

SENATE JOURNAL
ALASKA STATE LEGISLATURE
THIRTY-THIRD LEGISLATURE
FIRST SESSION

Juneau, Alaska

Tuesday

May 16, 2023

One Hundred Twentieth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:04 a.m.

The roll showed twenty members present.

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

O God, in these last few turbulent days, when fear and doubt are mounting high, give us broad visions, penetrating eyes, and the power of endurance.

Help us to work with renewed vigor for a warless world, for a better distribution of wealth, and for a brotherhood that transcends race or color.

Remind us that we can no longer accept the things we cannot change. We must change the things we cannot accept, Amen.

Senator Wielechowski led the Senate in the Pledge of Allegiance.

Certification

Senator Giessel moved and asked unanimous consent the journal for the one hundred nineteenth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

SB 126

Message dated May 15 was read stating the House passed and returned:

SENATE BILL NO. 126 "An Act relating to the State Board of Registration for Architects, Engineers, and Land Surveyors; relating to architects, engineers, land surveyors, and landscape architects; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

Introduction and Reference of Senate Bills

SB 153

SENATE BILL NO. 153 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act exempting certain employees from overtime pay requirements; and providing for an effective date."

was read the first time and referred to the Labor and Commerce and Finance Committees.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Labor and Workforce Development

Governor's transmittal letter dated May 15:

Dear President Stevens:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill regarding Alaska's overtime laws relating to employees of various facilities licensed under AS 47.32,

including ambulatory surgical centers. The bill provides an exemption from overtime pay requirements for employees of these facilities if they choose to enter into a voluntary flexible work plan with their employer.

To improve and extend healthcare access, the availability of medical services that do not require hospital admissions has increased nationally and within Alaska; however, non-hospital medical facilities are at a disparity for managing the work-life balance of healthcare employees when compared with hospitals, where employees are exempted from the daily overtime requirement. The result has been a noticeable migration of nurses and other critical healthcare staff to hospitals where a more flexible schedule allows the employee greater control over their time.

Alaska law requires overtime pay for eligible employees to begin either after eight working hours in a day or after 40 cumulative hours in a workweek. Employees may, however, work up to 10 hours a day without triggering the overtime requirement if they have a written voluntary flexible work plan agreement with their employer that has been filed with the Department of Labor and Workforce Development and the department has issued a certificate approving the plan. An employee working longer than 10 hours a day, or 40 hours in a week, is paid at the overtime rate.

This bill would increase the hours that flexible work plan employees of certain facilities may work before triggering overtime pay from 10 to 12 hours. These facilities include ambulatory surgical centers, freestanding birth centers, home health agencies, hospices, intermediate care facilities for individuals with intellectual disabilities, residential psychiatric treatment centers, rural health clinics, and subacute mental health facilities.

This bill would not affect existing flexible work plan agreements, but it would permit employees working at these facilities to negotiate plans up to 12 hours per day going forward. Employees of these facilities would still be subject to a total of 40 hours per week for overtime pay.

This bill will impart flexibility for healthcare workers and provide stability for Alaska's healthcare system.

I urge your prompt and favorable action on this measure.

Sincerely,
/s/
Mike Dunleavy
Governor

Consideration of the Calendar

Second Reading of House Bills

HB 61

CS FOR HOUSE BILL NO. 61(STA) "An Act relating to restrictions on firearms and other weapons" was read the second time.

Senator Claman, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 1158. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 61(JUD) was adopted.

Senator Wielechowski offered Amendment No. 1:

Page 2, lines 5 - 6:

Delete ", other than grocery stores, pharmacies, medical facilities, and businesses that provide housing, including rental accommodations, hotels, and motels,"

Senators Stedman, Hoffman, Merrick, Olson, Bjorkman, Kaufman, Wilson, Hughes, Shower, Kawasaki, Myers moved and asked unanimous consent to be shown as cosponsors on the amendment. Without objection, it was so ordered.

