

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Wednesday

January 30, 2008

Sixteenth Day

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

The roll showed seventeen members present. Senators Cowdery, Kookesh, Wagoner were excused from a call of the Senate.

The prayer was offered by the Chaplain, Father Thomas Weise of the Cathedral of the Nativity. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

(From the beginning of Psalm 51)

Have mercy on me, O Gracious One,
 according to your steadfast love;
According to your abundant kindness
 forgive me where my thoughts and deeds have hurt others.
Lead me in the paths of justice, guide my steps on paths of peace!

Teach me, that I may know my weakness,
 the shortcomings that bind me,
The unloving ways that separate me,
 that keep me from recognizing your life in me;
For, I keep company with fear, and
 dwell in the house of ignorance.
Yet, I was brought forth in love, and love is my birthright.

Gracious God, you created us and placed us within families to learn how to love and be loved. We praise you for your goodness, we thank you for your gifts. Bless our State with your love. Raise up in Alaska good and holy families, loving husbands and wives, devoted parents and children. Raise up from our families and friends dedicated and generous leaders who will serve as models in our communities. Amen.

Senator Wielechowski led the Senate in the Pledge of Allegiance.

Certification

Senator Ellis moved and asked unanimous consent that the journals for the fourteenth and fifteenth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

Message dated January 29 was read, stating:

The House of Representatives respectfully invites the Senate to a Joint Session of the Twenty-fifth Alaska Legislature at 11:00 a.m. on Monday, March 17 for the purpose of hearing U.S. Senator Lisa Murkowski's annual message to the Legislature.

Senator Ellis moved and asked unanimous consent that the Senate accept the House invitation to meet in Joint Session. Without objection, it was so ordered.

The Secretary was requested to notify the House.

Message dated January 28 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions****HJR 25**

HOUSE JOINT RESOLUTION NO. 25 BY REPRESENTATIVES
HARRIS, Gruenberg, Guttenberg, Kerttula, Cissna, Lynn, Gara,
LeDoux, Gardner, Crawford, Holmes,

Urging the United States Congress to support the
freedom to choose unions.

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

Communications

The following reports are on file in the Office of the Secretary of the
Senate:

Notification of availability of the Annual Report of State Loans
from Emil Notti, Commissioner
Department of Commerce, Community and Economic Development
in accordance with AS 37.05.035 and AS 16.10.350(b)

2007 Annual Report of Fisheries Enhancement Term Extensions
from Emil Notti, Commissioner
Department of Commerce, Community and Economic Development
in accordance with AS 16.10.510(11)

Special Committee Reports**SB 240**

The Senate Special Committee on Education considered SENATE
BILL NO. 240 "An Act relating to school funding, the base student
allocation, district cost factors, and the adjustments for intensive
services and average daily membership calculations; and providing for
an effective date." Signing do pass: Senator Stevens, Chair; Senators
Olson, Davis. Signing no recommendation: Senator Wilken. Signing
amend: Senator Huggins.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Education and Early
Development

Fiscal Note No. 2, Department of Education and Early
Development

The bill was referred to the Finance Committee.

SCR 15

The Senate Special Committee on Education considered SENATE CONCURRENT RESOLUTION NO. 15 Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to standing committees, and recommended it be replaced with

CS FOR SENATE CONCURRENT RESOLUTION
NO. 15(SED) Proposing amendments to the Uniform
Rules of the Alaska State Legislature relating to
standing committees.

Signing do pass: Senator Stevens, Chair; Senator Olson. Signing do not pass: Senator Huggins. Signing no recommendation: Senator Wilken. Signing amend: Senator Davis.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Legislative Agency

The resolution was referred to the State Affairs Committee.

**Introduction and Reference of
Senate Resolutions****SJR 15**

SENATE JOINT RESOLUTION NO. 15 BY SENATOR KOOKESH,

Disapproving the Local Boundary Commission
recommendation regarding the annexation of territory
to the Ketchikan Gateway Borough.

was read the first time and referred to the Community and Regional
Affairs and Finance Committees.

Introduction and Reference of Senate Bills**SB 255**

SENATE BILL NO. 255 BY SENATOR ELTON, entitled:

"An Act relating to refunding of certain outstanding bonds issued by the Alaska Industrial Development and Export Authority concerning the Snettisham hydroelectric project and related assets; and providing for an effective date."

