

SENATE FINANCE COMMITTEE

May 9, 2024

9:11 a.m.

[9:11:49 AM](#)

CALL TO ORDER

Co-Chair Olson called the Senate Finance Committee meeting to order at 9:11 a.m.

MEMBERS PRESENT

Senator Lyman Hoffman, Co-Chair
Senator Donny Olson, Co-Chair
Senator Bert Stedman, Co-Chair
Senator Click Bishop
Senator Jesse Kiehl
Senator Kelly Merrick
Senator David Wilson

MEMBERS ABSENT

None

ALSO PRESENT

Ken Alper, Staff, Senator Donny Olson; Representative Stanley Wright, Sponsor; Rachael Gunn, Staff, Representative Stanley Wright; Representative Louise Stutes, Sponsor; Donna Fox Page, Staff, Representative Louise Stutes; Lauree Morton, Former Executive Director, Alaska Network Domestic Violence and Sexual Assault, Juneau; Brenda Stanfill, Executive Director, Alaska Network Domestic Violence and Sexual Assault, Juneau; Sandy Snodgrass, AK Fentanyl Response Project.

PRESENT VIA TELECONFERENCE

Eileen Arnold, Executive Director, Tundra Women's Coalition, Bethel; Adam Barger, Self, Arizona; Dennis Morner, Crisis Response Canines, Anchorage; Mandy Cole, AWARE, Juneau; Susan Orlansky, Self, Anchorage; Michael Garvey, Advocacy Director, ACLU Alaska, Anchorage; Teri West, Director, Admin Services, Department of Corrections; Keeley Olson, Executive Director, Standing Together Against

Rape, Anchorage; Serene O'Hara-Jolley, Self, Anchorage; Terra Burns, Advocate, Community United for Safety and Protection, Fairbanks; KC Casort, Self, Fairbanks; Maxine Doogan, Community United for Safety and Protection, Fairbanks; Tatiana Rothchild, Volunteer, Community United for Safety and Protection, Rhode Island.

SUMMARY

CSHB 19 (FIN) am

REGISTRATION OF BOATS: EXEMPTION

CSHB 19 (FIN) am was HEARD and HELD in committee for further consideration.

CSHB 66 (FIN) am

CONTROLLED SUB; HOMICIDE; CRIMES; SENTENCING

CSHB 66 (FIN) am was HEARD and HELD in committee for further consideration.

HB 126

ASSOCIATE AND PROFESSIONAL COUNSELORS

SCS HB 126 (FIN) was REPORTED out of committee with four "do pass" recommendations and two "no recommendation" recommendations and with one previously published fiscal impact note: FN7 (CED); and three previously published zero fiscal notes: FN4 (DOH), FN5 (DOH), and FN6 (DOH).

CSHB 155 (FIN) am

ESTABLISH AK MILITARY AFFAIRS COMMISSION

CSHB 155 (FIN) am was HEARD and HELD in committee for further consideration.

#hb126

HOUSE BILL NO. 126

"An Act relating to the Board of Professional Counselors; and relating to licensing of associate counselors."

[9:12:34 AM](#)

Senator Wilson MOVED to ADOPT the committee substitute for HB 126, Work Draft 33-LS0405\H (Gunther, 5/6/24).

Co-Chair Olson OBJECTED for DISCUSSION.

[9:12:55 AM](#)

KEN ALPER, STAFF, SENATOR DONNY OLSON, explained the CS. He stated that there was a technical error in Section 14 and stated that the language about the location where tele-health providers could serve had been corrected. He noted that there was a title change resolution attached to the bill.

Co-Chair Olson WITHDREW the OBJECTION. There being NO further OBJECTION, it was so ordered.

[9:14:08 AM](#)

REPRESENTATIVE STANLEY WRIGHT, SPONSOR, thanked the committee. He explained that he agreed with the changes in the legislation. He provided a personal anecdote about his son's therapeutic journey and the burden of the wait to get him services. He hoped the bill would save other Alaskan's time and stress.

[9:15:22 AM](#)

RACHAEL GUNN, STAFF, REPRESENTATIVE STANLEY WRIGHT, thanked the committee.

Senator Wilson MOVED to REPORT SCS HB 126(FIN) from committee with individual recommendations and attached fiscal note.

There being NO OBJECTION, SCS HB 126(FIN) was REPORTED out of committee with four "do pass" recommendations and two "no recommendation" recommendations and with one previously published fiscal impact note: FN7 (CED); and three previously published zero fiscal notes: FN4 (DOH), FN5 (DOH), and FN6 (DOH).

#hb155

CS FOR HOUSE BILL NO. 155(FIN) am

"An Act establishing the Alaska Military Affairs Commission; and relating to the duties and powers of the Alaska Military Affairs Commission."

