

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-EIGHTH LEGISLATURE

SECOND SESSION

Juneau, Alaska

Wednesday

April 16, 2014

Eighty-sixth Day

Pursuant to adjournment the Senate was called to order by President Huggins at 11:10 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Senator Meyer. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Let us pray,

Thank you, Heavenly Father, for the privilege of serving this great state in the Senate.

We pray that you will give us the strength and the wisdom to make the right decisions for the people of Alaska, who have placed their trust in us to represent them. Lord, let us not forget the children, the elderly, the poor, and those with special needs who are not able to communicate their needs to us.

Thank you for the freedom that we enjoy in this country. Please be with those who protect our freedom. Please be with the men and women serving our country inside, and outside of our borders. Keep them safe and bring them home soon.

Let us each be an example of how You want the world to be.

In Your Name,

Amen.

Senator Dyson led the Senate in the Pledge of Allegiance.

Certification

Senator Coghill moved and asked unanimous consent that the journal for the eighty-fifth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Standing Committee Reports

HB 60

The Judiciary Committee considered CS FOR HOUSE BILL NO. 60(JUD) "An Act adopting and relating to the Uniform Real Property Transfer on Death Act; relating to establishing the law governing certain trusts; and relating to disclaimers of property interests." Signing do pass: Senator Coghill, Chair; Senators Wielechowski, McGuire, Dyson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Natural Resources

The bill was referred to the Rules Committee.

HB 169

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 169(L&C) "An Act relating to the authority of the Regulatory Commission of Alaska to regulate the production and distribution of telephone directories." Signing do pass: Senator Dunleavy, Chair; Senator Micciche. Signing no recommendation: Senator Olson.

The following previously published fiscal information applies:

Fiscal Note No. 2, zero, Department of Commerce, Community and Economic Development

The bill was referred to the Rules Committee.

HB 250

The Judiciary Committee considered CS FOR HOUSE BILL NO. 250(HSS) am "An Act making an expression of apology, sympathy, commiseration, compassion, or benevolence by a health care provider inadmissible in a medical malpractice case; requiring a health care provider to advise a patient or the patient's legal representative to seek legal advice before making an agreement with the patient to correct an unanticipated outcome of medical treatment or care; and amending Rules 402, 407, 408, 409, and 801, Alaska Rules of Evidence." Signing do pass: Senator Coghill, Chair; Senators McGuire, Dyson. Signing no recommendation: Senator Wielechowski.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Corrections

The bill is on today's calendar.

HB 263

The Finance Committee considered CS FOR HOUSE BILL NO. 263(HSS) "An Act extending the Alaska senior benefits payment program" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL
NO. 263(FIN)

Signing do pass: Senator Kelly, Cochair; Senators Bishop, Fairclough, Hoffman, Olson. Signing no recommendation: Senator Dunleavy.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Health and Social Services

The bill was referred to the Rules Committee.

HB 268

The Finance Committee considered CS FOR HOUSE BILL NO. 268(FIN) "An Act relating to big bull moose derbies and the Snow Town Ice Classic; and relating to permits for games of chance and contests of skill." Signing no recommendation: Senator Meyer, Cochair; Senators Dunleavy, Hoffman, Olson. Signing do pass: Senators Fairclough, Bishop.

The following previously published fiscal information applies:
Fiscal Note No. 2, zero, Department of Revenue

The bill was referred to the Rules Committee.

HB 281

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 281(L&C) "An Act relating to prescription of drugs by a physician without a physical examination." Signing do pass: Senator Dunleavy, Chair; Senators Olson, Micciche.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Commerce, Community and Economic Development

The bill was referred to the Rules Committee.

HB 293

The Finance Committee considered CS FOR HOUSE BILL NO. 293(STA) "An Act relating to motor vehicle registration plates; relating to special registration plates for firefighters and emergency medical service providers; and providing for an effective date." Signing do pass: Senator Kelly, Cochair; Senators Dunleavy, Bishop, Hoffman, Fairclough. Signing no recommendation: Senator Olson.

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Administration

The bill was referred to the Rules Committee.