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

SB 256

SENATE BILL NO. 256 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act making supplemental appropriations, capital appropriations, reappropriations, and other appropriations; amending certain appropriations; ratifying certain expenditures; making appropriations to capitalize funds; and providing for an effective date."

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

A spreadsheet entitled "FY2008 Supplemental Requests" accompanied the governor's transmittal letter and is on file in the Office of the Secretary of the Senate.

Governor's transmittal letter dated January 28:

Dear President Green:

I am transmitting to you today a supplemental appropriation budget bill for Fiscal Year 2008 that totals \$205.3 million in general funds. The bill contains necessary program cost changes known as of this date for the remainder of the current fiscal year. The bill contains items for which an early effective date is requested, along with items that can wait to be effective at the end of the legislative session.

The most significant general fund items include the \$125 million needed for oil and gas tax credits, \$18.5 million to implement the Senior Benefits Payment Program that was enacted in 2007, \$17.1 million to replace the Medicaid federal funds lost with the disallowance of the Private Hospital Proportionate Share Program, and \$13.3 million for the bargaining unit agreement reached with, and ratified by, the General Government Unit.

There will undoubtedly be additional supplemental funding requests submitted for consideration, primarily related to potential additional bargaining unit agreements, but my administration will limit the number of amendments as much as possible.

I look forward to working with the Legislature to secure passage of this bill.

Sincerely,

/s/

Sarah Palin
Governor

SB 257

SENATE BILL NO. 257 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to distribution of the Alaska
Administrative Code and Alaska Administrative
Register; and providing for an effective date."

was read the first time and referred to the State Affairs Committee.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Office of the Governor

Governor's transmittal letter dated January 28:

Dear President Green:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to change the Alaska Administrative Procedure Act to provide for better and more cost-effective access to administrative information.

The bill stems from requests of some local governments to stop receiving paper copies of the Alaska Administrative Code and the Alaska Administrative Register. Space in some local government offices is limited and the storage and disposal of these documents can be problematic.

Under current law, the Lieutenant Governor, at state expense, is required to supply a complete set of the Alaska Administrative Code, the Alaska Administrative Register, and each supplement to the code or register to the clerk of each local government unit. Many local governments have indicated that paper copies of these publications are neither utilized nor desired.

The bill allows the clerk of a local governmental unit to choose to forego receipt of the paper copies. Paper copies would continue to be supplied to governmental units that do not request cessation of the deliveries.

Because electronic access to the Alaska Administrative Code is currently available through the Legislature's website, and through links to that website from various state agency websites, we anticipate that many local governments would prefer this "no-cost" option for electronic access to the information, and paper copies would not be needed.

The bill also provides an easy method for the local government to "opt back in" to start receiving paper copies of the documents if the local government's needs changed.

I urge your prompt consideration and passage of this bill.

Sincerely,
/s/
Sarah Palin
Governor

Consideration of the Calendar**Citations**

Honoring – Dottie Pinkney

Senator(s) Olson, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Honoring – Julie Cain-Hill Outstanding Teacher and Alaskan

Representative(s) LeDoux

Senator(s) Stevens, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Therriault, Thomas, Wagoner, Wielechowski, Wilken

In Memoriam – Lieutenant Commander Robin Royce Starrett, USCG (Retired)

Representative(s) LeDoux

Senator(s) Stevens, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Therriault, Thomas, Wagoner, Wielechowski, Wilken

In Memoriam – Beth Scheen

Representative(s) Guttenberg

Senator(s) Thomas, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Wagoner, Wielechowski, Wilken

Senator Ellis 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

Senator Wilken moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, January 31 through evening plane time, February 4. Without objection, Senator Wilken was excused.

Senator Bunde moved and asked unanimous consent to be excused from a call of the Senate from April 4 through April 8. Without objection, Senator Bunde was excused.

Senator McGuire moved and asked unanimous consent to be excused from a call of the Senate on February 4. Without objection, Senator McGuire was excused.

Senator Wielechowski moved and asked unanimous consent to be excused from a call of the Senate from February 2 through morning plane time, February 4; and on February 11, to morning plane time. Without objection, Senator Wielechowski was excused.

