

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

February 1, 2024

3:01 p.m.

MEMBERS PRESENT

Representative Laddie Shaw, Chair
Representative Stanley Wright, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Ashley Carrick
Representative Andi Story

MEMBERS ABSENT

Representative Jamie Allard

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

SENATE BILL NO. 46

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

- HEARD & HELD

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."

- HEARD & HELD

HOUSE BILL NO. 265

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

- HEARD & HELD

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

BILL: SB 46

SHORT TITLE: BRAIN INJURY AWARENESS MONTH

SPONSOR(s): SENATOR(s) TOBIN

01/25/23 (S) READ THE FIRST TIME - REFERRALS
01/25/23 (S) STA
03/14/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)
03/14/23 (S) Heard & Held
03/14/23 (S) MINUTE(STA)
03/23/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)
03/23/23 (S) Moved SB 46 Out of Committee
03/23/23 (S) MINUTE(STA)
03/24/23 (S) STA RPT 5DP
03/24/23 (S) DP: KAWASAKI, WIELECHOWSKI, CLAMAN,
MERRICK, BJORKMAN
03/31/23 (S) TRANSMITTED TO (H)
03/31/23 (S) VERSION: SB 46
04/03/23 (H) READ THE FIRST TIME - REFERRALS
04/03/23 (H) STA
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

BILL: HB 259

SHORT TITLE: COUNCIL ON HUMAN AND SEX TRAFFICKING

SPONSOR(s): REPRESENTATIVE(s) VANCE

01/16/24 (H) PREFILE RELEASED 1/12/24
01/16/24 (H) READ THE FIRST TIME - REFERRALS
01/16/24 (H) STA, FIN
02/01/24 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 265

SHORT TITLE: CHILD SEXUAL ABUSE MATERIAL

SPONSOR(S): REPRESENTATIVE(S) VANCE

01/16/24	(H)	PREFILE RELEASED 1/12/24
01/16/24	(H)	READ THE FIRST TIME - REFERRALS
01/16/24	(H)	STA, JUD
02/01/24	(H)	STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE TOM MCKAY
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HJR 13.

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

POSITION STATEMENT: Gave a PowerPoint presentation on HJR 13 on behalf of Representative McKay, prime sponsor.

CONSTANTIN QUERARD, Western Regional Director
US Term Limits
Juneau, Alaska

POSITION STATEMENT: Gave invited testimony during the hearing on HJR 13.

TREVOR JEPSEN, Staff
Representative Tom McKay
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HJR 13 on behalf of Representative McKay, prime sponsor.

BUDDY WHITT, Staff
Representative Laddie Shaw
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented a summary of changes in the proposed CS for HJR 13, Version B, on behalf of Representative Shaw.

SENATOR LÖKI TOBIN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented SB 46.

MACKENZIE POPE, Staff
Senator Löki Tobin
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Gave the sectional analysis for SB 46, on behalf of Senator Tobin, prime sponsor.

ANNETTE ALFONSI, Alaska State Coordinator
Unmasking Brain Injury
Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony in support of SB 46.

ANNA ZIERFUSS, Chair
Brain Injury Council of Alaska
Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony during the hearing on SB 46.

REPRESENTATIVE SARAH VANCE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 259 and HB 265.

BRYAN BARLOW, Deputy Commissioner
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 259.

ACTION NARRATIVE

[3:01:39 PM](#)

CHAIR SHAW called the House State Affairs Standing Committee meeting to order at 3:01 p.m. Representatives Carrick, Story, Wright, and Shaw were present at the call to order. Representatives C. Johnson and Carpenter arrived as the meeting was in progress.

HJR 13-CALL FED. CONSTITUTIONAL CONV:TERM LIMITS

[3:03:00 PM](#)

CHAIR SHAW 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.

[3:03:14 PM](#)

REPRESENTATIVE TOM MCKAY, Alaska State Legislature, as prime sponsor, presented HJR 13. He read 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 bill 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.

