

**SENATE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-EIGHTH LEGISLATURE**

**SECOND SESSION**

**Juneau, Alaska**

**Wednesday**

**April 23, 2014**

**Ninety-third Day**

Pursuant to adjournment the Senate was called to order by President Huggins at 11:08 a.m.

The roll showed eighteen members present. Senators Coghill, Meyer were absent.

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent that Senator Coghill be excused from a call of the Senate from today through the end of this legislative session. Without objection, Senator Coghill was excused.

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

Heavenly father, thank you for this day!

We are humbled by the beauty and richness of Alaska and her people. Father, help us to respect our unique differences and celebrate our common purpose.

Father bless our military service men, women and their families, help us to honor and support them in their time of need as they support us in our time of need – father help us always remember that others have died and even more have suffered so that we could stand here today and be allowed to debate issues important to Alaskans.

Father, bless this body, bless our legislature, our families, and our Governor as we strive to do what is right for Alaska.

These things I pray in your name. Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

### **Certification**

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent that the journal for the ninetieth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

President Huggins stated in accordance with Rule 43(b) of the Uniform Rules, engrossment may be waived on all bills considered today.

### **Messages from the Governor**

#### **HB 292**

Message was read stating the Governor signed the following bill on April 22 and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CS FOR HOUSE BILL NO. 292(JUD) "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

Chapter 9, SLA 2014  
Effective Date: 4/23/14

#### **HB 60**

Message was read stating the Governor signed the following bill on April 22 and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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."

Chapter 10, SLA 2014  
Effective Date: 7/21/14

**HB 276**

Message was read stating the Governor signed the following bill on April 22 and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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."

Chapter 11, SLA 2014  
Effective Date: 4/23/14

**HB 284**

Message was read stating the Governor signed the following bill on April 22 and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE BILL NO. 284 "An Act relating to an interstate compact on a balanced federal budget."

Chapter 12, SLA 2014  
Effective Date: 7/21/14

**Messages from the House****SCR 23**

Message dated April 23 was received stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 23  
Suspending Rules 24(c), 35, 41(b), and 42(e),  
Uniform Rules of the Alaska State Legislature,  
concerning House Bill No. 75, amending certain  
audit requirements for entities receiving contributions  
from permanent fund dividends; requiring the three  
main campuses of the University of Alaska to apply  
to be included on the contribution list for  
contributions from permanent fund dividends; and  
requiring the university to pay an application fee for  
each campus separately listed on the contribution list  
for contributions from permanent fund dividends.

The resolution was referred to the Secretary for enrollment.

**SCR 25**

Message dated April 23 was received stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 25  
Suspending Rules 24(c), 35, 41(b), and 42(e),  
Uniform Rules of the Alaska State Legislature,  
concerning House Bill No. 193, relating to the joint  
administration of tobacco taxes by the state and a  
municipality.

The resolution was referred to the Secretary for enrollment.

**SCR 27**

Message dated April 23 was received stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 27  
Suspending Rules 24(c), 35, 41(b), and 42(e),  
Uniform Rules of the Alaska State Legislature,  
concerning House Bill No. 246, adding additional  
land and water to the Creamer's Field Migratory  
Waterfowl Refuge.

The resolution was referred to the Secretary for enrollment.

**SCR 28**

Message dated April 23 was received stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 28  
Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 385, relating to additional state contributions to the teachers' defined benefit retirement plan and the public employees' defined benefit retirement plan.

The resolution was referred to the Secretary for enrollment.

**SCR 31**

Message dated April 23 was received stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 31  
Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 287, relating to the determination of the royalty received by the state on oil production refined or processed in the state; providing tax credits for qualified infrastructure expenditures for in-state refineries and hydrocarbon processing facilities; and approving and ratifying the sale of royalty oil by the State of Alaska to Tesoro Corporation and Tesoro Refining and Marketing Company LLC.

The resolution was referred to the Secretary for enrollment.

**Consideration of the Calendar****Second Reading of House Bills****HB 306**

CS FOR HOUSE BILL NO. 306(FIN) "An Act relating to the review and administration of tax credit programs; requiring the Department of Revenue to report indirect expenditures; relating to the duties of state agencies; requiring the legislative finance division to analyze certain

indirect expenditures; relating to lapse dates for appropriations for capital projects; repealing the insurance tax education credit, the income tax education credit, the veteran employment tax credit, the oil or gas producer education credit, the property tax education credit, the mining business education credit, the fisheries business education credit, the fisheries business tax credit for scholarship contributions, the fisheries business salmon product development tax credit, the fisheries business salmon utilization tax credit, the fisheries business landing tax credit for scholarship contributions, the fisheries resource landing tax credit for the fisheries resource harvested under the community development quota, the fisheries resource landing tax education credit, and the film production tax credit; and providing for an effective date" was read the second time.