HB 297

The Finance Committee considered CS FOR HOUSE BILL NO. 297(FIN) "An Act recognizing the Alaska Housing Finance Corporation as the authorizing agency to approve home energy rating systems for the state; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL
NO. 297(FIN) "An Act recognizing the Alaska
Housing Finance Corporation as the authorizing

agency to approve home energy rating systems for the state; relating to legislative approval for a loan from the power project fund for the Blue Lake hydroelectric project; and providing for an effective date." (Title Change SCR 24)

Signing no recommendation: Senator Kelly, Cochair; Senators Dunleavy, Hoffman, Olson. Signing do pass: Senators Bishop, Fairclough.

The following fiscal information was published today:

Fiscal Note No. 2, zero, Department of Commerce, Community and Economic Development

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Revenue

The bill was referred to the Rules Committee.

HB 309

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 309(L&C) "An Act relating to distillery licenses." Signing do pass: Senator Dunleavy, Chair; Senator Micciche. Signing no recommendation: Senator Olson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Commerce, Community and Economic Development

The bill was referred to the Rules Committee.

HB 357

The Labor and Commerce Committee considered HOUSE BILL NO. 357 "An Act relating to the purchase of alcoholic beverages at a club and to access by certain persons under 21 years of age to a club's licensed premises when alcoholic beverages are present." Signing do pass: Senator Dunleavy, Chair. Signing no recommendation: Senators Olson, Micciche.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Commerce, Community and Economic Development

The bill was referred to the Rules Committee.

HCR 15

The Finance Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 15(FIN) Relating to the Task Force on Unmanned Aircraft Systems. Signing no recommendation: Senator Kelly, Cochair; Senator Dunleavy. Signing do pass: Senators Bishop, Hoffman, Olson, Fairclough.

The following previously published fiscal information applies:

Fiscal Note No. 2, Legislative Agency

The resolution was referred to the Rules Committee.

**Introduction and Reference of
Senate Resolutions****SCR 24**

SENATE CONCURRENT RESOLUTION NO. 24 BY THE SENATE FINANCE COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 297, recognizing the Alaska Housing Finance Corporation as the authorizing agency to approve home energy rating systems for the state

was read the first time and held on the Secretary's desk.

Consideration of the Calendar**Second Reading of House Bills****HB 47**

CS FOR HOUSE BILL NO. 47(JUD) "An Act requiring a party seeking a restraining order, preliminary injunction, or order vacating or staying the operation of certain permits affecting an industrial

operation to give security in the amount the court considers proper for costs incurred and damages suffered if the industrial operation is wrongfully enjoined or restrained" was read the second time.

Senator Coghill moved and asked unanimous consent that CS FOR HOUSE BILL NO. 47(JUD) be moved to the bottom of today's calendar. Without objection, it was so ordered.

HB 199

HOUSE BILL NO. 199 "An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms" was read the second time.

Senator Coghill moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE BILL NO. 199 was read the third time.

The question being: "Shall HOUSE BILL NO. 199 "An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms" pass the Senate?" The roll was taken with the following result:

HB 199

Third Reading - Final Passage

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Huggins, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

and so, HOUSE BILL NO. 199 passed the Senate, was signed by the President and Secretary and returned to the House.

HB 239

HOUSE BILL NO. 239 "An Act extending the termination date of the Board of Examiners in Optometry; and providing for an effective date" was read the second time.

Senator Coghill moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE BILL NO. 239 was read the third time.

The question being: "Shall HOUSE BILL NO. 239 "An Act extending the termination date of the Board of Examiners in Optometry; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 239

Third Reading - Final Passage

Effective Date

YEAS: 19 NAYS: 0 EXCUSED: 0 ABSENT: 1

Yeas: Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Huggins, Kelly, McGuire, Micciche, Olson, Stedman, Stevens, Wielechowski

Absent: Meyer

and so, HOUSE BILL NO. 239 passed the Senate.

Senator Coghill moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

HB 240

HOUSE BILL NO. 240 "An Act extending the termination date of the Board of Chiropractic Examiners; and providing for an effective date" was read the second time.

Senator Coghill moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE BILL NO. 240 was read the third time.

The question being: "Shall HOUSE BILL NO. 240 "An Act extending the termination date of the Board of Chiropractic Examiners; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 240

Third Reading - Final Passage

Effective Date

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Huggins, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

and so, HOUSE BILL NO. 240 passed the Senate.

Senator Coghill moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

HB 241

HOUSE BILL NO. 241 "An Act extending the termination date of the Board of Marital and Family Therapy; and providing for an effective date" was read the second time.

Senator Coghill moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE BILL NO. 241 was read the third time.

