

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 18, 2024

4:46 p.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Jamie Allard, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Andrew Gray
Representative Cliff Groh

MEMBERS ABSENT

Representative Jesse Sumner

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 13

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.

- HEARD & HELD

HOUSE BILL NO. 278

"An Act establishing the administrative regulation review division."

- MOVED HB 278 OUT OF COMMITTEE

HOUSE BILL NO. 254

"An Act relating to liability for publishing or distributing pornography to minors on the Internet."

- MOVED CSHB 254 (JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HJR 13

SHORT TITLE: CALL FED. CONSTITUTIONAL CONV:TERM LIMITS

SPONSOR (s) : REPRESENTATIVE (s) MCKAY

03/31/23 (H) READ THE FIRST TIME - REFERRALS
03/31/23 (H) STA, JUD
01/25/24 (H) STA AT 3:00 PM GRUENBERG 120
01/25/24 (H) -- MEETING CANCELED --
02/01/24 (H) STA AT 3:00 PM GRUENBERG 120
02/01/24 (H) Heard & Held
02/01/24 (H) MINUTE(STA)
03/07/24 (H) STA AT 3:00 PM GRUENBERG 120
03/07/24 (H) Moved CSHJR 13(STA) Out of Committee
03/07/24 (H) MINUTE(STA)
03/11/24 (H) STA RPT CS(STA) 4DP 1DNP 1NR 1AM
03/11/24 (H) DP: WRIGHT, CARPENTER, ALLARD, SHAW
03/11/24 (H) DNP: CARRICK
03/11/24 (H) NR: C.JOHNSON
03/11/24 (H) AM: STORY
03/18/24 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: HB 278

SHORT TITLE: ADMIN. REGULATION REVIEW DIVISION

SPONSOR (s) : WAYS & MEANS

01/18/24 (H) READ THE FIRST TIME - REFERRALS
01/18/24 (H) JUD, STA, FIN
03/13/24 (H) JUD AT 1:00 PM GRUENBERG 120
03/13/24 (H) Heard & Held
03/13/24 (H) MINUTE(JUD)
03/18/24 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: HB 254

SHORT TITLE: PROHIBIT PORNOGRAPHY TO MINORS

SPONSOR (s) : VANCE

01/16/24 (H) PREFILE RELEASED 1/12/24
01/16/24 (H) READ THE FIRST TIME - REFERRALS
01/16/24 (H) L&C, JUD
01/31/24 (H) L&C AT 3:15 PM BARNES 124
01/31/24 (H) Heard & Held
01/31/24 (H) MINUTE(L&C)
03/06/24 (H) L&C AT 3:15 PM BARNES 124
03/06/24 (H) Heard & Held
03/06/24 (H) MINUTE(L&C)
03/11/24 (H) L&C AT 3:15 PM BARNES 124
03/11/24 (H) Moved HB 254 Out of Committee
03/11/24 (H) MINUTE(L&C)
03/13/24 (H) L&C RPT 1DP 1DNP 3NR 1AM

03/13/24	(H)	DP: SADDLER
03/13/24	(H)	DNP: CARRICK
03/13/24	(H)	NR: PRAX, WRIGHT, RUFFRIDGE
03/13/24	(H)	AM: FIELDS
03/13/24	(H)	JUD AT 1:00 PM GRUENBERG 120
03/13/24	(H)	Heard & Held
03/13/24	(H)	MINUTE(JUD)
03/15/24	(H)	JUD AT 1:00 PM GRUENBERG 120
03/15/24	(H)	Heard & Held
03/15/24	(H)	MINUTE(JUD)
03/18/24	(H)	JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE TOM MCKAY
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented CSHJR 13(STA), as the prime sponsor.

AZABEL ORDAZ, Staff
 Representative Tom McKay
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented a PowerPoint, entitled "HJR 13 Federal Term Limits," on behalf of Representative McKay, prime sponsor.

CONSTANTIN QUERARD, Regional Director
 US Term Limits
 No address provided

POSITION STATEMENT: Gave invited testimony during the hearing on CSHJR 13(STA).

