

ALASKA STATE LEGISLATURE
SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

April 16, 2024

1:33 p.m.

MEMBERS PRESENT

Senator Forrest Dunbar, Chair
Senator Elvi Gray-Jackson
Senator Jesse Bjorkman
Senator Cathy Giessel

MEMBERS ABSENT

Senator Donald Olson, Vice Chair

COMMITTEE CALENDAR

SENATE BILL NO. 174

"An Act relating to the Honor and Remember Flag and the Honor and Sacrifice Flag."

- MOVED CSSB 174 (CRA) OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 20

Urging the United States Congress to address outages of Automated Weather Observing System stations and Automated Surface Observing System stations occurring in the state.

- MOVED CSSJR 20 (CRA) OUT OF COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 13

Relating to the procedure that the Thirty-Third Alaska State Legislature will use to reconsider bills and items vetoed by the governor.

- MOVED SCR 13 OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 279 (CRA) AM

"An Act relating to the Local Boundary Commission; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: SB 174

SHORT TITLE: HONOR & REMEMBER/HONOR & SACRIFICE FLAGS

SPONSOR(s): SENATOR(s) BJORKMAN

01/16/24 (S) PREFILE RELEASED 1/12/24
01/16/24 (S) READ THE FIRST TIME - REFERRALS
01/16/24 (S) CRA
04/02/24 (S) CRA WAIVED PUBLIC HEARING NOTICE, RULE
23
04/04/24 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)
04/04/24 (S) Heard & Held
04/04/24 (S) MINUTE(CRA)
04/16/24 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SJR 20

SHORT TITLE: WEATHER OBSERVING SYSTEM STATION OUTAGES

SPONSOR(s): COMMUNITY & REGIONAL AFFAIRS

04/03/24 (S) READ THE FIRST TIME - REFERRALS
04/03/24 (S) CRA
04/09/24 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)
04/09/24 (S) Heard & Held
04/09/24 (S) MINUTE(CRA)
04/16/24 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SCR 13

SHORT TITLE: ART. II, SEC. 16, CONST: AFFIRM COMPLIANCE

SPONSOR(s): JUDICIARY

04/08/24 (S) READ THE FIRST TIME - REFERRALS
04/08/24 (S) CRA
04/08/24 (S) CRA WAIVED PUBLIC HEARING NOTICE, RULE
23
04/11/24 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)
04/11/24 (S) Heard & Held
04/11/24 (S) MINUTE(CRA)
04/16/24 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

ARIELLE WIGGIN, Staff
Senator Forrest Dunbar
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the summary of changes for SB 174.

ARIELLE WIGGIN, Staff

Senator Forrest Dunbar
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the summary of changes for SJR 20.

SENATOR SHELLEY HUGHES, District M
Alaska State Legislature
Palmer, Alaska

POSITION STATEMENT: Testified during the discussion on Conceptual Amendment 1 to SJR 20.

MIKE JONES, Assistant Professor of Economics
Institute of Social and Economic Research (ISER)
University of Alaska Anchorage (UAA)
Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony in support of SJR 20.

ACTION NARRATIVE

[1:33:02 PM](#)

CHAIR FORREST DUNBAR called the Senate Community and Regional Affairs Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Gray-Jackson, Bjorkman, and Chair Dunbar. Senator Giessel arrived immediately thereafter.

SB 174-HONOR & REMEMBER/HONOR & SACRIFICE FLAGS

[1:34:04 PM](#)

CHAIR DUNBAR announced the consideration of SENATE BILL NO. 174 "An Act relating to the Honor and Remember Flag and the Honor and Sacrifice Flag."

This is the second hearing of SB 174 in the Senate Community and Regional Affairs Standing Committee. The intention is to hear a committee substitute (CS) and to look to the will of the committee to report SB 174 out.

[1:34:29 PM](#)

CHAIR DUNBAR solicited a motion.

[1:34:34 PM](#)

SENATOR GRAY-JACKSON moved to adopt the committee substitute (CS) for SB 174, work order 33-LS0962\S, as the working document.

[1:34:47 PM](#)

CHAIR DUNBAR objected for purposes of discussion. He invited Ms. Wiggins to put herself on the record to present the summary of changes.

[1:35:03 PM](#)

ARIELLE WIGGIN, Staff, Senator Forrest Dunbar, Alaska State Legislature, Juneau, Alaska, presented the following summary of changes for SB 174.

[Original punctuation provided.]