Senator Fairclough, Vice Chair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 2652. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 306(FIN) "An Act relating to the review and administration of tax credit programs; requiring the Department of Revenue to report indirect expenditures; relating to the duties of state agencies; requiring the legislative finance division to analyze certain indirect expenditures; relating to lapse dates for appropriations for capital projects; relating to lapse dates for capital budget grants; relating to capital expenditures; relating to unexpended balances of capital projects; repealing the capital projects funds; repealing the insurance tax education credit, the income tax education credit, the veteran employment tax credit, the oil or gas producer education credit, the property tax education credit, the mining business education credit, the fisheries business education credit, the fisheries business tax credit for scholarship contributions, the fisheries business salmon product development tax credit, the fisheries business salmon utilization tax credit, the fisheries business landing tax credit for scholarship contributions, the fisheries resource landing tax credit for the fisheries resource harvested under the community development quota, the fisheries resource landing tax education credit, and the film production tax credit; providing for an effective date by repealing the effective dates in sec. 7, ch. 57, SLA 2003, the effective date in sec. 57, ch. 92, SLA 2010, and the effective dates in secs. 40 - 42, ch. 51, SLA 2012; and providing for an effective date" was adopted.

Senators Olson, McGuire offered Amendment No. 1:

Page 8, line 18:

Delete "OR AS 43.98.030]"

Insert "]" or AS 43.98.030"

Page 8, following line 21:

Insert a new bill section to read:

"\* **Sec. 15.** AS 43.75.130(f), as amended by sec. 14 of this Act, is amended to read:

(f) For purposes of this section, tax revenue collected under AS 43.75.015 from a person entitled to a credit under [AS 43.75.035 OR] AS 43.98.030 shall be calculated as if the person's tax were collected without applying the credit [; TAX REVENUE COLLECTED DOES NOT INCLUDE THE AMOUNT OF A TAX CREDIT RECAPTURED UNDER AS 43.75.035(g)]."

Renumber the following bill sections accordingly.

Page 8, line 31, through page 9, line 1:

Delete "OR AS 43.98.030]"

Insert "]" or AS 43.98.030"

Page 9, following line 2:

Insert a new bill section to read:

"\* **Sec. 18.** AS 43.77.060(e), as amended by sec. 17 of this Act, is amended to read:

(e) For purposes of this section, tax revenue collected under AS 43.77.010 from a person entitled to a credit under [AS 43.77.045 OR] AS 43.98.030 shall be calculated as if the person's tax had been collected without applying the credits."

Renumber the following bill sections accordingly.

Page 9, line 4:

Delete "AS 24.20.271(12);"

Page 9, lines 5 - 7:

Delete "AS 43.77.035; AS 43.98.030; AS 44.25.100, 44.25.105, 44.25.110, 44.25.115, 44.25.120, 44.25.125, 44.25.130, 44.25.135, 44.25.140, 44.25.145, 44.25.150, 44.25.190; and AS 44.33.231(c)"

Insert "and AS 43.77.035"

Page 9, following line 12:

Insert a new bill section to read:

"\* **Sec. 24.** AS 24.20.271(12); AS 43.98.030; AS 44.25.100, 44.25.105, 44.25.110, 44.25.115, 44.25.120, 44.25.125, 44.25.130, 44.25.135, 44.25.140, 44.25.145, 44.25.150, 44.25.190; and AS 44.33.231(c) are repealed."

Renumber the following bill sections accordingly.

Page 9, line 21:

Delete "secs. 17 - 21"

Insert "secs. 19 - 23"

Page 10, line 2:

Delete "secs. 18 and 31"

Insert "secs. 20 and 34"

Page 10, line 7:

Delete "sec. 18"

Insert "sec. 20"

Page 10, line 12:

Delete "Sections 20, 21, and 27"

Insert "Sections 22, 23, and 30"

Page 10, following line 27:

Insert a new bill section to read:

"\* **Sec. 37.** Sections 1, 2, 15, 18, 21, 24, 26, and 31 of this Act take effect December 31, 2018."

