

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
THIRTY-SECOND LEGISLATURE
SECOND SESSION

Juneau, Alaska

Wednesday

February 9, 2022

Twenty-third Day

Pursuant to adjournment the House was called to order by Speaker Stutes at 10:02 a.m.

Roll call showed 39 members present. Representative Spohnholz had been excused from a call of the House today.

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

I offer this invocation with the deepest respect for other faiths:

Dear Lord,

Please, as we go through our days serving in the Alaska State Legislature, help us remember that despite our political divisions, we are all your children.

Yes, this place can test the better angels of our nature, and some of us can get a little rambunctious, time to time, but as you would remind us, we are all members of the family, and we really appreciate all that you do to help us remember that.

In that spirit, we thank you for this proverb which is tremendously helpful and can guide us if we can keep it in context: *As iron sharpens iron, so one person sharpens another.*

So we may ask that you help us hone each other's edge, not to become sharper weapons, but to become finer instruments of good, doing your will and your good work here on Earth.

Also, one more little thing; if you can possibly line up some sunshine during the weekend rather than on a Monday, it would really help us out. Amen.

The Pledge of Allegiance was led by Representative Nelson.

CERTIFICATION OF THE JOURNAL

Representative Tuck moved and asked unanimous consent that the journal for the 21st and 22nd legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HJR 16

A message dated February 8 was read stating the Senate passed:

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.

HJR 16 was referred to the Chief Clerk for enrollment.

A message dated February 8 was read stating the Senate passed the following, and it is transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 9

CS FOR SENATE BILL NO. 9(FIN) by the Senate Finance Committee, entitled:

"An Act relating to alcoholic beverages; relating to the regulation of manufacturers, wholesalers, and retailers of alcoholic

beverages; relating to licenses, endorsements, and permits involving alcoholic beverages; relating to common carrier approval to transport or deliver alcoholic beverages; relating to the Alcoholic Beverage Control Board; relating to offenses involving alcoholic beverages; amending Rule 17(h), Alaska Rules of Minor Offense Procedure; and providing for an effective date."

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

COMMUNICATIONS

A letter dated January 18 was received from Daniel E. Winfree, Chief Justice of the Alaska Supreme Court, stating that the Chief Justice nominated the following public member for reappointment to the Select Committee on Legislative Ethics pursuant to AS 24.60.130 and 24.60.131:

H. Connor Thomas

the Speaker referred the appointment to the Judiciary Committee.

The following were received:

Dept. of Administration
Division of Retirement and Benefits
Annual Comprehensive Financial Report
Public Employees' Retirement System
Teachers' Retirement System
Fiscal Year Ended June 30, 2021
<http://doa.alaska.gov/drb/pers/employee/resources/acfr.html>

Alaska Court System
2021 Travel and Compensation Report
January 31, 2022
(as required by AS 22.20.037)

HB 76

Pursuant to HB 76-EXTENDING COVID 19 DISASTER EMERGENCY (Chapter No. 2, SLA 2021), the following was received:

Dept. of Education & Early Development
Report to the Legislature
School District Forecasted Unreserved Fund Balances
February 7, 2022

REPORTS OF STANDING COMMITTEES

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

Ryan Anderson

as the Commissioner of the Department of Transportation & Public Facilities.

The report was signed by Representative Hopkins, Chair; and Representatives Hannan, Stutes, Drummond, Cronk, McKay, and McCabe.

REPORTS OF SPECIAL COMMITTEES

HB 268

The House Special Committee on Military & Veterans' Affairs considered:

HOUSE BILL NO. 268

"An Act relating to driver's license renewal."

