

SENATE JOURNAL
ALASKA STATE LEGISLATURE
THIRTY-THIRD LEGISLATURE
FIRST SESSION

Juneau, Alaska

Wednesday

February 8, 2023

Twenty-third Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:02 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Pastor Karen Perkins, Resurrection Lutheran Church. Senator Hoffman moved and asked unanimous consent the prayer be spread. Without objection, it was so ordered.

Renewing, abiding and righteous God, the foundations of the earth bear witness to your faithfulness; the mountains echo with your holiness. Inspire people with reverent awe to honor all you have made. You make foolish the wisdom of the world. Cultivate humility among us. Raise up honorable leaders who seek justice, love mercy, and pursue peace. Frustrate plans that are corrupt, wicked, and self-seeking. Increase cooperation and constructive dialogue. Guide elected officials govern with equity, vision, and integrity. Prosper the work of peacemakers. Shape our communities to be places of kindness, especially for those who are most vulnerable. I lift this to you, trusting in your wisdom.
Amen.

Senator Kawasaki led the Senate in the Pledge of Allegiance.

Certification

Senator Giessel moved and asked unanimous consent the journal for the twenty-second legislative day and Senate and House Joint Journal Supplement No. 4 be approved as certified by the Secretary. Without objection, it was so ordered.

Communications

The following reports are on file in the Office of the Secretary of the Senate:

Department of Health
Individuals with Developmental Disabilities Registration and Review
Report FY 2022
in accordance with AS 47.80.130

Notice of Availability:
Alaska's Public Schools: A Report Card to the Public
February 6, 2023
in accordance with AS 14.03.120

Introduction and Reference of Senate Bills**SB 62**

SENATE BILL NO. 62 BY SENATOR KAWASAKI, entitled:

"An Act relating to electric-assisted bicycles."

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

SB 63

SENATE BILL NO. 63 BY SENATOR KAWASAKI, entitled:

"An Act relating to restrictions on firearms and other weapons."

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

SB 64

SENATE BILL NO. 64 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to homicide resulting from conduct involving controlled substances; relating to the computation of good time; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Department of Administration

Fiscal Note No. 2, Department of Administration

Fiscal Note No. 3, zero, Department of Corrections

Fiscal Note No. 4, zero, Department of Family and Community Services

Fiscal Note No. 5, zero, Department of Law

Fiscal Note No. 6, zero, Department of Public Safety

Governor's transmittal letter dated February 7:

Dear President Stevens:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to penalties for drug distribution and using controlled substances.

Drugs and drug overdoses have had a devastating effect on our state. According to the Department of Health's 2021 Drug Overdose Mortality Update, between 2020 and 2021, Alaska experienced the largest percent increase of drug overdose deaths of any state. In 2021,

Alaska recorded over 100 deaths more than the previous year. Unfortunately, fentanyl, a highly potent opioid, makes up a large percentage of these drug related deaths. Increasingly, those who distribute drugs are mixing fentanyl with other types of drugs in order to cultivate addiction and attract buyers. These buyers may not necessarily know that fentanyl is mixed in with their drug of choice, increasing the risks associated with drug use.

This legislation attacks the problem at the point of distribution, making it second degree murder when a person distributes or manufactures a controlled substance and a person dies as a direct result of ingesting that substance. This legislation further serves to protect our communities by ensuring offenders convicted of distributing or manufacturing drugs will not be subject to early release due to a “good time” deduction from their sentence. Those who choose to manufacture or distribute drugs illegally should be put on notice that there are significant consequences for the harm they cause.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy

Governor

SB 65

SENATE BILL NO. 65 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to criminal law and procedure; relating to the crime of stalking; relating to consecutive sentencing for violation of conditions of release; relating to the duty to register as a sex offender; amending the definition of 'sex offense'; amending the definition of 'crime involving domestic violence'; relating to multidisciplinary child protection teams; amending Rule 6(r), Alaska Rules of Criminal Procedure; and providing for an effective date."

