

**ALASKA STATE LEGISLATURE**  
**HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

March 11, 2025

8:01 a.m.

**MEMBERS PRESENT**

Representative Rebecca Himschoot, Co-Chair  
Representative Donna Mears, Co-Chair  
Representative Carolyn Hall  
Representative Ky Holland  
Representative Mike Prax  
Representative Justin Ruffridge

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 50

"An Act relating to snow classics."

- HEARD & HELD

HOUSE BILL NO. 47

"An Act relating to crime and criminal procedure; relating to generated obscene child sexual abuse material; relating to the powers of district judges and magistrates; relating to teaching certificates; and relating to licensing of school bus drivers."

- HEARD & HELD

HOUSE BILL NO. 58

"An Act relating to the office of public advocacy; and relating to the public advocate."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 50

SHORT TITLE: SNOW CLASSICS

SPONSOR(S): REPRESENTATIVE(S) HANNAN

01/22/25            (H)            READ THE FIRST TIME - REFERRALS

01/22/25 (H) CRA, L&C  
03/11/25 (H) CRA AT 8:00 AM BARNES 124

BILL: HB 47

SHORT TITLE: GENERATED OBSCENE CHLD SEX ABUSE MATERIAL  
SPONSOR(s): REPRESENTATIVE(s) VANCE

01/22/25 (H) PREFILE RELEASED 1/17/25  
01/22/25 (H) READ THE FIRST TIME - REFERRALS  
01/22/25 (H) CRA, JUD  
03/11/25 (H) CRA AT 8:00 AM BARNES 124

BILL: HB 58

SHORT TITLE: OPA: PUBLIC ADVOCATE APPOINTMENT  
SPONSOR(s): REPRESENTATIVE(s) FIELDS

01/22/25 (H) READ THE FIRST TIME - REFERRALS  
01/22/25 (H) CRA, STA  
03/11/25 (H) CRA AT 8:00 AM BARNES 124

**WITNESS REGISTER**

REPRESENTATIVE SARA HANNAN  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, presented HB 50.

HUNTER MEACHUM, Staff  
Representative Sara Hannan  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sectional analysis for HB 50,  
on behalf of Representative Hannan, prime sponsor.

MARTHA ABEL, Gaming Group Manager  
Tax Division  
Department of Revenue  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB  
50.

FRANKIE PILLIFANT, President  
Juneau Nordic Ski Club Board  
Juneau, Alaska

**POSITION STATEMENT:** Gave invited testimony during the hearing  
on HB 50.

REPRESENTATIVE SARAH VANCE  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, presented HB 47.

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

**POSITION STATEMENT:** Presented the sectional analysis for HB 47 and answered questions on behalf of Representative Vance, prime sponsor.

TREVOR STORRS, President/CEO  
Alaska Children's Trust  
Anchorage, Alaska

**POSITION STATEMENT:** Gave invited testimony during the hearing on HB 47.

KACI SCHROEDER, Assistant Attorney General  
Criminal Division  
Department of Law  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 47.

REPRESENTATIVE ZACK FIELDS  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, presented HB 58.

COURTNEY OWENS, Staff  
Representative Zack Fields  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sectional analysis for HB 58, on behalf of Representative Fields, prime sponsor.

BRANT MCGEE, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Gave invited testimony during the hearing on HB 58.

SUSANNE DIPIETRO, Executive Director  
Alaska Judicial Council  
Alaska Court System  
Anchorage, Alaska

**POSITION STATEMENT:** Gave invited testimony during the hearing on HB 58.

**ACTION NARRATIVE**

[8:01:06 AM](#)

CO-CHAIR HIMSCHOOT called the House Community and Regional Affairs Standing Committee meeting to order at 8:01 a.m. Representatives Prax, Hall, Holland, Himschoot, and Mears were present at the call to order. Representative Ruffridge arrived as the meeting was in progress.

**HB 50-SNOW CLASSICS**

[8:02:21 AM](#)

CO-CHAIR HIMSCHOOT announced that the first order of business would be HOUSE BILL NO. 50, "An Act relating to snow classics."

