

SENATE JOURNAL
ALASKA STATE LEGISLATURE
THIRTY-THIRD LEGISLATURE
SECOND SESSION

Juneau, Alaska

Monday

February 12, 2024

Twenty-eighth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:03 a.m.

The roll showed nineteen members present. Senator Hoffman was excused from a call of the Senate.

The prayer was offered by the Chaplain, Pastor Greg Weinert, Emmanuel Baptist Church. Senator Olson moved and asked unanimous consent the prayer be spread. Without objection, it was so ordered.

Almighty heavenly Father, I praise your name. I invite Your Holy Spirit into this chamber; fill the hearts and minds of these men and women that their enormous burden of servitude to the people of Alaska would be eased with Your presence.

Give us the opportunity to demonstrate Your wisdom and guidance, that our state would be a shining example of peace and equality, placing the needs of others before our own, and exuding the will and determination to serve all the people of Alaska, regardless of their circumstance.

In humility let us move forward, protecting the creation you have entrusted to us, in proof to all who see Your glory, Lord, to build that shining land where all declare assurance of Your grace. I pray in the name of the Father, the Son, and the Holy Spirit,
Amen.

Senator Olson led the Senate in the Pledge of Allegiance.

Certification

Senator Giessel moved and asked unanimous consent the journals for the twenty-fourth through twenty-seventh legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

Message dated February 12 was read stating:

The House of Representatives respectfully invites the Senate to a Joint Session of the Thirty-Third Alaska Legislature at 10:00 a.m. on Thursday, February 15 for the purpose of hearing U.S. Senator Lisa Murkowski's [rescheduled] annual address in the House Chambers.

Senator Giessel moved and asked unanimous consent the Senate accept the House invitation to meet in Joint Session. Without objection, it was so ordered.

The Secretary was requested to notify the House.

Standing Committee Reports

SB 170

The Finance Committee considered SENATE BILL NO. 170 "An Act extending the Alaska senior benefits payment program; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 170(FIN) "An Act relating to the Alaska longevity bonus program and the Alaska senior benefits payment program; and providing for an effective date."

Signing do pass: Senators Stedman, Olson, Cochairs; Senators Wilson, Kiehl, Merrick, Bishop.

The following fiscal information was published today:
Fiscal Note No. 1, Department of Health

The bill was referred to the Rules Committee.

**Introduction and Reference of
Senate Resolutions**

SSCR 1

SENATE SPECIAL CONCURRENT RESOLUTION NO. 1 BY THE
SENATE RULES COMMITTEE,

Disapproving Executive Order No. 124.

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

SSCR 2

SENATE SPECIAL CONCURRENT RESOLUTION NO. 2 BY THE
SENATE RULES COMMITTEE,

Disapproving Executive Order No. 125.

was read the first time and referred to the Health and Social Services
Committee.

SSCR 3

SENATE SPECIAL CONCURRENT RESOLUTION NO. 3 BY THE
SENATE RULES COMMITTEE,

Disapproving Executive Order No. 126.

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

SSCR 4

SENATE SPECIAL CONCURRENT RESOLUTION NO. 4 BY THE
SENATE RULES COMMITTEE,

Disapproving Executive Order No. 127.

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

SSCR 5

SENATE SPECIAL CONCURRENT RESOLUTION NO. 5 BY THE SENATE RULES COMMITTEE,

Disapproving Executive Order No. 128.

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

SSCR 6

SENATE SPECIAL CONCURRENT RESOLUTION NO. 6 BY THE SENATE RULES COMMITTEE,

Disapproving Executive Order No. 129.

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

SSCR 7

SENATE SPECIAL CONCURRENT RESOLUTION NO. 7 BY THE SENATE RULES COMMITTEE,

Disapproving Executive Order No. 130.

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

SSCR 8

SENATE SPECIAL CONCURRENT RESOLUTION NO. 8 BY THE SENATE RULES COMMITTEE,

Disapproving Executive Order No. 131.

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

SSCR 9

SENATE SPECIAL CONCURRENT RESOLUTION NO. 9 BY THE SENATE RULES COMMITTEE,

Disapproving Executive Order No. 132.

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

SSCR 10

SENATE SPECIAL CONCURRENT RESOLUTION NO. 10 BY
THE SENATE RULES COMMITTEE,

Disapproving Executive Order No. 133.

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

SSCR 11

SENATE SPECIAL CONCURRENT RESOLUTION NO. 11 BY
THE SENATE RULES COMMITTEE,

Disapproving Executive Order No. 134.

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

SSCR 12

SENATE SPECIAL CONCURRENT RESOLUTION NO. 12 BY
THE SENATE RULES COMMITTEE,

Disapproving Executive Order No. 135.