[3:05:29 PM](#)

AZABEL ORDAZ, Staff, Representative Tom McKay, Alaska State Legislature, on behalf of Representative McKay, prime sponsor, presented a PowerPoint, entitled "HJR 13 Federal Term Limits" [hard copy included in the committee packet]. She expounded on slides 2-5, which summarized the rationale behind the need for term limits, the term limits on the federal level, and a chart that featured the results of a U.S. survey that asked 514 likely voters whether they were in favor or opposition of term limits for members of congress. She noted that 84 percent were in favor, 60 percent strongly approved, and 3 percent strongly disapproved.

[3:10:44 PM](#)

CHAIR SHAW announced the committee would hear invited testimony on HJR 13.

[3:11:01 PM](#)

CONSTANTIN QUERARD, Western Regional Director, US Term Limits, shared that term limits were a bipartisan idea supported by many candidates and leaders. He spoke to the Article 5 component, explaining that the goal was not to hold a convention. Instead, he said, it would be state pressure that would affect change.

[3:13:25 PM](#)

REPRESENTATIVE CARRICK asked whether Alaska would be limiting its representation in Congress by limiting the longevity of its congressional delegation.

REPRESENTATIVE MCKAY answered that the playing field must be leveled and, if the proposed legislation passed, it would help level the field across all 50 states.

[3:15:20 PM](#)

REPRESENTATIVE STORY, following up on Representative Carrick's question, asked whether the system of seniority in Congress would be impacted or updated if terms were limited. She noted her concern over small states versus larger states with more representation.

REPRESENTATIVE MCKAY answered that the idea was to encourage Congress to reform itself and there still would be seniority.

REPRESENTATIVE STORY asked where in Article 5 addressed the call to term limits.

[3:17:22 PM](#)

TREVOR JEPSEN, Staff, Representative Tom McKay, Alaska State Legislature, on behalf of Representative McKay, prime sponsor of HJR 13, said that most constitutional scholars believe that Article 5 was for specific amendments. He deferred the question to Mr. Querard.

MR. QUERARD first explained the rules for a convention essentially being crafted for "one purpose," and that most states pass delegate limitation acts that specify what the delegates may or may not do. He further explained the safeguards involved.

REPRESENTATIVE STORY asked who would choose the delegates if there was a constitutional convention that could be limited to one subject.

MR. QUERARD responded that it would be the legislature picking the delegates.

[3:21:13 PM](#)

REPRESENTATIVE CARRICK shared her understanding that six states had passed the resolution thus far. She asked what would happen if additional states were added during the period of time it took to pass the resolution.

MR. QUERARD explained the requirements to ratify and added that in the history of the U.S. Constitution, there had never been an amendment convention. The process was merely designed to provoke Congress to act, he said, and he reiterated that Article 5 was written to give Congress the power to draft amendments and the states the power to ratify.

[3:23:11 PM](#)

REPRESENTATIVE CARPENTER asked how enacting term limits would impact the administrative state.

MR. QUERARD explained that states that had term limits enjoyed a lower level of bureaucracy and administrative state due to the limited amount of time individuals are there to do a specific thing.

REPRESENTATIVE CARPENTER referenced a statement in the PowerPoint and asked how term limits would alleviate the desire to campaign for reelection.

MR. JEPSEN said that while drafting the proposed legislation, the thought process was, "You can't be there forever so you have to make the most of your time while you are in office." He added that there would still be a campaigning process.

[3:26:43 PM](#)

CHAIR SHAW opened public testimony on HJR 13. After ascertaining no one wished to testify, he closed public testimony.

[3:27:06 PM](#)

REPRESENTATIVE WRIGHT moved to adopt the proposed committee substitute (CS) for HJR 13, Version 33-LS0690\B, Wallace, 1/22/24, as the working document.

CHAIR SHAW objected for the purpose of discussion.

