

SENATE JOURNAL
ALASKA STATE LEGISLATURE
THIRTY-FIRST LEGISLATURE
FIRST SPECIAL SESSION

Juneau, Alaska

Thursday

May 16, 2019

First Day

Pursuant to the May 15 Proclamation of the Governor calling for the convening of the First Special Session of the Thirty-First Alaska Legislature, the Senate was called to order by President Giessel at 10:03 a.m.

The roll showed fifteen members present. Senator Begich was excused from a call of the Senate. Senators Birch, Gray-Jackson, Olson, Stevens were absent.

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

Therefore, if anyone is in Christ, he is a new creation.
The old has passed away; behold, the new has come.
(2nd Corinthians 5:17)

Remember not the former things, nor consider the things of old. Behold, I am doing a new thing; now it springs forth, do you not perceive it? I will make a way in the wilderness and rivers in the desert.
(Isaiah 43:18-19)

Senator Hoffman led the Senate in the Pledge of Allegiance.

Certification

Senator Costello moved and asked unanimous consent the journal for the one hundred twenty-first day of the first session be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

Executive Proclamation

Under the authority of Article II, Section 9, and Article III, Section 17, Constitution of the State of Alaska, and in the public interest, I call the Thirty-First Legislature of the State of Alaska into its first special session in the legislative chambers in Juneau, Alaska, at 10:00 a.m., on May 16, 2019, to consider the following subjects:

1. An Act making appropriations for public education and transportation of students.
2. HB 39 or similar bill making appropriations for the operating and loan program expenses of state government and for certain programs; capitalizing funds; amending appropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund.
3. HB 40 or similar bill making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program.
4. SB 19 or similar bill making appropriations, including capital appropriations, supplemental appropriations, reappropriations, and other appropriations; amending appropriations; making appropriations to capitalize funds.
5. HB 49 relating to criminal law and procedure.

Messages from the House

HB 104

Message dated May 15 was received stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 104(L&C) am, thus adopting:

CS FOR HOUSE BILL NO. 104(L&C) am S "An Act relating to exemptions from mortgage lender, mortgage broker, and mortgage loan originator licensing requirements; and providing for an effective date."

Communications

The following Budget and Audit Report was received from Kris Curtis, Legislative Auditor, in accordance with AS 24.20.311 and is on file in the Office of the Secretary of the Senate:

State of Alaska Single Audit
Fiscal Year Ended June 30, 2018

Introduction and Reference of Senate Bills

SB 1001

SENATE BILL NO. 1001 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act making appropriations for public education and transportation of students; repealing appropriations; and providing for an effective date."

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

Governor's transmittal letter dated May 16:

Dear President Giessel:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill to appropriate money to fund education for Fiscal Year 2020 (FY 2020).

Attorney General Kevin G. Clarkson issued a formal Attorney General Opinion on May 8, 2019 concluding that the appropriation in last year's HB 287 that attempted to appropriate future revenues for education in FY 2020 is unconstitutional. Despite this opinion, neither the operating nor the capital budgets have included any funding for FY 2020 education by the legislature.

Education is one of the most important obligations of the State, and it is vital that we have constitutionally valid funding to send out to school districts come July 1. As it stands right now, that does not exist, and we cannot rely on an unconstitutional appropriation. This bill provides the appropriation necessary to ensure the State can legally distribute funds for education.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Michael J. Dunleavy
Governor

Recess

Senator Costello moved and asked unanimous consent the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 10:08 a.m.

After Recess

The Senate reconvened at 12:43 p.m.