**Summary of Changes
Version B to Version S**

Section 1

Page 2, Line 2 and Page 3, Line 15: Adds new language that specifies both flags addressed in SB 174 may be displayed on any day of the year, including the listed days of remembrance.

Page 2 Line 5: Adds a new subsection, AS 44.09.097(c)(3), that lists Alaska Veteran's Poppy Day as a day on which the Honor and Remember Flag may be displayed.

Section 2

Page 4, Line 6: a new section is added to the uncodified law of the State of Alaska explaining that AS 44.09.097(c)(3) only comes into effect if Alaska Veteran's Poppy Day is passed into law.

[1:35:32 PM](#)

SENATOR GIESSEL joined the meeting.

[1:35:53 PM](#)

CHAIR DUNBAR withdrew his objection. He found no further objection, and CSSB 174 was adopted as the working document.

CHAIR DUNBAR invited Senator Bjorkman to making closing comments on his bill.

[1:36:29 PM](#)

SENATOR BJORKMAN testifying as sponsor of SB 174 emphasized the focus on the "Honor and Remember" and "Honor and Sacrifice" flags. He stated that these flags serve as a tribute to those in the armed services and first responders who have lost their

lives in the line of duty, recognizing their ultimate sacrifice for freedom and public safety. He thanked the committee for supporting SB 174 and for establishing state symbols that honor the sacrifices of those individuals and their families.

[1:37:38 PM](#)

CHAIR DUNBAR solicited the will of the committee.

[1:37:43 PM](#)

SENATOR GIESSEL moved to report CSSB 174, work order 33-LS0962\S, from committee with individual recommendations and attached fiscal note(s).

[1:38:01 PM](#)

CHAIR DUNBAR found no objection and CSSB 174(CRA) was reported from the Senate Community and Regional Affairs Standing Committee.

[1:38:05 PM](#)

At ease.

SJR 20-WEATHER OBSERVING SYSTEM STATION OUTAGES

[1:43:25 PM](#)

CHAIR DUNBAR reconvened the meeting and announced the consideration of SENATE JOINT RESOLUTION NO. 20 Urging the United States Congress to address outages of Automated Weather Observing System stations and Automated Surface Observing System stations occurring in the state.

This is the second hearing of SJR 20 in the Senate Community and Regional Affairs Standing Committee. The intention is to consider a committee substitute (CS) and look to the will of the committee to report the resolution out.

[1:43:46 PM](#)

CHAIR DUNBAR solicited a motion.

[1:43:49 PM](#)

SENATOR GIESSEL moved to adopt the committee substitute (CS) for SJR 20, work order 33-LS1505\S, as the working document.

[1:43:57 PM](#)

CHAIR DUNBAR objected for purposes of discussion.

[1:44:11 PM](#)

ARIELLE WIGGIN, Staff, Senator Forrest Dunbar, Alaska State Legislature, Juneau, Alaska, presented the following summary of changes for SJR 20.

[Original punctuation provided.]

**Summary of Changes
Version B to Version S**

Page 5, Line 9

List of recipients of Senate Joint Resolution 20 expanded to include the below list of officials, in addition to Alaska's Congressional Delegation:

- US Transportation Secretary Pete Buttigieg
- FAA Administrator Michael G. Whitaker
- FAA Executive Director for National Engagement and Regional Administration Sean Torpey
- FAA Alaskan Regional Administrator Mike O'Hare
- NWS Director Ken Graham
- NWS Regional Director Alaska Region Scott Lindsey, PhD.
- DOT&PF Commissioner Ryan Anderson
- Governor Mike Dunleavy.

[1:44:50 PM](#)

CHAIR DUNBAR withdrew his objection. He found no further objection, and CSSJR 20 was adopted as the working document.

[1:45:03 PM](#)

CHAIR DUNBAR moved to adopt Conceptual Amendment 1 to CSSJR 20.

[Original punctuation provided.]

CONCEPTUAL AMENDMENT 1

BY SENATOR DUNBAR

Add following list of recipients to receive copies at end of resolution: where appropriate:

"the US Senate and US House Chairs and Ranking Members of the FAA Reauthorization Act Pre-Conference Committee: Senator Maria Cantwell, Senator Ted Cruz, Representative Sam Graves, and Representative Rick Larson"

[1:45:41 PM](#)

SENATOR GIESSEL objected for purposes of discussion.

[1:45:45 PM](#)

CHAIR DUNBAR invited Senator Hughes to speak to Conceptual Amendment 1.