[9:16:26 AM](#)

AT EASE

[9:16:56 AM](#)

RECONVENED

[9:17:00 AM](#)

Senator Merrick MOVED to ADOPT the proposed Committee Substitute (CS) for CSHB 155(FIN)am, Work Draft 33-LS0701\N (Gunther, 5/8/24) (copy on file).

Co-Chair Olson OBJECTED for DISCUSSION.

KEN ALPER, STAFF, SENATOR DONNY OLSON, explained the CS. He noted that the bill had an accompanying title change resolution.

Co-Chair Olson WITHDREW the OBJECTION. There being NO further OBJECTION, it was so ordered.

[9:18:20 AM](#)

Senator Merrick MOVED to REPORT CSHB 155(FIN)am from committee with individual recommendations and attached fiscal note.

There being NO OBJECTION, CSHB 155(FIN)am was REPORTED out of committee with four "do pass" recommendations, one "no recommendation" recommendation, and two "amend" recommendations and with one previously published fiscal note: FN2 (GOV).

[Note: action to move the bill from committee was later rescinded and the bill was held in committee. See 9:42 a.m. for detail.]

#hb19

CS FOR HOUSE BILL NO. 19(FIN) am

"An Act relating to the registration of commercial vessels."

[9:18:54 AM](#)

AT EASE

[9:21:47 AM](#)

RECONVENED

Co-Chair Olson asked the bill sponsor and her staff to introduce the legislation.

REPRESENTATIVE LOUISE STUTES, SPONSOR, thanked the committee for hearing the bill. She explained that SB 92, the derelict vessels act of 2019, aimed to provide state and local municipalities with a searchable database containing details of vessels and ownership to allow them to locate derelict vessel owners; however, the database existed for commercial fishing vessels in the Commercial Fisheries Entry Commission (CFEC). The database was updated in real time and operators were required to register annually. The database was publicly accessible, and the information was provided under penalty of perjury. The information included the legal owner of the vessel and a contact person if it was not the same person as the applicant, a permanent and mailing address, social security number, phone numbers, date of birth, and email address. The bill would institute an \$8 annual fee for documented CFEC registered vessels upon renewal and issuance of a license in lieu of the \$24 fee vessel owners were required to pay to the Division of Motor Vehicles (DMV) every three years.

Representative Stutes explained that the original intent of HB 19 was to exempt the owners of active commercial fishing vessels registered with the U.S. Coast Guard from duplicate registration created by the passage of SB 92. She explained that the duplicate registration included registering with CFEC and DMV. Following an adoption of a friendly amendment on the floor of the other body, the bill now removed the requirement for all U.S. Coast Guard documented vessels to register every three years with DMV. She explained that it removed Alaska's ability to monitor the vessels owned by individuals other than active fishermen registered with CFEC.

Representative Stutes recommended and welcomed a CS that would remove the amendment language and return the bill to its original purpose to remove the duplicative requirement for active commercial fishermen. Since the passage of SB 92, the requirement had not been enforced by the Department of Public Safety (DPS), but if the bill did not pass in the current year, DPS would have no choice but to cite commercial fishermen who had not complied and would then be required to have duplicative stickers. She stated that Alaska's commercial fishing fleet was the backbone of one

of the state's most vital industries and vessel owners should not be required to register every three years with DMV at an additional expense only to provide information that the state already had through the CFEC license renewal process.

[9:25:43 AM](#)

DONNA FOX PAGE, STAFF, REPRESENTATIVE LOUISE STUTES, recapped the details of the legislation. She explained that HB 19 would exempt owners of CFEC registered vessels from the requirement to register with DMV while still requiring annual state registration through CFEC and continued financial contributions towards a solution of the problem of derelict vessels as well as boating safety programs. She noted it was the change that occurred on the floor for which a CS would be recommended. The legislation satisfied the original intent of SB 92, which passed in 2018, without placing an additional burden on DMV or on hardworking fishermen. She relayed that no opposition had been encountered on the bill in past years and the sponsor's office had worked hard with stakeholders to ensure the bill provided an acceptable solution to the duplicative requirement. She thanked the committee for the opportunity to present the bill. She offered to review the sectional analysis.

Co-Chair Olson noted that the committee would address the CS.

Senator Kiehl MOVED to ADOPT the committee substitute for CSHB 19(FIN)am, Work Draft 33-LS0251\U (Ballard, 5/8/24).

Co-Chair Olson OBJECTED for DISCUSSION.

[9:27:43 AM](#)

KEN ALPER, STAFF, SENATOR DONNY OLSON, explained the CS. He stated that it returned the bill back to the version adopted on the House floor.

Co-Chair Olson WITHDREW the OBJECTION. There being NO further OBJECTION, Work Draft 33-LS0251\U was ADOPTED.

[9:29:25 AM](#)

AT EASE

[9:31:32 AM](#)

RECONVENED

CSHB 19(FIN)am was HEARD and HELD in committee for further consideration.