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

The following fiscal information was published today:

- Fiscal Note No. 1, Department of Administration
- Fiscal Note No. 2, Department of Administration
- Fiscal Note No. 3, zero, Department of Corrections
- Fiscal Note No. 4, zero, Department of Law
- Fiscal Note No. 5, zero, Department of Public Safety

Governor's transmittal letter dated February 7:

Dear President Stevens:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to increased protection for victims of sex offenses and domestic violence.

This legislation eliminates gaps in Alaska's criminal justice system and improves our laws to help victims. Specifically, the bill removes incentives for sex offenders from out of state to relocate to Alaska; helps our law enforcement personnel better monitor the activities of sex offenders within our state; more appropriately groups violations of protective orders for stalking and sexual assault with violations of protective orders for domestic violence; ensures adequate sanctions for repeated violations of conditions of release; reduces the trauma victims experience by participating in our justice system; and ensures professionals can engage with children involved in sex offenses to provide help to those children.

For too long Alaska has had the unfortunate distinction of having the highest rate of sexual assault in the United States according to FBI data. Alaska's sexual assault rate is more than four times the national average, and more than double that of the next closest state. Given these statistics, it is deeply troubling that our existing laws have critical gaps that allow convicted sex offenders to go undetected, make Alaska a refuge for sex offenders, and leave our most vulnerable citizens exposed.

This legislation eliminates Alaska as an option for sex offenders from other states seeking to avoid registration requirements by updating Alaska's registration requirement to be more in line with the federal scheme. Under existing law, a sex offender who is required to register

in their state of conviction is not always required to register in Alaska. This makes Alaska attractive to sex offenders who seek to avoid registration. This legislation closes that gap and simply says: “If you are required to register in your home state and you come to Alaska, you will be required to register here, regardless of when you were convicted.” This change will respect the decision made in the person’s home state that required the person to register, as well as protect Alaskans. A sex offender should not be allowed to avoid registration simply by moving to Alaska.

The legislation also protects victims of stalking by increasing the level of offense where a person stalks someone in violation of a stalking or sexual assault protective order. Under current law, a person can be convicted of stalking in the first degree, which is a felony, for stalking someone while violating a domestic violence protective order. However, it is only a misdemeanor for violation of a stalking protective order. This legislation would close that gap and include stalking someone in violation of a stalking or sexual assault protective order among the conduct that will elevate the offense to stalking in the first degree (class C felony).

The legislation further protects victims and the public by mandating additional sanctions when defendants repeatedly violate conditions of release. Unfortunately, defendants often disregard the conditions and bail imposed by the court. This conduct turns our jails into revolving doors and is a drain on Alaska’s justice system. To help address this growing problem, the legislation requires that the court impose additional jail time for each conviction of violation of conditions of release under AS 11.56.757. This additional sanction will send a message that bail and conditions imposed by the court are to be followed and that there are consequences for failing to do so.

The legislation also reduces the stress that victims are forced to experience when required to testify at grand jury. More than 30 other jurisdictions allow grand jury proceedings without requiring the victim to testify. Alaska law, on the other hand, requires that a victim take time off work or school to testify, and insists those victims relive their trauma before the grand jury – a room of strangers. This is required even though the victim provides statements to law enforcement usually mere days earlier. This all makes the grand jury process

cumbersome and inefficient and causes a hardship on the victim and witnesses. This legislation relaxes the rules and allows key witnesses, typically the officer in the case, to summarize the testimony of other witnesses. This will permit prosecutors to call fewer witnesses at the grand jury phase of the case, reducing the need for the victim to relive their trauma so soon after the crime occurred. It will also make the process more efficient and reduce the backlog that was created when grand juries were suspended due to COVID-19.

Finally, the legislation makes changes aimed at protecting our most vulnerable citizens: our children. The legislation allows multidisciplinary child protection teams to accept referrals of cases where there has been sexual contact or sexual penetration that occurs between children under the age of 13. Typically, when children who are under 13 engage in this type of behavior, prosecution or adjudication is not considered appropriate or effective. Rather the mental and physical well-being of both children becomes the singular goal. However, without this change, the multidisciplinary child protection teams cannot engage at all. Giving multidisciplinary child protection teams, who are the experts in this field, the statutory authority to accept referrals of these cases will make it easier to appropriately address this behavior in young children and provide the children with any needed therapeutic assistance.