[8:02:38 AM](#)

REPRESENTATIVE SARA HANNAN, Alaska State Legislature, as prime sponsor, paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

Currently in statute, conducting a "snow classic" - a game of chance in which prize money is awarded to the closest guess of the total snow accumulation on the ground at a specific location on a specific date and time - is limited to a site on Mount Alyeska and administered by Four Valleys Community School, Inc.

HB 50 would remove these two restrictions, allowing other entities around the state to conduct snow classics to raise money for worthy causes.

Permitting for such games of chance is administered by the Tax Division in the Department of Revenue. Permits are limited to municipalities and qualified organizations, such as civic or charitable organizations, that operate without profits to their membership.

I would be grateful for your support of HB 50.

[8:04:32 AM](#)

HUNTER MEACHUM, Staff, Representative Sara Hannan, Alaska State Legislature, on behalf of Representative Hannan, prime sponsor, presented the sectional analysis for HB 50 [included in the committee packet], which read as follows [original punctuation provided]:

Sec. 1: AS 05.15.690(47), The definition of a snow classic is broadened by removing the requirement for snow classics to be exclusively operated by Four Valleys Community School, Inc. for a specific site on Mount Alyeska.

[8:05:23 AM](#)

REPRESENTATIVE HOLLAND asked what proliferation the bill would have and whether the Tax Division would implement guidelines on the allowable number of events per area.

MS. MEACHUM stated that the Department of Revenue (DOR) requires snow classic participants to be a qualified 501(c)(3) or municipality.

[8:07:59 AM](#)

MARTHA ABEL, Gaming Group Manager, Tax Division, Department of Revenue (DOR), said there's no limit on the number of snow classic events that can be held by a permit holder.

REPRESENTATIVE HOLLAND inquired as to the number of permit holders in the state.

MS. ABEL reported that there were 1,036 permit holders in 2023.

REPRESENTATIVE HANNAN asked Ms. Abel to describe what it takes to be a permit holder.

MS. ABEL said permit holders are required to submit an application, bylaws, and meeting minutes, and are required to set up a checking account specifically for gaming. The entity must be either a nonprofit organization or a municipality and must have been active for the past three years.

[8:11:54 AM](#)

CO-CHAIR MEARS asked whether there are parallels between the snow classic and other raffle opportunities, for example.

MS. ABEL agreed that the raffle is a similar game type with a fee structure, a prize, and the winner being selected by chance.

[8:13:14 AM](#)

REPRESENTATIVE HALL inquired as to the background and history of the snow classic.

MS. ABEL did not know the answer.

MS. MEACHUM explained that the snow classic originated as an idea in 2011 from former Representative Mike Hawker and passed the legislature in 2012.

[8:14:18 AM](#)

REPRESENTATIVE PRAX asked how "snow accumulation" would be defined.

MS. MEACHUM shared her understanding that the administrative organization would measure the snow.

[8:15:11 AM](#)

REPRESENTATIVE RUFFRIDGE asked whether the bill would allow anyone to offer a snow classic.

MS. MEACHUM reiterated that any qualified nonprofit organization or municipality could administer a snow classic if they obtained a permit from DOR.

CO-CHAIR HIMSCHOOT asked whether the snow classic could take place anywhere in Alaska.

MS. MEACHUM said yes, any specific location on a specific date.

[8:16:51 AM](#)

REPRESENTATIVE HANNAN added that the permit holder would have to select a specific location and could further define "total snow accumulation" in the permit application. She noted that snow classics are not significant revenue generators because tickets are sold individually.

8:18:54 AM

REPRESENTATIVE PRAX expressed concern that the definition of "total snow accumulation" could be challenged for litigious purposes.

REPRESENTATIVE HANNAN responded that it would behoove the entity to use a less generalized term than "total snow accumulation," and instead, specify depth of snow on a specific date at a specific time.

