

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-EIGHTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Friday

April 18, 2014

Eighty-eighth Day

Pursuant to adjournment the Senate was called to order by President Huggins at 10:18 a.m.

The roll showed nineteen members present. Senator Fairclough was absent.

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

Dear Lord Jesus, it's the day in Holy Week we call "Good Friday." There had to be a day when you – the God who made us for yourself – would be made sin for us and that you would freely and fully give yourself for us on the cross. This is the highest example of love.

Oh, the wonder of it all. From the cross, and from your heart, came these two cries. "Father forgive them" (Luke 23:34) and "My God, my God, why have you forsaken me?" (Matthew 27:46). The first required the second. The second secured the first. And then, there's the third cry. "It is finished." Nothing is left undone, concerning our salvation. Once and for all – perfectly and fully – we have been reconciled to God. You became sin for us that in you, we might become the righteousness of God (2 Cor. 5:21).

Lord Jesus, how can we even begin to express the gratitude, love, and praise we feel in response to what you've done for us on the cross? Every response we offer is woefully insufficient to the magnificence of your mercy and the measure of your grace you lavished on us in the gospel.

So like everything else we offer you, Jesus, take our humble praise and purify it, magnify it, and cause it to be a sweet aroma in your heart. No one could have ever taken your life from you, and we would have never found life on our own.

Because you were fully forsaken, I am forever forgiven. So I pray, in your all-glorious, all-grace-full name Jesus, Amen.

Senator Ellis led the Senate in the Pledge of Allegiance.

Certification

Senator Coghill moved and asked unanimous consent that the journal for the eighty-seventh legislative day and Senate and House Joint Journal Supplement No. 12 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

HJR 25

Message dated April 17 was read stating the House concurred in the Senate amendment to CS FOR HOUSE JOINT RESOLUTION NO. 25(MLV) Urging the United States Congress to restore the presumption of a service connection for Agent Orange exposure to United States Veterans who served in the waters defined by and in the airspace over the combat zone in Vietnam, thus adopting:

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 25(STA) Urging the United States Congress to restore the presumption of a service connection for Agent Orange exposure to United States Veterans who served in the waters defined by and in the airspace over the combat zone in Vietnam; and urging the United States Congress to pass the Toxic Exposure Research and Military Family Support Act of 2013 and to establish a national center for the diagnosis, treatment, and research of health conditions of descendants of veterans exposed to toxic substances.

(Title Change SCR 22)

SCR 22

Message dated April 17 was read stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 22 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Joint Resolution No. 25, urging the United States Congress to restore the presumption of a service connection for Agent Orange exposure to United States Veterans who served in the waters defined by and in the airspace over the combat zone in Vietnam.

The resolution was referred to the Secretary for enrollment.

SB 58

Message dated April 17 was read stating the House passed and returned:

SENATE BILL NO. 58 "An Act allowing an insurer to cancel an insurance policy if property becomes entirely abandoned and the abandonment increases the hazard insured against."

The bill was referred to the Secretary for enrollment.

SB 156

Message dated April 17 was read stating the House passed and returned:

SENATE BILL NO. 156 "An Act relating to direct-entry midwives."

The bill was referred to the Secretary for enrollment.

SB 162

Message dated April 17 was read stating the House passed and returned:

SENATE BILL NO. 162 "An Act authorizing a licensed optometrist to prescribe a pharmaceutical agent containing hydrocodone."

The bill was referred to the Secretary for enrollment.

SB 186

Message dated April 17 was read stating the House passed and returned:

SENATE BILL NO. 186 "An Act relating to the Controlled Substances Advisory Committee and providing for mandatory meetings of the committee at least twice a year."

The bill was referred to the Secretary for enrollment.

SB 213

Message dated April 17 was read stating the House passed and returned:

SENATE BILL NO. 213 "An Act relating to the appointment of municipal election boards."

The bill was referred to the Secretary for enrollment.