Senator Wielechowski moved for the adoption of Amendment No. 1. Objections were heard.

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

May 16, 2023

1211

SCS CSHB 61(JUD)

Second Reading

Amendment No. 1?

YEAS: 15 NAYS: 5 EXCUSED: 0 ABSENT: 0

Yeas: Bishop, Bjorkman, Gray-Jackson, Hoffman, Hughes, Kaufman, Kawasaki, Merrick, Myers, Olson, Shower, Stedman, Stevens, Wielechowski, Wilson

Nays: Claman, Dunbar, Giessel, Kiehl, Tobin

and so, Amendment No. 1 was adopted.

Senator Giessel moved and asked unanimous consent 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. 61(JUD) am S was read the third time.

Senators Stedman, Bishop, Giessel, Shower moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 61(JUD) am S "An Act relating to restrictions on firearms and other weapons" pass the Senate?" The roll was taken with the following result:

SCS CSHB 61(JUD) am S

Third Reading - Final Passage

YEAS: 17 NAYS: 3 EXCUSED: 0 ABSENT: 0

Yeas: Bishop, Bjorkman, Claman, Dunbar, Giessel, Hoffman, Hughes, Kaufman, Kawasaki, Merrick, Myers, Olson, Shower, Stedman, Stevens, Wielechowski, Wilson

Nays: Gray-Jackson, Kiehl, Tobin

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 61(JUD) am S passed the Senate and was referred to the Secretary for engrossment.

Third Reading of Senate Bills**SB 95**

CS FOR SENATE BILL NO. 95(STA) "An Act relating to special request specialty organization registration plates; and providing for an effective date" was read the third time.

Senator Kaufman moved 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.

Senators Kaufman, Merrick, Tobin, Kawasaki offered Amendment No. 1:

Page 1, line 1, following **"plates;"**:

Insert **"relating to special registration plates commemorating peace officers killed in the line of duty;"**

Page 1, line 4:

Delete "a new subsection"

Insert "new subsections"

Page 2, following line 19:

Insert a new subsection to read:

"(mm) Special request plates commemorating peace officers killed in the line of duty. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating peace officers killed in the line of duty. The commissioner, after consulting with representatives of peace officers killed in the line of duty, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration. In this subsection, "peace officer" means

- (1) an officer of the state troopers;
- (2) a member of the police force of a municipality;
- (3) a correctional officer;
- (4) a village public safety officer;
- (5) an officer assigned to a court to serve warrants and court orders, provide court security and judicial protection, and transport prisoners; and

(6) any other public servant vested by law with a duty to maintain public order or to make arrests, whether the duty extends to all offenses or is limited to a specific class of offenses or offenders."

Page 2, line 20:

Delete "a new paragraph"

Insert "new paragraphs"

Page 2, line 26, following "plates":

Insert ";

(27) special request plates commemorating peace officers killed in the line of duty..... \$30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section"

Page 2, line 27:

Delete "January 1, 2024"

Insert "immediately under AS 01.10.070(c)"

Senator Kaufman moved for the adoption of Amendment No. 1.

Senator Kawasaki objected, then withdrew his objection. There being no further objection, Amendment No. 1 was adopted.

Senators Hughes, Shower, Wielechowski, Dunbar, Gray-Jackson, Bjorkman, Claman moved and asked unanimous consent to be shown as cosponsors on the amendment. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 95(STA) am "An Act relating to special request specialty organization registration plates; relating to special registration plates commemorating peace officers killed in the line of duty; and providing for an effective date" was automatically in third reading.