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

Do pass (7): Rauscher, Tarr, Story, Shaw, Nelson, Claman, Tuck

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

HB 268 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 - Nushagak Electric & Telephone Cooperative and Community Partners

By Representative Edgmon; Senator Hoffman

Honoring - University of Alaska Fairbanks, Geophysical Institute's 75th Anniversary

By Representatives Wool, Hopkins; Senator Kawasaki

Honoring - 2021 Alaska Division I High School, Football State Champions

By Senator Wielechowski; Representatives Spohnholz, Josephson

In Memoriam - Roy Morrow Smith

By Representatives Story, Hannan; Senator Kiehl

In Memoriam - Frank Soos

By Representative Wool

In Memoriam - Allen James "Buckwheat" Swett

By Senator Wilson

In Memoriam - Patricia Ann "Duck" April Ricketts

By Senator Wilson

In Memoriam - Frank Wilton Sharp

By Senator Stedman; Representative Kreiss-Tomkins

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS****HCR 9**

HOUSE CONCURRENT RESOLUTION NO. 9 by Representative McCarty:

Designating May 1 - 7, 2022, as Tardive Dyskinesia Awareness Week.

was read the first time and referred to the Rules Committee.

HCR 10

HOUSE CONCURRENT RESOLUTION NO. 10 by Representative Gillham:

Proclaiming February 2022 as American Heart Month.

was read the first time and referred to the Rules Committee.

HJR 28

HOUSE JOINT RESOLUTION NO. 28 by Representative McKay:

Requesting the United States Congress to call a convention of the states to propose an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and as a member of the United States Senate; and urging the legislatures of the other 49 states to request the United States Congress to call a convention of the states.

was read the first time and referred to the Judiciary Committee.

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

HB 311

HOUSE BILL NO. 311 by Representatives Kurka and Eastman, entitled:

"An Act relating to moving the site of the capital."

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

HB 312

HOUSE BILL NO. 312 by Representative Tarr, entitled:

"An Act relating to dress codes and natural hairstyles."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 198

The following was read the second time:

HOUSE BILL NO. 198

"An Act establishing September 10 as Alaska Community Health Aide Appreciation Day."

with the:

Journal Page

STA RPT 4DP 2NR

1093

FN1: ZERO(ADM)

1093

The Rules Committee submitted the following fiscal note:

2. Zero, House Rules Committee

Representative Tuck moved and asked unanimous consent that HB 198 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 198 was read the third time.

The question being: "Shall HB 198 pass the House?" The roll was taken with the following result:

HB 198

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, Rasmussen, Rauscher, Schrage, Shaw, Snyder, Story, Stutes, Tarr, Thompson, Tilton, Tuck, Vance, Wool, Zulkosky

Excused: Spohnholz

And so, HB 198 passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HR 10

The following was read the second time:

HOUSE RESOLUTION NO. 10

Proclaiming March 2022 as Brain Injury Awareness Month.

The Rules Committee submitted the following fiscal note:

1. Zero, House Rules Committee

Amendment No. 1 was offered by Representative Eastman:

Page 3, line 1, following "430,000":

Insert "military"

Representative Eastman moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, Amendment No. 1 was adopted.

The question being: "Shall HR 10 am pass the House?" The roll was taken with the following result:

HR 10 am

Second 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, Rasmussen, Rauscher, Schrage, Shaw, Snyder, Story, Stutes, Tarr, Thompson, Tilton, Tuck, Vance, Wool, Zulkosky

Excused: Spohnholz

And so, HR 10 am passed the House and was referred to the Chief Clerk for engrossment and enrollment.

The Speaker stated that, without objection, the House would recess to allow members of the Senate to enter the House Chamber; and so, the House recessed at 10:49 a.m.

AFTER RECESS

The Speaker called the House back to order at 11:01 a.m.

JOINT SESSION IN THE HOUSE

In accordance with Uniform Rule 51, Speaker Stutes turned the gavel over to President Micciche who called the joint session to order at 11:01 a.m.

The purpose of the joint session was to hear the State of the Judiciary Address by the Honorable Daniel E. Winfree, Chief Justice of the Alaska Supreme Court.

Senator Hughes 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 Tuck 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 Micciche appointed Representative Foster and Senator Bishop to escort the Honorable Daniel E. Winfree to the joint session.