Renumber the following bill section accordingly.

Page 10, line 28:

Delete "secs. 30 - 34"

Insert "secs. 33 - 37"



Senator Olson moved for the adoption of Amendment No. 1. Senator Fairclough objected.

Senator Dunleavy moved and asked unanimous consent to abstain from voting on the amendment due to a conflict of interest. Senator Fairclough objected and Senator Dunleavy was required to vote.

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

SCS CSHB 306(FIN)

Second Reading

Amendment No. 1

**YEAS: 15 NAYS: 3 EXCUSED: 1 ABSENT: 1**

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

Nays: Dyson, Fairclough, Huggins

Excused: Coghill

Absent: Meyer

and so, Amendment No. 1 was adopted.

Senator Wielechowski offered Amendment No. 2:

Page 1, lines 7 - 8:

Delete "**the veteran employment tax credit**,"

Page 9, line 4:

Delete "AS 43.20.048;"

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

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

SCS CSHB 306(FIN) am S  
Second Reading  
Amendment No. 2

**YEAS: 11 NAYS: 7 EXCUSED: 1 ABSENT: 1**

Yeas: Bishop, Dunleavy, Egan, Ellis, French, Gardner, Giessel, Hoffman, Kelly, Olson, Wielechowski

Nays: Dyson, Fairclough, Huggins, McGuire, Micciche, Stedman, Stevens

Excused: Coghill

Absent: Meyer

and so, Amendment No. 2 was adopted.

Amendment No. 3 was not offered.

Senator Wielechowski offered Amendment No. 4:

Page 1, lines 2 - 3:

Delete "**relating to the duties of state agencies;**"

Page 1, line 4, through page 2, line 5:

Delete "**relating to lapse dates for appropriations for capital projects; relating to lapse dates for capital budget grants; relating to capital expenditures; relating to unexpended balances of capital projects; repealing the capital projects funds; repealing the insurance tax education credit, the income tax education credit, the veteran employment tax credit, the oil or gas producer education credit, the property tax education credit, the mining business education credit, the fisheries business education credit, the fisheries business tax credit for scholarship contributions, the fisheries business salmon product development tax credit, the fisheries business salmon utilization tax credit, the fisheries business landing tax credit for scholarship contributions, the fisheries resource landing tax credit for the fisheries resource harvested under the community development quota, the fisheries resource landing tax education credit, and the film production tax credit; providing for an effective date by repealing the effective dates in sec. 7, ch. 57, SLA 2003, the effective date in sec. 57, ch.**"

**92, SLA 2010, and the effective dates in secs. 40 - 42, ch. 51, SLA 2012;"**

**Insert "relating to the reporting and analysis of certain information relating to tax credits, exclusions, exemptions, waivers, and other tax expenditures; relating to bills creating tax expenditures;"**

Page 2, line 8, through page 3, line 10:

Delete all material.

Page 3, line 11:

Delete "**Sec. 3**"

Insert "**Section 1**"

ReNUMBER the following bill sections accordingly.

Page 3, line 31:

Delete "a new section"

Insert "new sections"

Page 3, following line 31:

Insert a new section to read:

**"Sec. 24.20.232. Analysis of tax expenditures.** If the sum of tax expenditures of a specific type exceeds \$1,000,000 in fiscal year 2012 or a succeeding fiscal year, the legislative finance division shall analyze the use of the tax expenditure on the following schedule to determine whether the statute authorizing the tax expenditure has achieved its purpose:

(1) tax expenditures existing on July 1, 2015, shall be analyzed once between July 1, 2015, and June 30, 2020, and before a delayed repeal of a tax expenditure;

(2) a tax expenditure created after July 1, 2015, shall be analyzed after it has been in effect for seven years or, if the statute authorizing the expenditure has a delayed repeal date, one year before the effective date of the delayed repeal of the tax expenditure."

