

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

January 31, 2023

3:03 p.m.

MEMBERS PRESENT

Representative Laddie Shaw, Chair
Representative Stanley Wright, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Jamie Allard
Representative Jennie Armstrong

MEMBERS ABSENT

Representative Andi Story

COMMITTEE CALENDAR

HOUSE BILL NO. 48

"An Act relating to reports from the State Commission for Human Rights."

- HEARD & HELD

HOUSE BILL NO. 25

"An Act relating to eligibility for the permanent fund dividend; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 48

SHORT TITLE: HUMAN RIGHTS COMMISSION ANNUAL REPORT

SPONSOR(S): REPRESENTATIVE(S) PRAX

01/25/23	(H)	READ THE FIRST TIME - REFERRALS
01/25/23	(H)	STA
01/31/23	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 25

SHORT TITLE: PFD ELIGIBILITY UNIFORMED SERVICES

SPONSOR(S): REPRESENTATIVE(S) STORY

01/19/23	(H)	PREFILE RELEASED 1/9/23
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01/19/23 (H) READ THE FIRST TIME - REFERRALS
01/19/23 (H) STA, MLV, FIN
01/31/23 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

BARBARA HANEY, Staff
Representative Mike Prax
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 48 with a PowerPoint presentation, on behalf of Representative Prax, prime sponsor.

ROB CORBISIER, Executive Director
Alaska State Commission on Human Rights
Washington, DC

POSITION STATEMENT: Answered questions during the hearing on HB 48.

SETH WHITTEN, Staff
Representative Andi Story
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 25, on behalf of Representative Story, prime sponsor.

DAVID WILKINSON, Lieutenant, Commissioned Corpsman
Commissioned Corps of the U.S. Public Health Service
Florida

POSITION STATEMENT: Provided invited testimony during the hearing on HB 25.

SARAH TANJA
Seattle, Washington

POSITION STATEMENT: Provided invited testimony during the hearing on HB 25.

GENEVIEVE WOJTUSIK, Director
Permanent Fund Dividend Division
Department of Revenue
Juneau, Alaska

POSITION STATEMENT: Provided invited testimony during the hearing on HB 25.

SEAN IRELAND, Appeals Manager
Permanent Fund Dividend Division
Department of Revenue

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 25.

ACTION NARRATIVE

[3:03:55 PM](#)

CHAIR LADDIE SHAW called the House State Affairs Standing Committee meeting to order at 3:03 p.m. Representatives Carpenter, C. Johnson, Allard, Armstrong, Wright, and Shaw were present at the call to order.

HB 48-HUMAN RIGHTS COMMISSION ANNUAL REPORT

[3:04:45 PM](#)

CHAIR SHAW announced that the first order of business would be HOUSE BILL NO. 48, "An Act relating to reports from the State Commission for Human Rights."

[3:05:10 PM](#)

The committee took a brief at-ease.

[3:05:20 PM](#)

[Due to technical difficulties, sound was lost briefly.]

[3:06:15 PM](#)

The committee took a brief at-ease.

[3:07:12 PM](#)

BARBARA HANEY, Staff, Representative Mike Prax, Alaska State Legislature, provided a PowerPoint presentation, titled "Alaska State Commission for Human Rights House Bill 48" [hard copy included in the committee packet]. She began on slide 2, revealing that the request for the statute change in HB 48 came as a result of a unanimous vote by the Alaska State Commission for Human Rights (ASCHR) in their meeting on December 13, 2022. On slide 3, she cited current statute pertaining to annual reports from the commission, which read as follows [original punctuation provided]:

Article 3. **Commission Reports and Publications.**
Sec. 18.80.150. Annual report.

The commission shall report annually to the governor on civil rights problems it has encountered in the preceding year and may recommend legislative action. The commission shall provide the Legislative Affairs Agency with 40copies of the **report during the week preceding the convening of the annual legislative session** for library distribution. The commission shall make copies of the report available to the public and notify the legislature that the report is available.

Annual Report Archives
<https://humanrights.alaska.gov/human-rights-commission-annual-reports/>

[3:08:52 PM](#)

MS. HANEY outlined the number of required copies of the report on slide 4, which read as follows [original punctuation provided]:

The current legal number of copies leaves sufficient copies for the Alaska State House. However, there are then no copies available for the Alaska State Senate. Increasing the number of copies makes the report available to the Senate.

House Bill 48 ensures that there are copies for each member of the Alaska Senate.

[3:09:17 PM](#)

MS. HANEY addressed the limited time for completion of analysis on slide 5, which read as follows [original punctuation provided]:

The Report Due Date in Statute limits the Commissions ability to perform analysis or find a printer to create the current number of reports.