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

Chief Justice Winfree was escorted to the rostrum and welcomed by President Micciche.

Chief Justice Winfree delivered his address, and it is published in House and Senate Joint Journal Supplement No. 10.

The Chief Justice received a standing ovation and was escorted from the Chamber by Representative Foster and Senator Bishop.

Senator Hughes moved and asked unanimous consent that the joint session adjourn. There being no objection, President Micciche adjourned the joint session at 11:43 a.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 11:54 a.m.

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 - 2022 Top Five Kuskokwim 300 Finishers
By Senator Hoffman; Representatives Zulkosky, Edgmon

In Memoriam - Alfred Bean Cratty, Jr.
By Representatives Stutes, McCabe; Senator Stevens

CONCUR IN SENATE AMENDMENTS

HB 44

Representative Tuck moved and asked unanimous consent that the House consider the Senate message (page 1757) on the following:

CS FOR HOUSE BILL NO. 44(STA)
"An Act relating to the practice of accounting."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 44(L&C) am S
(same title)

There being no objection, it was so ordered.

Representative Eastman moved and asked unanimous consent that the following legal memo be spread on the journal. There being no objection, it was so ordered.

Memorandum dated February 9:

"TO: Representative David Eastman

FROM: Noah Klein, Legislative Counsel

You asked who must be licensed to issue a "report" under AS 08.04.505, as amended by SCS CSHB 44(L&C) am S (the senate committee substitute)? You asked whether, after the removal of "financial statements," engineers or legislators would have to, in some instances, receive an accountant license to issue engineering or other reports? It is unlikely a court would interpret the statute to require such extreme results.

As you noted, currently AS 08.04.505 provides in part: "Only a person who holds a valid license, practice privilege, permit, or out-of-state exemption may issue a report on financial statements of another person or governmental unit." If the legislature enacts the senate committee substitute, it will delete "financial statements," among other changes, and AS 08.04.505 will provide in part: "Only a person who holds a valid license, practice privilege, or permit may issue a report on behalf of another person or governmental unit." You asked which reports would require a license, privilege, or permit after this change?

The Alaska Supreme Court has explained that "when construing a statute, 'we must, whenever possible, interpret each part or section of a

statute with every other part or section, so as to create a harmonious whole." Both in current statute and under the senate committee substitute, AS 08.04.505(3) establishes an exception for "the performance by persons of other services involving the use of accounting skills, including the preparation of tax returns, management advisory services, and the preparation of financial statements without the issuance of reports on them." The language "other services involving the use of accounting skills" create a distinction between services involving the use of accounting skills that require a license, privilege, or permit and *other* services involving accounting skills that do not require a license, privilege, or permit. The word *other* would be superfluous if the restriction on reporting did not specifically apply to services involving accounting skills. Additionally, it is unlikely that a court would read a section within a chapter specifically regulating the practice of accounting to impose a broad restriction on reporting outside the practice of accounting. Finally, the definition of the "practice of public accounting," as amended by sec. 40 of the senate committee substitute, refers to "accounting or auditing skills." Thus, after the removal of "financial statements," the requirement to obtain a license, privilege, or permit before issuing a report applies to accounting reports involving the use of accounting skills other than reports explicitly excepted in AS 08.04.505(1) - (3)."

Representative Tuck moved that the House concur in the Senate amendment and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment?" The roll was taken with the following result:

SCS CSHB 44(L&C) am S

Concur

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, Rasmussen, Rauscher, Schrage, Shaw, Snyder, Story, Stutes, Tarr, Thompson, Tilton, Tuck, Vance, Wool, Zulkosky

Excused: Spohnholz

And so, the House concurred in the Senate amendment, thus adopting SCS CS HB 44(L&C) am S.

The Chief Clerk notified the Senate.

The bill was referred to the Chief Clerk for enrollment.

SENSE OF THE HOUSE

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

"The January 6, 2021 insurrection was the first assault on the United States Capitol since the British Army destroyed the seat of American government in the War of 1812.