8:20:58 AM

FRANKIE PILLIFANT, President, Juneau Nordic Ski Club Board, gave invited testimony during the hearing on HB 50. She paraphrased from written testimony [included in the committee packet], which read as follows [original punctuation provided]:

On behalf of the Juneau Nordic Ski Club (JNSC), I write to express our 501c3 organization's strong support for the passage of HB50. This bill would allow the JNSC to operate a fundraiser, the 'Snow Classic', for the purpose of additional financial support for our youth programs. Currently the JNSC raises more than \$30,000 annually to support our youth skiers, but our sources are strained with the ever-increasing cost of equipment, insurance, travel, and the many other costs associated with operating a ski program. The passage of HB50 is an essential complement to other fundraising efforts.

The JNSC is dedicated to promoting the sport of cross-country skiing and fostering community connections through outdoor recreation. Our youth programs offer opportunities for local students to engage in healthy, challenging age-appropriate activities while building life skills such as teamwork, perseverance, and discipline. The High School Ski Team has developed exceptional athletes who have gone on to represent Alaska in regional and state competitions.

Fundraising is vital in providing financial support to our athletes, ensuring that all have the opportunity to participate. Many youth sports programs Alaska not connected by road are presented with significant financial challenges and conduct community-based fundraising to support the higher cost of travel,

equipment, and coaching. HB50 legislation is an essential fundraising tool for the continued success and growth of the youth ski programs that include elementary, middle, and high school levels.

Your passage of HB50 will add to the JNSC financial tools that support the local cross-country ski programs. We urge you to vote yes on HB50.

Thank you for your time and consideration of this request. Please reach out with any questions.

[8:26:25 AM](#)

REPRESENTATIVE HOLLAND asked how the funds from this fundraising source would be used.

MS. PILLIFANT said she envisioned it going to the youth program, which accounts for half of the club's budget due to travel.

[8:28:00 AM](#)

CO-CHAIR HIMSCHOOT announced that HB 50 would be held over.

[8:28:19 AM](#)

The committee took a brief at-ease at 8:28 a.m.

**HB 47-GENERATED OBSCENE CHLD SEX ABUSE MATERIAL**

[8:29:24 AM](#)

CO-CHAIR HIMSCHOOT announced that the next order of business would be HOUSE BILL NO. 47, "An Act relating to crime and criminal procedure; relating to generated obscene child sexual abuse material; relating to the powers of district judges and magistrates; relating to teaching certificates; and relating to licensing of school bus drivers."

[8:29:39 AM](#)

REPRESENTATIVE SARAH VANCE, Alaska State Legislature, as prime sponsor, presented HB 47. She gave a PowerPoint presentation on HB 47 [included in the committee packet], beginning on slides 1 and 2, which read as follows [original punctuation provided]:

HB 47 Generated CSAM

Combats the creation, possession, and distribution of AI generated child s-xual [sic] abuse material.

AI enables the creation of virtual sexual images of children indistinguishable from reality.

REPRESENTATIVE VANCE continued to slide 3, which read as follows [original punctuation provided]:

AI or computer-generated CSAM poses many dangers to children, including:

- Perpetrators can now generate, alter or collage depictions of children that are indistinguishable from depictions of real children.
- They can use parts of images of real children to create a composite image that is unidentifiable as a particular child, and in a way that prevents even an expert from concluding that parts of images of real children were used.
- Sexually explicit depictions involving children—even if no physical abuse occurs during their creation—has significant psychological and long-term impacts on the children depicted.
- Artificially-generated or computer-edited CSAM further re-victimizes actual child victims, as their images are collected from the Internet and studied by artificial intelligence tools to create new images.
- Child predators can also use artificially-generated or computer-edited CSAM to extort minors and their families for financial gain.
- Overwhelming law enforcement's capabilities to identify and rescue real-life victims, child safety experts warn.