The question being: "Shall HOUSE BILL NO. 241 "An Act extending the termination date of the Board of Marital and Family Therapy; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 241

Third Reading - Final Passage

Effective Date

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Huggins, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

and so, HOUSE BILL NO. 241 passed the Senate.

Senator Coghill moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

HB 242

HOUSE BILL NO. 242 "An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board; and providing for an effective date" was read the second time.

Senator Coghill moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE BILL NO. 242 was read the third time.

The question being: "Shall HOUSE BILL NO. 242 "An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board; and providing for an effective date" pass the Senate?"
The roll was taken with the following result:

HB 242

Third Reading - Final Passage

Effective Date

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Huggins, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

and so, HOUSE BILL NO. 242 passed the Senate.

Senator Coghill moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

HB 250

CS FOR HOUSE BILL NO. 250(HSS) am "An Act making an expression of apology, sympathy, commiseration, compassion, or benevolence by a health care provider inadmissible in a medical malpractice case; requiring a health care provider to advise a patient or the patient's legal representative to seek legal advice before making an agreement with the patient to correct an unanticipated outcome of medical treatment or care; and amending Rules 402, 407, 408, 409, and 801, Alaska Rules of Evidence" was read the second time.

Senator Coghill moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 250(HSS) am was read the third time.

Senator McGuire moved and asked unanimous consent to abstain from voting due to a conflict of interest. Senator Coghill objected and Senator McGuire was required to vote.

Senator Giessel moved and asked unanimous consent to abstain from voting due to a conflict of interest. Senator Coghill objected and Senator Giessel was required to vote.

Senator Olson moved and asked unanimous consent to abstain from voting due to a conflict of interest. Senator Coghill objected and Senator Olson was required to vote.

Senators Fairclough, Meyer, Stedman, Egan, Bishop, Gardner, McGuire, Coghill, Micciche, Dyson moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR HOUSE BILL NO. 250(HSS) am "An Act making an expression of apology, sympathy, commiseration, compassion, or benevolence by a health care provider inadmissible in a medical malpractice case; requiring a health care provider to advise a patient or the patient's legal representative to seek legal advice before making an agreement with the patient to correct an unanticipated outcome of medical treatment or care; and amending Rules 402, 407, 408, 409, and 801, Alaska Rules of Evidence" pass the Senate?" The roll was taken with the following result:

CSHB 250(HSS) am
Third Reading - Final Passage
Court Rules

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Huggins, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

and so, CS FOR HOUSE BILL NO. 250(HSS) am passed the Senate.

Senator Coghill moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the Court Rule changes. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

Recess

Senator Coghill moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 12:02 p.m.

After Recess

The Senate reconvened at 6:10 p.m.

Senator Coghill moved and asked unanimous consent that the Senate return to Messages from the House. Without objection, the Senate returned to:

Messages from the House

Message dated April 16 was read stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 316**

CS FOR HOUSE BILL NO. 316(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to workers' compensation fees for medical treatment and services; relating to workers' compensation regulations; and providing for an effective date."

was read the first time and referred to the Finance Committee.

Standing Committee Reports**HB 116**

The Finance Committee considered CS FOR HOUSE BILL NO. 116(L&C) "An Act relating to the use of credited military service by retired peace officers and firefighters to meet certain requirements for major medical insurance coverage; and providing for an effective date." Signing do pass: Senator Meyer, Cochair; Senators Fairclough, Bishop, Dunleavy, Hoffman. Signing no recommendation: Senator Olson.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the Rules Committee.

HB 127

The Judiciary Committee considered CS FOR HOUSE BILL NO. 127(JUD) "An Act relating to compensation of the ombudsman and to employment of staff by the ombudsman under personal service contracts; relating to disclosure by an agency to the ombudsman of

communications subject to attorney-client and attorney work-product privileges; relating to the privilege of the ombudsman not to testify and creating a privilege under which the ombudsman is not required to disclose certain documents; relating to procedures for procurement by the ombudsman; and amending Rules 501 and 503, Alaska Rules of Evidence" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL
NO. 127(JUD)

Signing do pass: Senator Coghill, Chair; Senators Wielechowski, McGuire, Dyson.

The following previously published fiscal information applies:

- Fiscal Note No. 4, zero, Department of Administration
- Fiscal Note No. 5, zero, Department of Administration
- Fiscal Note No. 6, zero, Department of Corrections
- Fiscal Note No. 7, zero, Legislative Agency

The bill was referred to the Rules Committee.