Concur Messages**SB 128**

Message dated April 17 was read stating the House passed and returned for consideration CS FOR SENATE BILL NO. 128(JUD) "An Act relating to the crime of harassment" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL
NO. 128(JUD)

Senator Coghill moved that the Senate concur in the House amendment.

The question being: "Shall the Senate concur in the House amendment?" The roll was taken with the following result:

HCS CSSB 128(JUD)

Shall the Senate Concur in the House
Amendment to CSSB 128(JUD)?

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

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

Absent: Fairclough

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 128(JUD) "An Act relating to the crime of harassment."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 206

Message dated April 17 was read stating the House passed and returned for consideration CS FOR SENATE BILL NO. 206(STA) "An Act relating to motor vehicle registration and fees; relating to licensing of school bus drivers; relating to notice of an accident involving a motor vehicle; and providing for an effective date" with the following amendment:

CS FOR SENATE BILL NO. 206(STA) am H

Senator Coghill moved that the Senate concur in the House amendment.

The question being: "Shall the Senate concur in the House amendment?" The roll was taken with the following result:

CSSB 206(STA) am H

Shall the Senate Concur in the House

Amendment to CSSB 206(STA)? Effective Date

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

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

Absent: Fairclough

and so, the Senate concurred in the House amendment, thus adopting CS FOR SENATE BILL NO. 206(STA) am H "An Act relating to motor vehicle registration and fees; relating to licensing of school bus drivers; relating to notice of an accident involving a motor vehicle; and providing for an effective date."

Senator Coghill moved and asked unanimous consent that the vote on concurrence be considered the vote on the effective date clause. Without objection, it was so ordered.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Standing Committee Reports

HB 28

The Labor and Commerce Committee considered HOUSE BILL NO. 28 "An Act exempting solicitations or voluntary agreements to provide ambulance, emergency, or fire department services from regulation as insurance." Signing do pass: Senator Dunleavy, Chair; Senators Olson, Micciche.

The following fiscal information was published today:

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

The bill was referred to the Community and Regional Affairs Committee.

HB 206

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 206(L&C) "An Act relating to motor vehicle service contracts; exempting motor vehicle service contracts from regulation as insurance; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL
NO. 206(L&C)

Signing do pass: Senator Dunleavy, Chair; Senator Olson. Signing no recommendation: Senator 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.

The presence of Senator Fairclough was noted.

Consideration of the Calendar**Second Reading of House Bills****HB 116**

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" 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. 116(L&C) was read the third time.

Senators McGuire, Wielechowski, French, Micciche, Dunleavy, Ellis, Dyson, Bishop, Giessel, Meyer, Stedman, Stevens, Gardner, Egan, Kelly, Olson 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. 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" pass the Senate?" The roll was taken with the following result:

CSHB 116(L&C)

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, CS FOR HOUSE BILL NO. 116(L&C) 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 127

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" was read the second time.

Senator Coghill, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 2511. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 127(JUD) was adopted.

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.

SENATE CS FOR CS FOR HOUSE BILL NO. 127(JUD) was read the third time.

The question being: "Shall SENATE CS FOR 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" pass the Senate?" The roll was taken with the following result:

SCS CSHB 127(JUD)

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, SENATE CS FOR CS FOR HOUSE BILL NO. 127(JUD) 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 referred to the Secretary for engrossment.

Third Reading of House Bills

HB 210

CS FOR HOUSE BILL NO. 210(FIN) am "An Act relating to crisis intervention training for school personnel; and relating to restraint and seclusion of students in public schools" was read the third time.

Senator Coghill moved and asked unanimous consent that CS FOR HOUSE BILL NO. 210(FIN) am be moved to the bottom of today's calendar. Without objection, it was so ordered.

House Bills in Third Reading

HB 246

HOUSE BILL NO. 246 "An Act adding additional land and water to the Creamer's Field Migratory Waterfowl Refuge" which had been held in third reading (page 2551), was before the Senate.