REPRESENTATIVE VANCE turned to slides 4 and 5, which addressed the acceleration of dangerous content by artificial intelligence (AI) and the impact of its proliferation. She continued to slide 6, which read as follows [original punctuation provided]:

INCREASE IN AI-GENERATED CSAM: According to the IWF study between October 2023 and July of 2024 over 3,500 new AI-generated criminal child sexual abuse images were uploaded to one dark web forum alone AI CSAM

FEATURING KNOWN VICTIMS: Perpetrators increasingly use fine-tuned AI models to generate new imagery of known victims of child sexual abuse or famous children.

MORE SEVERE IMAGES: Of the AI-generated images confirmed to be child sexual abuse on the forum, more images depicted the most severe Category A abuse, indicating that perpetrators are more able to generate complex 'hardcore' scenarios.

[8:35:35 AM](#)

The committee took an at-ease from 8:35 a.m. to 8:37 a.m.

[8:37:15 AM](#)

REPRESENTATIVE VANCE played a video illustrating the issues surrounding AI-generated child sexual abuse material (CSAM). She turned to slide 7, which read as follows [original punctuation provided]:

State Laws that Criminalize AI-generated or Computer-edited CSAM

Research by ENOUGH ABUSE has documented that 37 states have enacted laws that criminalize AI-generated or computer-edited CSAM, while 13 states and D.C. have not. More than half of these laws were enacted in 2024 alone.

The National Center for Missing and Exploited Children (NCMEC) reports that in 2023 alone, it received 4,700 reports of CSAM involving generative AI technology.

REPRESENTATIVE VANCE continued to slide 8, which read as follows [original punctuation provided]:

EXTENDS ALASKA'S EXISTING PROHIBITIONS ON CHILD SEXUAL ABUSE MATERIAL (CSAM)

- Includes artificially generated images depicting identifiable children

EXPANDS CRIMINAL LAW TO COVER ENTIRELY SYNTHETIC, YET REALISTIC AND OBSCENE IMAGES OF MINORS

- Depicts conduct under AS 11.41.455.
- Meets obscenity criteria under the Miller Test

Exemptions: Protects employees of interactive computer services, ISPs, and telecommunications providers detecting/reporting illegal materials.

REPRESENTATIVE VANCE concluded on slide 9, which stated that HB 47 would hold perpetrators accountable for exploiting children's digital likeness, enhance law enforcement tools, and strengthen safeguards for children.

CO-CHAIR HIMSCHOOT sought questions from members of the committee.

[8:46:59 AM](#)

REPRESENTATIVE RUFFRIDGE referenced "identifiable child" on page 4 of the bill and questioned the purpose of specifying an identifiable child, as opposed to including images of a person who is unidentifiable as a crime as well.

[8:47:50 AM](#)

BOB BALLINGER, Staff, Representative Sarah Vance, Alaska State Legislature, explained that under current law, generated material is protected under the First Amendment unless it is obscene. So, even if the generated material is not obscene, HB 47 would make it prosecutable under Alaska's CSAM statutes if the child is identifiable without needing to prove the elements of the Miller Test.

REPRESENTATIVE RUFFRIDGE insisted that the possession of AI-generated CSAM - even if it's not depicting an identifiable person - should still be a crime.

MR. BALLINGER said yes and explained that the bill accomplishes two things: firstly, it expands existing CSAM statutes to incorporate identifiable child; secondly, it creates a new statute that addresses AI generated CSAM. Under HB 47, generated material depicting any child, identifiable or not, that meets the elements of the Miller Test would be illegal.

REPRESENTATIVE RUFFRIDGE asked whether the foregoing statute is in HB 47.

[8:51:29 AM](#)

MR. BALLINGER confirmed and called the committee's attention to Section 2, which adds new statutes that criminalize the distribution and possession of obscene material and incorporates the Miller Test in paragraphs (1), (2), and (3).

[8:54:17 AM](#)

MR. BALLINGER summarized the sectional analysis for HB 47 [included in the committee packet], which read as follows [original punctuation provided]:

Section 1: Amends AS 11.61.120(a) to include the possession and distribution of generated obscene child sexual abuse Harassment in the second degree, a class B misdemeanor.