HB 134

The Health and Social Services Committee considered CS FOR HOUSE BILL NO. 134(HSS) "An Act requiring Medicaid payment for medication compliance packaging, delivery, and dispensing services of a prescription for specified recipients; and providing for an effective date" and recommended the adoption of the following Health and Social Services Committee Letter of Intent:

Letter of Intent

It is the intent of the Alaska State Legislature that the Commissioner of the Department of Health and Social Services make every reasonable effort to adopt equitable regulations providing the same fee established in AS 47.07.031 to all pharmacies in the state that dispense medisets or similar unit doses to qualified medical assistance recipients in the state.

Signing do pass: Senator Stedman, Chair. Signing no recommendation: Senators Micciche, Kelly.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Health and Social Services

The bill was referred to the Rules Committee.

Consideration of the Calendar (continued)

Second Reading of House Bills (continued)

HB 284

HOUSE BILL NO. 284 "An Act relating to an interstate compact on a balanced federal budget" was read the second time.

HOUSE BILL NO. 284 will advance to third reading on the April 17 calendar.

HB 47

CS FOR HOUSE BILL NO. 47(JUD) "An Act requiring a party seeking a restraining order, preliminary injunction, or order vacating or staying the operation of certain permits affecting an industrial operation to give security in the amount the court considers proper for costs incurred and damages suffered if the industrial operation is wrongfully enjoined or restrained" which had been moved to the bottom of today's calendar (page 2504), was before the Senate in second reading.

Senator French offered Amendment No. 1:

Page 2, line 8, following "if":

Insert new paragraphs to read:

"(1) the action seeks to enforce a right under the
Constitution of the State of Alaska; or
(2)"

Page 2, line 10:

Delete "(1)

Insert "(A)"

Page 2, line 13:
Delete "(2)"
Insert "(B)"

Senator French moved for the adoption of Amendment No. 1. Senator McGuire objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 47(JUD)
Second Reading
Amendment No. 1

YEAS: 6 NAYS: 14 EXCUSED: 0 ABSENT: 0

Yeas: Ellis, French, Gardner, Hoffman, Olson, Wielechowski

Nays: Bishop, Coghill, Dunleavy, Dyson, Egan, Fairclough, Giessel, Huggins, Kelly, McGuire, Meyer, Micciche, Stedman, Stevens

and so, Amendment No. 1 failed.

Senator Wielechowski offered Amendment No. 2:

Page 2, line 8, following "if":

Insert new paragraphs to read:

"(1) a court finds that party to be indigent and the action not frivolous; this finding may be made on an affidavit filed by the party showing that the party is unable to pay for a bond and further stating the grounds for the action and the belief that the party is entitled to redress; or

(2)"

Page 2, line 10:
Delete "(1)"
Insert "(A)"

Page 2, line 13:
Delete "(2)"
Insert "(B)"

Senator Wielechowski moved for the adoption of Amendment No. 2. Senator McGuire objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 47(JUD)
Second Reading
Amendment No. 2

YEAS: 6 NAYS: 14 EXCUSED: 0 ABSENT: 0

Yeas: Ellis, French, Gardner, Hoffman, Olson, Wielechowski

Nays: Bishop, Coghill, Dunleavy, Dyson, Egan, Fairclough, Giessel, Huggins, Kelly, McGuire, Meyer, Micciche, Stedman, Stevens

and so, Amendment No. 2 failed.

Senator French offered Amendment No. 3:

Page 2, following line 3:

Insert a new subsection to read:

"(c) When establishing a security amount under (b) of this section, the court shall also consider whether the industrial operation is likely to result in significant or irreparable harm to the public interest and whether the public interest value of the lawsuit outweighs the possible damage to the defendant. In this subsection, "public interest" includes social and economic impacts and impacts to the land, air, and water resources held in the public trust."

Reletter the following subsections accordingly.

Senator French moved for the adoption of Amendment No. 3. Senator McGuire objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

CSHB 47(JUD)
Second Reading
Amendment No. 3

YEAS: 6 NAYS: 14 EXCUSED: 0 ABSENT: 0

Yeas: Ellis, French, Gardner, Hoffman, Olson, Wielechowski

Nays: Bishop, Coghill, Dunleavy, Dyson, Egan, Fairclough, Giessel, Huggins, Kelly, McGuire, Meyer, Micciche, Stedman, Stevens

and so, Amendment No. 3 failed.

