

**HOUSE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**THIRTY-THIRD LEGISLATURE**  
**SECOND SESSION**

**Juneau, Alaska**

**Friday**

**February 9, 2024**

**Twenty-fifth Day**

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

Roll call showed 34 members present. Representatives McCabe and Ruffridge had been excused from a call of the House today. Representatives Galvin and Stutes were absent.

Representative Saddler 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 Himschoot – today

Representative Mina – from today to 10:00 p.m., February 11

The invocation was offered by the Chaplain, Reverend Karen Perkins of Resurrection Lutheran Church. Representative Vance moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With recognition of the diversity of beliefs of all Alaskans, I offer this prayer:

Creator God, who lifted the mountains and formed the dry land; whose very hands shaped each of us; who formed the soils and made this earth a place of beauty and abundance. Your imagination and desire embrace all. Let us discern you in the interplay of forces, in the order and chaos of the

universe, and in the complexities of every living system. Give us grace to honor your goodness in what we know and in what we do not know in the world's harmonies and turbulence, and in its promise of change. For you are in, through, and beyond all that is one. Amen.

The Pledge of Allegiance was led by Representative Ortiz.

### **CERTIFICATION OF THE JOURNAL**

Representative Saddler moved and asked unanimous consent that the journal for the 23rd and 24th legislative days and Senate and House Joint Journal Supplement No. 13 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **REPORTS OF STANDING COMMITTEES**

The Health & Social Services Committee reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Ronald Gherman

as a member of the Board of Chiropractic Examiners.

April Erickson

as a member of the Board of Nursing.

The report was signed by Representative Prax, Chair; and Representatives Fields, Sumner, McCormick, Saddler, and Mina.

### **HB 265**

The State Affairs Committee considered:

HOUSE BILL NO. 265

"An Act changing the term 'child pornography' to 'child sexual abuse material.'"

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

Do pass (7): C. Johnson, Carrick, Carpenter, Allard, Story, Wright, Shaw

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Dept. of Administration
3. Zero, Dept. of Law
4. Zero, Dept. of Public Safety

HB 265 was referred to the Judiciary Committee.

### **HB 272**

The Resources Committee considered:

HOUSE BILL NO. 272

"An Act relating to big game hunts for persons with physical disabilities; and providing for an effective date."

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

Do pass (8): Armstrong, Dibert, McCabe, Saddler, Wright, Baker, Rauscher, McKay

No recommendation (1): Mears

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

HB 272 was referred to the Rules Committee.

### **SB 46**

The State Affairs Committee considered:

SENATE BILL NO. 46

"An Act establishing the month of March as Brain Injury Awareness Month."

and recommends it be replaced with:

HOUSE CS FOR SENATE BILL NO. 46(STA)

"An Act establishing the month of March as Brain Injury Awareness Month; and providing for an effective date."

(technical title change)

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

Do pass (7): C. Johnson, Carrick, Carpenter, Allard, Story, Wright, Shaw

The following fiscal note(s) apply to HCS SB 46(STA):

2. Zero, Office of the Governor/Combined

SB 46 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 - Tom Kizzia

By Representatives Gray, Vance; Senator Bishop

Honoring - Leah Sahr

By Representative McCormick; Senator Hoffman

Honoring - Literacy Council of Alaska, 50th Anniversary

By Senator Myers; Representatives Carrick, Tomaszewski

Honoring - Lightbotics 18185 Team

By Senator Myers; Representatives Prax, Cronk

In Memoriam - Howard Weaver

By Representatives Groh, Galvin, Josephson

In Memoriam - Katherine M. Cleveland "Tatqavin"  
By Representative Baker

In Memoriam - Ronald "Ronnie" P. Daanen  
By Representative Carrick; Senator Kawasaki

In Memoriam - Mohabbat Ahmadi  
By Representative Carrick

In Memoriam - Richard Hagen II  
By Senator Myers; Representative Prax

In Memoriam - Eugene Michael Hansen  
By Senator Myers; Representatives Prax, Stapp

In Memoriam - Bernard "Tony" Higdon  
By Senators Myers, Kawasaki; Representative Prax

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

**HB 312**

HOUSE BILL NO. 312 by the House Rules Committee by Request of the Governor, entitled:

"An Act relating to the appointment of an assistant adjutant general; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Military & Veterans' Affairs

The Governor's transmittal letter dated February 8 follows:

"Dear Speaker Tilton:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill relating to staff qualifications for the Department of Military and Veterans Affairs.

This bill makes changes to language prohibiting the adjutant general of the Alaska National Guard from making an initial appointment of an assistant adjutant general if the appointee does not have at least five years of experience in either the Alaska Army National Guard or Alaska Air National Guard. The adjutant general is instead granted discretionary authority to give preference to a person with at least five years of experience in either the Alaska Army National Guard or Alaska Air National Guard when making an appointment to assistant adjutant general. This change provides the adjutant general with greater flexibility when making high-level appointments and aligns with the governor's statutory discretion to give preference to a person with at least five years of service in the Alaska Army National Guard or Alaska Air National Guard when appointing the adjutant general.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy

Governor"

### **HB 313**

HOUSE BILL NO. 313 by the House Rules Committee by Request of the Governor, entitled:

"An Act relating to the calculation of the regulatory cost charge for public utilities and pipeline carriers; and providing for an effective date."

