

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-EIGHTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Friday

April 25, 2014

Ninety-fifth Day

Pursuant to adjournment the Senate was called to order by President Huggins at 10:57 a.m.

The roll showed eighteen members present. Senator Coghill was excused from a call of the Senate. Senator Ellis was absent.

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent that Senator Ellis be excused from a call of the Senate today. Without objection, Senator Ellis was excused.

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

Our most precious Heavenly Father, we ask thee today to bless us, our families, this state, our country and our young men and women that are abroad, working for us and our country. But Father, equally we ask thee to forgive us our many sins. We're not perfect. We try hard, but that's not a reason for us to justify our sins. But you can forgive our sins.

And Father, there are always trying times in every family, every group. We ask thee to bless our actions that we are about to take. They're done in good faith, and honesty, and intent. But Father, finally, we say to you, please bless us and forgive us.

In Jesus' name I pray,

Amen.

Senator McGuire led the Senate in the Pledge of Allegiance.

Certification

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent that the journals for the ninety-second through ninety-fourth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House**SB 183**

Message dated April 25 was received stating the House passed and returned:

SENATE BILL NO. 183 "An Act extending the termination date of the emerging energy technology fund and grant program."

The bill was referred to the Secretary for enrollment.

Communications

Disclosure letters received in accordance with AS 24.60 will be published in Senate Journal Supplement No. 10 and Senate and House Joint Journal Supplement No. 13.

Special Committee Reports**HB 23**

The following report was received and distributed at 9:56 a.m., April 25:

April 25, 2014

Mr. President:

Mr. Speaker:

The Free Conference Committee considered SENATE CS FOR 2d CS FOR HOUSE BILL NO. 23(FIN) am S and 2d CS FOR HOUSE BILL NO. 23(RLS) and recommends

FREE CONFERENCE CS FOR HOUSE BILL NO. 23 "An Act relating to the Department of Transportation and Public Facilities; relating to the Knik Arm Bridge and Toll Authority; relating to construction of the Knik Arm bridge and appurtenant facilities; relating to toll bridge revenue bonds; establishing the Knik Arm construction fund, the toll bridge revenue fund, the toll bridge revenue bond redemption fund, and the toll bridge revenue bond reserve fund; relating to powers and duties of the state bond committee; and providing for an effective date." (Title Change SCR 21)

be adopted.

The following fiscal information was published today:
Fiscal Note No. 8, Free Conference Committee

The following previously published fiscal information applies:
Fiscal Note No. 7, zero, Department of Transportation and Public Facilities

Signing the report: Senator McGuire, Chair, Senators Micciche, Gardner; Representative Austerman, Chair, Representatives Stoltze, Drummond.

The Senate and House waived Uniform Rule 42(a) and (b) (page 2776).

Senator Fairclough, Acting Majority Leader, moved that the Senate adopt the Conference Committee Report.

The question being: "Shall the Senate adopt the Conference Committee Report?" The roll was taken with the following result:

FCCS HB 23
Shall the Senate Adopt the Conference Committee Report? Effective Date

YEAS: 14 NAYS: 4 EXCUSED: 2 ABSENT: 0

Yea: Bishop, Dunleavy, Egan, Fairclough, French, Giessel, Hoffman, Huggins, Kelly, McGuire, Meyer, Micciche, Stedman, Stevens

Nay: Dyson, Gardner, Olson, Wielechowski

Excused: Coghill, Ellis

and so, the report was adopted, thus adopting:

FREE CONFERENCE CS FOR HOUSE BILL NO. 23
"An Act relating to the Department of Transportation and Public Facilities; relating to the Knik Arm Bridge and Toll Authority; relating to construction of the Knik Arm bridge and appurtenant facilities; relating to toll bridge revenue bonds; establishing the Knik Arm construction fund, the toll bridge revenue fund, the toll bridge revenue bond redemption fund, and the toll bridge revenue bond reserve fund; relating to powers and duties of the state bond committee; and providing for an effective date."

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent that the vote on the adoption of the Conference Committee Report be considered the vote on the effective date clause. Without objection, it was so ordered.

The Secretary was requested to notify the House.

