

ALASKA STATE LEGISLATURE
SENATE RULES STANDING COMMITTEE

February 24, 2016

8:04 a.m.

MEMBERS PRESENT

Senator Charlie Huggins, Chair
Senator John Coghill, Vice Chair
Senator Pete Kelly
Senator Kevin Meyer
Senator Berta Gardner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 89

"An Act relating to a parent's right to direct the education of a child; and relating to questionnaires administered in schools."

- MOVED CSSB 89(RLS) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 75(JUD) AM

"An Act relating to the registration of marijuana establishments by municipalities; relating to the definition of 'marijuana'; clarifying standards for personal use of marijuana by persons 21 years of age or older; prohibiting the public consumption of marijuana; authorizing the registration of marijuana clubs; relating to established villages and to local option elections regarding the operation of marijuana establishments; and providing for an effective date."

- MOVED 2D SCS CSHB 75(RLS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 89

SHORT TITLE: PARENT RIGHTS: EDUCATION; SCHOOL ABSENCE

SPONSOR(S): DUNLEAVY

03/25/15	(S)	READ THE FIRST TIME - REFERRALS
03/25/15	(S)	EDC, STA

03/31/15 (S) EDC AT 3:30 PM BUTROVICH 205
 03/31/15 (S) Scheduled but Not Heard
 04/02/15 (S) EDC AT 3:30 PM BUTROVICH 205
 04/02/15 (S) Heard & Held
 04/02/15 (S) MINUTE(EDC)
 04/07/15 (S) EDC AT 3:30 PM BUTROVICH 205
 04/07/15 (S) Heard & Held
 04/07/15 (S) MINUTE(EDC)
 04/09/15 (S) STA AT 9:00 AM BUTROVICH 205
 04/09/15 (S) <Pending Referral>
 04/09/15 (S) EDC AT 3:30 PM BUTROVICH 205
 04/09/15 (S) Moved CSSB 89(EDC) Out of Committee
 04/09/15 (S) MINUTE(EDC)
 04/10/15 (S) EDC RPT CS 3DP 1DNP NEW TITLE
 04/10/15 (S) DP: DUNLEAVY, GIESSEL, HUGGINS
 04/10/15 (S) DNP: GARDNER
 04/14/15 (S) STA AT 8:00 AM BUTROVICH 205
 04/14/15 (S) Heard & Held
 04/14/15 (S) MINUTE(STA)
 04/15/15 (S) STA RPT CS 3DP 1AM NEW TITLE
 04/15/15 (S) DP: STOLTZE, COGHILL, HUGGINS
 04/15/15 (S) AM: WIELECHOWSKI
 04/15/15 (S) STA AT 8:00 AM BUTROVICH 205
 04/15/15 (S) Moved CSSB 89(STA) Out of Committee
 04/15/15 (S) MINUTE(STA)
 02/24/16 (S) RLS AT 8:00 AM BUTROVICH 205

BILL: HB 75

SHORT TITLE: MARIJUANA REG;CLUBS;MUNIS;LOCAL OPT ELECT
 SPONSOR(S): COMMUNITY & REGIONAL AFFAIRS

01/23/15 (H) READ THE FIRST TIME - REFERRALS
 01/23/15 (H) CRA, JUD
 02/21/15 (H) CRA AT 10:00 AM BARNES 124
 02/21/15 (H) -- MEETING CANCELED --
 02/24/15 (H) CRA AT 8:00 AM BARNES 124
 02/24/15 (H) Heard & Held
 02/24/15 (H) MINUTE(CRA)
 03/03/15 (H) CRA AT 8:00 AM BARNES 124
 03/03/15 (H) Moved CSHB 75(CRA) Out of Committee
 03/03/15 (H) MINUTE(CRA)
 03/05/15 (H) CRA AT 8:00 AM BARNES 124
 03/05/15 (H) Moved CSHB 75(CRA) Out of Committee
 03/05/15 (H) MINUTE(CRA)
 03/06/15 (H) CRA RPT CS(CRA) NT 3DP 3NR
 03/06/15 (H) DP: NAGEAK, SEATON, TILTON
 03/06/15 (H) NR: DRUMMOND, REINBOLD, HUGHES