[1:45:59 PM](#)

SENATOR SHELLEY HUGHES, District M, Alaska State Legislature, Palmer, Alaska, explained that when requests, like SJR 20, are sent to Washington, D.C., there is often uncertainty about whether they are read and who needs to see them. She noted that in this case, the four named members are directly involved in crafting the final version of the bill in a pre-conference committee. Instead of following the typical process where the Senate passes its version and differences are resolved in a conference committee, leadership has chosen to work on a Senate version that will be acceptable to both chambers. She emphasized that these individuals, who are working under a May 10 extension, are the critical audience for the request, particularly regarding language to address issues with automated weather observation systems at rural airports. While it is helpful for others to see the request, the immediate priority is ensuring this specific group reviews it.

[1:47:15 PM](#)

SENATOR GIESSEL withdrew her objection to Conceptual Amendment 1.

[1:47:22 PM](#)

CHAIR DUNBAR found no further objection, and Conceptual Amendment 1 was adopted.

[1:47:27 PM](#)

CHAIR DUNBAR announced invited testimony for SJR 20.

[1:47:55 PM](#)

MIKE JONES, Assistant Professor of Economics, Institute of Social and Economic Research (ISER), University of Alaska Anchorage (UAA), Anchorage, Alaska, gave invited testimony in support of SJR 20. He expressed appreciation for the enthusiasm and interest in SJR 20 and its subject. He noted the importance of [weather and surface observing system] infrastructure for authorizing flights under challenging weather conditions, enabling air carriers to transport people and goods to rural areas reliant on aviation systems. He acknowledged the sector's complex technological and logistical challenges and emphasized that this issue consistently emerges as a top priority among stakeholders. As a researcher in the field, he expressed gratitude that policymakers recognize the significance of the issue and are taking action, fostering real momentum.

[1:49:17 PM](#)

CHAIR DUNBAR thanked Mr. Jones for his invited testimony.

[1:49:26 PM](#)

CHAIR DUNBAR solicited the will of the committee.

[1:49:26 PM](#)

SENATOR GIESSEL moved to report CSSJR 20, work order 33-LS1505\S, as amended, from committee with individual recommendations.

[1:49:45 PM](#)

CHAIR DUNBAR found no objection and CSSJR 20(CRA) was reported from the Senate Community and Regional Affairs Standing Committee.

[1:49:55 PM](#)

At ease.

SCR 13-ART. II, SEC. 16, CONST:AFFIRM COMPLIANCE

[1:51:23 PM](#)

CHAIR DUNBAR reconvened the meeting and announced the consideration of SENATE CONCURRENT RESOLUTION NO. 13 Relating to the procedure that the Thirty-Third Alaska State Legislature will use to reconsider bills and items vetoed by the governor.

This is the second hearing of SCR 13 in the Senate Community and Regional Affairs Standing Committee. The intention is to look to the will of the committee to report the resolution out. He invited Senator Claman to put himself on the record and make closing remarks.

[1:51:53 PM](#)

CHAIR CLAMAN said he would answer questions if there were any. He encouraged the committee to move forward with SCR 13.

[1:52:09 PM](#)

SENATOR BJORKMAN referenced SCR 13 and discussions regarding its interpretation, highlighting that it appears to deviate from decades of legislative practice on when the legislature meets to address veto overrides, especially for budget item vetoes. He questioned why previous testimony stressed the necessity of a joint session and vote after the first year of a legislature, yet there seems to be no similar urgency or requirement in odd years unless a special session is called. He expressed difficulty understanding the consistency between the mandated joint session for budget veto overrides in even years and the more discretionary approach in odd years, seeking clarification on this discrepancy.

[1:53:50 PM](#)

SENATOR CLAMAN replied that he believed the question had two parts. First, he addressed what occurred between the Constitutional Convention and current practice, noting that the convention minutes, clearly show that the drafters of the Constitution and those who adopted the amendment including the term "immediately" understood it to mean the legislature would meet promptly. He added that in the early legislatures, when the first veto occurred, the rules committee met, conferred, and agreed they needed to act quickly, consistent with the "immediately" language in the Constitution. At some point thereafter legislators stopping reading the language of the Constitution consistently. After the early legislatures, there was a time when [Uniform] Rule 51 was followed instead of [Uniform] Rule 45, even though it is standard legal analysis to apply the more specific rule to the more specific situation. He stated he did not know why the legislators chose not to pay attention to the language of the Constitution or follow the more specific Rule 45. He stated art II, sec. 16 of the Constitution of the State of Alaska was amended in the 1970's to add the five-day period for clarity. The amendment met no meaningful opposition.