Senators Claman, Dunbar, Gray-Jackson, Kawasaki, Wielechowski, Shower moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE BILL NO. 95(STA) am "An Act relating to special request specialty organization registration plates; relating to special registration plates commemorating peace officers killed in the line of duty; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 95(STA) am
Third Reading - Final Passage
Effective Date(s)

YEAS: 18 NAYS: 1 EXCUSED: 0 ABSENT: 1

Yeas: Bishop, Bjorkman, Claman, Dunbar, Giessel, Gray-Jackson, Hoffman, Hughes, Kaufman, Kawasaki, Kiehl, Merrick, Myers, Shower, Stevens, Tobin, Wielechowski, Wilson

Nays: Stedman

Absent: Olson

and so, CS FOR SENATE BILL NO. 95(STA) am passed the Senate.

Senator Giessel moved and asked unanimous consent the vote on the passage of the bill be considered the vote on the effective date clause(s). Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Senate Bills in Third Reading

SB 89

CS FOR SENATE BILL NO. 89(FIN) "An Act relating to tobacco, tobacco products, electronic smoking products, nicotine, and products containing nicotine; raising the minimum age to purchase, exchange, or possess tobacco, a product containing nicotine, or an electronic smoking product; relating to the tobacco use education and cessation fund; relating to the taxation of electronic smoking products and vapor products; and providing for an effective date" which had been held in third reading (page 1172) was before the Senate.

The question being: "Shall CS FOR SENATE BILL NO. 89(FIN) "An Act relating to tobacco, tobacco products, electronic smoking products, nicotine, and products containing nicotine; raising the minimum age to purchase, exchange, or possess tobacco, a product containing nicotine, or an electronic smoking product; relating to the tobacco use education and cessation fund; relating to the taxation of electronic smoking products and vapor products; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 89(FIN)

Third Reading - Final Passage

Effective Date(s)

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

Yeas: Bishop, Bjorkman, Dunbar, Giessel, Gray-Jackson, Hoffman, Kawasaki, Kiehl, Merrick, Olson, Stedman, Stevens, Tobin, Wielechowski

Nays: Claman, Hughes, Kaufman, Myers, Shower, Wilson

and so, CS FOR SENATE BILL NO. 89(FIN) passed the Senate.

Senator Giessel moved and asked unanimous consent the vote on the passage of the bill be considered the vote on the effective date clause(s). Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Third Reading of House Bills

HB 51

HOUSE BILL NO. 51 am S(efd add S) "An Act relating to refrigerants designated as acceptable for use under federal law; relating to firefighting substances; and providing for an effective date" was read the third time.

The question being: "Shall HOUSE BILL NO. 51 am S(efd add S) "An Act relating to refrigerants designated as acceptable for use under federal law; relating to firefighting substances; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 51 am S(efd add S)

Third Reading - Final Passage

Effective Date(s)

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

Yeas: Bishop, Bjorkman, Claman, Dunbar, Giessel, Gray-Jackson, Hoffman, Hughes, Kaufman, Kawasaki, Kiehl, Merrick, Myers, Olson, Shower, Stedman, Stevens, Tobin, Wielechowski, Wilson

and so, HOUSE BILL NO. 51 am S(efd add S) passed the Senate.

Senator Giessel moved and asked unanimous consent the vote on the passage of the bill be considered the vote on the effective date clause(s). Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

SCR 7

SENATE CONCURRENT RESOLUTION NO. 7 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 51, relating to refrigerants designated as acceptable for use under federal law, was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 7 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 51, relating to refrigerants designated as acceptable for use under federal law, pass the Senate?" The roll was taken with the following result:

SCR 7

Final Passage

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

Yeas: Bishop, Bjorkman, Claman, Dunbar, Giessel, Gray-Jackson, Hoffman, Hughes, Kaufman, Kawasaki, Kiehl, Merrick, Myers, Olson, Shower, Stedman, Stevens, Tobin, Wielechowski, Wilson

and so, SENATE CONCURRENT RESOLUTION NO. 7 passed the Senate and was referred to the Secretary for engrossment.

Recess

Senator Giessel moved and asked unanimous consent the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 12:08 p.m.

After Recess

The Senate reconvened at 3:12 p.m.