Section 2. Amends AS 11.61 by adding new sections:

- AS 11.61.121 to prohibit the distribution of generated obscene child sexual abuse material in a way that closely aligns with the distribution of child sexual abuse material.
- AS 11.61.122 to prohibit the possession of generated obscene child sexual abuse material in a way that closely aligns with the possession of child sexual abuse material except that this material would also have to pass the Miller Test as outlined in subparagraphs 1-3.

➤ Paragraph (b) provides that an employee of a technology company who, while acting in the scope of employment, accesses the prohibited material solely to remove the material would not be held criminally liable.

Section 3. Amends AS 11.61.127(a) to include the images of a child that "is indistinguishable from an identifiable child" who, by manipulation, creation, or modification, appears to be engaged in sexual conduct within the description of the possession of child sexual abuse material.

Section 4. Amends AS 11.61.127(b)(2) to provide that an employee of a technology company who, while acting in the scope of employment, accesses the prohibited material solely to remove the material would not be held criminally liable.

Section 5. Amends AS 11.61.127(f)(2) to define an "identifiable child."

Section 6. Amends AS 11.61.129 to include the possession and distribution of generated obscene child sexual abuse material as an offense to which a violator forfeits the property used in the offense.

Section 7: Amends AS 11.66.100(c) to include possession and distribution of generated obscene child sexual abuse material as an offense to which a victim or witness can testify and not risk prosecution for prostitution to mirror that of distribution and possession of child sexual abuse material in statute.

Section 8: Amends AS 12.10.010(a) to include possession and distribution of generated obscene child sexual abuse material as an offense to which there is no statute of limitations to mirror that of distribution and possession of child sexual abuse material in statute.

2

Section 9: Amends AS 12.55.078(f) to include possession and distribution of generated obscene child sexual abuse material as crimes to which a court may not suspend the imposition or entry of judgment and may not defer prosecution to mirror that of distribution and possession of child sexual abuse material in statute.

Section 10: Amends AS 12.55.085(f) to include possession and distribution of generated obscene child sexual abuse material as crimes to which a court may not suspend the imposition of a sentence to mirror that of distribution and possession of child sexual abuse material in statute.

Section 11: Amends AS 12.55.100(e) to include possession and distribution of generated obscene child sexual abuse material as crimes to which a court should impose additional obligations on the defendant, while on probation and as a condition of probation to mirror that of distribution and possession of child sexual abuse material in statute.

Section 12: Amends AS 12.55.125(i) to include the possession and distribution of generated obscene child sexual abuse material in the sentencing guidelines to mirror that of distribution and possession of child sexual abuse material in statute.

Section 13: Amends AS 12.55.127(d) to include the possession and distribution of generated obscene child sexual abuse material as crimes to which a consecutive term of imprisonment shall be imposed for some additional term of imprisonment for each additional crime or each additional attempt or solicitation to commit the offense to mirror that of distribution and possession of child sexual abuse material in statute.

Section 14: Amends AS 12.55.185(16) to include the possession and distribution of generated obscene child sexual abuse material as a "sexual felony" to mirror that of distribution and possession of child sexual abuse material in statute.

Section 15: Amends AS 12.62.900(22) to include the possession and distribution of generated obscene child sexual abuse material as a "serious offense" to mirror that of distribution and possession of child sexual abuse material in statute.

Section 16: Amends AS 14.20.030(b) to include the possession and distribution of generated obscene child sexual abuse material as crimes to which the certificate would be revoked for life upon conviction of said crime to mirror that of distribution and possession of child sexual abuse material in statute.

Section 17: Amends 28.15.046(c) to include the possession and distribution of generated obscene child sexual abuse material as a crime that will remove the eligibility to hold a bus driver's license to mirror that of distribution and possession of child sexual abuse material in statute.

Section 18: Amends AS 44.23.080(a) to include the possession and distribution of generated obscene

child sexual abuse as a violation that qualifies for an administrative subpoena to obtain the business records of the Internet service provider to mirror that of distribution and possession of child sexual abuse material in statute.