[3:27:35 PM](#)

BUDDY WHITT, Staff, Representative Laddie Shaw, Alaska State Legislature, presented a summary of changes in the proposed CS for HJR 13, Version B, on behalf of Representative Shaw.

CHAIR SHAW removed his objection. There being no further objection, Version B was before the committee.

CHAIR SHAW announced that HJR 13 was held over.

SB 46-BRAIN INJURY AWARENESS MONTH

[3:28:43 PM](#)

CHAIR SHAW announced that the next order of business would be SENATE BILL NO. 46, "An Act establishing the month of March as Brain Injury Awareness Month."

[3:29:07 PM](#)

The committee took a brief at-ease at 3:29 p.m.

3:29:33 PM

SENATOR LÖKI TOBIN, Alaska State Legislature, as prime sponsor, presented SB 46. She paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

Senate Bill 46 would designate each March as Brain Injury Awareness Month in Alaska. This will help focus public attention on the prevalence of brain injuries and highlight ways to prevent these injuries.

Both traumatic and acquired brain injuries can happen to anyone. These injuries can bring a lifetime of secondary health conditions, including persistent concussion symptoms, post-traumatic stress injury, physical impairment, and developmental delays.

It's estimated that 3.2 to 5 million Americans live with long-term disabilities due to brain injuries, and Alaska has one of the highest rates of traumatic brain injuries in the nation. The Brain Injury Association of America reports that every 9 seconds, someone in the U.S. sustains a brain injury. The Department of Defense reports that over 430,000 service members have sustained traumatic brain injuries since 2000.

Thousands of lives are impacted every day by brain injuries even though most traumatic brain injuries are preventable, especially by wearing a seatbelt when in a vehicle and wearing a helmet when skiing, biking, and snowmachining.

Permanently designating each March as Brain Injury Awareness Month in Alaska will increase public awareness about the dangers of brain injuries and, potentially, help prevent future brain injuries among Alaskans. We ask for your support.

3:33:13 PM

MACKENZIE POPE, Staff, Senator Löki Tobin, Alaska State Legislature, on behalf of Senator Tobin, prime sponsor, presented the sectional analysis for SB 46 [included in the committee packet], which read as follows [original punctuation provided]:

Section 1 - Amends the uncodified law of the State of Alaska to add a new section recognizing the importance of brain injury awareness in the State of Alaska.

Section 2 - Amends AS 44.12 by adding a new section to article 2 establishing the month of March as Brain Injury Awareness Month in Alaska. This allows schools, community groups, and other public and private agencies and individuals to observe Brain Injury Awareness Month with appropriate activities that increase the public's awareness of the prevention and treatment of brain injuries.

CHAIR SHAW opened invited testimony on SB 46.

[3:34:16 PM](#)

ANNETTE ALFONSI, Alaska State Coordinator, Unmasking Brain Injury, gave invited testimony in support of SB 46. She shared a personal anecdote and conveyed her experiences as someone who suffered a brain injury. She stressed that further awareness and education is needed to change outcomes and must happen systemically, not individually. She encouraged the passing of SB 46 to help raise needed awareness.

[3:37:45 PM](#)

ANNA ZIERFUSS, Chair, Brain Injury Council of Alaska, gave invited testimony in support of SB 46. She said once a brain injury happens, suicide, alcoholism, and drug use were statistically more likely. She shared a personal anecdote and conveyed her experience as someone who suffered a brain injury. She pointed out that those with brain injuries who first went into emergency rooms after their injury had the lowest access to care, and it is an "invisible disability." Raising awareness would let those with brain injuries know that they are not alone, she said.

[3:43:33 PM](#)

REPRESENTATIVE STORY shared her belief that it was time to bring awareness to this cause.

[3:44:13 PM](#)

REPRESENTATIVE CARPENTER asked, "Why March?"

SENATOR TOBIN said March was in alignment with the US Department of Defense (DOD) and was also historically in the resolution.