03/11/15 (H) JUD AT 1:00 PM CAPITOL 120
 03/11/15 (H) Heard & Held
 03/11/15 (H) MINUTE(JUD)
 03/18/15 (H) JUD AT 1:00 PM CAPITOL 120
 03/18/15 (H) <Bill Hearing Canceled>
 03/25/15 (H) JUD AT 1:00 PM CAPITOL 120
 03/25/15 (H) <Bill Hearing Canceled>
 03/27/15 (H) JUD AT 1:00 PM CAPITOL 120
 03/27/15 (H) Moved CSHB 75(JUD) Out of Committee
 03/27/15 (H) MINUTE(JUD)
 03/30/15 (H) JUD RPT CS(JUD) NT 1DP 3NR 3AM
 03/30/15 (H) DP: LEDOUX
 03/30/15 (H) NR: MILLETT, CLAMAN, FOSTER
 03/30/15 (H) AM: LYNN, KELLER, GRUENBERG
 04/02/15 (H) TRANSMITTED TO (S)
 04/02/15 (H) VERSION: CSHB 75(JUD) AM
 04/03/15 (S) READ THE FIRST TIME - REFERRALS
 04/03/15 (S) CRA, JUD
 04/07/15 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)
 04/07/15 (S) Heard & Held
 04/07/15 (S) MINUTE(CRA)
 04/14/15 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)
 04/14/15 (S) Moved SCS CSHB 75(CRA) Out of Committee
 04/14/15 (S) MINUTE(CRA)
 04/15/15 (S) CRA RPT SCS 1DP 3AM NEW TITLE
 04/15/15 (S) DP: BISHOP
 04/15/15 (S) AM: EGAN, STEDMAN, HOFFMAN
 04/15/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/15/15 (S) Heard & Held
 04/15/15 (S) MINUTE(JUD)
 04/17/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/17/15 (S) Heard & Held
 04/17/15 (S) MINUTE(JUD)
 04/18/15 (S) JUD RPT SCS 4DP NEW TITLE
 04/18/15 (S) DP: MCGUIRE, COGHILL, MICCICHE,
 COSTELLO
 04/18/15 (S) JUD AT 10:00 AM BUTROVICH 205
 04/18/15 (S) Moved SCS CSHB 75(JUD) Out of Committee
 04/18/15 (S) MINUTE(JUD)
 04/19/15 (S) RETURNED TO RLS COMMITTEE
 02/24/16 (S) RLS AT 8:00 AM BUTROVICH

WITNESS REGISTER

JODY SIMPSON, Staff to Senator Huggins and the Rules Committee
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Explained the changes in the committee substitutes for SB 89 and HB 75.

SENATOR DUNLEAVY
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 89.

CHRISTA MCDONALD, Staff to Senator Dunleavy
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Commented on SB 89.

HEATH HILYARD, Staff to Representative Tilton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Available for questions on HB 75.

ACTION NARRATIVE

[8:04:51 AM](#)

CHAIR CHARLIE HUGGINS called the Senate Rules Standing Committee meeting to order at 8:04 a.m. Present at the call to order were Senators Gardner, Coghill, Meyer, Kelly, and Chair Huggins.

SB 89-PARENT RIGHTS: EDUCATION; SCHOOL ABSENCE

[8:05:15 AM](#)

CHAIR HUGGINS announced consideration of SB 89. [CSSB 89(STA), version LS-0735\G, was before the committee.]

SENATOR COGHILL moved to adopt CSSB 89(RLS), version LS-0735\F, as the working document. There were no objections and it was so ordered.

[8:05:48 AM](#)

JODY SIMPSON, Staff to Senator Huggins and the Rules Committee, Alaska State Legislature, Juneau, Alaska, explained the changes in version \F as follows:

Sec. 1 & 2 have no changes.
Sec. 3, 4, & 5 are deleted.
Sec. 6 & 7 have no changes.
Sec. 8, 9, & 10 are deleted.

She said that therefore the bill now requires local school boards to adopt policies allowing parents to withdraw their

children from any activity, class, program or standards-based assessment required by the state to which the parent objects.

MS. SIMPSON explained that section 2 prohibits school districts and educational services organizations that contract with school districts from contracting with abortion service providers. Section 3 prohibits school districts from paying the costs for physical examinations for teachers, and section 4 prohibits school districts from permitting abortion services providers to offer, sponsor or furnish course materials or instruction related to human sexuality or sexually transmitted diseases.

CHAIR HUGGINS noted the zero fiscal note, found no questions, and invited the bill's sponsor to the table.