FRITZ PETTYJOHN, representing self
 Kauai, Hawaii

POSITION STATEMENT: Gave invited testimony during the hearing on CSHJR 13(STA).

TREVOR JEPSEN, Staff
 Representative Tom McKay
 Alaska State Legislature

POSITION STATEMENT: Answered questions during the hearing on CSHJR 13(STA), on behalf of Representative McKay, prime sponsor.

ED MARTIN, representing self
 Kenai, Alaska

POSITION STATEMENT: Testified during the hearing on 278.

BOB BALLINGER, Staff
Representative Sarah Vance
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained Amendment 1 to HB 254, on behalf of Representative Vance, prime sponsor.

ACTION NARRATIVE

[4:46:39 PM](#)

CHAIR VANCE called the House Judiciary Standing Committee meeting to order at 4:46 p.m. Representatives Carpenter, C. Johnson, Allard, and Vance were present at the call to order. Representatives Gray and Groh arrived as the meeting was in progress.

HJR 13-CALL FED. CONSTITUTIONAL CONV:TERM LIMITS

[4:47:29 PM](#)

CHAIR VANCE announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 13, 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. [Before the committee was CSHJR 13(STA).]

[4:47:42 PM](#)

REPRESENTATIVE TOM MCKAY, Alaska State Legislature, prime sponsor, presented CSHJR 13(STA). He shared the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

Americans continue to raise concerns about a disconnection by Washington D.C politicians who have become less responsive to the evolving needs and concerns of their constituents. By polling data, 84% of Alaskans support having term limits for members of congress. The power of incumbency is clear with members of congress

raising an average of 5 times as much money as their challengers and winning re-election 94% of the time. Enacting term limits is a highly popular policy and is essential to encourage fresh perspectives in government, address the developing challenges of our country, and curb the ever-growing power of congress.

HJR 13 utilizes article V of the United States constitution and calls for a convention of the states to amend the constitution by setting term limits on members of Congress in both the United States House of Representatives and the United States Senate. This resolution also calls for legislatures of the other 49 states to join in calling Congress for a convention of the states.

I urge my fellow colleagues of the 33rd legislature to support this legislation and help enact term limits on members of Congress.

[4:49:16 PM](#)

AZABEL ORDAZ, Staff, Representative Tom McKay, Alaska State Legislature, on behalf Representative McKay, prime sponsor of CSHJR 13(STA), presented a PowerPoint, entitled "HJR 13 Federal Term Limits" [hard copy included in the committee packet]. She began on slide 2, "HJR 13 - Federal Term Limits," which read as follows [original punctuation provided]:

- Calls for a convention of the states to set term limits for members of Congress in both the House of Representatives and the U.S Senate
- 2/3 of states would need to pass a resolution for a convention on federal term limits to occur
- The convention would propose and would be held solely for an amendment on federal term limits
- 3/4 of states would need to ratify the amendment to become part of the U.S. Constitution

[4:50:53 PM](#)

MS. ORDAZ continued to slide 3, "Why do we need term limits?" Slide 3 read as follows [original punctuation provided]:

- Incumbents in Congress raise an average of 5 times more money as their challengers and win approx. 95% of the time
- Politicians can focus on making the most of their time in office rather than constantly campaigning for re-election
- Encourages fresh perspectives in government
- Reduces incumbent advantage by making it easier for newcomers to challenge them

[4:52:13 PM](#)

MS. ORDAZ proceeded to slide 4, "Term Limits on the Federal Level," which read as follows [original punctuation provided]:

- Up until the 31st president, previous presidents had voluntarily stepped down after serving two terms
- On March 21, 1947, Congress proposed a resolution calling for a set limit of two terms and sent it to the states for ratification
- The 22nd amendment was ratified on February 27th, 1951, when Minnesota became the 36th state (3/4ths) to approve the proposed constitutional amendment
- A president may not be elected for more than two terms

[4:53:17 PM](#)

MS. ORDAZ continued to slide 5, titled "Active Calls in Alaska," which read as follows [original punctuation provided]:

- HJR 17 passed in 1982
- HJR 22 passed in 2014
- CSHJR 14 (STA) passed in 2016

[4:54:52 PM](#)

MS. ORDAZ concluded on slide 6, which featured data from a survey of 514 likely Alaskan voters on U.S. term limits. She reported that 60 percent strongly approved of federal term limits, while 30 percent strongly disapproved. In closing, Ms. Ordaz stated that term limits would encourage an influx of fresh talent and ideas reflecting the diverse and changing

demographics of the American populous. It would help maintain a government that is more aligned with the needs and wishes of its citizens, she said. She emphasized that the change was not just about preventing over-consolidation of power, but about preserving the vibrancy and effectiveness of the democratic system.

CHAIR VANCE opened invited testimony.

[4:56:51 PM](#)

CONSTANTIN QUERARD, Regional Director, US Term Limits, gave invited testimony during the hearing on CSHJR 13(STA). He asserted that federal term limits are supported by a diverse demographic, cutting across race, age, gender, education level, and partisan background. He explained that amending the U.S. Constitution is the only way to institute congressional term limits. Furthermore, he assured the committee that if states were to insist, congress would act without calling a constitutional convention.

[5:00:55 PM](#)

FRITZ PETTYJOHN, former member of the Alaska State Legislature, gave invited testimony during the hearing on CSHJR 13(STA). He said state legislatures are effectively acting pursuant to their constitutional duty under Article 5 of the U.S. Constitution, as a check on congress. He shared his belief that there had never been a convention, nor would there ever be one because congress does not want to share its power to propose amendments with the states. He argued that congress as an institution requires reform, which speaks to the need for the proposed resolution. He added that [federal term limits] is one of the few subjects with full bipartisan support.

[5:06:08 PM](#)

CHAIR VANCE sought questions from committee members.

[5:06:14 PM](#)

REPRESENTATIVE GRAY questioned how to navigate the proposed resolution as not being an "anti-Don Young resolution."

[5:07:42 PM](#)

TREVOR JEPSEN, Staff, Representative Tom McKay, on behalf of Representative McKay, prime sponsor, shared his understanding that there would be some type of "grandfathering in" for term limits. He clarified that CSHJR 13(STA) had nothing to do with being anti-Don Young.

[5:08:04 PM](#)

REPRESENTATIVE GRAY noted that the language referring to Kevin McCarthy on page 2, line 23 of the resolution would need to be amended, as he is no longer speaker of the U.S. House of Representatives.

MR. JEPSEN agreed.

[5:08:31 PM](#)

CHAIR VANCE announced that CSHJR13 13(STA) would be held over.

[5:09:07 PM](#)

The committee took a brief at-ease.

HB 278-ADMIN. REGULATION REVIEW DIVISION

[5:10:49 PM](#)

CHAIR VANCE announced that the next order of business would be HOUSE BILL NO. 278, "An Act establishing the administrative regulation review division."

CHAIR VANCE opened public testimony on HB 278.

[5:11:15 PM](#)

ED MARTIN, representing self, testified during the hearing on HB 278. He recalled when former speaker of the House, Mike Chenault, did away with the [Administrative Regulation Review committee] for lack of funding, and expressed concern that the new division would be a recreation of the former committee. He sought further clarity on the division's membership and the associated costs.

CHAIR VANCE closed public testimony on HB 278.

[5:14:33 PM](#)

REPRESENTATIVE CARPENTER, prime sponsor, provided closing remarks on HB 278. He said his intent was to provide staff to the legislature for the purpose of regulatory review. The full-time staff would be subject matter experts in regulatory analysis and reform and provide recommendations to the legislators who sit on the committee. The new division would provide continuity from one election cycle to the next and abstain from the purview of politics. He concluded that HB 278 was an attempt to reinstate the legislature's oversight of regulations and do so in a manner that provides consistency from year to year.

[5:16:59 PM](#)

REPRESENTATIVE ALLARD moved to report HB 278 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 278 was reported from the House Judiciary Standing Committee. She gave Legislative Legal Services permission to make technical and conforming changes as necessary.

[5:17:32 PM](#)

The committee took an at-ease from 5:17 p.m. to 5:19 p.m.