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

The following fiscal note(s) apply:

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

The Governor's transmittal letter dated February 8 follows:

"Dear Speaker Tilton:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill to increase the statutory cap for the regulatory cost charge established to fund the activities of the Regulatory Commission of Alaska (RCA) and the Department of Law's Regulatory Affairs and Public Advocacy unit. The regulatory cost charge is charged to regulated pipeline carriers and public utilities providing telecommunications services, natural gas and storage, electricity, steam heat, water and wastewater, and refuse.

Passage of this bill will allow the RCA to continue its important mission without requiring additional State funding. Currently, the RCA is operating near its statutory cap and would potentially need additional appropriations in the future to continue its regulation and rate setting activities. Increasing the regulatory cost charge allows the RCA to continue to function based on the funds collected from regulatory entities.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy  
Governor"

### **HB 314**

HOUSE BILL NO. 314 by the House Rules Committee by Request of the Governor, entitled:

"An Act relating to occupational licensing fees; and providing for an effective date."

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

The following fiscal note(s) apply:

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

The Governor's transmittal letter dated February 8 follows:

"Dear Speaker Tilton:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill which eliminates the costs associated with professional discipline and unlicensed practice investigations from the calculation of annual professional licensing fees. This bill will make the investigation and legal costs associated with these cases overhead costs for the Division of Corporations, Business, and Professional Licensing (CBPL).

Under current law, CBPL is required to assess a number of fees against individuals seeking professional licensing, including fees for investigative costs. Pursuant to statute, investigatory costs are distributed essentially *pro rata* across all members of a particular profession. This *pro rata* distribution creates an uncertain fee environment where fees fluctuate on a regular basis depending on the profession's investigatory burden. This bill amends the professional licensing statutes to remove the requirement that licensees pay investigation fees.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy  
Governor"

### **HB 315**

HOUSE BILL NO. 315 by the House Rules Committee by Request of the Governor, entitled:

"An Act defining 'public agency' for appointments of the office of public advocacy; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Administration



The Governor's transmittal letter dated February 8 follows:

"Dear Speaker Tilton:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill defining "public agency" for the purpose of appointments for the Office of Public Advocacy (OPA). The definition will clarify when OPA should be appointed in cases involving child custody.

The enabling statute of OPA allows the office to be appointed to represent indigent parties in cases involving child custody when the opposing party is represented by a *public agency*. These cases are primarily divorce and child custody proceedings with which state-funded attorneys do not normally become involved. Over the last few decades, a body of caselaw has developed that greatly expands the definition of "public agency" and, therefore, the number of child custody cases in which OPA could be appointed. In *Flores v. Flores*, 598 P.2d 893 (Alaska, 1979), the Alaska Supreme Court determined that a private nonprofit enterprise qualified as a "public agency," which entitled an indigent parent to court-appointed counsel. Since 1979, the definition of "public agency" was never challenged or clarified by the legislature. In 2011, the court continued to expand the definition of "public agency" in *In re Alaska Network on Domestic Violence and Sexual Assault*, holding that the use of the term "public agency" in *Flores* refers primarily to the nature of an organization's funding sources, and not to an organization's status as a government agency 264 P.3d 835 (Alaska, 2011). These cases significantly expanded the definition of "public agency" for the purposes of court-appointed counsel. Each time this definition is expanded OPA faces the prospect of being appointed as counsel in additional divorce cases involving child custody. If the definition of "public agency" in OPA's enabling statute is not clarified, the office will be appointed in an increasing number of cases for which it is not funded.

This bill would limit the definition of "public agency" to its common meaning: governmental agencies (federal, state, or municipal), as opposed to entities who merely receive governmental funding. Under this new definition, OPA would only be appointed in divorce proceedings involving child custody where the opposing party was

represented by the federal government or a state or municipal government. This bill will allow OPA to provide more effective representation to cases that fit within its core mission.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy  
Governor"

**HB 316**

HOUSE BILL NO. 316 by Representative C. Johnson, entitled:

"An Act relating to law enforcement requests for wireless telephone location information in emergencies."

was read the first time and referred to the State Affairs Committee.

**HB 317**

HOUSE BILL NO. 317 by Representatives Carpenter and Tomaszewski, entitled:

"An Act relating to the municipal tax exemption of farm use land and structures on farm use land; requiring a vote in municipalities that do not currently provide a general tax exemption for structures used in farming activity; and providing for an effective date."

was read the first time and referred to the Community & Regional Affairs Committee.

**CONSIDERATION OF THE DAILY CALENDAR**

**LEGISLATIVE CITATIONS**

Representative Saddler moved and asked unanimous consent that the House approve the citations on the calendar.

Representative Eastman objected.