[3:44:53 PM](#)

CHAIR SHAW opened public testimony on SB 46. After ascertaining no one wished to testify, he closed public testimony.

[3:45:12 PM](#)

REPRESENTATIVE WRIGHT moved to adopt the proposed House committee substitute (HCS) for SB 46, Version 33-LS0325\B, A. Radford/Bergerud, 1/17/24, as the working document.

CHAIR SHAW objected for the purpose of discussion.

[3:45:35 PM](#)

MR. WHITT presented the explanation of changes in the proposed CS for HB 46, Version B.

[3:46:38 PM](#)

CHAIR SHAW announced that SB 46 was held over.

HB 259-COUNCIL ON HUMAN AND SEX TRAFFICKING

[3:46:43 PM](#)

CHAIR SHAW announced that the next order of business would be 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."

[3:47:42 PM](#)

REPRESENTATIVE SARAH VANCE, Alaska State Legislature, as prime sponsor, presented HB 259. She paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

House Bill 259 emerges as a critical initiative, proposing to establish the Alaska Council on Human and Sex Trafficking permanently through State Statute. The Council, established by Administrative Order 328, plays a pivotal role in combating the exploitation of Alaskans. By formalizing its existence in statute, the

commitment to addressing the multifaceted challenges posed by human trafficking is strengthened.

The Alaska Council on Human and Sex Trafficking plays a vital role in the ongoing battle against human trafficking, a heinous crime driven by coercion, force, and fraud. This council operates on multiple fronts, starting with the crucial task of raising awareness about the pervasive issue of human trafficking. By shedding light on the deceptive tactics employed by traffickers, the council aims to empower communities with the knowledge to recognize and combat this form of exploitation.

Additionally, the council engages in extensive research to provide comprehensive reports on the prevalence of trafficking in Alaska, offering valuable insights into the diverse forms of exploitation. These reports serve as a foundation for informed decision-making and strategic planning. Importantly, the council doesn't stop at awareness and research; it actively proposes solutions to protect victims. By identifying and advocating for measures that can disrupt the operations of traffickers and provide support to survivors, the council contributes significantly to the fight against human trafficking.

Human trafficking, a significantly troubling concern, often goes unnoticed in Alaska and the United States. According to a 2017 study, one in four women at Anchorage Covenant's House had been trafficked for sex, with 42% being Alaska Natives. However, human trafficking is significantly underreported due to the intense trauma victims experience, hindering them from seeking help.

House Bill 259 not only recognizes the pervasive issue of human trafficking but also acknowledges the critical role the Council plays in combating it. Ensuring the Council's permanence in statute signifies a long-term commitment to eradicating human trafficking in Alaska. The Council's continuous presence will enhance the coordination, resources, and strategies necessary for an effective response to this complex problem. By addressing the ever-present threat of human trafficking, House Bill 259 reaffirms

Alaska's dedication to safeguarding the well-being and rights of all its residents.

[3:54:23 PM](#)

REPRESENTATIVE CARRICK asked how the work of the council would overlap with the duties of the Council on Domestic Violence and Sexual Assault (CDVSA). She further offered her belief that the councils shared a director.

REPRESENTATIVE VANCE explained that the idea of sharing an executive director came from the Alcohol and Marijuana and Control Office Board. She clarified that the CDVSA's capacity was not to be diminished by establishing the new council.

[3:58:27 PM](#)

REPRESENTATIVE STORY referenced the fiscal note and the creation of two positions. She asked how the director would use their time as the head of both councils with the amount of work at the CDVSA.

REPRESENTATIVE VANCE provided background on the decision, adding that the executive director should be able to retain both as long as there is "cushion" over the next year for the transition.

[4:02:14 PM](#)

REPRESENTATIVE STORY asked how many CDVSA staff the director would supervise.

REPRESENTATIVE VANCE deferred to Deputy Commissioner Barlow.