House Bill 48 ensures the Human Rights Commission has sufficient time to meet statutory requirements for the Annual Report and the 3-year Assessment.

[3:09:49 PM](#)

MS. HANEY proceeded to slide 6, which displayed a calendar of January 2023. She indicated that the statutory due date of the report left little time for analysis of the data. The data set ended on January 1, she said, noting that session began on January 17, 2023. The report would have been due on January 7th. She turned to slide 7, which read as follows [original punctuation provided]:

Under current statute, the ASCHR had only 4 days to complete the report, find a printer, and distribute the reports.

MS. HANEY continued to slide 8, stating that under HB 48, the due date of the annual report would be on the 30th day of the legislative session.

[3:11:37 PM](#)

MS. HANEY conveyed that HB 48 would also provide additional time for the three-year assessment. Slide 9 highlighted current statutory language pertaining to the three-year assessment, which read as follows [original punctuation provided]:

Sec. 18.80.060. Powers and duties of the commission.

(6) make an overall assessment, at least once every three years, of the progress made toward equal employment opportunity **by every department of state government**; results of the assessment shall be included in the annual report made under AS 18.80.150.

MS. HANEY opined that HB 48 would improve the assessment process. She directed attention to slide 10, which read as follows [original punctuation provided]:

The reality is that the 3-year assessment with state agencies competes with the agency budget cycles. It takes two months to complete the scheduling process. This leaves the Commission competing with budget, holidays, and other agency requests to do their review. It leads to a rushed qualitative analysis and publication.

The Commission records indicate that since 1980, these reports are typically printed in February or March,

and the 3-year assessment reports have been published in April. House Bill 48 An Improvement in the Assessment Process

MS. HANEY concluded on slide 11 by outlining the following benefits of HB 48: more time for the commission to complete its work; allow time for improved qualitative results in the three-year assessment; allow for improved statistical analysis in the annual report; put into statute the practical reality of the commission's work.

CHAIR SHAW invited questions from committee members.

[3:14:00 PM](#)

REPRESENTATIVE CARPENTER asked why the number of copies would be increased from 40 to 60.

MS. HANEY said increasing the number from 40 to 60 would provide enough copies for all 60 members of the Alaska State Legislature.

REPRESENTATIVE CARPENTER pointed out that current practices were transitioning largely from print media to digital. He inquired about the need for printing hard copies.

MS. HANEY agreed; however, she shared her understanding that some people still prefer paper copies.

REPRESENTATIVE CARPENTER inquired about the size of the annual report.

MS. HANEY approximated 20-30 pages.

[3:15:47 PM](#)

REPRESENTATIVE ALLARD expressed her preference that the report be emailed to the legislature. She asked whether the commission had discussed that option. She suggested that electronic copies could be printed by the recipients.

MS. HANEY shared her belief that the bill sponsor would be amenable to those suggestions.

[3:17:22 PM](#)

CHAIR SHAW asked how long it took to produce the report referenced in the proposed legislation.

ROB CORBISIER, Executive Director, ASCHR, stated that this year, most of the vignettes for the report were completed prior to January 1. The edits were finalized by January 19, he added. He shared that the proof was received one week later, and the subsequent revisions were submitted shortly after.

REPRESENTATIVE ALLARD asked how much it cost to publish the report. She suggested that digital distribution would be a cost-saving measure.

MR. CORBISIER estimated \$1,500. He speculated that transitioning to digital distribution methods would save around \$1,000. Nonetheless, he clarified that the commission had not considered switching to a different method of distribution.

REPRESENTATIVE ALLARD expressed concern that the state was in dire straights with the fiscal budget.

MR. CORBISIER noted that the commission offered a digital version of the report, which was published on the [ASCHR] website. He explained that the commission received a price break for printing a minimum of 200 copies, of which 60-80 were sent to the legislature as a matter of routine.

REPRESENTATIVE ALLARD inquired about the hours of labor that went into creating the report.

MR. CORBISIER said a lot of time was spent producing the materials.

[3:21:22 PM](#)

REPRESENTATIVE CARPENTER asked which agencies were on the distribution list aside from the governor and the legislature.

MR. CORBISIER explained that, per statute, the governor and the legislature were the only two entities on the distribution list.

[3:22:29 PM](#)

CHAIR SHAW opened public testimony on HB 48.

[3:22:38 PM](#)

The committee took a brief at-ease.

[3:23:14 PM](#)

CHAIR SHAW closed public testimony on HB 48 after ascertaining that no one online or in person wished to testify. He announced that HB 48 would be held over.

[3:23:53 PM](#)

The committee took a brief at-ease.