SENATOR DUNLEAVY, Alaska State Legislature, Juneau, Alaska, sponsor of SB 89, explained that the content in SB 89 is now the same as when it left the Senate State Affairs and Education Committees last spring. In the special session over the summer much of the material that has been taken out of this bill was incorporated into HB 44 and passed, he said. One item was still left in the bill regarding physical examinations for teachers. That material initially was in the bill in an effort to help school districts roll back some regulations and undue burdens to try and save some money. In essence, nothing was added to the bill. It is essentially a cleanup for what was taken out for HB 44.

CHRISTA MCDONALD, Staff to Senator Dunleavy, Alaska State Legislature, Juneau, Alaska, had no additional comments.

[8:09:04 AM](#)

At ease

[8:10:21 AM](#)

CHAIR HUGGINS called the Senate Rules meeting back to order.

SENATOR GARDNER offered Amendment 1.

29-LS0735\F.4
Glover
2/22/16

AMENDMENT 1

OFFERED IN THE SENATE
TO: CSSB 89(RLS)

BY SENATOR GARDNER

Page 2, lines 3 - 8:

Delete "because of concern regarding
(A) content involving human reproduction or
sexual matters;
(B) inquiries into personal or private
family affairs of the student or family that are not a
matter of public record or subject to public
observation"

SENATOR COGHILL objected.

SENATOR GARDNER explained that currently parents have a right to withdraw their child from any activity, class or program without explanation to the school. Keeping the language that says "they are withdrawing because of a concern regarding A and B" limits them and that is not the intention of the sponsor.

SENATOR DUNLEAVY said he needed a moment.

[8:11:51 AM](#)

At ease

[8:14:46 AM](#)

CHAIR HUGGINS called the Senate Rules Committee meeting back to order.

SENATOR DUNLEAVY said he preferred to keep the bill as it is.

SENATOR GARDNER commented that when you innumerate possibilities in statute and you leave something out, it could be read to say it's not covered. That is her concern here.

CHAIR HUGGINS found no questions.

SENATOR COGHILL maintained his objection and a roll call vote was taken: Senator Gardner voted yea; Senators Meyer, Kelly, Coghill, and Huggins voted nay; therefore Amendment 1 failed.

[8:15:56 AM](#)

SENATOR GARDNER moved Amendment 2.

29-LS0735\F.5
Glover
2/22/16

AMENDMENT 2

OFFERED IN THE SENATE
TO: CSSB 89(RLS)

BY SENATOR GARDNER

Page 2, lines 9 - 10:

Delete ", but not more than six weeks,"

SENATOR COGHILL objected.

SENATOR GARDNER explained that leaving "providing parent notification not less than two weeks before an activity, class or program" is problematic because permission slips are hard for schools to track when students come in. She said that parents have many things to sign for their kids in school. She would rather sign one blanket time for the whole term and not have to think about it again through the year. Requiring schools to do this in a narrow window "no more than...no less than" creates a headache. Amendment 2 helps with efficiencies.

SENATOR DUNLEAVY asked to keep the original language in the bill. He explained that the time periods are in there specifically to box in any situation, so that parents are notified within a certain timeline.

CHAIR HUGGINS found no questions.

SENATOR COGHILL maintained his objection and a roll call vote was taken: Senator Gardner voted yea; Senators Meyer, Kelly, Coghill, and Huggins voted nay; therefore Amendment 2 failed.

[8:18:49 AM](#)

SENATOR GARDNER moved Amendment 3.

29-LS0735\F.6
Glover
2/23/16

AMENDMENT 3

OFFERED IN THE SENATE
TO: CSSB 89(RLS)

BY SENATOR GARDNER

Page 1, line 4:

Delete "**and**"

Page 1, line 5, following "**teachers**":

Insert "**; and providing for an effective date**"

Page 2, following line 31:

Insert a new paragraph to read:

"(2) "human reproduction or sexual matters" does not include curricula or materials for
(A) alcohol and drug abuse education described under AS 14.30.360; or
(B) suicide awareness and prevention training required under AS 14.30.362."

Renumber the following paragraphs accordingly.

Page 3, following line 4:

Insert a new bill section to read:

"* **Sec. 2.** AS 14.03.016(c)(2), enacted by sec. 1 of this Act, is amended to read:

(2) "human reproduction or sexual matters" does not include curricula or materials for
(A) sexual abuse and sexual assault awareness and prevention training required under AS 14.30.355;
(B) dating violence and abuse awareness and prevention training required under AS 14.30.356;
(C) alcohol and drug abuse education described under AS 14.30.360; or
(D) [(B)] suicide awareness and prevention training required under AS 14.30.362."