HB 254-PROHIBIT PORNOGRAPHY TO MINORS

[5:19:33 PM](#)

CHAIR VANCE announced that the final order of business would be HOUSE BILL NO. 254, "An Act relating to liability for publishing or distributing pornography to minors on the Internet."

[5:20:02 PM](#)

REPRESENTATIVE ALLARD moved to adopt Amendment 1 to HB 254, labeled 33-LS0990\S.1, Klein/Walsh, 3/14/24, which read:

Page 2, following line 7:

Insert new subsections to read:

"(c) The attorney general may investigate an alleged violation of (a) or (b) of this section and may bring a civil action in superior court.

(d) In addition to damages under (a) or (b) of this section, a commercial entity that knowingly violates (a) or (b) of this section is liable to the state in a civil action for

(1) a civil penalty of \$10,000 for each day that the commercial entity is in violation of (a) or (b) of this section;

(2) an additional civil penalty of not more than \$250,000 if, as a result of the commercial entity's violation of (a) of this section, a minor accesses pornography that the entity published or distributed; and

(3) full reasonable attorney fees and costs.

(e) When determining the amount of a civil penalty under (d)(2) of this section, the superior court shall consider

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the commercial entity's history of prior violations;

(3) the deterrent effect of the civil penalty;

(4) the economic effect of the civil penalty on the commercial entity;

(5) the commercial entity's knowledge of the requirements of this section; and

(6) any other information that justice requires."

Reletter the following subsections accordingly.

REPRESENTATIVE CARPENTER objected for the purpose of discussion.

[5:20:16 PM](#)

BOB BALLINGER, Staff, Representative Sarah Vance, Alaska State Legislature, on behalf of Representative Vance, prime sponsor, explained that Amendment 1 would allow the attorney general to investigate an alleged violation and seek civil action in superior court if a reasonable age verification method was not provided.

[5:22:13 PM](#)

REPRESENTATIVE GRAY asked whether there was a fiscal note associated with the proposed amendment.

MR. BALLINGER answered no, as the attorney general would not be obligated to act as enforcement. Conversely, he suggested that

revenue could be generated by the attorney general bringing civil action against a noncompliant entity.

REPRESENTATIVE GRAY asked how the law would be enforced for international websites.

MR. BALLINGER said it would depend on the entity and whether that entity has assets in the United States. He pointed out that Pornhub amounts to a huge portion of the online pornographic content; consequently, if Pornhub complies with this law, it should limit kids' access [to adult content].

REPRESENTATIVE GRAY sought to confirm that if Pornhub complies, international websites with less regulation would still be accessible to minors.

MR. BALLINGER said regulation would be the same [for all websites]. He expressed his hope that if the largest [pornographic websites] comply, it would make a big enough impact to help some children.

[5:26:42 PM](#)

REPRESENTATIVE CARPENTER removed his objection. There being no further objection, Amendment 1 was adopted.

CHAIR VANCE sought closing remarks from committee members.

[5:27:07 PM](#)

REPRESENTATIVE GRAY reported that online searches for virtual private networks (VPN) increased by more than 1,750 percent in Texas as a result of Pornhub's restricted access in the state. He shared his belief that it would be easy to get around the proposed legislation and that it could result in harmful, unintended consequences, such as children accessing worse pornography.

[5:28:54 PM](#)

REPRESENTATIVE ALLARD said she respected Representative Gray's comments; however, she expressed concern that failure to pass the legislation would imply that it does not matter.

[5:29:30 PM](#)

REPRESENTATIVE ALLARD moved to report HB 254, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GRAY objected.

[5:29:54 PM](#)

A roll call vote was taken. Representatives Carpenter, C. Johnson, Groh, Allard, and Vance voted in favor of reporting HB 254, as amended, from committee. Representative Gray voted against it. Therefore, CSHB 254(JUD) was reported out of the House Judiciary Standing Committee by a vote of 5-1.

[5:30:34 PM](#)

CHAIR VANCE issued closing remarks on future business.

[5:31:01 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 5:31 p.m.