Section 19: Amends AS 47.12.110(d) to include the possession and distribution of generated obscene child sexual abuse material as crimes which a court may make open to the public if the department files with the court a motion asking the court to open the hearing to the public to mirror that of distribution and possession of child sexual abuse material in statute.

3

Section 20: Amends AS 47.12.315(a) to include the possession and distribution of generated obscene child sexual abuse material as a crime a department shall disclose information to the public to mirror that of distribution and possession of child sexual abuse material in statute.

Section 21: Amends uncodified law of the State of Alaska to verify that none of the criminal provisions of the statute are intended to apply retroactively.

[8:57:10 AM](#)

TREVOR STORRS, President/CEO, Alaska Children's Trust, gave invited testimony during the hearing on HB 47. He said expanding Alaska's criminal law to include generated CSAM would allow law enforcement officials to more effectively investigate and prosecute these crimes and help deter sexual exploitation of children. He said the time to act on this emerging issue is now, as predators are using AI technology to alter images of real minors, which can be used to extort children for money or explicit content. The use of AI-generated CSAM has already impacted Alaska's children in a case on Joint Base Elmendorf-Richardson (JBER). He encouraged the legislature's support.

[9:00:02 AM](#)

CO-CHAIR HIMSCHOOT asked what the bill would achieve by adding this into state law that couldn't already be accomplished under federal law.

MR. BALLINGER stated that it would allow the state to prosecute these cases without relying on the prosecutorial discretion of the federal government.

CO-CHAIR HIMSCHOOT questioned the difference in penalty between state and federal law.

MR. BALLINGER did not know the answer. He deferred to the Department of Law (DOL).

[9:01:55 AM](#)

KACI SCHROEDER, Assistant Attorney General, Criminal Division, Department of Law (DOL), offered to follow up with the requested information.

CO-CHAIR HIMSCHOOT asked whether the state could arrest and prosecute on federal charges.

MS. SCHROEDER answered no, the state prosecutes states crimes, and the federal government prosecutes federal crimes; however, they could work in partnership.

[9:03:47 AM](#)

REPRESENTATIVE PRAX asked whether the bill would apply to a scenario involving pornographic material of the Mona Lisa, for example.

MS. SCHROEDER said there are two prongs to the bill: one that amends the existing CSAM statutes and applies to an identifiable child, and another that applies to generated CSAM and does not require the identity of a child be proven. In the later instance, the material need only look like a child engaging in obscene sexual activity. She added that case law provides guidance on how to do that while preserving First Amendment protections.

REPRESENTATIVE PRAX asked how one would distinguish between a child and an adult.

MS. SCHROEDER said even under current law, the state tends not to charge things that are "close to the line" and the child must appear to be under the age of 18.

[9:06:42 AM](#)

REPRESENTATIVE RUFFRIDGE asked for the definition of "generated" with regard to CSAM.

MS. SCHROEDER stated that there's not a definition in the bill; however, AI-generation is not a necessary element of the crime. All prosecution must prove is that the individual possessed images that look like a child under the age of 18 who appears to be engaging in conduct that is sexual in nature, and that the image is obscene.

REPRESENTATIVE RUFFRIDGE asked why possession of any obscene CSAM is not being criminalized by the bill regardless of whether its generated or not.

MS. SCHROEDER pointed out that although the title of the offense includes the word "generated," it does not appear in the body of the statute itself. She reiterated that there's no legal reason for the inclusion of the word "generated."

[9:09:02 AM](#)

REPRESENTATIVE HOLLAND contended that "generated" is included in the bill on page 3, lines 3 and 22, for example.

REPRESENTATIVE VANCE said the goal is to avoid being overly specific with the use of the term "AI-generated," but the inclusion of "generated" is useful because it expands the state's existing CSAM statute, which does not address the technology that's being utilized to perpetuate these crimes.

CO-CHAIR HIMSCHOOT announced that HB 47 would be held over.