[9:31:48 AM](#)

AT EASE

[9:42:32 AM](#)

RECONVENED

#hb155

CS FOR HOUSE BILL NO. 155(FIN) am

"An Act establishing the Alaska Military Affairs Commission; and relating to the duties and powers of the Alaska Military Affairs Commission."

[9:42:46 AM](#)

Senator Bishop MOVED to RESCIND the motion to move CSHB 155(FIN)am from committee. There being NO OBJECTION, it was so ordered.

CSHB 155(FIN) was HEARD and HELD in committee for further consideration.

#hb66

CS FOR HOUSE BILL NO. 66(FIN) am

"An Act relating to homicide resulting from conduct involving controlled substances; relating to misconduct involving a controlled substance; relating to sentencing; and providing for an effective date."

[9:43:59 AM](#)

AT EASE

[9:46:07 AM](#)

RECONVENED

Co-Chair Olson OPENED public testimony.

[9:46:10 AM](#)

LAUREE MORTON, FORMER EXECUTIVE DIRECTOR, ALASKA NETWORK DOMESTIC VIOLENCE AND SEXUAL ASSAULT, JUNEAU, spoke in support of the bill.

[9:48:58 AM](#)

BRENDA STANFILL, EXECUTIVE DIRECTOR, ALASKA NETWORK DOMESTIC VIOLENCE AND SEXUAL ASSAULT, JUNEAU, testified in support of the bill.

[9:52:45 AM](#)

SANDY SNODGRASS, AK FENTANYL RESPONSE PROJECT, JUNEAU, spoke in support of the bill, specifically increasing penalties for second degree murder when fentanyl and illicit drugs the cause of death. She shared that her son, Bruce Snodgrass, was poisoned by fentanyl in 2003. She believed that the legislation would stem the problem of fentanyl deaths in the state.

[9:54:45 AM](#)

EILEEN ARNOLD, EXECUTIVE DIRECTOR, TUNDRA WOMEN'S COALITION, BETHEL, spoke in support of the bill. She specifically cited the changes in the court rule regarding the Grand Jury, which she believed would protect victims from being retraumatized. She said that in small communities it could be hard to protect confidentiality and the change in the legislation would protect victims from possible community backlash and scrutiny as a result of telling their story in Grand Jury.

[9:58:40 AM](#)

ADAM BARGER, SELF, ARIZONA, addressed some issues he had with the bill. He testified against the legislation. He remarked that the overdose crisis in the state should be addressed. He felt that the legislation removed the actions and culpability of the user from accountability. He believed the bill would increase the prison population. He said that people were dying from addiction and the legislation did nothing to address the opioid epidemic in the state.

[10:01:55 AM](#)

DENNIS MORNER, CRISIS RESPONSE CANINES, ANCHORAGE, testified in support of the bill. He stated that he worked with his canines to support victims of rape. He shared that he met with victims prior to the Grand Jury process. He had worked with females of all ages. He noted the devastating affect of testifying before Grand Jury on victims.

[10:04:28 AM](#)

MANDY COLE, AWARE, JUNEAU, testified in support of the bill. She relayed that she appreciated the name change form "Child Pornography" to "Child Sexual Abuse Material." She added that the change allowing victims to have an assigned proxy tell their story before the Grand Jury would be beneficial to victims.

[10:06:56 AM](#)

SUSAN ORLANSKY, SELF, ANCHORAGE, testified in opposition to the legislation. She cited the unintended consequences from possibly hearsay due to Section 51. She understood that the change was meant to protect victims but believed that the section allowed for hearsay from "all kinds of witnesses in all kinds of cases." She noted that the testifying officer could have only read a report of spoken to an officer originally involved in a case. She likened the change to a game of telephone. She felt that the change would deny Alaskans long-time protection against unfounded charges. She urged the committee not to pass the bill as drafted.

[10:09:45 AM](#)

MICHAEL GARVEY, ADVOCACY DIRECTOR, ACLU ALASKA, ANCHORAGE spoke in opposition to the bill. He stressed that several provisions in the bill would significantly erode the constitutional rights of some Alaskans while spending state resources on ineffective strategies. He stated that Alaska had a long tradition increasing criminal penalties for drug use infractions, which had not helped to curb the current overdose epidemic. He relayed that longer sentences did not serve as a deterrent but had the opposite effect of incarcerating people with disorders and discouraging them to reach out for help. He said that the drug induced homicide provisions would require more time-consuming prosecutions and would task the Department of Corrections to care for more people for longer periods of time. He contended that sate resources could be constrained by the

involuntary commitment provision of the bill. He worried the provision would warehouse people with mental health issues. He cited the letter written to the committee (copy on file) and urged the committee to oppose the bill as written.