It is the Sense of the House that those who participated in the January 6 insurrection that invaded the U.S. Capitol, assaulted police, destroyed and vandalized property, and threatened public servants must be condemned in the strongest possible terms.

Further, it is the Sense of the House that those who helped organize the January 6 insurrection, including 11 leaders of the Oath Keepers who have been indicted for their actions, betrayed the U.S. Constitution and the principles on which this republic was founded.

Finally, it is the Sense of the House that comparisons between the Holocaust — a genocide of 6 million people — and government mandates are offensive and unacceptable, including such comparisons made by Representative David Eastman. Such analogies to Nazism, Hitler, and the Holocaust diminish one of the most evil episodes of recorded human history. Therefore, it is the Sense of the Alaska House of Representatives that we condemn Representative David Eastman for such statements."

Representative Hopkins moved and asked unanimous consent that the Sense of the House be adopted.

Representative Kurka rose to a point of order, citing section 121.2 of Mason's Manual, regarding indulging in personalities.

The Speaker acknowledged the point of order, referred the Sense of the House to the House Special Committee on Military & Veterans' Affairs, and ruled the point of order out of order.

Representative Kurka appealed the ruling of the chair.

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

Sustain 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, Rasmussen, Schrage, Snyder, 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: Spohnholz

And so, the motion passed.

The Speaker referred the Sense of the House to the House Special Committee on Military & Veterans' Affairs.

Representative Eastman objected.

The question being: "Shall the Sense of the House be referred to the House Special Committee on Military & Veterans' Affairs?" The roll was taken with the following result:

Sense of the House

Refer to the House Special Committee on Military & Veterans' Affairs

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

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

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

Excused: Spohnholz

And so, the motion passed.

Representative McCabe moved and asked unanimous consent that the Sense of the House be discharged from the House Special Committee on Military & Veterans' Affairs.

There was objection.

The question being: "Shall the Sense of the House be discharged from the House Special Committee on Military & Veterans' Affairs?" The roll was taken with the following result:

Sense of the House

Discharge from the House Special Committee on Military & Veterans' Affairs

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

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

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

Excused: Spohnholz

And so, the Sense of the House was not discharged from the House Special Committee on Military & Veterans' Affairs.

UNFINISHED BUSINESS

HR 10

Representatives Tarr, Drummond, Story, McCarty, and Josephson added as cosponsors to:

HOUSE RESOLUTION 10 am
Proclaiming March 2022 as Brain Injury Awareness Month.

HB 38

Representative Foster added as a cosponsor to:

HOUSE BILL NO. 38
"An Act relating to the Alaska Police Standards Council; relating to the Department of Public Safety; and providing for an effective date."

HB 111

Representative Story added as a cosponsor to:

HOUSE BILL NO. 111
"An Act relating to the practice of dental hygiene; relating to advanced practice permits for dental hygienists; relating to dental assistants; prohibiting unfair discrimination under group health insurance against a dental hygienist who holds an advanced practice permit; relating to medical assistance for dental hygiene services; and providing for an effective date."

HB 198

Representatives Tarr, Drummond, and Hopkins added as cosponsors to:

HOUSE BILL NO. 198
"An Act establishing September 10 as Alaska Community Health Aide Appreciation Day."

HB 268

Representatives Nelson, Tuck, Fields, and Rasmussen added as cosponsors to:

HOUSE BILL NO. 268

"An Act relating to driver's license renewal."

SB 10

Representative Hopkins added as a cross sponsor to:

CS FOR SENATE BILL NO. 10(FIN) am

"An Act establishing a grant program to provide to essential workers and laid-off workers the tuition and fees to attend certain postsecondary institutions."

ENGROSSMENT

HB 198

HB 198 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.

ADJOURNMENT

Representative Tuck moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 11. There being no objection, the House adjourned at 12:54 p.m.

Crystalline Jones
Chief Clerk