HB 25-PFD ELIGIBILITY UNIFORMED SERVICES

[3:25:13 PM](#)

CHAIR SHAW announced that the final only order of business would be HOUSE BILL NO. 25, "An Act relating to eligibility for the permanent fund dividend; and providing for an effective date."

[3:25:43 PM](#)

SETH WHITTEN, Staff, Representative Andi Story, Alaska State Legislature, on behalf of Representative Story, prime sponsor, introduced HB 25. He paraphrased the sponsor statement, which read as follows [original punctuation provided]:

The uniformed services of the United States consist of the armed services (Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard), National Oceanic and Atmospheric Administration (NOAA) Commissioned Officer Corps, and the Commissioned Corps of the United States Public Health Service (USPHS). Members of the uniformed services are all treated similarly in pay, benefits, and rank. NOAA Commissioned Officer Corps and USPHS Commissioned Corps are eligible for Veterans Affairs (VA) benefits, can be members of the Military Officers Association of America (MOAA), and can enroll in higher learning institutions using the GI Bill. Officers of the armed services salute higher-ranking members of the NOAA Commissioned Officer Corps and USPHS Commissioned Corpsmen, as they would salute a higher-ranking member of their own, or any other branch of the armed services.

Currently there are 16 subsections of statute that allow Alaskans to maintain eligibility for the

Permanent Fund Dividend (PFD) if they are absent from the state for different reasons. Reasons like post-secondary education, serving in the Peace Corps, and participating on a U.S. Olympic Team. Remaining eligible for the PFD while serving our country has been a long-time policy of Alaska. However, these two groups of the uniformed services of the United States are not permitted allowable absences for purposes of PFD eligibility. House Bill 25 would extend these allowable absences for members of the NOAA Commissioned Officer Corps and USPHS Commissioned Corps as they serve our country.

HB 25 does not change other eligibility requirements for the PFD. It allows Alaskans serving their country in the NOAA Commissioned Officers Corps and U.S. Public Health Service Commissioned Corps to remain eligible for the PFD if their duties require absences that are allowable for Alaskans in the other uniformed services groups.

CHAIR SHAW commenced invited testimony.

[3:28:22 PM](#)

DAVID WILKINSON, Lieutenant, Commissioned Corpsman, Commissioned Corps of the U.S. Public Health Service (USPHS), shared his personal background and work history. He noted that he moved to Alaska in 1997 and remained in the state until he joined the U.S. Air Force in 2005. At that point, he moved out of state for three years while maintaining his Alaska residency and continuing to receive the dividend. In 2008, he returned to Alaska until 2016, at which point he joined the USPHS Commissioned Corps and was sent out of state. He explained that initially, he received the Permanent Fund Dividend (PFD) in 2017 and 2018. In 2019, his PFD application was denied due to ineligibility. The explanation provided, he said, was that USPHS was a uniformed service, not the armed services. He pointed out that both the National Oceanic and Atmospheric Administration (NOAA) Commissioned Corps and the USPHS Commissioned Corps were allowed to maintain residency in Alaska if they were gone for more than 180 days, similar to the armed services; however, NOAA and USPHS officers were deemed ineligible for the dividend, while members of the armed service remained eligible for the PFD. He further noted that USPHS and NOAA Commissioned Corps officers were legally classified as veterans and therefore, entitled to the same benefits as members of the

armed services. Furthermore, since his time in the USPHS Commissioned Corps, Lieutenant Wilkinson shared that he had deployed five times in six years. He concluded by highlighting the mission of USPHS.

[3:34:25 PM](#)

CHAIR SHAW asked how the ranking system worked within the USPHS Commissioned Corps.

LIEUTENANT WILKINSON defined the ranking system as "the same as the officer rank." He added that the Navy, Coast Guard, NOAA Commissioned Corps, and USPHS Commissioned Corps all utilized the same ranking structure. In contrast, the Army, Air Force, and the Marine Corps shared the same insignia; however, the names are different, he said. For example, a captain in the Air Force was "O-3" while a captain in the Navy was "O-6."

[3:36:06 PM](#)

REPRESENTATIVE ALLARD asked whether Lieutenant Wilkinson held a noncommissioned rank within the USPHS Commissioned Corps.

LIEUTENANT WILKINSON reported that his rank was commissioned. He said his current military rank was that of a lieutenant, or "O-3."

REPRESENTATIVE ALLARD asked whether there were noncommissioned officers within the USPHS Commissioned Corps.

LIEUTENANT WILKINSON stated that civilians were allowed to work for USPHS; however, all commissioned officers were on active-duty status.

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REPRESENTATIVE CARPENTER inquired about the PFD eligibility requirements for active-duty service members serving outside the state of Alaska.

LIEUTENANT WILKINSON shared his understanding that members on active duty must return to Alaska for at least three days every two years to maintain Alaska residency.