Senator Giessel moved and asked unanimous consent that the Senate move down the calendar to HOUSE BILL NO. 141. Without objection, it was so ordered.

House Bills in Third Reading**HB 141**

HOUSE BILL NO. 141 "An Act establishing June 9 of each year as Don Young Day" which had been held in third reading (page 1198) was before the Senate.

The question being: "Shall HOUSE BILL NO. 141 "An Act establishing June 9 of each year as Don Young Day" pass the Senate?" The roll was taken with the following result:

HB 141

Third Reading - Final Passage

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

Yeas: Bishop, Bjorkman, Claman, Dunbar, Giessel, Gray-Jackson, Hoffman, Hughes, Kaufman, Kawasaki, Kiehl, Merrick, Myers, Olson, Shower, Stedman, Stevens, Tobin, Wielechowski, Wilson

and so, HOUSE BILL NO. 141 passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Senator Giessel moved and asked unanimous consent the following citations be made a special order of business. Without objection, it was so ordered.

Special Order of Business

In Memoriam – Cynthia “Cindy” Joy Becker
Representative(s) Wright
Senator(s) Wielechowski

In Memoriam – Curtis Williams
Representative(s) Wright

In Memoriam – Doris Price-Hodge
Representative(s) Wright
Senator(s) Wielechowski

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

Unfinished Business

Senator Wilson moved and asked unanimous consent to be excused from a call of the Senate from June 3 through June 7; and from June 24 through June 28. Without objection, Senator Wilson was excused.

Senator Tobin moved and asked unanimous consent to be excused from a call of the Senate from September 26 through September 28; and from December 5 through December 15. Without objection, Senator Tobin was excused.

Senator Tobin moved and asked unanimous consent to amend a prior excusal (page 1043) in order to be excused from a call of the Senate from September 5 through September 11. Without objection, Senator Tobin was excused.

Senator Bjorkman moved and asked unanimous consent to be excused from a call of the Senate from June 11 through June 17. Without objection, Senator Bjorkman was excused.

Senator Claman moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, June 23 through evening plane time, June 25. Without objection, Senator Claman was excused.

Senator Hughes moved and asked unanimous consent to be excused from a call of the Senate from May 30 through June 7. Without objection, Senator Hughes was excused.

Senator Stedman moved and asked unanimous consent to be excused from a call of the Senate from June 16 through June 26. Without objection, Senator Stedman was excused.

HB 51

Senators Kiehl, Tobin, Kawasaki, Wielechowski, Dunbar, Gray-Jackson, Olson, Bishop, Claman moved and asked unanimous consent to be shown as cross sponsors on HOUSE BILL NO. 51 "An Act relating to refrigerants designated as acceptable for use under federal law." Without objection, it was so ordered.

Senator Bishop moved and asked unanimous consent to be excused from a call of the Senate from June 14 through June 27. Without objection, Senator Bishop was excused.

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate from September 8 through September 28. Without objection, Senator Hoffman was excused.

Senator Olson moved and asked unanimous consent to be excused from a call of the Senate from May 18 through June 1; and from August 28 through September 7. Without objection, Senator Olson was excused.

SB 88

Senator Olson moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 88 "An Act relating to the Public Employees' Retirement System of Alaska and the teachers' retirement system; providing certain employees an opportunity to choose between the defined benefit and defined contribution plans of the Public Employees' Retirement System of Alaska and the teachers' retirement system; and providing for an effective date." Without objection, it was so ordered.

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

Messages from the House

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

First Reading and Reference of House Bills**HB 112**

CS FOR HOUSE BILL NO. 112(L&C) am BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the Board of Pharmacy; relating to the practice of pharmacy; relating to pharmacies; relating to prescription drug manufacturers; relating to licensing and registration requirements for certain wholesale drug distributors; relating to prescriptions for epinephrine; relating to the administration of epinephrine; and providing for an effective date."

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

Announcements

Announcements are at the end of the journal.