HB 278

The following report was received and distributed at 9:56 a.m., April 25:

April 25, 2014

Mr. President:

Mr. Speaker:

The Free Conference Committee considered SENATE CS FOR CS FOR HOUSE BILL NO. 278(FIN) am S and CS FOR HOUSE BILL NO. 278(FIN) am and recommends

FREE CONFERENCE CS FOR HOUSE BILL NO. 278
"An Act relating to the exemption from jury service for certain teachers; relating to the powers of the Department of Education and Early Development; relating to school performance reports; relating to accountability standards; providing funding for Internet services; relating to secondary school course credit earned through assessment; relating to public school college and career readiness assessments and diplomas; relating to the secondary school competency examination and related requirements; relating to charter schools and student transportation; relating to residential school applications; relating to school construction bond debt reimbursement; increasing the stipend for boarding school students; relating to the local contribution to public school funding; increasing the base student allocation used in the formula for state funding of public education; relating to correspondence programs, funding, and student allotments; relating to funding of and reporting by Alaska technical and vocational education programs; relating to earning high school credit for completion of vocational education courses offered by institutions receiving technical and vocational education program funding; relating to schools operated by a federal agency; relating to education tax credits; establishing an optional municipal tax exemption for privately owned real property rented or leased for use as a charter school; establishing a pilot project for public middle school students; requiring the Department of Administration to provide a proposal for a salary and benefits schedule for school districts and for teacher tenure; requiring the Legislative Budget and Audit Committee to provide for studies on public education funding; requiring the Department of Education and Early Development to report to the legislature on school design and construction; relating to grants to school districts; and providing for an effective date." (Title Change SCR 29)

be adopted.

The following fiscal information was published today:

Fiscal Note No. 32, Department of Administration
Fiscal Note No. 33, indeterminate, Department of Education and Early Development
Fiscal Note No. 34, Department of Education and Early Development
Fiscal Note No. 35, Department of Education and Early Development
Fiscal Note No. 36, Department of Education and Early Development
Fiscal Note No. 37, zero, Department of Education and Early Development
Fiscal Note No. 38, Free Conference Committee

The following previously published fiscal information applies:

Fiscal Note No. 25, University of Alaska
Fiscal Note No. 27, Senate Finance Committee
Fiscal Note No. 28, Department of Education and Early Development
Fiscal Note No. 29, Department of Education and Early Development

Signing the report: Senator Meyer, Chair, Senators Dunleavy, Hoffman; Representative Hawker, Chair, Representatives Gattis, Kito III.

The Senate and House waived Uniform Rule 42(a) and (b) (page 2721).

Senator Fairclough, Acting Majority Leader, moved that the Senate adopt the Conference Committee Report.

The question being: "Shall the Senate adopt the Conference Committee Report?" The roll was taken with the following result:

FCCS HB 278
Shall the Senate Adopt the Conference Committee Report? Effective Dates

YEAS: 15 NAYS: 3 EXCUSED: 2 ABSENT: 0

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

Nay: French, Gardner, Wielechowski

Excused: Coghill, Ellis

and so, the report was adopted, thus adopting:

FREE CONFERENCE CS FOR HOUSE BILL NO. 278 "An Act relating to the exemption from jury service for certain teachers; relating to the powers of the Department of Education and Early Development; relating to school performance reports; relating to accountability standards; providing funding for Internet services; relating to secondary school course credit earned through assessment; relating to public school college and career readiness assessments and diplomas; relating to the secondary school competency examination and related requirements; relating to charter schools and student transportation; relating to residential school applications; relating to school construction bond debt reimbursement; increasing the stipend for boarding school students; relating to the local contribution to public school funding; increasing the base student allocation used in the formula for state funding of public education; relating to correspondence programs, funding, and student allotments; relating to funding of and reporting by Alaska technical and vocational education programs; relating to earning high school credit for completion of vocational education courses offered by institutions receiving technical and vocational education program funding; relating to schools operated by a federal agency; relating to education tax credits; establishing an optional municipal tax exemption for privately owned real property rented or leased for use as a charter school; establishing a pilot project for public middle school students; requiring the Department of Administration to provide a

proposal for a salary and benefits schedule for school districts and for teacher tenure; requiring the Legislative Budget and Audit Committee to provide for studies on public education funding; requiring the Department of Education and Early Development to report to the legislature on school design and construction; relating to grants to school districts; and providing for an effective date."