Page 5, line 2, through page 6, line 31:

Delete all material and insert:

**"\* Sec. 3.** AS 37.07.020(a) is amended to read:

(a) **After considering the revenue and tax expenditure report prepared by the Department of Revenue under AS 43.05.090, the** [THE] governor shall prepare a budget for the succeeding fiscal year that must cover all estimated receipts, including all grants, loans, and money received from the federal government and all proposed expenditures of the state government. The budget shall be organized so that the proposed expenditures for each agency are presented separately. The budget must be accompanied by the information required under AS 37.07.050 and by the following separate bills: (1) an appropriation bill authorizing the operating and capital expenditures of the state's integrated comprehensive mental health program under AS 37.14.003(a); (2) an appropriation bill authorizing state operating expenditures other than those included in the state's integrated comprehensive mental health program; (3) an appropriation bill authorizing capital expenditures other than those included in the state's integrated comprehensive mental health program; and (4) a bill or bills covering recommendations, if any, in the budget for new or additional revenue. The budget for the succeeding fiscal year and each of the bills shall become public information on December 15 at which time the governor shall submit copies to the legislature and make copies available to the public. The bills, identical in content to the copies released on December 15, shall be delivered to the rules committee of each house before the fourth legislative day of the next regular session for introduction.

\* **Sec. 4.** AS 37.07.020(b) is amended to read:

(b) In addition to the budget and bills submitted under (a) of this section, the governor shall submit a capital improvements program covering the succeeding six fiscal years. The governor shall also submit a fiscal plan with estimates of significant sources and uses of funds for the succeeding 10 fiscal years. The fiscal plan

- (1) must include sufficient details to identify
  - (A) significant sources of funds;
  - (B) significant uses of funds, including lump sum projections of
    - (i) operating expenditures;
    - (ii) capital expenditures;
    - (iii) debt service expenditures;

- (iv) fund capitalizations;
- (v) appropriations of income of the Alaska permanent fund (art. IX, sec. 15, Constitution of the State of Alaska), if any;
- (2) must balance sources and uses of funds held while providing for essential state services and protecting the economic stability of the state;
- (3) must include projected balances of significant funds held in separate accounts, including the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska), the public education fund (AS 14.17.300), and the Alaska capital income fund (AS 37.05.565);
- (4) must set out significant assumptions used in the projections with sufficient detail to enable the legislature to rely on the fiscal plan in understanding, evaluating, and resolving issues of state budgeting, including information that supports major areas of operating increases, such as population demographics that affect the need for particular government services;

**(5) must consider issues raised by the revenue and tax expenditure report prepared by the Department of Revenue under AS 43.05.090.**

\* **Sec. 5.** AS 43.05.090 is amended to read:

**Sec. 43.05.090. Preparation and publication of reports and statistics.** The department shall prepare and annually publish statistics of the revenues derived under the tax laws administered by it, **including an analysis of tax revenue losses due to tax expenditures.**

\* **Sec. 6.** AS 43.05.090 is amended by adding new subsections to read:

- (b) The revenue and tax expenditure report must include
  - (1) the statutory authority for each type of tax expenditure;
  - (2) the annual sum of tax expenditures for the prior fiscal year, separately calculated for each type of expenditure, and the total number of taxpayers who benefitted from each type of expenditure;
  - (3) an estimate of tax expenditures for the current fiscal year, separately calculated for each type of expenditure;

(4) an estimate of the public costs of administering the tax expenditures.

(c) The department shall annually transmit an electronic copy of the revenue and tax expenditure report to each member of the legislature and make the report available to the public on the department's Internet website.

(d) The department shall notify the legislative finance division when the sum of tax expenditures of a specific type has exceeded \$1,000,000 in fiscal year 2012 or a succeeding fiscal year and provide the legislative finance division with the nonconfidential or, subject to the division's execution of a confidentiality agreement, confidential information necessary to complete the analysis under AS 24.20.232.

(e) In this section, "tax expenditure" means a tax credit, exclusion, exemption, waiver, or other loss of state tax revenue due to an express provision of state tax law; "tax expenditure" does not include federal tax expenditures under federal law adopted by reference in AS 43.20.021 or tax deductions incurred in the ordinary course of trade or business."

Renumber the following bill sections accordingly.

Page 8, line 6, through page 10, line 27:

Delete all material.

Renumber the following bill section accordingly.

Page 10, line 28:

Delete "Except as provided in secs. 30 - 34 of this Act, this"

Insert "This"

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

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

SCS CSHB 306(FIN) am S

Second Reading

Amendment No. 4

**YEAS: 4 NAYS: 14 EXCUSED: 1 ABSENT: 1**

Yeas: Ellis, French, Gardner, Wielechowski

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

Excused: Coghill

Absent: Meyer

and so, Amendment No. 4 failed.