[1:55:45 PM](#)

SENATOR CLAMAN stated his belief that the second question concerns why there is a differing perspective on meeting "immediately" versus meeting within five days between the first regular session and the second regular session. He clarified

that a veto alone does not trigger a special session; either the governor must call a session, or the legislature must gather enough votes to convene. Without a special session, there is no event that brings the legislature together to take up the reconsideration. The difference between the first regular session and the second regular session is that legislature does not meet again unless there is a special session. When a new legislature is elected it does not have the authority to reconsider the actions of the prior legislature. He emphasized the constitutional language requiring action within five days when the legislature reconvenes but pointed out that this applies only when the legislature is already meeting again, either in regular or special session.

[1:58:43 PM](#)

SENATOR BJORKMAN expressed interest in how this legislative body and process, after decades, is now seeking to adopt a novel interpretation of how veto overrides are considered. He suggested it would make more sense to have provisions in practice, if the legislature were forced to consider veto overrides, that would implore the legislature to consider all items vetoed. However, he noted that earlier in the session, some members supported a practice of convening in joint session and gaveling out without addressing or discussing vetoed items, which he argued does not align with public expectations or a desirable outcome.

[1:59:55 PM](#)

SENATOR BJORKMAN emphasized that the legislature should have the ability to call itself into joint session to consider vetoes and questioned the inconsistency of having a structured process in even years but effectively no process in odd years. He stated that for SJR 13 to gain this support, substantial clarification is needed on why past legislatures deviated from the process outlined in earlier analysis. He concluded by asserting that the legislature must adopt a consistent practice. He opined that the current inconsistency is unlikely to meet public expectations. Therefore, he could not support SJR 13.

[2:01:12 PM](#)

SENATOR GIESSEL commented that, as a former presiding officer, she observed that for the legislature to call itself into a special session—necessary to override a veto—a very high vote count is required. She noted that Uniform Rules specify the vote threshold needed to call a special session.

[2:01:53 PM](#)

CHAIR CLAMAN stated his recollection that the Constitution requires a two-thirds vote from each body to convene a special session. He noted that Uniform Rules align with the Constitution, which takes precedence.

[2:02:23 PM](#)

SENATOR GIESSEL stated that a two-thirds vote is challenging to reach. She explained that as a former presiding officer she desired to call [a special session of the legislature] to override some vetoes following a [first session of a two-year legislature] and in collaboration with the Speaker of the House but could not achieve the required votes. She questioned how the legislature could be required to reach the number [of votes] to call a [special session]. She said that negotiating the votes to call a special session often necessitates constraining the scope of items to override. She said this is the practical application of what might be sterilely viewed as an inadequate process. She emphasized that it is extremely hard to get the required vote count to call a special session.

[2:03:43 PM](#)

CHAIR DUNBAR opined that Senator Bjorkman raised two additional points of interest. First, how it could be that a law was in place all along, but legislators were not following it. He provided an example of a likely unconstitutional statute that was being followed until a recent lawsuit challenged it. He stated that laws are sometimes interpreted incorrectly and found the analysis done by Ms. Orlansky persuasive, indicating that two rules existed and the [less specific] one was followed. He said the second point concerned the odd versus even years of a legislature and that every two years there is a new legislature. Each legislature is legally a separate entity under constitutional law even though it may appear to a lay person to be the same. A prior legislature cannot force the next legislature to take up a matter. He opined that although it feels strange, it is the correct legal interpretation under the constitution. He stated he supports SJR 13 and realized he did not think deeply about the issue until it was raised.

[2:06:16 PM](#)

CHAIR DUNBAR solicited the will of the committee.

[2:06:17 PM](#)

SENATOR GIESSEL moved to report SCR 13, work order 33-LS1543\B, from committee with individual recommendations and attached zero fiscal note(s).

[2:06:30 PM](#)

SENATOR BJORKMAN objected.

[2:06:36 PM](#)

CHAIR DUNBAR asked for a roll call vote.

A roll call vote was taken. Senators Giessel, Gray-Jackson, and Dunbar voted in favor of reporting SCR 13 from committee and Senator Bjorkman voted against it. The vote was 3:1.

CHAIR DUNBAR announced that SCR 13 was reported from committee on a vote of 3 yeas and 1 nays.

[2:07:04 PM](#)

At ease

[2:08:20 PM](#)

CHAIR DUNBAR reconvened the meeting at 2:08 p.m.

[2:08:31 PM](#)

There being no further business to come before the committee, Chair Dunbar adjourned the Senate Community and Regional Affairs Standing Committee meeting at 2:08 p.m.