Senator Wielechowski offered Amendment No. 4:

Page 2, line 12:

Delete "or"

Page 2, line 15, following "Interior":

Insert "; or

(3) the Department of Natural Resources, and public notice is not required under AS 38.05.945 or public notice that is required under AS 38.05.945 is not given"

Senator Wielechowski moved for the adoption of Amendment No. 4. Senator McGuire objected.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

CSHB 47(JUD)

Second Reading

Amendment No. 4

YEAS: 7 NAYS: 13 EXCUSED: 0 ABSENT: 0

Yeas: Ellis, French, Gardner, Hoffman, Micciche, Olson, Wielechowski

Nays: Bishop, Coghill, Dunleavy, Dyson, Egan, Fairclough, Giessel, Huggins, Kelly, McGuire, Meyer, Stedman, Stevens

and so, Amendment No. 4 failed.

Senator French offered Amendment No. 5:

Page 1, line 2:

Delete "**vacating or**"

Page 1, line 8:

Delete "vacating or"

Senator French moved for the adoption of Amendment No. 5. Senator Stedman objected, then withdrew his objection. There being no further objection, Amendment No. 5 was adopted.

Senator Wielechowski offered Amendment No. 6:

Page 2, line 2, following "subsection":

Insert "(1)"

Page 2, line 3, following "production":

Insert";

(2) "wrongfully enjoined or restrained" means enjoined or restrained by a court arbitrarily and capriciously"

Senator Wielechowski moved for the adoption of Amendment No. 6. Senator McGuire objected.

The question being: "Shall Amendment No. 6 be adopted?" The roll was taken with the following result:

CSHB 47(JUD) am S

Second Reading

Amendment No. 6

YEAS: 4 NAYS: 16 EXCUSED: 0 ABSENT: 0

Yeas: Ellis, French, Gardner, Wielechowski

Nays: Bishop, Coghill, Dunleavy, Dyson, Egan, Fairclough, Giessel, Hoffman, Huggins, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens

and so, Amendment No. 6 failed.

Senator French offered Amendment No. 7:

Page 1, line 14, through page 2, line 1:

Delete "may be suffered"

Insert "will actually be paid to employees, contractors, and subcontractors by the industrial operation"

Senator French moved for the adoption of Amendment No. 7. Senator McGuire objected.

The question being: "Shall Amendment No. 7 be adopted?" The roll was taken with the following result:

CSHB 47(JUD) am S

Second Reading

Amendment No. 7

YEAS: 4 NAYS: 16 EXCUSED: 0 ABSENT: 0

Yeas: Ellis, French, Gardner, Wielechowski

Nays: Bishop, Coghill, Dunleavy, Dyson, Egan, Fairclough, Giessel, Hoffman, Huggins, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens

and so, Amendment No. 7 failed.

Senator Wielechowski offered Amendment No. 8:

Page 1, line 4, following "**restrained**":

Insert "**relating to the award of attorney fees and costs in civil actions or appeals in cases involving public interest litigants; relating to the posting of bonds or other security by public interest litigants; and relating to award of attorney fees and costs in cases involving enforcement of constitutional rights**"

Page 2, following line 15:

Insert new bill sections to read:

"* **Sec. 2.** Section 1, ch. 86, SLA 2003, is repealed.

* **Sec. 3.** AS 09.60.010(b), 09.60.010(c), 09.60.010(d), 09.60.010(e); and AS 09.68.040(c) are repealed."

Senator Wielechowski moved for the adoption of Amendment No. 8.
Senator McGuire objected.

The question being: "Shall Amendment No. 8 be adopted?" The roll was taken with the following result:

CSHB 47(JUD) am S
Second Reading
Amendment No. 8

YEAS: 5 NAYS: 14 EXCUSED: 0 ABSENT: 1

Yeas: Ellis, French, Gardner, Olson, Wielechowski

Nays: Bishop, Coghill, Dunleavy, Egan, Fairclough, Giessel, Hoffman, Huggins, Kelly, McGuire, Meyer, Micciche, Stedman, Stevens

Absent: Dyson

and so, Amendment No. 8 failed.