Senator Fairclough, Acting Majority Leader, 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. 306(FIN) am S was read the third time.

Senators Micciche, Hoffman moved and asked unanimous consent to abstain from voting due to a conflict of interest. Senator Fairclough objected and Senators Micciche, Hoffman were required to vote.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 306(FIN) am S "An Act relating to the review and administration of tax credit programs; requiring the Department of Revenue to report indirect expenditures; relating to the duties of state agencies; requiring the legislative finance division to analyze certain indirect expenditures; relating to lapse dates for appropriations for capital projects; relating to lapse dates for capital budget grants; relating to capital expenditures; relating to unexpended balances of capital projects; repealing the capital projects funds; repealing the insurance tax education credit, the income tax education credit, the oil or gas producer education credit, the property tax education credit, the mining business education credit, the fisheries business education credit, the fisheries business tax credit for scholarship contributions, the fisheries business salmon product development tax credit, the fisheries business salmon utilization tax credit, the fisheries business landing tax credit for scholarship contributions, the fisheries resource landing tax credit for the fisheries resource harvested under the community development quota, the fisheries resource landing tax education credit, and the film production tax credit; providing for an

effective date by repealing the effective dates in sec. 7, ch. 57, SLA 2003, the effective date in sec. 57, ch. 92, SLA 2010, and the effective dates in secs. 40 - 42, ch. 51, SLA 2012; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 306(FIN) am S  
Third Reading - Final Passage  
Effective Dates

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

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

Excused: Coghill

Absent: Meyer

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 306(FIN) am S passed the Senate.

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

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clauses. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

**SCR 30**

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent to take up SENATE CONCURRENT RESOLUTION NO. 30, which had been held on the Secretary's desk (page 2657). Without objection, the resolution was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 30 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 306,



relating to the review and administration of tax credit programs; requiring the Department of Revenue to report indirect expenditures; relating to the duties of state agencies; requiring the legislative finance division to analyze certain indirect expenditures; relating to lapse dates for appropriations for capital projects; and repealing the insurance tax education credit, the income tax education credit, the veteran employment tax credit, the oil or gas producer education credit, the property tax education credit, the mining business education credit, the fisheries business education credit, the fisheries business tax credit for scholarship contributions, the fisheries business salmon product development tax credit, the fisheries business salmon utilization tax credit, the fisheries business landing tax credit for scholarship contributions, the fisheries resource landing tax credit for the fisheries resource harvested under the community development quota, the fisheries resource landing tax education credit, and the film production tax credit, pass the Senate?" The roll was taken with the following result:

SCR 30

Final Passage

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

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

Excused: Coghill

Absent: Meyer

and so, SENATE CONCURRENT RESOLUTION NO. 30 passed the Senate and was referred to the Secretary for engrossment.

**HB 316**

CS FOR HOUSE BILL NO. 316(FIN) "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 second time.

Senator Fairclough, Acting Majority Leader, 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. 316(FIN) was read the third time.

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

The question being: "Shall CS FOR HOUSE BILL NO. 316(FIN) "An Act relating to workers' compensation fees for medical treatment and services; relating to workers' compensation regulations; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 316(FIN)

Third Reading - Final Passage

Effective Dates

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

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

Excused: Coghill

Absent: Meyer

and so, CS FOR HOUSE BILL NO. 316(FIN) passed the Senate.

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

The presence of Senator Meyer was noted.

**HB 361**

HOUSE BILL NO. 361 "An Act relating to licensing of behavior analysts" was read the second time.

Senator Fairclough, Acting Majority Leader, 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. 361 was read the third time.

Senators Ellis, Dyson, French, McGuire, Gardner, Bishop, Egan 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. 361 "An Act relating to licensing of behavior analysts" pass the Senate?" The roll was taken with the following result:

HB 361

Third Reading - Final Passage

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

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

Excused: Coghill

and so, HOUSE BILL NO. 361 passed the Senate, was signed by the President and Secretary and returned to the House.

**HB 366**

CS FOR HOUSE BILL NO. 366(JUD) "An Act relating to reporting an involuntary mental health commitment to the National Instant Criminal Background Check System; relating to the sealing of records of mental health proceedings; and relating to relief from a disability resulting from an involuntary commitment or an adjudication of mental illness or mental incompetence" was read the second time.