Senator Egan moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Without objection, the bill was returned to second reading.

Senator Egan offered Amendment No. 1:

Page 1, line 2, following "**Refuge**":

Insert "**; designating the House of Wickersham as the official residence of the lieutenant governor and making the House of Wickersham available for other uses; and relating to per diem claims by the lieutenant governor that are related to the location of the official residence of the lieutenant governor**"

Page 3, following line 17:

Insert a new bill section to read:

"* **Sec. 2.** AS 44.19.020 is amended by adding new subsections to read:

(b) The House of Wickersham in Juneau is designated as the official residence of the lieutenant governor. The House of Wickersham shall be

(1) used as the living quarters for the lieutenant governor and as a place for the conduct of official and ceremonial duties of the lieutenant governor, and shall be available for use by the Alaska Historical Commission established under AS 41.35.300;

(2) managed to maintain its historical integrity; and

(3) shall be available for public tours and events.

(c) If the House of Wickersham is not used as the primary residence of the lieutenant governor and the lieutenant governor is in Juneau for state business, the lieutenant governor may claim per diem, but shall reimburse the state for the cost of accommodations."

Senator Egan moved for the adoption of Amendment No. 1. Senator French objected, then withdrew his objection. There being no further objection, Amendment No. 1 was adopted.

HOUSE BILL NO. 246 am S "An Act adding additional land and water to the Creamer's Field Migratory Waterfowl Refuge; designating the House of Wickersham as the official residence of the lieutenant governor and making the House of Wickersham available for other uses; and relating to per diem claims by the lieutenant governor that are related to the location of the official residence of the lieutenant governor" was automatically in third reading.

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

The question being: "Shall HOUSE BILL NO. 246 am S "An Act adding additional land and water to the Creamer's Field Migratory Waterfowl Refuge; designating the House of Wickersham as the official residence of the lieutenant governor and making the House of Wickersham available for other uses; and relating to per diem claims

by the lieutenant governor that are related to the location of the official residence of the lieutenant governor" pass the Senate?" The roll was taken with the following result:

HB 246 am S

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. 246 am S passed the Senate and was referred to the Secretary for engrossment.

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 11:02 a.m.

After Recess

The Senate reconvened at 5:02 p.m.

Unfinished Business

HB 210

CS FOR HOUSE BILL NO. 210(FIN) am "An Act relating to crisis intervention training for school personnel; and relating to restraint and seclusion of students in public schools" which was moved to the bottom of today's calendar (page 2586), was not taken up.

The bill will be on the April 19 calendar.

HB 276

The reconsideration on HOUSE BILL NO. 276 "An Act making the Alaska Wage and Hour Act inapplicable to certain employees of motor vehicle dealers; and providing for an effective date" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

HJR 22

HOUSE JOINT RESOLUTION NO. 22 am Requesting the United States Congress to call a convention of the states to propose amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office of federal government officials; and urging the legislatures of the other 49 states to request the United States Congress to call a convention of the states, was not taken up.

The resolution will be on the April 19 calendar.

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 127**

SENATE CS FOR 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" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 246

HOUSE BILL NO. 246 am S "An Act adding additional land and water to the Creamer's Field Migratory Waterfowl Refuge; designating the House of Wickersham as the official residence of the lieutenant governor and making the House of Wickersham available for other uses; and relating to per diem claims by the lieutenant governor that are related to the location of the official residence of the lieutenant governor" was engrossed, signed by the President and Secretary and returned to the House for consideration.