Renumber the following bill sections accordingly.

Page 3, following line 19:

Insert new bill sections to read:

"* **Sec. 6.** Section 2 of this Act takes effect June 30, 2017.

* **Sec. 7.** Except as provided by sec. 6 of this Act, this Act takes effect July 1, 2016."

SENATOR COGHILL objected.

SENATOR GARDNER explained that this amendment has to do with timelines and it excludes certain education programs from the definition of "human reproduction or sexual matters". Those are the programs that are addressed under Erin's Law. Three of them don't take effect until July, 2016, or June, 2017, so the amendment has to be in two sections in order to comply with language in HB 44 (that passed with Erin's Law).

SENATOR DUNLEAVY asked to keep the original language in the bill.

CHAIR HUGGINS found no questions.

SENATOR COGHILL maintained his objection and a roll call vote was taken: Senator Gardner voted yea; Senators Meyer, Kelly, Coghill, and Huggins voted nay; therefore Amendment 3 failed.

SENATOR GARDNER moved Amendment 4.

29-LS0735\F.7
Glover
2/22/16

AMENDMENT 4

OFFERED IN THE SENATE BY SENATOR GARDNER
TO: CSSB 89(RLS)

Page 2, following line 29:

Insert a new subsection to read:

"(c) Nothing in this section prohibits a school employee or volunteer from answering a question from a child about any topic."

Reletter the following subsection accordingly.

SENATOR COGHILL objected.

SENATOR GARDNER explained that Amendment 4 allows for responsive conversation between school employees and children, who will often talk to teachers out of the blue about all kinds of things. It simply says, "If a child asks a direct question" of an employee, that employee is not prohibited from answering it.

SENATOR DUNLEAVY said he disagreed with the amendment, and it changes the bill.

CHAIR HUGGINS found no questions.

SENATOR COGHILL maintained his objection and a roll call vote was taken: Senator Gardner voted yea; Senators Meyer, Kelly, Coghill, and Huggins voted nay; therefore Amendment 4 failed.

SENATOR GARDNER moved Amendment 5.

29-LS0735\F.8
Glover
2/22/16

AMENDMENT 5

OFFERED IN THE SENATE
TO: CSSB 89(RLS)

BY SENATOR GARDNER

Page 2, following line 29:
Insert a new subsection to read:

"(c) This section does not apply to religious schools or private schools."

Reletter the following subsection accordingly.

Page 3, following line 3:
Insert new paragraphs to read:

"(4) "private school" has the meaning given in AS 14.45.200;

(5) "religious school" has the meaning given in AS 14.45.200;"

Renumber the following paragraph accordingly.

SENATOR COGHILL objected.

SENATOR GARDNER explained that Amendment 5 just says this statute is being made for "state funded public schools" and what they are doing here doesn't apply to religious schools or private schools, which can run their own affairs as they see fit.

SENATOR DUNLEAVY asked to keep the original language in the bill.

CHAIR HUGGINS found no questions.

SENATOR COGHILL maintained his objection and a roll call vote was taken: Senator Gardner voted yea; Senators Meyer, Kelly, Coghill, and Huggins voted nay; therefore Amendment 5 failed.

8:23:20 AM

SENATOR GARDNER moved Amendment 6.

29-LS0735\F.10
Glover
2/23/16

AMENDMENT 6

OFFERED IN THE SENATE
TO: CSSB 89(RLS)

BY SENATOR GARDNER

Page 1, line 2, following "**provider;**":

Insert "**relating to school performance designations and teacher evaluations;**"

Page 2, line 21, following "AS 14.30.020":

Insert "if the child's parent withdrew the child from the activity, class, program, or standards-based assessment or test or gave permission for the child's absence"

Page 3, following line 7:

Insert new bill sections to read:

*** Sec. 3.** AS 14.03.123 is amended by adding a new subsection to read:

(h) For purposes of assigning performance designations under this section, when the department calculates a public school's participation rate for standards-based assessments, the department shall exclude a student who is withdrawn from a standards-based assessment under AS 14.03.016 from the total number of enrolled students at the school.

*** Sec. 4.** AS 14.20.149 is amended by adding a new subsection to read:

(i) In a certificated employee evaluation, a school district may not consider a student who is withdrawn from a standards-based assessment under AS 14.03.016 in the calculation of the participation rate for the standards-based assessment."

Renumber the following bill sections accordingly.

SENATOR COGHILL objected.