SB 230

Senator Stevens moved and asked unanimous consent to be shown as a cosponsor on SPONSOR SUBSTITUTE FOR SENATE BILL NO. 230 "An Act establishing the film office in the Department of Commerce, Community, and Economic Development; and creating a transferable tax credit applicable to certain film production expenditures incurred in the state." Without objection, it was so ordered.

Concur Messages**SB 139**

Senator Ellis moved and asked unanimous consent that the concur message on SPONSOR SUBSTITUTE FOR SENATE BILL NO. 139, which had been held on the Secretary's desk (page 1677) be brought up at this time. Without objection, it was so ordered.

Message dated January 23 was read, stating the House passed and returned for consideration SPONSOR SUBSTITUTE FOR SENATE BILL NO. 139 "An Act repealing a limitation on the liability of certain airfield owners or operators" with the following amendment:

HOUSE CS FOR SPONSOR SUBSTITUTE FOR
SENATE BILL NO. 139(JUD) "An Act modifying
the criteria used to limit liability for certain airfield
owners or operators."

(Title change HCR 17)

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

Senator Ellis moved and asked unanimous consent that President Green be allowed to abstain from voting due to a conflict of interest. Objections were heard and President Green was required to vote.

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

HCS SSSB 139(JUD)

Shall the Senate Concur in the House

Amendment to SSSB 139?

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

Yeas: Bunde, Davis, Dyson, Ellis, Elton, French, Green, Hoffman, Huggins, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wielechowski, Wilken

Excused: Cowdery, Kookesh, Wagoner

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 139(JUD).

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

HCR 17

Senator Ellis moved and asked unanimous consent that HOUSE CONCURRENT RESOLUTION NO. 17, which had been held on the Secretary's desk (page 1676) be brought up at this time. Without objection, it was so ordered.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 17 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 139, relating to limitations on liability for certain airfield owners or operators, pass the Senate?" The roll was taken with the following result:

HCR 17

Final Passage

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

Yeas: Bunde, Davis, Dyson, Ellis, Elton, French, Green, Hoffman, Huggins, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wielechowski, Wilken

Excused: Cowdery, Kookesh, Wagoner

and so, HOUSE CONCURRENT RESOLUTION NO. 17 passed the Senate, was signed by the President and Secretary and returned to the House.

SB 212

Senator Ellis, Chair, moved and asked unanimous consent that the Labor and Commerce Committee referral be waived on SENATE BILL NO. 212 "An Act relating to eligibility requirements for medical assistance for certain children and pregnant women; and providing for an effective date." Without objection, the bill was referred to the Finance Committee.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Ellis moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., February 1, 2008. Without objection, the Senate adjourned at 11:43 a.m.

Kirsten Waid
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

Jan 31 Thursday Beltz 211 3:30 PM

-- MEETING CANCELED --

+ SB 182 CLEAN ELECTIONS
 + SB 204 MUNI TAX EXEMPTION: COMBAT DEATHS
 + SB 235 ALCOHOL: LOCAL OPTION/LICENSING/MINORS
 Bills Previously Heard/Scheduled

Feb 05 Tuesday Beltz 211 3:30 PM

+ SB 182 CLEAN ELECTIONS
 + SB 204 MUNI TAX EXEMPTION: COMBAT DEATHS
 + SB 235 ALCOHOL: LOCAL OPTION/LICENSING/MINORS
 + Bills Previously Heard/Scheduled

Feb 07 Thursday Beltz 211 3:30 PM

+ Bills Previously Heard/Scheduled

FINANCE

Jan 30 Wednesday Senate Finance 532 9:00 AM

+ SB 119 SCHOOL LIBRARY GRANTS
 + SJR 14 BUDGET RESERVE FUND VOTE REQUIREMENT
 + Bills Previously Heard/Scheduled

Jan 31 Thursday Senate Finance 532 9:00 AM

No Meeting Scheduled

Feb 01 Friday Senate Finance 532 9:00 AM

+ SB 242 OIL & GAS PRODUCTION TAX DATES
 + Bills Previously Heard/Scheduled

SENATE JOURNAL

January 30, 2008

1727

HEALTH, EDUCATION & SOCIAL SERVICES

Jan 30 **Wednesday** **Butrovich 205** **1:30 PM**
 += SB 160 MANDATORY UNIVERSAL HEALTH CARE