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent that the vote on the adoption of the Conference Committee Report be considered the vote on the effective date clauses. Without objection, it was so ordered.

The Secretary was requested to notify the House.

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 11:54 a.m.

After Recess

The Senate reconvened at 3:18 p.m.

The presence of Senator Ellis was noted.

Messages from the House

Concur Messages

SB 99

Message dated April 25 was read stating the House passed and returned for consideration CS FOR SENATE BILL NO. 99(L&C) "An Act relating to the Alaska Industrial Development and Export Authority revolving fund; limiting the use of the Alaska Industrial Development and Export Authority sustainable energy transmission

and supply development fund for certain loans and loan guarantees and allowing the development fund to be used as security for a bond guarantee; amending the definition of 'qualified energy development'; and authorizing the Alaska Industrial Development and Export Authority to issue bonds to finance the infrastructure and construction costs of the Bokan-Dotson Ridge rare earth element project and the Niblack project" with the following amendment:

CS FOR SENATE BILL NO. 99(L&C) am H "An Act relating to the Alaska Industrial Development and Export Authority revolving fund; limiting the use of the Alaska Industrial Development and Export Authority sustainable energy transmission and supply development fund for certain loans and loan guarantees and allowing the development fund to be used as security for a bond guarantee; amending the definition of 'qualified energy development'; authorizing the Alaska Industrial Development and Export Authority to issue bonds to finance the infrastructure and construction costs of the Bokan-Dotson Ridge rare earth element project and the Niblack project; and relating to legislative approval for a loan from the power project fund for the Blue Lake hydroelectric project." (Title Change HCR 34)

Senator Fairclough, Acting Majority Leader, moved that the Senate concur in the House amendment.

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

CSSB 99(L&C) am H
Shall the Senate Concur in the House
Amendment to CSSB 99(L&C)?

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

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

Excused: Coghill

and so, the Senate concurred in the House amendment, thus adopting CS FOR SENATE BILL NO. 99(L&C) am H "An Act relating to the Alaska Industrial Development and Export Authority revolving fund; limiting the use of the Alaska Industrial Development and Export Authority sustainable energy transmission and supply development fund for certain loans and loan guarantees and allowing the development fund to be used as security for a bond guarantee; amending the definition of 'qualified energy development'; authorizing the Alaska Industrial Development and Export Authority to issue bonds to finance the infrastructure and construction costs of the Bokan-Dotson Ridge rare earth element project and the Niblack project; and relating to legislative approval for a loan from the power project fund for the Blue Lake hydroelectric project."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

HCR 34

HOUSE CONCURRENT RESOLUTION NO. 34 was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 34 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 99, relating to the Alaska Industrial Development and Export Authority revolving fund; limiting the use of the Alaska Industrial Development and Export Authority sustainable energy transmission and supply development fund for certain loans and loan guarantees and allowing the development fund to be used as security for a bond guarantee; amending the definition of 'qualified energy development'; and authorizing the Alaska Industrial Development and Export Authority to issue bonds to finance the infrastructure and construction costs of the Bokan-Dotson Ridge rare earth element project and the Niblack project, pass the Senate?" The roll was taken with the following result:

HCR 34
Final Passage

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

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

Excused: Coghill

and so, HOUSE CONCURRENT RESOLUTION NO. 34 passed the Senate, was signed by the President and Secretary and returned to the House.

SB 140

Message dated April 21 was read stating the House passed and returned for consideration CS FOR SENATE BILL NO. 140(FIN) "An Act creating the Arctic infrastructure development program and fund in the Alaska Industrial Development and Export Authority; and relating to dividends from the Alaska Industrial Development and Export Authority" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL
NO. 140(FIN) am H(reengrossed)

Senator Fairclough, Acting Majority Leader, moved that the Senate concur in the House amendments.

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

HCS CSSB 140(FIN) am H(reengrossed)
Shall the Senate Concur in the House
Amendments to CSSB 140(FIN)?