SENATOR GARDNER explained that one of her concerns about the broadness of some of the language is that the school, which is responsible for tracking whether children are present and alerting parents if they don't show up, is that the school has no idea if a child is absent with the parent's knowledge or not. She knows kids who skip school rather than attend two days of testing thinking that the school will assume "my parent withdrew me and my parent won't know." This amendment says that if a parent is actively withdrawing a child from an activity, they need to tell the school that, so they know the child didn't simply not show up.

In addition, she said, the amendment says the participation rate can't be used for the required 95 percentage of students to participate in things like testing and teacher evaluations.

SENATOR DUNLEAVY asked to keep the original language in the bill, because language in the amendment substantially changes the bill from its original intent.

CHAIR HUGGINS found no questions.

SENATOR COGHILL maintained his objection and a roll call vote was taken: Senator Gardner voted yea; Senators Meyer, Kelly, Coghill, and Huggins voted nay; therefore Amendment 6 failed.

MS. MCDONALD said this bill is pretty straight forward and is just cleanup language from what passed in a previous session.

SENATOR COGHILL moved to report CSSB 89(RLS), version F, from committee with individual recommendations and attached zero fiscal note.

SENATOR GARDNER objected. She said leaving aside the meat of the bill that she disagrees with, it has unintended consequences that could easily be addressed aside from knowing where their kids are. It's important for schools to gather data on what activities parents find objectionable, to maybe reconsider, but they don't have a way of doing that. The bill also has a zero fiscal note to the state, but it doesn't have a zero fiscal impact for schools. She said that a lot of work was done in the Education Committee, at the chair's suggestion, to try to ameliorate. The schools fiscal impact could have been made a little bit less by letting people do things like blanket permissions.

8:27:14 AM

SENATOR GARDNER said she was also very troubled by teachers being "muzzled" and not being able to simply answer a child's question. Teachers shouldn't be afraid to respond to children if for instance, one asks where baby birds come from. Children ask these innocent questions and this bill creates a climate where teachers have to be afraid of simply responding to their students. That is unhealthy for the kids, for the teachers and for families.

SENATOR GARDNER maintained her objection and a roll call vote was taken. Senators Meyer, Kelly, Coghill, and Huggins voted

yea; Senator Gardner voted nay; therefore CSSB 89(RLS) moved from committee.

[8:28:23 AM](#)

At ease

HB 75-MARIJUANA REG;CLUBS;MUNIS;LOCAL OPT ELECT

[8:30:04 AM](#)

CHAIR HUGGINS called the meeting back to order and announced consideration of HB 75. [CSHB 75(JUD)am, version J, was before the committee.]

SENATOR COGHILL moved to adopt 2d SCS CSHB 75(RLS), version 29-LS0345\A.A as the working document.

SENATOR HUGGINS objected for debate.

[8:30:45 AM](#)

At ease

[8:31:03 AM](#)

CHAIR HUGGINS called the Senate Rules Committee meeting back to order.

[8:31:53 AM](#)

JODY SIMPSON, Staff to Senator Huggins and the Rules Committee, Alaska State Legislature, Juneau, Alaska, explained that the committee substitute (CS) outlines the process for background checks for marijuana establishments, sets a maximum limit for household plants at 12 with 6 or fewer being mature where adults reside, provides legal authority for the Marijuana Control Board to obtain fingerprints for license applications or renewals, establishes that entire unorganized boroughs except existing municipalities are opted out of commercial marijuana activities, but provides that established villages may exercise a local control option through the opt-in provision, stipulates any powers adopted by boroughs may only be adopted on a non-area-wide basis (meaning powers would not extend to cities within a borough's boundaries), sets forth a process by which established villages can hold a local election for the approval or removal of marijuana establishments or commercial marijuana activities within its boundaries, and provides an avenue for the Supreme Court to establish bailable offenses and not requiring mandatory court appearances for some offenses. Lastly, it provides definitions and an immediate effective date.

83:06 AM

HEATH HILYARD, Staff to Representative Tilton* Alaska State Legislature, Juneau, Alaska, had no comments to add but noted that Mr. Schulte, Chair of the Marijuana Control Board, was available on-line for questions.

CHAIR HUGGINS found no comments.

SENATOR COGHILL moved to report 2d SCS CSHB 75(RLS), version 29-LS0345\A.A, from committee with individual recommendations and attached zero fiscal note(s). There were no objections and it was so ordered.

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8:34:12 AM

There being no further business to come before the committee, the Senate Rules Standing Committee meeting was adjourned at 8:34 a.m.