[9:12:11 AM](#)

The committee took a brief at-ease at 9:12 a.m.

**HB 58-OPA: PUBLIC ADVOCATE APPOINTMENT**

[9:13:30 AM](#)

CO-CHAIR HIMSCHOOT announced that the final order of business would be HOUSE BILL NO. 58, "An Act relating to the office of public advocacy; and relating to the public advocate."

[9:13:44 AM](#)

REPRESENTATIVE ZACK FIELDS, Alaska State Legislature, as prime sponsor, presented HB 58. He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

The Office of Public Advocacy (OPA) was created in 1984 by the Alaska Legislature to provide legal advocacy and guardianship services to vulnerable Alaskans. Before OPA, the court system acted as the public guardian for low-income clients and appointed private attorneys when the Public Defender Agency (PDA) had a conflict of interest. The PDA provides court-appointed legal representation as required by the Constitution. Both OPA and PDA are part of the Department of Administration.

Initially, OPA was responsible for public guardianship, guardian ad litem (GAL) services, legal representation for low-income individuals, and supporting private guardians and conservators in accessing necessary services. Over time, OPA's responsibilities have grown to include legal representation and GAL services in cases involving termination of parental rights, children testifying in criminal proceedings, juvenile delinquency proceedings, protective orders for minors, elder fraud, and other areas.

Today, OPA and PDA operate as separate law firms of comparable size, yet their leadership selection processes differ significantly. The Alaska Judicial Council nominates candidates for PDA Director (Public Defender), from which the Governor chooses. However, the Public Advocate (OPA Director) position lacks this initial vetting process by the Council, despite both positions requiring substantial legal experience. Additionally, the Public Defender has a term limit of at least four years, while the Public Advocate serves at the pleasure of the Commissioner and can be terminated at any time.

House Bill 58 would make the selection of the Public Advocate analogous with that of the Public Defender. The bill aims to standardize the nomination process to ensure stability and continuity in this important agency.

[9:18:29 AM](#)

COURTNEY OWENS, Staff, Representative Zack Fields, Alaska State Legislature, on behalf of Representative Fields, prime sponsor, presented the sectional analysis for HB 58 [included in the committee packet], which read as follows [original punctuation provided]:

Section 1: Amends AS 13.26.750(a), changing the title from "COMMISSIONER OF ADMINISTRATION" to "public advocate."

Section 2: Amends AS 36.30.305(a), changing the title from "DIRECTOR OF THE OFFICE OF PUBLIC ADVOCACY" to "public advocate."

Section 3: Amends AS 36.30.850(b)(31), changing the title from "DIRECTOR OF THE OFFICE OF PUBLIC ADVOCACY" to "public advocate."

Section 4: Amends AS 44.21.400 to read: (with reference to the "public advocacy office")  
"The office is administered by the public advocate."

Section 5: Amends AS 44.21 by adding a new section that reads:

"Sec.44.21.405. Appointment, removal, and vacancy."

Subsection (a) directs the governor to appoint the public advocate for a term of four years, from persons nominated by the judicial council and subject to majority confirmation by the joint legislature. Retention of the public advocate requiring only similar legislative approval.

Subsection (b) lays out the removal process for the public advocate, a power held by the governor, who need only submit a report stating the reasons and notify the legislature of the report within 10 days after the convening of the regular session.

Subsection (c) required eligibility entails acquiring admittance to practice law in the State of Alaska.

NOTE: This mirrors the existing Sec. 44.21.430 (requiring employees of the public advocacy office to be licensed to practice law in the State of Alaska.

Subsection (d) during vacancy, the governor has discretionary authority to appoint an "acting public advocate" and the joint duty (with judicial council) to fill the vacancy as soon as possible.

Section 6: Amends AS 44.21.410(a)(7), changing the title from "COMMISSIONER OF ADMINISTRATION" to "public advocate."

Section 7: Amends AS 44.21.410(b), changing the title from "COMMISSIONER OF ADMINISTRATION" to "public advocate" (and under (b)(1): "COMMISSIONER" to "public advocate").