Senator French offered Amendment No. 9:

Page 1, line 1, following "Act":

Insert "**expressing legislative intent regarding the Pebble Mine and**"

Page 1, following line 5:

Insert a new bill section to read:

"* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE PURPOSE AND INTENT. The Alaska State Legislature opposes the development of the Pebble Mine in the Bristol Bay Fisheries Reserve in order to protect the world-class fisheries of the region and the livelihood of Alaskans who depend on those valuable fisheries."

Page 1, line 6:

Delete "**Section 1**"

Insert "**Sec. 2**"

Page 2, line 8, following "the":

Insert new paragraphs to read:

"(1) industrial operation is in a state fisheries reserve; or
(2)"

Page 2, line 10:

Delete "(1)"
Insert "(A)"

Page 2, line 13:

Delete "(2)"
Insert "(B)"

Senator French moved for the adoption of Amendment No. 9. Senator McGuire objected.

The question being: "Shall Amendment No. 9 be adopted?" The roll was taken with the following result:

#AKS00493 04-16-2014 19:27:30

CSHB 47(JUD) am S

Second Reading

Amendment No. 9

YEAS: 7 NAYS: 13 EXCUSED: 0 ABSENT: 0

Yeas: Ellis, French, Gardner, Hoffman, Olson, Stevens, Wielechowski

Nays: Bishop, Coghill, Dunleavy, Dyson, Egan, Fairclough, Giessel, Huggins, Kelly, McGuire, Meyer, Micciche, Stedman

#AKS00493 END

and so, Amendment No. 9 failed.

Senator Coghill moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 47(JUD) am S "An Act requiring a party seeking a restraining order, preliminary injunction, or order staying the operation of certain permits affecting an industrial operation to give security in the amount the court considers proper for costs incurred and damages suffered if the industrial operation is wrongfully enjoined or restrained" was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 47(JUD) am S "An Act requiring a party seeking a restraining order, preliminary injunction, or order staying the operation of certain permits affecting an industrial operation to give security in the amount the court considers proper for costs incurred and damages suffered if the industrial operation is wrongfully enjoined or restrained" pass the Senate?" The roll was taken with the following result:

CSHB 47(JUD) am S
Third Reading - Final Passage

YEAS: 14 NAYS: 6 EXCUSED: 0 ABSENT: 0

Yeas: Bishop, Coghill, Dunleavy, Dyson, Egan, Fairclough, Giessel, Huggins, Kelly, McGuire, Meyer, Micciche, Stedman, Stevens

Nays: Ellis, French, Gardner, Hoffman, Olson, Wielechowski

and so, CS FOR HOUSE BILL NO. 47(JUD) am S passed the Senate and was referred to the Secretary for engrossment.

Citations

Honoring - The Senate Floor Staff

Senator(s) McGuire, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Kelly, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Honoring - The 100th Birthday of Myrtle Ruth Horn

Senator(s) McGuire, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Honoring - Hmong Special Guerrilla Unit Veterans of Alaska

Senator(s) Wielechowski, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens
Representative(s) LeDoux

Honoring - Todd Bergman

Representative(s) Tuck

Senator(s) McGuire, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Honoring - Alaska's Inaugural Mission of Mercy Event

Representative(s) Higgins, Thompson

Senator(s) Bishop, Kelly, Huggins, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, McGuire, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Honoring - Troy Smith

Representative(s) Tuck

Senator(s) McGuire, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Honoring - The Changepoint Church Downtown Soup Kitchen

Representative(s) Tuck

Senator(s) McGuire, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Honoring - Team Alaska Figure Skating 2014 Arctic Winter Games

Representative(s) Tuck, Kawasaki

Senator(s) McGuire, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Honoring - Team Alaska Basketball 2014 Arctic Winter Games

Representative(s) Tuck

Senator(s) McGuire, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Honoring - Team Alaska Ice Hockey Arctic Winter Games

Representative(s) Tuck

Senator(s) McGuire, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Honoring - Kikkan Randall 2014 Sochi XXII Winter Olympics

Representative(s) Pruitt

Senator(s) Fairclough, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, French, Gardner, Giessel, Hoffman, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Honoring - Judith Whitney Erickson

Representative(s) Hawker

Senator(s) Giessel, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, French, Gardner, Hoffman, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Honoring - Jude Metoyer

Representative(s) LeDoux

Senator(s) Wielechowski, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens

In Memoriam - James Garfield Johnson

Representative(s) Stoltze, Gattis, Hughes, Keller, Neuman

Senator(s) Dunleavy, Huggins, Dyson, Bishop, Coghill, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

In Memoriam - Dalton Thompson

Representative(s) Tuck

Senator(s) McGuire, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

In Memoriam - Rexford A. "Jim" Johansen, Jr.