REPRESENTATIVE CARPENTER shared a personal anecdote. He asked how many Alaskans would be affected by HB 25.

LIEUTENANT WILKINSON reported an approximate 6,000 USPHS officers and 300 NOAA Commissioned Corps officers on active duty in Alaska.

[3:39:59 PM](#)

REPRESENTATIVE WRIGHT asked whether USPHS Commissioned Corps deployments were voluntary and how long they typically lasted.

LIEUTENANT WILKINSON said the deployments were typically one month long and involuntary.

[3:41:06 PM](#)

REPRESENTATIVE ALLARD inquired about the date of Mr. Wilkinson's most recent trip back to Alaska.

LIEUTENANT WILKINSON answered three years ago, noting that he currently lived in Florida.

REPRESENTATIVE ALLARD sought to clarify the eligibility requirements for the uniformed services.

LIEUTENANT WILKINSON said if HB 25 had been enacted in 2019, he would have qualified for the dividend. He clarified that he had not returned to Alaska in the past several years, so he no longer qualified for the PFD.

REPRESENTATIVE ALLARD urged him to continue applying for the dividend to avoid "getting lost in the system."

[3:43:07 PM](#)

MR. WHITTEN noted that staff from the Department of Revenue (DOR) was available to answer questions from the committee.

[3:43:23 PM](#)

REPRESENTATIVE ARMSTRONG inquired about the role and impact of USPHS members in Alaska.

LIEUTENANT WILKINSON attempted to clarify the question.

REPRESENTATIVE ARMSTRONG inquired about the role of active-duty USPHS officers stationed in Alaska, such as providing medical care for the Coast Guard and the Indian Health Service (IHS).

LIEUTENANT WILKINSON confirmed that USPHS Commissioned Corps officers provided all the medical and dental care for the Coast Guard in Alaska. He shared his understanding that they often provided services in remote villages across the state for IHS as well. He shared a personal anecdote.

[3:46:00 PM](#)

MR. WHITTEN, in response to Representative Armstrong's prior question regarding the number of USPHS Commissioned Corps officers assigned to duty stations in Alaska, reported that there were currently 193, of which 50 percent were stationed in rural areas of the state to provide healthcare to the communities.

CHAIR SHAW introduced Sarah Tanja, former NOAA Commissioned Corps officer.

[3:46:58 PM](#)

SARAH TANJA shared that her PFD application was denied in 2018 due to a period of absence from the state for more than 180 days. She said she appealed the decision and reached out to Representative Story with a request to change the existing statute by incorporating the uniformed services of the United States instead of the armed services only. She shared her personal background and work history within the uniformed services. She offered, for the committee's clarification, that "corpsman" was defined as medics in the uniformed services, whereas "the NOAA Commissioned Corps" was a unit of officers. She proceeded to recount the origins of the NOAA Commissioned Corps. She discussed the NOAA Commissioned Corps role in Alaska and outlined its various missions.

[3:53:57 PM](#)

CHAIR SHAW thanked Ms. Tanja for clarifying the definition of "corpsman" versus "corps." He asked whether the administration had taken an official position on the bill or had any comments to share.

[3:54:31 PM](#)

GENEVIEVE WOJTUSIK, Director, Permanent Fund Dividend Division, DOR, said the division was neutral on the proposed legislation.

[3:54:46 PM](#)

REPRESENTATIVE CARPENTER asked how many Alaskans would be impacted by the bill.

MS. WOJTUSIK did not know the answer.

[3:55:18 PM](#)

MR. WHITTEN noted, as a point of clarification, that neither invited testifier maintained a residency of record in Alaska and therefore, would not personally benefit from the bill if it were to pass.

[3:55:39 PM](#)

CHAIR SHAW opened public testimony on HB 25. After ascertaining that no one wished to testify, he closed public testimony.

[3:56:36 PM](#)

REPRESENTATIVE C. JOHNSON asked for the list of exemptions that qualified a person to receive the dividend while being absent from Alaska for longer than 180 days.

[3:57:28 PM](#)

SEAN IRELAND, Appeals Manager, Permanent Fund Dividend Division, DOR, listed the following exemptions: full-time education; active-duty members of the armed forces; merchant mariners; people receiving continuous medical treatment; people receiving critical life-threatening care; care-takers of a terminally-ill family member; selling of an estate; members of Congress; staff to members of Congress; state employees working in a field office or other location; accompanying a minor; Peace Corps volunteers; Olympic athletes; and participants in the U.S. Department of State Fellowship.

[3:59:26 PM](#)

CHAIR SHAW announced that HB 25 would be held over.

[3:59:35 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 3:59 p.m.