This legislation will close gaps in our laws and better protect Alaskans. The legislation will provide the tools for us to monitor offenders and protect Alaskans from future victimization.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy
Governor

SB 66

SENATE BILL NO. 66 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to sex trafficking; establishing the crime of patron of a victim of sex trafficking; relating to the crime of human trafficking; relating to prostitution; relating to sentencing for sex trafficking, patron of a victim of sex trafficking, and human trafficking; establishing the process for vacating judgments for certain convictions of prostitution and misconduct involving a controlled substance; relating to the Council on Domestic Violence and Sexual Assault; relating to permanent fund dividends for certain individuals whose convictions are vacated; and providing for an effective date."

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

The following fiscal information was published today:

- Fiscal Note No. 1, Department of Administration
- Fiscal Note No. 2, Department of Administration
- Fiscal Note No. 3, zero, Department of Corrections
- Fiscal Note No. 4, zero, Department of Law
- Fiscal Note No. 5, zero, Department of Public Safety
- Fiscal Note No. 6, Department of Public Safety
- Fiscal Note No. 7, Department of Public Safety
- Fiscal Note No. 8, zero, Department of Public Safety

Governor's transmittal letter dated February 7:

Dear President Stevens:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill to clarify and improve Alaska's sex trafficking and human trafficking laws; establish the crime of patron of a victim of sex trafficking; and create a process for a sex trafficking victim convicted of prostitution to have that conviction vacated.

Alaska's sex trafficking and human trafficking statutes do not adequately address the serious nature of these offenses or provide sufficient protections for underage victims. The current language in these statutes is archaic and fails to address the realities faced by individuals forced into the labor or sex trade, creating situations where victims are unaided and perpetrators go undetected.

This legislation will restructure the human trafficking and sex trafficking statutes to address the realities of how these offenses are committed and to protect underage victims. The bill increases the penalties for all forms of trafficking, placing the most serious classification on those crimes that use force to traffic an underage person. Sex trafficking in the first, second, and third degree is now treated as a sex offense for purposes of sentencing, thereby enhancing the penalties. Sex trafficking in the first and second degree would also require sex offender registration, while sex trafficking in the third degree would not require registration.

The legislation also establishes the new crime of "patron of a victim of sex trafficking." While it is crucial to target those who traffic individuals, it is equally important to address those who create a demand for victims of sex trafficking, specifically underage victims.

The legislation also targets persons who patronize those engaging in sex work. First, it increases the penalties for this conduct and establishes mandatory minimums based on the number of times a person is convicted. If a person is convicted three times within five years, the offense will become a felony. Sex trafficking would not exist without those who pay for sex. We cannot begin to address this scourge if we continue to look the other way as people continually fund the sex trafficking industry.

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

Human trafficking and sex trafficking are insidious crimes that ruin lives. It is time that our statutes adequately address the devastation this predatory conduct has on our society and protect those who need it most.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Mike Dunleavy

Governor

Consideration of the Calendar

Citations

Honoring - Marjorie Menzi
Representative(s) Hannan, Story
Senator(s) Kiehl

Senator Giessel moved and asked unanimous consent the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

Unfinished Business

SB 50

Senator Giessel moved and asked unanimous consent to withdraw SENATE BILL NO. 50 "An Act relating to the assessment of property for the purposes of the oil and gas exploration, production, and pipeline transportation property tax; and providing for an effective date." Without objection, the bill was withdrawn.

President Stevens made the following appointments:

Alaska Criminal Justice Data Analysis Commission

Senator Claman

Bond Reimbursement and Grant Review Committee

Senator Kaufman

Alaska 911 Advisory Board

Senator Bjorkman

Energy Council

Senator Kaufman

Energy Council Executive Committee

Senator Stedman

Senator Bishop

Renewable Energy Fund Advisory Committee

Senator Stedman

Senator Shower moved and asked unanimous consent to amend a prior excusal (page 181) in order to be excused from a call of the Senate on February 24. Without objection, Senator Shower was excused.