Representative(s) Tuck

Senator(s) McGuire, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

In Memoriam - Louis "Mike" Moore

Representative(s) Tuck

Senator(s) McGuire, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Senator Coghill moved and asked unanimous consent that the citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Unfinished Business

HB 32

Senators Giessel, McGuire, Meyer, Stedman, Olson moved and asked unanimous consent to be shown as cross sponsors on CS FOR HOUSE BILL NO. 32(FIN) "An Act providing for the issuance of one business license for multiple lines of business; and providing for reissuance of a business license to make a change on the license." Without objection, it was so ordered.

HB 47

Senator McGuire moved and asked unanimous consent to be shown as a cross sponsor on CS FOR HOUSE BILL NO. 47(JUD) am S "An Act requiring a party seeking a restraining order, preliminary injunction, or order staying the operation of certain permits affecting an industrial operation to give security in the amount the court considers proper for costs incurred and damages suffered if the industrial operation is wrongfully enjoined or restrained." Without objection, it was so ordered.

HB 336

President Huggins removed the Finance Committee referral from HOUSE BILL NO. 336 am "An Act relating to sales of alcoholic beverages near a school or church."

The bill is in the Labor and Commerce Committee.

Announcements

Rule 23(d) of the Alaska State Legislature Uniform Rules is currently in effect.

Announcements are at the end of the journal.

Engrossment**HB 47**

CS FOR HOUSE BILL NO. 47(JUD) am S "An Act requiring a party seeking a restraining order, preliminary injunction, or order staying the operation of certain permits affecting an industrial operation to give security in the amount the court considers proper for costs incurred and damages suffered if the industrial operation is wrongfully enjoined or restrained" was engrossed, signed by the President and Secretary and returned to the House for consideration.

Enrollment**SB 49**

HOUSE CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 49(FIN) am H "An Act relating to existing women's health programs; and defining 'medically necessary abortion' for purposes of making payments under the state Medicaid program" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 2:20 p.m., April 16, 2014.

SCR 20

SENATE CONCURRENT RESOLUTION NO. 20 Proclaiming April 2014 as Sexual Assault Awareness Month, was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 2:20 p.m., April 16, 2014.

Legislative Resolve No. 39

Adjournment

Senator Coghill moved and asked unanimous consent that the Senate stand in adjournment until 10:45 a.m., April 17, 2014. Without objection, the Senate adjourned at 7:58 p.m.

Liz Clark
Secretary of the Senate

Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

STANDING COMMITTEES

+ indicates teleconference

= indicates bill previously heard/scheduled

FINANCE

Apr 16 Wednesday Senate Finance 532 9:00 AM

+ = HB 297 HOME ENERGY RATING SYSTEMS
 + = HB 293 LICENSE PLATES
 + = HB 263 EXTEND SENIOR BENEFITS PAYMENT PROGRAM
 + = HCR 15 TASK FORCE ON UNMANNED AIRCRAFT SYSTEMS
 + = HB 268 BIG BULL MOOSE DERBIES; SNOW TOWN ICE CL.
 + HB 121 COMMERCIAL FISHING & AGRICULTURE BANK
 + HB 204 SALMON & HERRING PRODUCT DEV'T TAX CREDIT
 + HB 379 OIL & GAS PROPERTY TAX
 + HB 308 ALASKA SECURITIES ACT EXEMPTIONS
 + HB 361 LICENSING OF BEHAVIOR ANALYSTS
 + HB 160 LICENSING OF ATHLETIC TRAINERS
 + HB 116 PERS CREDIT FOR MILITARY SERVICE
 + = SB 48 PERS CONTRIBUTIONS BY MUNICIPALITIES
 + Bills Previously Heard/Scheduled

Apr 16 Wednesday Senate Finance 532 1:30 PM

+ = HB 278 EDUCATION
 + HB 385 PERS/TRS STATE CONTRIBUTIONS
 <Pending Referral>
 + Bills Previously Heard/Scheduled
 = HB 379 OIL & GAS PROPERTY TAX
 = SB 220 PERS/TRS STATE CONTRIBUTIONS
 = HB 308 ALASKA SECURITIES ACT EXEMPTIONS
 = HB 361 LICENSING OF BEHAVIOR ANALYSTS
 = HB 160 LICENSING OF ATHLETIC TRAINERS
 = SB 48 PERS CONTRIBUTIONS BY MUNICIPALITIES
 = HB 116 PERS CREDIT FOR MILITARY SERVICE