Senator Costello moved and asked unanimous consent to return to Special Committee Reports. Without objection, the Senate returned to:

Special Committee Reports

HB 49

May 16, 2019

Madam President:

Mr. Speaker:

The Conference Committee considering CS FOR HOUSE BILL NO. 49(FIN) am "An Act relating to criminal law and procedure; relating to pretrial services; establishing the crime of possession of motor vehicle theft tools; relating to electronic monitoring; relating to controlled substances; relating to probation and parole; relating to sentencing; amending the definitions of 'most serious felony,' 'sex offense,' and 'sex offender'; relating to registration of sex offenders; relating to operating under the influence; relating to refusal to submit to a chemical test; relating to the duties of the commissioner of corrections; relating to testing of sexual assault examination kits; relating to reports of involuntary commitment; amending Rules 6(r)(6) and 38.2, Alaska Rules of Criminal Procedure; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 49(FIN) am S "An Act relating to criminal law and procedure; relating to marriage as a defense to certain crimes of sexual assault; establishing the crime of possession of motor vehicle theft tools; relating to controlled substances; relating to electronic monitoring; relating to probation and parole; relating to sentencing; amending the definitions of 'most serious felony,' 'sex offense,' and 'sex offender'; relating to registration of sex offenders; relating to the automated victim notification system; relating to reporting child abuse or neglect; relating to Alaska Native organizations; relating to the village public safety officer program; relating to cancellation of a driver's license; relating to driving while license canceled; relating to operating under the influence; relating to restoration of a driver's license; relating to refusal to submit to a

chemical test; relating to the use of headlights; relating to the powers and duties of the commissioner of corrections; relating to pretrial services; relating to the duties of a prosecuting attorney; relating to testing of sexual assault examination kits; relating to reports of involuntary commitment; amending Rules 6(r)(6), 38.2, and 45(d), Alaska Rules of Criminal Procedure; and providing for an effective date."

requests limited powers of free conference on the following specific points:

Sections 31, 50, 99 (House)

Sections 39, 40, 51, 55, 68, 72, 73, 74, 94, 95, 101, 108, 109, 112, 124, 125, 145, 157, 158 (Senate)

Remaining sections related to pretrial services: 62, 67, 104, 105, 106, 107, 128, 149, 150 (Senate)

Signing the report: Senator Hughes, Chair, Senators Shower, Wielechowski; Representative Claman, Chair, Representatives Kopp, Pruitt.

President Giessel granted the Senate members limited powers of free conference as requested.

The Secretary was requested to notify the House.

Unfinished Business

Senator Kiehl moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, June 7 through evening plane time, June 10. Without objection, Senator Kiehl was excused.

Senator Shower moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, June 1 through evening plane time, June 15. Without objection, Senator Shower was excused.

Senator Costello moved and asked unanimous consent Senator Stevens be excused from a call of the Senate from morning plane time, May 17 through evening plane time, May 19. Without objection, Senator Stevens was excused.

Senator Costello moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, May 16 through evening plane time, May 19. Without objection, Senator Costello was excused.

Senator Reinbold moved and asked unanimous consent to be excused from a call of the Senate from July 14 through July 24 and from plane time, May 19 through evening plane time, May 20. Without objection, Senator Reinbold was excused.

Announcements

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

Announcements are at the end of the journal.

Adjournment

Senator Costello moved and asked unanimous consent the Senate stand in adjournment until 10:00 a.m., May 17, 2019. Without objection, the Senate adjourned at 12:47 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

HEALTH & SOCIAL SERVICES

May 17 **Friday** **Butrovich 205** **1:30 PM**
No Meeting Scheduled

May 20 **Monday** **Butrovich 205** **1:30 PM**
No Meeting Scheduled

JUDICIARY

May 17 **Friday** **Beltz 105 (tsbldg)** **1:30 PM**
No Meeting Scheduled

STATE AFFAIRS

May 16 **Thursday** **Butrovich 205** **3:30 PM**
+ -- MEETING CANCELED --
Bills Previously Heard/Scheduled

TRANSPORTATION

May 16 **Thursday** **Butrovich 205** **1:30 PM**
No Meeting Scheduled

CONFERENCE COMMITTEES

CONFERENCE COMMITTEE ON HB49

May 16 Thursday Butrovich 205 11:00 AM
+= HB 49 CRIMES; SENTENCING;DRUGS;THEFT; REPORTS