Engrossment**SB 89**

CS FOR SENATE BILL NO. 89(FIN) "An Act relating to tobacco, tobacco products, electronic smoking products, nicotine, and products containing nicotine; raising the minimum age to purchase, exchange, or possess tobacco, a product containing nicotine, or an electronic smoking product; relating to the tobacco use education and cessation fund; relating to the taxation of electronic smoking products and vapor products; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 95

CS FOR SENATE BILL NO. 95(STA) am "An Act relating to special request specialty organization registration plates; relating to special registration plates commemorating peace officers killed in the line of duty; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HB 51

HOUSE BILL NO. 51 am S(efd add S) "An Act relating to refrigerants designated as acceptable for use under federal law; relating to firefighting substances; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 61

SENATE CS FOR CS FOR HOUSE BILL NO. 61(JUD) am S "An Act relating to restrictions on firearms and other weapons" was engrossed, signed by the President and Secretary and returned to the House for consideration.

SCR 7

SENATE CONCURRENT RESOLUTION NO. 7 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 51, relating to refrigerants designated as acceptable for use under federal law, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Giessel moved and asked unanimous consent the Senate stand in adjournment until 11:00 a.m., May 17, 2023. Without objection, the Senate adjourned at 3:30 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

COMMUNITY & REGIONAL AFFAIRS

May 16	Tuesday	Beltz 105 (tsbldg)	1:30 PM
	No Meeting Scheduled		
May 18	Thursday	Beltz 105 (tsbldg)	1:30 PM
	No Meeting Scheduled		

EDUCATION

May 17	Wednesday	Beltz 105 (tsbldg)	3:30 PM
	No Meeting Scheduled		
May 19	Friday	Beltz 105 (tsbldg)	3:30 PM
	No Meeting Scheduled		

FINANCE

May 16	Tuesday	Senate Finance 532	9:00 AM
	-- MEETING CANCELED --		
+	Bills Previously Heard/Scheduled		
May 16	Tuesday	Senate Finance 532	1:30 PM
	-- MEETING CANCELED --		
	-- Please Note Time Change --		
+	HB 112 PROFESSION OF PHARMACY		
+	Bills Previously Heard/Scheduled		

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FINANCE (continued)

May 17	Wednesday	Senate Finance 532	9:00 AM
+	Bills Previously Heard/Scheduled		

HEALTH & SOCIAL SERVICES

May 16	Tuesday	Butrovich 205	3:30 PM
	No Meeting Scheduled		

May 18	Thursday	Butrovich 205	3:30 PM
	No Meeting Scheduled		

JUDICIARY

May 16	Tuesday	Butrovich 205	9:00 AM
	-- MEETING CANCELED --		
	-- Please Note Time Change --		
+	HB 66	CONTROLLED SUB;HOMICIDE;CRIMES;SENTENCING	
	Uniform Rule 23(a) Waived		
	-- Public Testimony --		
+	Bills Previously Heard/Scheduled		

May 17	Wednesday	Butrovich 205	1:30 PM
+	Bills Previously Heard/Scheduled		

LABOR & COMMERCE

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

RESOURCES

May 17	Wednesday	Butrovich 205	3:30 PM
+	Bills Previously Heard/Scheduled		
	Streamed live on AKL.tv		

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STATE AFFAIRS

May 16	Tuesday	Beltz 105 (tsbldg)	3:30 PM
	-- MEETING CANCELED --		
+	Bills Previously Heard/Scheduled		

TRANSPORTATION

May 16	Tuesday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

May 18	Thursday	Adams 519	8:30 AM
+	Approval of Minutes:		
	-December 14, 2022		
	-January 24, 2023		
	-March 7, 2023		
	Executive Session:		
	A. Preliminary Audit Release - FY22 Single Audit		
	B. LB&A v. Dunleavy Legal Contract		
	C. 40 hr work week		
	Adjournment		