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

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

Excused: Coghill

and so, the Senate concurred in the House amendments, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 140(FIN) am H(reengrossed) "An Act creating the Arctic

infrastructure development program and fund in the Alaska Industrial Development and Export Authority; and relating to dividends from the Alaska Industrial Development and Export Authority."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 191

Message dated April 25 was read stating the House passed and returned for consideration CS FOR SENATE BILL NO. 191(FIN) "An Act relating to the authority of the Legislative Budget and Audit Committee to approve the temporary transfer of money from the general fund to construction funds or accounts; and providing for an effective date" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL
NO. 191(FIN)

Senator Fairclough, Acting Majority Leader, moved that the Senate concur in the House amendment.

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

HCS CSSB 191(FIN)

Shall the Senate Concur in the House

Amendment to CSSB 191(FIN)? Effective Date

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

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

Excused: Coghill

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 191(FIN) "An Act relating to the authority of the Legislative Budget and Audit Committee to approve the temporary transfer of money from the general fund to construction funds or accounts; and providing for an effective date."

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

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 194

Message dated April 20 was read stating the House passed and returned for consideration CS FOR SENATE BILL NO. 194(FIN) "An Act creating the Alaska Tourism Marketing Board; and relating to tourism marketing" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL
NO. 194(L&C)

Senator Fairclough, Acting Majority Leader, moved that the Senate concur in the House amendment.

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

HCS CSSB 194(L&C)
Shall the Senate Concur in the House
Amendment to CSSB 194(FIN)?

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

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

Excused: Coghill

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 194(L&C) "An Act creating the Alaska Tourism Marketing Board; and relating to tourism marketing."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 119

Message dated April 25 was read stating the House passed and returned for consideration CS FOR SENATE BILL NO. 119(FIN) am "An Act making and amending appropriations, including capital appropriations, supplemental appropriations, reappropriations, and other appropriations; making appropriations to capitalize funds; and providing for an effective date" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO. 119(FIN) am H "An Act making and amending appropriations, including capital appropriations, supplemental appropriations, reappropriations, and other appropriations; making appropriations to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date." (technical title change)

Senator Fairclough, Acting Majority Leader, moved that the Senate concur in the House amendments.

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

HCS CSSB 119(FIN) am H
Shall the Senate Concur in the House
Amendments to CSSB 119(FIN) am? EFDs

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

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

Nay: Gardner

Excused: Coghill

and so, the Senate concurred in the House amendments, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 119(FIN) am H "An Act making and amending appropriations, including capital appropriations, supplemental appropriations, reappropriations, and other appropriations; making appropriations to capitalize funds;

making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

Senator Fairclough, Acting Majority Leader, moved and asked unanimous consent that the vote on concurrence be considered the vote on the effective date clauses. Without objection, it was so ordered.

Senator Fairclough, Acting Majority Leader, moved for the adoption of the constitutional budget reserve fund section.

The question being: "Shall the constitutional budget reserve fund section (Article IX, Section 17(c) Constitution of the State of Alaska) be adopted?" The roll was taken with the following result:

HCS CSSB 119(FIN) am H
Adopt the Constitutional Budget
Reserve Fund Section?

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

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

Excused: Coghill

and so, the constitutional budget reserve fund section was adopted.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Unfinished Business

HB 218

SENATE CS FOR 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 engrossed (page 2787), was signed by the President and Secretary and transmitted to the House for consideration.

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 engrossed (page 2788), was signed by the President and Secretary and transmitted to the House for consideration.

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 Dyson moved and asked unanimous consent that the Twenty-eighth Alaska State Senate adjourn sine die. Without objection, the Senate adjourned at 3:50 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**

Apr 29	Tuesday	Anch Lio Conf Rm	3:00 PM
	-- 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		
May 08	Thursday	Bethel Lio	10:00 AM
	-- 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		
May 14	Wednesday	Fbx Lio Conf Rm	1:30 PM
	-- 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		

CONFERENCE COMMITTEES**FREE CONFERENCE COMMITTEE ON HB 23**

Apr 25 Friday **House Finance 519** **8:00 AM**
HB 23 KNIK ARM CROSSING

FREE CONFERENCE COMMITTEE ON HB 278

Apr 25 Friday **Senate Finance 532** **8:00 AM**
= HB 278 EDUCATION