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The question being: "Shall the House approve the citations on the calendar?" The roll was taken with the following result:

Approve Citation(s) on the Calendar

**YEAS: 33 NAYS: 1 EXCUSED: 4 ABSENT: 2**

Yeas: Allard, Armstrong, Baker, Carpenter, Carrick, Coulombe, Cronk, Dibert, Edgmon, Fields, Foster, Gray, Groh, Hannan, C.Johnson, D.Johnson, Josephson, McCormick, McKay, Mears, Ortiz, Prax, Rauscher, Saddler, Schrage, Shaw, Stapp, Story, Sumner, Tilton, Tomaszewski, Vance, Wright

Nays: Eastman

Excused: Himschoot, McCabe, Mina, Ruffridge

Absent: Galvin, Stutes

And so, the following citations were approved and sent to enrolling:

Honoring - Gregory Andrew Patsey  
By Senator Bishop

Honoring - Matt Wilson  
By Senator Bjorkman; Representative Ruffridge

Honoring - Brice Incorporated  
By Senator Bishop

In Memoriam - Dennis Albert Bell  
By Representatives Hannan, Prax; Senator Kiehl

In Memoriam - Hannah Louise Bundschuh  
By Senator Bishop

In Memoriam - Heath Joseph Woellert  
By Senator Bishop

In Memoriam - Richard James Morris  
By Senators Bishop, Kawasaki

In Memoriam - Delores Marion Sloan  
By Senator Bishop

In Memoriam - Thomas Francis Keane  
By Senator Bishop

In Memoriam - Theresa Marie Brice  
By Senator Bishop

In Memoriam - Rosemary Wingerter  
By Senator Bishop; Representative Carrick

In Memoriam - Alfred Forest Wright  
By Senator Bishop

In Memoriam - Representative Kurt E. Olson  
By Senator Bjorkman; Representatives C. Johnson, Ruffridge

In Memoriam - Len Malmquist  
By Senator Bjorkman

In Memoriam - William "Bill" Field  
By Senator Bjorkman

In Memoriam - Paul Gebhardt  
By Senator Bjorkman

In Memoriam - Mary Beth Copple  
By Senator Bjorkman

### **UNFINISHED BUSINESS**

Representative Saddler 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 Mears – from 7:00 p.m., February 9 to 10:00 p.m., February 11

Representative Cronk – from 8:00 p.m., February 16 to 10:00 p.m., February 18

Representative Baker – from 7:00 a.m., March 3 to 1:00 p.m., March 10

Representative Himschoot – from 9:00 p.m., February 9 to 9:00 p.m., February 11

Representative Coulombe – from 7:00 p.m., March 8 to 10:00 p.m., March 10

**HB 98**

Representatives Vance, Gray, and Wright added as cosponsors and Representative Gray later removed as a cosponsor to:

HOUSE BILL NO. 98

"An Act relating to state ownership of submerged land underlying navigable water within the boundaries of and adjacent to federal areas; and providing for an effective date."

**HB 155**

Representative Coulombe added as a cosponsor to:

HOUSE BILL NO. 155

"An Act establishing the Alaska Military Affairs Commission; and relating to the duties and powers of the Alaska Military Affairs Commission."

**HB 175**

Representative Wright added as a cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 175

"An Act relating to midwives and the practice of midwifery; relating to apprentice midwives; renaming the Board of Certified Direct-Entry Midwives as the Board of Licensed Midwives; relating to the Board of Licensed Midwives; extending the termination date of the Board of Licensed Midwives; relating to insurance; and providing for an effective date."

**HB 230**

Representative Story added as a cosponsor to:

HOUSE BILL NO. 230

"An Act repealing the limit on the number of years of out-of-state school experience that may be substituted for in-state experience in teacher salary scales."

**HB 236**

Representative Story added as a cosponsor to:

HOUSE BILL NO. 236

"An Act relating to the duties of the Board of Regents of the University of Alaska; establishing the University of Alaska major maintenance and modernization fund; repealing the University of Alaska building fund; and providing for an effective date."

**HB 259**

Representative Wright added as a cosponsor to:

HOUSE BILL NO. 259

"An Act establishing the Council on Human and Sex Trafficking; and relating to the Council on Domestic Violence and Sexual Assault."

**HB 265**

Representative Wright added as a cosponsor to:

HOUSE BILL NO. 265

"An Act changing the term 'child pornography' to 'child sexual abuse material.'"

**HB 286**

Representative Wright added as a cosponsor to:

HOUSE BILL NO. 286

"An Act relating to victim restitution and compensation."

**SB 92**

Representatives Gray and Wright added as cross sponsors and Representative Gray later removed as a cross sponsor to:

CS FOR SENATE BILL NO. 92(2d RES)

"An Act relating to state ownership of submerged land underlying navigable water within the boundaries of federal areas; and providing for an effective date."

**ANNOUNCEMENTS**

House Committee schedules are published under separate cover.

**ADJOURNMENT**

Representative Saddler moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 12. There being no objection, the House adjourned at 11:07 a.m.

Crystalline Jones  
Chief Clerk