FINANCE (continued)

Apr 17 Thursday Senate Finance 532 9:00 AM

+ HB 379 OIL & GAS PROPERTY TAX
 += HB 234 EXTEND REGULATORY COMMISSION OF ALASKA
 += HB 308 ALASKA SECURITIES ACT EXEMPTIONS
 += HB 361 LICENSING OF BEHAVIOR ANALYSTS
 += HB 160 LICENSING OF ATHLETIC TRAINERS
 + HB 328 BOARD/LICENSING OF MASSAGE THERAPISTS
 += HB 121 COMMERCIAL FISHING & AGRICULTURE BANK
 += HB 204 SALMON & HERRING PRODUCT DEV'T TAX CREDIT
 + HB 143 COMMERCIAL FISHING CREWMEMBER LICENSES
 + HB 282 LANDLORD AND TENANT ACT
 += HB 193 MUNICIPAL TAXATION OF TOBACCO PRODUCTS
 += HB 231 CATTLE BRAND REGISTRATION
 += HB 305 JUNK DEALER & METAL SCRAPER LICENSING
 += HB 19 PERM. MOT. VEH. REGISTRATION/TRAILERS
 + Bills Previously Heard/Scheduled

Apr 17 Thursday Senate Finance 532 1:30 PM

+ Bills Previously Heard/Scheduled

HEALTH & SOCIAL SERVICES

Apr 16 Wednesday Butrovich 205 1:30 PM

+ HB 134 MEDICAID PAYMENT FOR MEDISET PRESCRIPTION
 Bills Previously Heard/Scheduled

JUDICIARY

Apr 16 Wednesday Beltz 105 (tsbldg) 9:30 AM

-- Recessed to 1:30 pm --
 + HB 127 OMBUDSMAN
 + HB 140 REGULATIONS: NOTICE, REVIEW, COMMENT
 + HB 60 UNIFORM REAL PROPERTY TRANSFERS ON DEATH
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 16 Wednesday Beltz 105 (tsbldg) 7:00 AM
 + HB 281 PRESCRIPTION WITHOUT PHYSICAL EXAMINATION
 + HB 309 DISTILLERY LICENSES
 + HB 357 ACCESS TO LICENSED PREMISES
 + HB 169 RCA REGULATION OF TELEPHONE DIRECTORIES
 += SB 8 PHARMACY AUDITS
 <Bill Hearing Canceled by Request of Sponsor>

RESOURCES

Apr 16 Wednesday Butrovich 205 8:00 AM
 -- MEETING CANCELED --
 + Informational Hearing:
 Updates from the Field - Part II
 The Alaska Support Industry Alliance

Apr 16 Wednesday Butrovich 205 3:30 PM
 -- MEETING CANCELED --
 + Bills Previously Heard/Scheduled

Apr 18 Friday Butrovich 205 3:30 PM
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 17 Thursday Butrovich 205 9:00 AM
 + HB 216 OFFICIAL LANGUAGES OF THE STATE
 <Pending Referral>
 + Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 17 Thursday Butrovich 205 1:30 PM
 -- MEETING CANCELED --
 += SB 211 STATE LAND AND MATERIALS

CONFERENCE COMMITTEES

CONFERENCE COMMITTEE ON HB 266 & HB 267

Apr 16 Wednesday Senate Finance 532 4:00 PM
-- MEETING CANCELED --

- = HB 266 APPROP: OPERATING BUDGET/LOANS/FUNDS
- = HB 267 APPROP: MENTAL HEALTH BUDGET

Apr 17 Thursday Senate Finance 532 4:00 PM
= HB 266 APPROP: OPERATING BUDGET/LOANS/FUNDS
= HB 267 APPROP: MENTAL HEALTH BUDGET

Apr 18 Friday Senate Finance 532 4:00 PM
= HB 266 APPROP: OPERATING BUDGET/LOANS/FUNDS
= HB 267 APPROP: MENTAL HEALTH BUDGET

OTHER MEETINGS

JOINT SESSION

Apr 17 Thursday House Chamber 11:00 AM
-- Rescheduled from 4/11/14 --
Consideration of Governor's Appointees