SB 63

Senator Myers moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 63 "An Act relating to restrictions on firearms and other weapons." Without objection, it was so ordered.

SJR 6

Senator Kaufman moved and asked unanimous consent to be shown as a cosponsor on SENATE JOINT RESOLUTION NO. 6 Honoring the Alaska-Korea relationship; and celebrating the 70th anniversary of the Mutual Defense Treaty between the United States and the Republic of Korea, the 70th anniversary of the Korean Armistice Agreement, and the 120th anniversary of the first Korean immigration to the United States. Without objection, it was so ordered.

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate on February 13. Without objection, Senator Hoffman was excused.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Giessel moved and asked unanimous consent the Senate stand in adjournment until 10:30 a.m., February 10, 2023. Without objection, the Senate adjourned at 11:20 a.m.

Liz Clark
Secretary of the Senate

Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

STANDING COMMITTEES

+ indicates teleconference

= indicates bill previously heard/scheduled

COMMUNITY & REGIONAL AFFAIRS

Feb 09 Thursday Beltz 105 (tsbldg) 1:30 PM
 No Meeting Scheduled

EDUCATION

Feb 08 Wednesday Beltz 105 (tsbldg) 3:30 PM
 + SB 14 RIP FOR PUBLIC EMPLOYEES/TEACHERS
 -- Testimony <Invitation Only> --
 Doug Wooliver, Acting Deputy Administrative
 Director for the Alaska Court System
 += SB 52 INCREASE BASE STUDENT ALLOCATION
 -- Public Testimony --
 Bills Previously Heard/Scheduled
 Streamed live on AKL.tv

Feb 10 Friday Beltz 105 (tsbldg) 3:30 PM
 + SB 14 RIP FOR PUBLIC EMPLOYEES/TEACHERS
 -- Public Testimony --
 += SB 52 INCREASE BASE STUDENT ALLOCATION
 Bills Previously Heard/Scheduled
 Streamed live on AKL.tv

FINANCE

Feb 08 Wednesday Senate Finance 532 9:00 AM

+ SB 25 REPEALING FUNDS, ACCOUNTS, AND PROGRAMS

-- Invited & Public Testimony --

-- <Time Limit May Be Set> --

+ SB 38 INTERFERENCE WITH EMERGENCY SERVICES

-- Invited & Public Testimony --

-- <Time Limit May Be Set> --

Bills Previously Heard/Scheduled

Feb 09 Thursday Senate Finance 532 9:00 AM

-- Teleconferenced --

School Major Maintenance & Construction Update

- Department of Education & Early Development

Bills Previously Heard/Scheduled

Feb 10 Friday Senate Finance 532 9:00 AM

No Meeting Scheduled

HEALTH & SOCIAL SERVICES

Feb 09 Thursday Butrovich 205 3:30 PM

+ SB 58 MEDICAID ELIGIBILITY: POSTPARTUM MOTHERS

-- Testimony <Invitation Only> --

-- Public Testimony <Time Limit May Be Set> --

Bills Previously Heard/Scheduled

+ SB 45 DIRECT HEALTH AGREEMENT: NOT INSURANCE

JUDICIARY

Feb 08 Wednesday Butrovich 205 1:30 PM

Informational Hearing on Department of Justice

Investigation of the State of Alaska's

Behavioral Health System for Children

-- Testimony <Invitation Only> --

Bills Previously Heard/Scheduled

JUDICIARY (continued)

Feb 10	Friday	Butrovich 205	1:30 PM
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Consideration of Governor’s Appointees:
 Commissioner, Department of Corrections
 Jen Winkelman – Juneau
 -- Invited & Public Testimony --
 Presentation: Department of Corrections
 Overview by
 Commissioner-Designee Jen Winkelman
 -- Testimony <Invitation Only> --
 Bills Previously Heard/Scheduled

