There being no objection, it was so ordered.

Representative Claman, citing Mason's Manual Sections 180 and 240, rose to a point of order stating that the Sense of the House was out of order.

The Speaker ruled the Sense of the House out of order.

Representative Eastman objected.

Representative Edgmon rose to a point of order stating the member should confine remarks to the motion before the body.

HOUSE JOURNAL

April 12, 2021

595

The Speaker directed the member to speak to the motion.

The question being: "Shall the ruling of the chair be sustained?" The roll was taken with the following result:

Sustain the ruling of the Chair

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

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

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

Excused: Rasmussen

And so, the ruling of the Chair was sustained.

SENSE OF THE HOUSE

The following Sense of the House was offered by Representative Eastman:

"It is the sense of the house that no person in Alaska should be required to obtain a COVID-19 vaccine for any reason."

Representative Eastman moved that the Sense of the House be adopted.

The Speaker referred the Sense of the House to the Health & Social Services, Judiciary, and Community & Regional Affairs Committees.

Representative Eastman, citing Uniform Rule 48, moved and asked unanimous consent that the Sense of the House be discharged from the Health & Social Services Committee.

Representative Spohnholz objected.

HOUSE JOURNAL

596

April 12, 2021

The question being: "Shall the Sense of the House be discharged from the Health & Social Services Committee?" The roll was taken with the following result:

Sense of the House
Discharge from HSS

YEAS: 14 NAYS: 25 EXCUSED: 1 ABSENT: 0

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

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

Excused: Rasmussen

And so, the Sense of the House was not discharged from the Health & Social Services Committee.

HB 19

The Speaker removed the Labor & Commerce Committee referral and added a Finance Committee referral for the following:

HOUSE BILL NO. 19

"An Act relating to instruction in a language other than English; and establishing limited language immersion teacher certificates."

HB 19 is in the Education Committee with further referral to the Finance Committee.

HJR 16

Representative Hopkins added as a cosponsor to:

HOUSE JOINT RESOLUTION NO. 16

Encouraging the United States Congress to pass legislation granting the Hmong veterans of the Vietnam War access to the same veteran benefits received by United States veterans.

HB 19

Representative Zulkosky added as a cosponsor to:

HOUSE BILL NO. 19

"An Act relating to instruction in a language other than English; and establishing limited language immersion teacher certificates."

HB 156

Representative Hannan added as a cosponsor to:

HOUSE BILL NO. 156

"An Act relating to industrial hemp; and providing for an effective date."

HB 167

Representative Tilton added as a cosponsor to:

HOUSE BILL NO. 167

"An Act relating to specie as legal tender in the state; and relating to borough and city sales and use taxes on specie."

SB 40

Representative Tuck added as a cross sponsor to:

SENATE BILL NO. 40

"An Act relating to veterans' benefits services and veterans' benefits appeal services."

SB 70

Representatives Josephson and Rauscher added as cross sponsors to:

CS FOR SENATE BILL NO. 70(HSS)

"An Act relating to opioid overdose drugs; and providing for an effective date."

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Tuck moved and asked unanimous consent that the House adjourn until 10:30 a.m., April 14.

HOUSE JOURNAL

598

April 12, 2021

Representative Eastman objected.

Representative Claman rose to a point of order regarding confining remarks to the motion before the body.

The Speaker ruled that the point was well taken.

Representative Tuck moved and asked unanimous consent to withdraw the motion to adjourn. There being no objection, it was so ordered.

Representative Eastman rose to a point of order regarding being recognized for Special Orders of Business.

The Speaker stated that the member had already been recognized.

Representative Tuck moved and asked unanimous consent that the House adjourn until 10:30 a.m., April 14.

Representative Eastman objected.

The question being: "Shall the House adjourn until 10:30 a.m., April 14?" The roll was taken with the following result:

Adjourn

YEAS: 25 NAYS: 14 EXCUSED: 1 ABSENT: 0

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

Nays: Carpenter, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McKay, Prax, Rauscher, Thompson, Tilton, Vance

Excused: Rasmussen

And so, the House adjourned at 11:15 a.m. until 10:30 a.m., April 14.

Crystaline Jones
Chief Clerk