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

Introduction and Reference of Senate Bills

SB 223

SENATE BILL NO. 223 BY THE SENATE 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 State Affairs and Judiciary
Committees.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Military and Veterans'
Affairs

Governor's transmittal letter dated February 8:

Dear President Stevens:

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

SB 224

SENATE BILL NO. 224 BY THE SENATE 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 and Commerce and
Finance Committees.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Commerce, Community,
and Economic Development

Governor's transmittal letter dated February 8:

Dear President Stevens:

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

SB 225

SENATE BILL NO. 225 BY THE SENATE 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 and Commerce and
Finance Committees.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Commerce, Community, and
Economic Development

Governor's transmittal letter dated February 8:

Dear President Stevens:

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

SB 226

SENATE BILL NO. 226 BY THE SENATE 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 information was published today:

Fiscal Note No. 1, zero, Department of Administration

Governor's transmittal letter dated February 8:

Dear President Stevens:

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

SB 227

SENATE BILL NO. 227 BY SENATOR MYERS, entitled:

"An Act relating to the evaluation of capital projects; establishing the capital project evaluation division in the office of management and budget and the capital project evaluation task force; relating to school construction grants and bond reimbursement; relating to harbor facility grants; and providing for an effective date."

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

SB 228

SENATE BILL NO. 228 BY THE SENATE LABOR & COMMERCE COMMITTEE, entitled:

"An Act extending the termination date of the Board of Massage Therapists; and providing for an effective date."

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

Consideration of the Calendar

Second Reading of Senate Resolutions

SJR 13

SENATE JOINT RESOLUTION NO. 13 Encouraging the United States Congress and the President of the United States to pass and sign legislation amending the Alaska Native Claims Settlement Act to release certain land held in trust back to affected Alaska Native village corporations, was read the second time.

President Stevens stated SENATE JOINT RESOLUTION NO. 13 will advance to third reading on the February 14 calendar.

Citations

Honoring - Literacy Council of Alaska 50th Anniversary

Senator(s) Myers

Representative(s) Carrick, Tomaszewski

Honoring - Lightbotics 18185 Team

Senator(s) Myers

Representative(s) Prax, Cronk

In Memoriam - Richard Hagen II

Senator(s) Myers

Representative(s) Prax

In Memoriam - Eugene Michael Hansen

Senator(s) Myers

Representative(s) Prax, Stapp

In Memoriam - Bernard "Tony" Higdon

Senator(s) Myers, Kawasaki

Representative(s) Prax

In Memoriam - Howard Weaver

Representative(s) Groh, Galvin, Josephson

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

Senator Giessel moved and asked unanimous consent the following citation be made a special order of business. Without objection, it was so ordered.

Special Order of Business

Honoring - Gary Franklin Zepp
Senator(s) Wilson

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

Senator Stedman moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, February 14 through evening plane time, February 17. Without objection, Senator Stedman was excused.

SJR 13

Senators Claman, Bishop, Wielechowski, Kawasaki, Tobin, Stedman, Stevens moved and asked unanimous consent to be shown as cosponsors on SENATE JOINT RESOLUTION NO. 13 Encouraging the United States Congress and the President of the United States to pass and sign legislation amending the Alaska Native Claims Settlement Act to release certain land held in trust back to affected Alaska Native village corporations. Without objection, it was so ordered.

Senator Kawasaki moved and asked unanimous consent to be excused from a call of the Senate on February 16. Without objection, Senator Kawasaki was excused.

Senator Dunbar moved and asked unanimous consent to be excused from a call of the Senate on February 23. Without objection, Senator Dunbar 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 11:00 a.m., February 14, 2024. Without objection, the Senate adjourned at 11:51 a.m.

Liz Clark
Secretary of the Senate

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EDUCATION (continued)

Feb 16 Friday Beltz 105 (tsbldg) 3:30 PM
No Meeting Scheduled

FINANCE

Feb 12 Monday Senate Finance 532 9:00 AM
No Meeting Scheduled

Feb 13 Tuesday Senate Finance 532 9:00 AM
+ SB 120 EXTEND EDUCATION TAX CREDITS
-- Invited & Public Testimony --
<Time Limit May Be Set> --
+ Bills Previously Heard/Scheduled

Feb 14 Wednesday Senate Finance 532 9:30 AM
-- Please Note Time Change --
+ SB 91 TELEHEALTH: MULTIDISCIPLINARY CARE TEAM
-- Invited & Public Testimony --
-- <Time Limit May Be Set> --
+ HB 193 INTERNET FOR SCHOOLS
<Pending Referral>
+ Bills Previously Heard/Scheduled

Feb 14 Wednesday Senate Finance 532 1:30 PM
-- Please Note Time Change --
+ SB 132 EMPLOYMENT TAX FOR EDUCATION FACILITIES
-- Invited & Public Testimony --
-- <Time Limit May Be Set> --
+ Bills Previously Heard/Scheduled