LABOR & COMMERCE

Feb 08	Wednesday	Beltz 105 (tsbldg)	1:30 PM
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-- Teleconferenced --
 -- Testimony <Invitation Only> --
 Workforce Challenges in Alaska
 Presenters: Stephanie Queen - City Manager, City
 of Soldotna
 Terry Eubank - City Manager, City of Kenai
 Jeff Rogers, Finance Director, City and Borough
 of Juneau
 Streamed live on AKL.tv

Feb 10	Friday	Beltz 105 (tsbldg)	1:30 PM
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-- Teleconferenced --
 -- Testimony <Invitation Only> --
 Workforce Overview from the Division of
 Corporations, Business and Professional
 Licensing (CBPL) Perspective
 Presentation by Director Sylvan Robb
 Streamed live on AKL.tv

RESOURCES

Feb 08 Wednesday Butrovich 205 3:30 PM
 Overview: Tax Structure on Cook Inlet by
 Alaska Department of Revenue, Tax Division
 Presentation: Alaska Department of Natural
 Resources: Dept. Overview by
 Commissioner-Designee John Boyle
 -- Testimony <Invitation Only> --
 Bills Previously Heard/Scheduled
 Streamed live on AKL.tv

Feb 10 Friday Butrovich 205 3:30 PM
 += SB 10 HUNTING/TRAPPING/FISHING: DISABLED VETS
 -- Public Testimony <Time Limit May Be Set> --
 Presentation: Alaska Department of Fish and
 Game: Dept. Overview by
 Commissioner Doug Vincent-Lang
 -- Testimony <Invitation Only> --
 Bills Previously Heard/Scheduled
 Streamed live on AKL.tv

STATE AFFAIRS

Feb 09 Thursday Beltz 105 (tsbldg) 3:30 PM
 No Meeting Scheduled

TRANSPORTATION

Feb 09 Thursday Butrovich 205 1:30 PM
 -- Teleconference <Listen Only> --
 Presentation: Overview of Aviation by
 The Department of Transportation & Public
 Facilities
 Presentation: Overview of Public Facilities by
 The Department of Transportation & Public
 Facilities
 -- Testimony <Invitation Only> --
 Streamed live on AKL.tv

FINANCE SUBCOMMITTEES

ADMINISTRATION

Feb 22	Wednesday	Beltz 105 (tsbldg)	6:30 PM
+	-- Teleconference -- Administration Budget		
Mar 01	Wednesday	Beltz 105 (tsbldg)	6:30 PM
+	-- Teleconference -- Administration Budget		
Mar 08	Wednesday	Beltz 105 (tsbldg)	6:00 PM
+	-- Teleconference -- Administration Budget		
Mar 15	Wednesday	Beltz 105 (tsbldg)	6:00 PM
+	-- Teleconference -- Administration Budget		

CORRECTIONS

Feb 23	Thursday	Butrovich 205	6:00 PM
+	-- Teleconference -- Corrections Budget		
Mar 02	Thursday	Butrovich 205	6:00 PM
+	-- Teleconference -- Corrections Budget		
Mar 09	Thursday	Butrovich 205	6:00 PM
+	-- Teleconference -- Corrections Budget		
Mar 16	Thursday	Butrovich 205	6:00 PM
+	-- Teleconference -- Corrections Budget		

JUDICIARY

Feb 20	Monday	Butrovich 205	6:00 PM
	-- Teleconference --		
+	Judiciary Budget		
Feb 27	Monday	Butrovich 205	6:00 PM
	-- Teleconference --		
+	Judiciary Budget		
Mar 06	Monday	Butrovich 205	6:00 PM
	-- Teleconference --		
+	Judiciary Budget		
Mar 13	Monday	Butrovich 205	6:00 PM
	-- Teleconference --		
+	Judiciary Budget		

OTHER MEETINGS

JOINT SESSION

Feb 22	Wednesday	House Chamber	11:00 AM
	Annual Address by Lisa Murkowski, U.S. Senator		