Feb 01 **Friday** **Butrovich 205** **1:30 PM**
 No Meeting Scheduled

JUDICIARY

Jan 30 **Wednesday** **Beltz 211** **1:30 PM**
 + SB 247 MISSING PERSONS
 + SB 226 VEXATIOUS LITIGANTS
 + Bills Previously Heard/Scheduled

Feb 01 **Friday** **Beltz 211** **1:30 PM**
 + SB 211 AGGRAVATING FACTOR: HOMELESSNESS
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Jan 31 **Thursday** **Beltz 211** **2:00 PM**
 -- Please Note Time Change --
 + SB 153 PEACE OFFICERS/FIRE FIGHTER RETIREMENT
 + SB 187 ALASKA MINIMUM WAGE
 + SB 197 PAYMENT DATE FOR CREDIT CARD PAYMENTS
 + HB 226 REPEAL TERMINATION OF STEP PROGRAM
 Bills Previously Heard/Scheduled

RESOURCES

Jan 30 **Wednesday** **Butrovich 205** **3:30 PM**
 + SCR 13 AMICUS BRIEF REGARDING RIGHT TO BEAR ARMS
 Presentation: Gasline Update
 Pat Galvin Commissioner, Dept of Revenue
 Tom Irwin Commissioner, Dept of Natural Resources
 -- Testimony <Invitation Only> --

Feb 01 **Friday** **Butrovich 205** **3:30 PM**
 + Presentation: Backbone II of Alaska
 -- Testimony <Invitation Only> --
 + Bills Previously Heard/Scheduled

RESOURCES (continued)

Feb 02 Saturday Butrovich 205 11:00 AM
 Uniform Rule 23 Waived
 + Presentation: ANS Gas Development
 David Keane, VP Government Affairs, BG Group
 -- Testimony <Invitation Only> --

STATE AFFAIRS

Jan 31 Thursday Beltz 211 9:00 AM
 + HB 37 ESTABLISHING SUSAN BUTCHER DAY
 + SB 201 PUBLIC FINANCE WEBSITE
 + SB 215 REQUIREMENTS FOR DRIVER'S LICENSE/I.D.
 + Bills Previously Heard/Scheduled

TRANSPORTATION

Jan 31 Thursday Butrovich 205 1:00 PM
 -- MEETING CANCELED --
 + SB 224 G.O. BONDS FOR TRANSPORTATION PROJECTS

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Feb 06 Wednesday Senate Finance 532 3:30 PM
 + Joint with House
 FY09 Budget Overview

COMMERCE, COMMUNITY & ECONOMIC DEV

Feb 01 Friday House Finance 519 12:15 PM
 Joint with House
 FY09 Budget Request

Feb 08 Friday House Finance 519 12:15 PM
 Joint with House
 FY09 Budget Request

Feb 15 Friday House Finance 519 12:15 PM
 Joint with House
 FY09 Budget Request

FINANCE SUBCOMMITTEES (continued)**COURT SYSTEM**

Jan 31	Thursday	Fahrenkamp 203	4:00 PM
+	Commission Judicial Conduct FY08 Update Court System FY09 Requests		

Feb 04	Monday	Fahrenkamp 203	4:00 PM
+	Court System Budget		

EDUCATION & EARLY DEVELOPMENT

Jan 31	Thursday	House Finance 519	5:00 PM
	Joint with House		

Feb 05	Tuesday	House Finance 519	5:00 PM
	-- MEETING CANCELED -- Joint with House		

LABOR & WORKFORCE DEVELOPMENT

Jan 30	Wednesday	House Finance 519	5:15 PM
	Joint with House FY09 Budget Request		

Feb 04	Monday	House Finance 519	5:15 PM
	Joint with House FY09 Budget Request		

Feb 06	Wednesday	House Finance 519	5:15 PM
	Joint with House FY09 Budget Request		

Feb 11	Monday	House Finance 519	5:15 PM
	Joint with House FY09 Budget Request		

Feb 13	Wednesday	House Finance 519	5:15 PM
	Joint with House FY09 Budget Request		

FINANCE SUBCOMMITTEES (continued)**MILITARY AND VETERANS AFFAIRS**

Feb 07 **Thursday** **House Finance 519** **12:00 PM**
 + Joint with House
 Budget Overview
 Presentation by General Campbell
 -- Testimony <Invitation Only> --