Senator Fairclough, Acting Majority Leader, 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. 366(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 366(JUD) "An Act relating to reporting an involuntary mental health commitment to the National Instant Criminal Background Check System; relating to the sealing of records of mental health proceedings; and relating to relief from a disability resulting from an involuntary commitment or an adjudication of mental illness or mental incompetence" pass the Senate?" The roll was taken with the following result:

CSHB 366(JUD)

Third Reading - Final Passage

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

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

Excused: Coghill

and so, CS FOR HOUSE BILL NO. 366(JUD) passed the Senate, was signed by the President and Secretary and returned to the House.

**HB 369**

CS FOR HOUSE BILL NO. 369(JUD) "An Act relating to restrictions on the criminal prosecution for certain offenses for a person who seeks medical assistance for a person experiencing a drug overdose" was read the second time.

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 2389. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 369(JUD) was adopted.

Senator Gardner offered Amendment No. 1:

Page 1, line 1, following "Act":

Insert "**relating to a defense to the crime of prostitution for victims of sex trafficking;**"

Page 1, following line 3:

Insert a new bill section to read:

"\* **Section 1.** AS 11.66.100 is amended by adding a new subsection to read:

(e) In a prosecution under (a)(1) of this section, it is an affirmative defense that, at the time of the alleged offense, the defendant was induced or caused to engage in prostitution by a person who was, in relation to the defendant, engaged in conduct proscribed under AS 11.66.110 - 11.66.135."

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill section accordingly.

Senator Gardner moved for the adoption of Amendment No. 1.  
Senator Dyson objected.

#### **Recess**

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 12:24 p.m.

#### **After Recess**

The Senate reconvened at 7:09 p.m.

#### **Consideration of the Calendar (continued)**

##### **HB 369**

SENATE CS FOR CS FOR HOUSE BILL NO. 369(JUD) was before the Senate in second reading with Amendment No. 1 pending.

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent to move SENATE CS FOR CS FOR HOUSE BILL NO. 369(JUD) to the bottom of today's calendar. Without objection, it was so ordered.

Senator Fairclough, Acting Majority Leader, moved for the adoption of the First Supplemental Calendar. Without objection, it was so ordered.

#### **Consideration of the First Supplemental Calendar**

##### **Second Reading of House Bills**

##### **HB 218**

Senator Fairclough moved and asked unanimous consent that CS FOR HOUSE BILL NO. 218(JUD) "An Act relating to the aggravating factor at felony sentencing of multiple prior misdemeanors when a

prior misdemeanor involves an assault on a correctional employee; providing that deportation is not a proper factor for referral of a case to a three-judge panel for sentencing for a felony; and providing for an effective date" be moved to the bottom of today's calendar. Without objection, it was so ordered.

### **Unfinished Business**

#### **HB 218**

CS FOR HOUSE BILL NO. 218(JUD) "An Act relating to the aggravating factor at felony sentencing of multiple prior misdemeanors when a prior misdemeanor involves an assault on a correctional employee; providing that deportation is not a proper factor for referral of a case to a three-judge panel for sentencing for a felony; and providing for an effective date" which had been moved to the bottom of today's calendar (page 2763) was not taken up.

The bill will be on the April 24 calendar.

#### **HB 231**

HOUSE BILL NO. 231 "An Act eliminating the Department of Revenue's duty to register cattle brands" was not taken up.

The bill will be on the April 24 calendar.

#### **HB 281**

CS FOR HOUSE BILL NO. 281(L&C) "An Act relating to prescription of drugs by a physician without a physical examination" was not taken up.

The bill will be on the April 24 calendar.

#### **HB 293**

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" was not taken up.

The bill will be on the April 24 calendar.

**HB 305**

CS FOR HOUSE BILL NO. 305(FIN) "An Act relating to the records of metal scrappers; repealing the requirement that a junk dealer or metal scrapper obtain a license; and providing for an effective date" was not taken up.

The bill will be on the April 24 calendar.

**HB 308**

HOUSE BILL NO. 308 "An Act relating to the exemptions under the Alaska Securities Act and to securities issued by Native corporations; and providing for an effective date" was not taken up.

The bill will be on the April 24 calendar.

**HB 369**

SENATE CS FOR CS FOR HOUSE BILL NO. 369(JUD) "An Act relating to restrictions on the criminal prosecution for certain offenses for a person who seeks medical assistance for a person experiencing a drug overdose" which had been moved to the bottom of today's calendar with Amendment No. 1 pending (page 2763) was not taken up.