[4:03:39 PM](#)

BRYAN BARLOW, Deputy Commissioner, Department of Public Safety, addressed Representative Story and stated that he did not know the answer as to the number that would be supervised. He said that the staff level of CDVSA is at capacity for what they can do, and the effectiveness of CDVSA was taken into account.

[4:05:36 PM](#)

REPRESENTATIVE STORY expressed concern about the council's size and asked whether each person had a role to play. She shared her belief that sometimes smaller councils were more effective.

CHAIR VANCE reported that there were 10 positions at CDVSA and 4 were vacant. Regarding the size of the council, she said there were subcommittees which helped divide the workload.

[4:09:55 PM](#)

REPRESENTATIVE CARRICK expressed curiosity about the breakdown of specific positions at CDVSA. She inquired about a faith-based position and why there was discrepancy in the number of positions.

CHAIR VANCE responded that she was unfamiliar with the specifics of CDVSA. For the membership listed in the bill, she said, it was mirrored after the governor's administrative order.

[4:11:48 PM](#)

REPRESENTATIVE STORY directed attention to the list of recommendations on page 3, lines 17-20 of HB 259 and shared her belief that policy recommendations might be something to consider.

REPRESENTATIVE VANCE agreed. She highlighted page 4, lines 12-16, which would require annual reporting to the governor. In addition, she noted that two ex-officio members were to help with policy.

[4:14:33 PM](#)

CHAIR SHAW announced that HB 259 was held over.

[4:15:00 PM](#)

The committee took a brief at-ease at 4:15 p.m.

HB 265-CHILD SEXUAL ABUSE MATERIAL

[4:15:16 PM](#)

CHAIR SHAW announced that the final order of business would be HOUSE BILL NO. 265, "An Act changing the term 'child pornography' to 'child sexual abuse material.'"

[4:15:30 PM](#)

REPRESENTATIVE SARAH VANCE, Alaska State Legislature, as prime sponsor, presented HB 265. She paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

House Bill 265 proposes to change the term "child pornography" to "child sexual abuse material" throughout Alaska Statutes.

Child sexual abuse is a heinous crime that inflicts lasting trauma on its victims. The terminology used to describe such offenses is not merely a matter of semantics but plays a crucial role in shaping public perception and legal frameworks. In the Alaska Statutes, a shift towards the term "Child Sexual Abuse Material" (CSAM) over the commonly used "child pornography" is not just linguistics; it is a recognition of the gravity of the crime and a step toward more accurate and victim-centric language.

Language is a powerful tool that shapes our understanding of various issues. The term "child pornography" carries misleading connotations, suggesting a consensual act. It fails to capture the essence of the crime when it involves minors, as children cannot provide legal consent. The use of "Child Sexual Abuse Material" serves to correct this misconception, highlighting the non-consensual and abusive nature of the acts depicted.

Prominent organizations in the fight against child exploitation and abuse, including the Alaska Department of Public Safety, have recognized the importance of using accurate and sensitive terminology. They are using the term "child pornography" less in favor of "Child Sexual Abuse Material." This shift in language reflects a commitment to acknowledging the trauma suffered by the victims and challenges the societal perception of these crimes.

There is a growing recognition that "Child Sexual Abuse Material" is a more accurate and sensitive description. By incorporating this terminology into the Alaska Statutes, legislators can align state law

with evolving international standards and emphasize the severity of the crime and its impact on the victims.

The adoption of the term "Child Sexual Abuse Material" in the Alaska Statutes is not merely a symbolic gesture; it is a critical step toward acknowledging the true nature of the crime and its profound impact on victims. Language matters, and in the fight against child sexual abuse, precise and victim-centric terminology is an essential tool for raising awareness, shaping public perception, and ensuring that the legal system reflects the severity of these offenses.

[4:18:50 PM](#)

CHAIR SHAW announced that HB 265 was held over.

[4:19:04 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:19 p.m.