Section 8: Amends AS 44.21.415(c), changing the title from "COMMISSIONER" to "public advocate."

Section 9: Amends AS 44.21.415(e), changing the title from "COMMISSIONER OF ADMINISTRATION" to "public advocate."

Section 10: Amends AS 44.21.420, changing the title from "COMMISSIONER OF ADMINISTRATION" in subsection (a) and "COMMISSIONER" in subsections (b), & (c), to "public advocate."

Section 11: The uncodified law of the State of Alaska is amended by adding a new section, titled: "TRANSITION" and to read:

Subsection (a): Provides for the continuity of all orders, regulations, contracts, rights, liabilities and obligations issued, created, or adopted by the predecessor to the envisioned public advocate (the commissioner of administration) and by the pre-existing law changed by this bill.

Subsection (b): Provides for the continuity of governance by allowing the individual employed as

the director of the office of public advocacy on the day before the effective date of this Act to serve as the public advocate until the governor appoints a new public advocate.

CO-CHAIR HIMSCHOOT sought questions from members of the committee.

[9:22:07 AM](#)

REPRESENTATIVE HOLLAND asked whether, beyond harmonizing the two processes, the process for selecting the public defender (PD) could be improved as well.

REPRESENTATIVE FIELDS said he is not aware of feedback from former PDs or Office of Public Advocacy (OPA) directors who have suggested that.

[9:23:45 AM](#)

BRANT MCGEE, former public advocate (PA), gave invited testimony on HB 58. He said the bill would correct a mistake that was made 41 years ago. He listed three reasons for supporting the bill: the position is not a policy position and therefore, should not be subject to supervision or direction from the administration; it resolves a formal conflict of interest because the PA represents opposing parties to the State of Alaska in both criminal defense and child in need of aide (CINA) proceedings; and its good government because it could provide public accountability for otherwise secret proceedings.

[9:29:55 AM](#)

REPRESENTATIVE PRAX asked how the proposed change would resolve the conflict of interest and be considered good government. He expressed concern that the bill would grant "extraordinary authority" compared to other positions.

MR. MCGEE explained that OPA is analogous to the Public Defender Agency (PDA) and should be an independent agency representing individual Alaskans who are often opposing parties to the State of Alaska in legal proceedings. He said the reason the PD is selected through the Alaska Judicial Council is to allow [the PDA] to operate independent from political authority.

[9:31:52 AM](#)

REPRESENTATIVE PRAX asserted that Mr. McGee's experience would indicate that the OPA already runs independent from the administration's influence. He maintained his uncertainty as to how the bill would address a problem.

MR. MCGEE characterized his tenure as "series of miracles" because he was able to ignore the political pressure he experienced. He opined that the position should be formally protected from political pressure because of the nature of the agency's role and the PA should be able to operate completely independently without looking over their shoulder for fear of displeasing the administration.

[9:34:54 AM](#)

SUSANNE DIPIETRO, Executive Director, Alaska Judicial Council, Alaska Court System (ACS), gave invited testimony during the hearing on HB 58. She described the process of screening and nominating candidates for the PD. Applicants are rigorously investigated and vetted with extensive background checks, performance reviews, credit and criminal history checks, and public input. After an interview with each candidate and much deliberation, the council makes a public vote and nominates at least two of the most qualified individuals.

[9:39:39 AM](#)

REPRESENTATIVE FIELDS noted that the Alaska Judicial Council is established in Section 8, Article 4 of the Alaska Constitution. He clarified that the issue was brought forward by someone who worked for OPA and is not a criticism of the current director or the administration.

[9:41:59 AM](#)

CO-CHAIR HIMSCHOOT announced that HB 58 would be held over.

[9:42:44 AM](#)

The committee took a brief at-ease at 9:42 a.m.

[9:42:56 AM](#)

CO-CHAIR HIMSCHOOT gave closing remarks and reviewed the upcoming schedule.

[9:43:14 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 9:43 a.m.