[10:12:13 AM](#)

TERI WEST, DIRECTOR, ADMIN SERVICES, DEPARTMENT OF CORRECTIONS, stated that she was online to address the fiscal note.

[10:12:32 AM](#)

Ms. West explained the fiscal note OMB component number 1381. She revealed that the DOC did not have sufficient data to project the full impacts of the legislation on the daily prison population; however, the department did not anticipate any significant fiscal impact with the changes and can absorb any increases within the current capacity and resources based on current inmate population counts.

[10:13:44 AM](#)

KEELEY OLSON, EXECUTIVE DIRECTOR, STANDING TOGETHER AGAINST RAPE, ANCHORAGE testified in support of the bill. She echoed the benefit for victims to not be forced to testify in front of a Grand Jury and face being traumatized by telling their story. She elaborated on the harm done to victims who are forced to retell their story numerous times.

[10:17:04 AM](#)

SERENE O'HARA-JOLLEY, SELF, ANCHORAGE testified against the bill, as an omnibus bill. She believed that the bill intended to address issues that needed scrutiny but felt that the legislation should use a more trauma informed approach, using data to address underlying causes. She expressed alarm at the involuntary commitment provision in the current legislation. She explained that often victims of human trafficking often were charged with trafficking themselves.

[10:19:09 AM](#)

TERRA BURNS, ADVOCATE, COMMUNITY UNITED FOR SAFETY AND PROTECTION, FAIRBANKS spoke in opposition to the bill. She reiterated the pervious testifiers concerns about how the bill could harm those that were victims of human trafficking and could keep victims from seeking help. She criticized the process the bill had gone through, noting that the legislation had been limited in its availability to the public, and had been moved out of the Senate Judiciary Committee without public input at 2am the previous morning, and was being heard 7 hours later in Senate Finance Committee. She added that the opportunity for public testimony in the Senate Finance Committee had not been noticed in a timely manner. She argued that no one working on the legislation had reached out to sex workers or sex trafficking survivors who had been charged and convicted with sex trafficking in the second degree and who would be forced to register as a sex offender under the bill as written. She argued that bad legislation was crafted when lawmakers did not communicate with stakeholders. She urged the committee not to support he bill as written.

[10:21:46 AM](#)

KC CASORT, SELF, FAIRBANKS testified against the legislation. She echoed the concerns of previous testifiers and expressed particular opposition to the involuntary commitment provision citing Alaska's poor track record with mismanagement of psychiatric facilities in the state. She encouraged the committee to put the bill through a more vigorous public vetting process that involved those most impacted by the legislation.

[10:23:28 AM](#)

MAXINE DOOGAN, COMMUNITY UNITED FOR SAFETY AND PROTECTION, FAIRBANKS spoke in opposition to the bill. She echoed the concerns of previous testifiers.

[10:27:10 AM](#)

AMBER NICKERSON, OUTREACH COORDINATOR, COMMUNITY UNITED FOR SAFETY AND PROTECTION, ANCHORAGE spoke against the bill. She echoed the testimony of previous testifiers.

[10:30:29 AM](#)

TATIANA ROTHCHILD, VOLUNTEER, COMMUNITY UNITED FOR SAFETY AND PROTECTION, RHODE ISLAND testified in opposition to the legislation. She reiterated the previous testifiers concerns. She expressed concern with definitions of "sex offense" and "sex offender" outlined in the bill, as well as the ramification for sex trafficking survivors and sex workers.

[10:32:56 AM](#)

Co-Chair Olson CLOSED public testimony.

[10:33:21 AM](#)

SENATOR MATT CLAMAN, SPONSOR, appreciated the public testimony hearing. He felt that it made sense that the Senate Finance Committee should amend the bill that came out of the Senate Judiciary Committee, taking into consideration the testimony heard during the meeting.

[10:34:00 AM](#)

Co-Chair Olson remarked that there had been significant testimony opposing the legislation.

[10:34:07 AM](#)

Senator Claman agreed that there were two areas the opposition had spoken to, Sections 30 and 32, which no one had spoken against in the Senate Judiciary Committee [The Senate Judiciary did not take public testimony before moving the bill from committee]. He said that 37 states had similar provisions like the Grand Jury provision in the current legislation. He said of all those states, only one other state did not allow hearsay. He stressed that the provision as written protected victims.

Co-Chair Olson spoke of protection for victims and possible victims. He highlighted the number of people who had spoken against the bill.

Senator Claman replied that people speaking for or against legislation was part of the process.

Senator Wilson wondered about evolution of the hearsay provision and how it had been addressed in other states historically.

Senator Claman deferred the question to the Department of Law.

Senator Kiehl interjected that the matter with the single most contentious issue in the previous committee and required further discussion.

CSHB 66(FIN)am was HEARD and HELD in committee for further consideration.

#

ADJOURNMENT

[10:37:43 AM](#)

The meeting was adjourned at 10:37 a.m.