The bill will be in second reading with Amendment No. 1 pending on the April 24 calendar.

**HB 378**

CS FOR HOUSE BILL NO. 378(TRA) "An Act relating to motor vehicle registration; relating to drivers' licenses; relating to instruction permits; relating to commercial motor vehicles and commercial motor carriers; and providing for an effective date" was not taken up.

The bill will be on the April 24 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 306**

SENATE CS FOR CS FOR HOUSE BILL NO. 306(FIN) am S "An Act relating to the review and administration of tax credit programs; requiring the Department of Revenue to report indirect expenditures; relating to the duties of state agencies; requiring the legislative finance division to analyze certain indirect expenditures; relating to lapse dates for appropriations for capital projects; relating to lapse dates for capital budget grants; relating to capital expenditures; relating to unexpended balances of capital projects; repealing the capital projects funds; repealing the insurance tax education credit, the income tax education credit, the oil or gas producer education credit, the property tax education credit, the mining business education credit, the fisheries business education credit, the fisheries business tax credit for scholarship contributions, the fisheries business salmon product development tax credit, the fisheries business salmon utilization tax credit, the fisheries business landing tax credit for scholarship contributions, the fisheries resource landing tax credit for the fisheries resource harvested under the community development quota, the fisheries resource landing tax education credit, and the film production tax credit; providing for an effective date by repealing the effective dates in sec. 7, ch. 57, SLA 2003, the effective date in sec. 57, ch. 92, SLA 2010, and the effective dates in secs. 40 - 42, ch. 51, SLA 2012; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**SCR 30**

SENATE CONCURRENT RESOLUTION NO. 30 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 306, relating to the review and administration of tax credit programs; requiring the Department of Revenue to report indirect expenditures; relating to the duties of state agencies; requiring the legislative finance division to analyze certain indirect expenditures; relating to lapse dates for appropriations for capital projects; and repealing the insurance tax education credit, the income tax education credit, the veteran employment tax credit, the oil or gas producer education credit, the property tax education credit, the mining business education credit, the fisheries business education credit, the fisheries business tax credit for scholarship contributions,



the fisheries business salmon product development tax credit, the fisheries business salmon utilization tax credit, the fisheries business landing tax credit for scholarship contributions, the fisheries resource landing tax credit for the fisheries resource harvested under the community development quota, the fisheries resource landing tax education credit, and the film production tax credit, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

### **Adjournment**

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent that the Senate stand in adjournment until 9:00 a.m., April 24, 2014. Without objection, the Senate adjourned at 7:11 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.

**JOINT COMMITTEES****LEGISLATIVE BUDGET & AUDIT**

<b>Apr 29</b>	<b>Tuesday</b>	<b>Anch Lio Conf Rm</b>	<b>3:00 PM</b>
	-- Subcommittee Meeting --		
	Department of Corrections Performance Review		
+	Other Committee Business:		
	Public Testimony Regarding the Operations and Interactions of the Dept. of Corrections, its Facilities and its Community Programs and Resources		
	**Streamed live on AKL.TV**		
<b>May 08</b>	<b>Thursday</b>	<b>Bethel Lio</b>	<b>10:00 AM</b>
	-- Subcommittee Meeting --		
	Department of Corrections Performance Review		
+	Other Committee Business:		
	Public Testimony Regarding the Operations and Interactions of the Dept. of Corrections, its Facilities and its Community Programs and Resources		
	**Streamed live on AKL.TV**		
<b>May 14</b>	<b>Wednesday</b>	<b>Fbx Lio Conf Rm</b>	<b>1:30 PM</b>
	-- Subcommittee Meeting --		
	Department of Corrections Performance Review		
+	Other Committee Business:		
	Public Testimony Regarding the Operations and Interactions of the Dept. of Corrections, its Facilities and its Community Programs and Resources		
	**Streamed live on AKL.TV**		

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**CONFERENCE COMMITTEES****FREE CONFERENCE COMMITTEE ON HB 278**

**Apr 23      Wednesday                      House Finance 519                      1:00 PM**

-- Recessed to a Call of the Chair --

= HB 278 EDUCATION

**Apr 24      Thursday                                  Senate Finance 532                      10:00 AM**

-- Recessed to a Call of the Chair --

-- Location Change --

-- Continued from 4/23/14 --

= HB 278 EDUCATION