NATURAL RESOURCES

Feb 05 **Tuesday** **Fahrenkamp 203** **4:00 PM**
 -- MEETING CANCELED --
 FY09 Budget Overview

Feb 12 **Tuesday** **Fahrenkamp 203** **4:00 PM**
 FY09 Budget Overview

Feb 19 **Tuesday** **Fahrenkamp 203** **4:00 PM**
 FY09 Budget Overview

Mar 04 **Tuesday** **Fahrenkamp 203** **4:00 PM**
 FY09 Budget Closeout

TRANSPORTATION & PUBLIC FACILITIES

Jan 31 **Thursday** **Senate Finance 532** **4:00 PM**
 Department Budget Overview

SPECIAL COMMITTEES**SPECIAL COMMITTEE ON EDUCATION**

Jan 30 **Wednesday** **Butrovich 205** **8:00 AM**
 + SCR 15 AMEND UNIFORM RULES: STANDING COMMITTEES
 + SB 240 EDUCATION FUNDING

Feb 01 **Friday** **Butrovich 205** **8:00 AM**
 + SCR 16 EDUCATION FUNDING/COST FACTOR COMMISSION
 <Bill Hearing Postponed to 2/6/08>
 + SB 241 UNIV. REPORT: TEACHER TRAINING/RETENTION

SPECIAL COMMITTEES (continued)**SPECIAL COMMITTEE ON EDUCATION (continued)**

Feb 02 Saturday Butrovich 205 10:00 AM
 + Bills Previously Heard/Scheduled

Feb 06 Wednesday Butrovich 205 8:00 AM
 += SCR 16 EDUCATION FUNDING/COST FACTOR COMMISSION
 <Bill Hearing Rescheduled from 2/1/08>
 + SB 219 GOV PANEL ON SCHOOL DISTRICT COST FACTORS

JOINT COMMITTEES**ARMED SERVICES COMMITTEE**

Feb 12 Tuesday Senate Finance 532 1:00 PM
 Presentations by:
 Lt. General Douglas M. Frasier
 Alaska Army National Guard
 Alaska Air National Guard

COUNCIL ON DOMESTIC VIOLENCE TASK FORCE

Jan 31 Thursday Capitol 106 5:00 PM
 -- Public Testimony --
 + For Council on Domestic Violence and Sexual Assault

Feb 01 Friday Lt Gov Conf Rm 3:00 PM
 + Pat Davidson, Legislative Audit
 Audit Findings -
 Council's Relationship & Consultation
 with other State Agencies
 Appt Process for Members of the Council
 + Continuing at 5:00 pm:
 General Task Force Meeting
 Finalize Recommendations on above Audit Findings

Feb 02 Saturday Lt Gov Conf Rm 8:30 AM
 + CDVSA Overview by Chris Ashenbrener
 Continuing at 1:30 pm:
 + General Task Force Meeting
 Statutory Responsibilities & Priorities
 Council's Mission & Mission's Focus

JOINT COMMITTEES (continued)**LEGISLATIVE COUNCIL**

Jan 31 +	Thursday	Senate Finance 532	12:00 PM
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Sanctioning of Charitable Events
Late Per Diem Requests
Contract Amendment Approvals
Office of the Ombudsman FY09 Budget Request
Legislative Affairs Agency FY09 Budget Request
Revisor's Bill
Block 39 Update
Other Business

OTHER MEETINGS**JOINT SESSION**

Feb 06	Wednesday	House Chamber	11:00 AM
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State of the Judiciary Address by Chief Justice Dana Fabe

Feb 19	Tuesday	House Chamber	11:00 AM
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Annual Address by the Honorable Ted Stevens, U.S. Senator

Mar 17	Monday	House Chamber	11:00 AM
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Annual Address by the Honorable Lisa Murkowski,
U.S. Senator

MISCELLANEOUS MEETINGS

Feb 02	Saturday	Beltz 211	1:30 PM
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Work Session:
UNEMPLOYMENT COMPENSATION BENEFITS

Feb 11	Monday	Senate Finance 532	2:00 PM
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SCHOOL DISTRICT LEGISLATIVE FLY-IN
Informal Q & A Session Regarding Alaska's
Public School System