Feb 15 Thursday Senate Finance 532 9:00 AM
+ University of Alaska FY25 Budget Request
Subcommittee of the Whole
+ Bills Previously Heard/Scheduled

Feb 15 Thursday Senate Finance 532 1:30 PM
-- Please Note Time Change --
+ Bills Previously Heard/Scheduled

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FINANCE (continued)

Feb 16 Friday Senate Finance 532 9:00 AM
No Meeting Scheduled

HEALTH & SOCIAL SERVICES

Feb 13 Tuesday Butrovich 205 3:30 PM
+ SB 149 FOOD STAMP PROGRAM ELIGIBILTY
-- Invited & Public Testimony --
+ Bills Previously Heard/Scheduled

Feb 15 Thursday Butrovich 205 3:30 PM
+ SB 181 CHILD PLACEMENT; DILIGENT SEARCH
-- Invited & Public Testimony --
+ SSCR 2 DISAPPROVE EO 125
+ Bills Previously Heard/Scheduled

JUDICIARY

Feb 12 Monday Butrovich 205 1:30 PM
+ SB 163 ANIMAL ADOPTION RECORDS
-- Testimony <Invitation Only> --
Bills Previously Heard/Scheduled

Feb 14 Wednesday Butrovich 205 1:30 PM
+ SSCR10 DISAPPROVE EO 133
+ SSCR12 DISAPPROVE EO 135
+ Bills Previously Heard/Scheduled

Feb 16 Friday Butrovich 205 1:30 PM
Bills Previously Heard/Scheduled

RESOURCES

Feb 12 Monday Butrovich 205 3:30 PM

- + HB 125 TRAPPING CABINS ON STATE LAND
- + SB 118 CRITICAL NATURAL RESOURCES; REPORTS
-- Public Testimony --
- + EO 124 PROHIBITING BY REGULATION LIVE CAPTURE, POSSESSION, TRANSPORT, OR RELEASE OF NATIVE/EXOTIC GAME OR EGGS
-- Invited & Public Testimony --
- + EO 126 ELIMINATING THE WOOD-TIKCHIK STATE PARK MANAGEMENT COUNCIL
-- Invited & Public Testimony --
- + EO 134 ELIMINATING THE RECREATION RIVERS ADVISORY BOARD
-- Invited & Public Testimony --
- + EO 128 SEPARATING THE BOARD OF DIRECTORS OF THE ALASKA ENERGY AUTHORITY FROM THE BOARD OF DIRECTORS OF THE ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY
-- Invited & Public Testimony --
- + Bills Previously Heard/Scheduled
Streamed live on AKL.tv

Feb 14 Wednesday Butrovich 205 3:30 PM

- + SSCR 1 DISAPPROVE EO 124
- + SSCR 3 DISAPPROVE EO 126
- + SSCR 9 DISAPPROVE EO 132
- + SSCR11 DISAPPROVE EO 134
- + Presentation: Alaska Food Strategy Task Force by Senator Shelly Hughes, Chair, Alaska Food Strategies Task Force
Mike Jones, UAA Institute of Social and Economic Research
Amy Seitz, Executive Director, Alaska Farm Bureau
Scott Mugrage, President Alaska Farm Bureau, Owner, Mugrage Hay & Cattle
Aspen O'Connor, Cricket Fence Farm
Nick Mangini, Kelp Farmer, Kodiak Island Sustainable Seaweed
Marcia Knowlton, Whispering Birch Farms
Colin Peacock, Alaska Food Policy Council
Regional Food Business Center Co-Direct
Meghan Hargis, Local Food Coordinator, Alaska

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OTHER MEETINGS

JOINT SESSION

Feb 15 **Thursday** **House Chamber** **10:00 AM**
 + Annual Address by Lisa Murkowski, U.S. Senator

Feb 21 **Wednesday** **House Chamber** **11:00 AM**
 + Annual Address by Dan Sullivan, U.S. Senator

MISCELLANEOUS MEETINGS

Feb 14 **Wednesday** **Butrovich 205** **12:00 PM**
 + Lunch & Learn Presentation:
 Navigating the Future: Protecting Alaska's Blue
 Economy
 Presented by the Marine Exchange of Alaska
 Sponsored by: Senator Kiehl & Senator Olson

Feb 14 **Wednesday** **Davis 106** **12:01 PM**
 Lunch & Learn Presentation:
 Food Production in Alaska
 Presented by the Alaska Farm Bureau
 Sponsored by: Senator Bjorkman and Senator Hughes

Feb 22 **Thursday** **Butrovich 205** **12:00 PM**
 Lunch & Learn Presentation:
 Overview of the Experiences and Structural
 Damages caused by the 1964 Earthquake Compared to
 the 2018 Earthquake
 Presented by: Dennis L. Berry and Colin Maynard,
 Alaska Professional Design Council
 Sponsored by Senator Kaufman