Adjournment

Senator Coghill moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., April 19, 2014. Without objection, the Senate adjourned at 5:02 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 18 Friday Senate Finance 532 9:00 AM
 -- MEETING CANCELED --

+ HB 160 LICENSING OF ATHLETIC TRAINERS
 + HB 140 REGULATIONS: NOTICE, REVIEW, COMMENT
 + HB 306 EVAL. INDIRECT EXPENDITURES; TAX CREDITS
 + HB 287 OIL ROYALTIES; TAX CREDIT
 + HJR 10 CONST. AM: TRANSPORTATION FUND
 + Bills Previously Heard/Scheduled

Apr 18 Friday Senate Finance 532 1:30 PM

= HB 278 EDUCATION
 + HB 385 PERS/TRS STATE CONTRIBUTIONS
 = HB 160 LICENSING OF ATHLETIC TRAINERS
 = HB 140 REGULATIONS: NOTICE, REVIEW, COMMENT
 = HB 306 EVAL. INDIRECT EXPENDITURES; TAX CREDITS
 = HB 287 OIL ROYALTIES; TAX CREDIT
 = HJR 10 CONST. AM: TRANSPORTATION FUND
 + Bills Previously Heard/Scheduled

Apr 19 Saturday Senate Finance 532 9:00 AM

+ HB 385 PERS/TRS STATE CONTRIBUTIONS
 += HB 278 EDUCATION
 += HB 19 PERM. MOT. VEH. REGISTRATION/TRAILERS
 += HB 160 LICENSING OF ATHLETIC TRAINERS
 += HB 282 LANDLORD AND TENANT ACT
 += HB 287 OIL ROYALTIES; TAX CREDIT

(meeting continued on next page)

FINANCE (continued)**(meeting continued from previous page)**

- + HB 306 EVAL. INDIRECT EXPENDITURES; TAX CREDITS
- + HB 140 REGULATIONS: NOTICE, REVIEW, COMMENT
- + HB 316 WORKERS' COMPENSATION MEDICAL FEES
- + HB 384 ALASKA MINIMUM WAGE
- + HJR 10 CONST. AM: TRANSPORTATION FUND
- + Bills Previously Heard/Scheduled

Apr 19 Saturday Senate Finance 532 1:30 PM
 + Bills Previously Heard/Scheduled

JUDICIARY

Apr 18 Friday Butrovich 205 1:30 PM
 -- Recessed to a Call of the Chair --
 + HB 370 WORKERS COMP: CONTROLLED SUBSTANCES
 -- Public Testimony --
 HB 45 ELECTRONIC BULLYING IN SCHOOLS
 Pending Waiver of Uniform Rule 23

Apr 19 Saturday Butrovich 205 9:00 AM
 + HB 370 WORKERS COMP: CONTROLLED SUBSTANCES
 + HB 45 ELECTRONIC BULLYING IN SCHOOLS

LABOR & COMMERCE

Apr 18 Friday Beltz 105 (tsbldg) 7:30 AM
 + HB 206 MOTOR VEHICLE SERVICE CONTRACTS
 + HB 28 FIRE AND EMERGENCY MEDICAL SERVICES

RESOURCES

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

STATE AFFAIRS

Apr 18 Friday Beltz 105 (tsbldg) 8:00 AM
 += HB 216 OFFICIAL LANGUAGES OF THE STATE
 + HB 356 ADVISORY COMMITTEE ON WELLNESS
 + Bills Previously Heard/Scheduled

CONFERENCE COMMITTEES**CONFERENCE COMMITTEE ON HB 266 & HB 267**

Apr 18 Friday Senate Finance 532 4:00 PM
 = HB 266 APPROP: OPERATING BUDGET/LOANS/FUNDS
 = HB 267 APPROP: MENTAL HEALTH BUDGET
 Commerce, Community and Economic Development
 Education and Early Development
 Environmental Conservation
 Fish and Game
 Labor and Workforce Development
 Public Safety
 University of Alaska
 Mental Health Capital
 Language Item #4

Apr 19 Saturday Senate Finance 532 2:00 PM
 = HB 266 APPROP: OPERATING BUDGET/LOANS/FUNDS
 = HB 267 APPROP: MENTAL HEALTH BUDGET