

SENATE JOURNAL
ALASKA STATE LEGISLATURE
THIRTIETH LEGISLATURE

FIRST SESSION

Juneau, Alaska Wednesday February 15, 2017

Thirtieth Day

Pursuant to adjournment the Senate was called to order by President Kelly at 11:01 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Reverend Mark Peterson, Resurrection Lutheran Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Spirit of Sea and Sky, Peace and Mercy,

We remember that our carefully chosen words point to a far greater future reality - of service and peace. The words we craft have a path that ends with individual lives and our planet's future.

Bless our vocation here - to lift up harmony, wisdom and prosperity, holding fast to justice, fairness and peace.

Grant us your wisdom to make the numbers match, our laws to make sense, the freedoms protected, order maintained, the defenseless to have an advocate and the voiceless among us to have a hearing. For that is the greatest good of 'the better angels of our nature.' Amen.

Senator Stevens led the Senate in the Pledge of Allegiance.

Certification

Senator Micciche moved and asked unanimous consent that the journals for the twenty-eighth and twenty-ninth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

Message dated February 13 was read stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 18**

HOUSE BILL NO. 18 BY REPRESENTATIVES ORTIZ, Claman, entitled:

"An Act relating to race classics."

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

Communications

The following report is on file in the Office of the Secretary of the Senate:

Department of Transportation and Public Facilities
Division of Statewide Aviation
Alaska Airports and Aviation 2016 Annual Report

Standing Committee Reports**SB 9**

The Finance Committee considered SENATE BILL NO. 9 "An Act relating to military facility zones" and recommended it be replaced with

CS FOR SENATE BILL NO. 9(FIN) "An Act relating to military facility zones; and providing for an effective date."

Signing no recommendation: Senators Hoffman, MacKinnon, Cochairs; Senators Dunleavy, Olson. Signing do pass: Senators Bishop, von Imhof, Micciche.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Military and Veterans Affairs

The bill was referred to the Rules Committee.

SR 3

The Education Committee considered SENATE RESOLUTION NO. 3 Proclaiming February 2017 as Black History Month. Signing do pass: Senator Hughes, Chair; Senators Begich, Giessel, Stevens.

The resolution was referred to the State Affairs Committee.

Introduction and Reference of Senate Bills

SB 50

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 50 BY SENATOR GIESSEL, entitled:

"An Act relating to fees for the sale or installation of studded tires; and providing for an effective date."

was read the first time and referred to the Transportation and Finance Committees.

SB 59

SENATE BILL NO. 59 BY SENATOR WIELECHOWSKI, entitled:

"An Act relating to a veteran's designation on an identification card or a driver's license for Hmong veterans and Lao veterans."

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

SB 60

SENATE BILL NO. 60 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to sport fishing, hunting, or trapping licenses, tags, or permits; relating to penalties for certain sport fishing, hunting, and trapping license violations; relating to restrictions on the issuance of sport fishing, hunting, and trapping licenses; creating violations and amending fines and restitution for certain fish and game offenses; creating an exemption from payment of restitution for certain unlawful takings of big game animals; relating to commercial fishing violations; allowing lost federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be included in an order of restitution; adding a definition of 'electronic form'; and providing for an effective date."

was read the first time and referred to the Resources, Judiciary and Finance Committees.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Fish and Game

Fiscal Note No. 2, zero, Department of Public Safety

Governor's transmittal letter dated February 14:

Dear President Kelly:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to penalties for certain sport fishing, hunting, and trapping license violations; relating to the restrictions on the issuance of sport fishing, hunting, and trapping licenses; creating violations and amending fines and restitution for certain fish and game offenses; creating an exemption from payment of restitution for certain unlawful takings of big game animals; relating to commercial fishing violations; allowing lost federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be included in an order of restitution; and adding a definition of 'electronic form'.

The bill would allow a person to correct a citation for not having a sport fishing, hunting, or trapping license, tag, or permit on their person, by bringing a copy of the license, tag, or permit that was valid at the time of the citation to the office of the citing officer or to court. There are many reasons why a person may not have a fishing, hunting, or trapping license on their person in the field. This provision would prevent what may have been an honest mistake from turning into an unnecessary conviction.

In addition, the bill would allow a person to show actual possession of a license or permit in paper or electronic form. Electronic form would mean the display of a license or permit on an electronic device, such as a mobile telephone, tablet, or computer. However, tags are not conducive to display in electronic format, and therefore are excluded from this provision.

In order to better manage issuance of a fishing, hunting, or trapping license, if a person has had their fishing, hunting, or trapping privileges revoked or suspended in this or any other state, this bill would prohibit them from obtaining a fishing, hunting, or trapping license in Alaska. A person should not be able to avoid sanctions merely by obtaining another license.

The bill also gives greater discretion to prosecutors and law enforcement by allowing almost all fish and game offenses to be charged as violations rather than criminal offenses. Currently, if a person violates certain fish and game laws, they can only be charged with a criminal offense. A criminal conviction is not always appropriate, nor is it necessarily the best outcome for the State or the offender. By creating the option of a violation where the offender acts without any culpable mental state, prosecutors and law enforcement can more appropriately enforce the State's fish and game laws while maximizing public use and enjoyment.

One of the ways Alaska manages its fish and game resources is through the sale of hunting and fishing licenses. The sale of licenses helps track the harvest of resources and sustains important conservation and management programs. Under the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs, the State receives significant federal funding for fish and game management

activities that is matched at a 3:1 ratio using license revenue. When a person fails to obtain a license, the State loses an important funding source used to manage fish and game resources. The bill would allow the State to collect restitution when a person fails to obtain a lawful hunting or fishing license, including lost federal funds.

The bill also increases the strict liability fine limits on commercial fishing violations as well as restitution amounts for unlawfully taking an animal. The increased fines and restitution amounts are necessary to ensure that more people can use and enjoy the resource by deterring illegal fishing and hunting that harms other users.

Protecting the proper use of Alaska's resources is one of our most important responsibilities.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Bill Walker
Governor

SB 61

SENATE BILL NO. 61 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the Izembek State Game Refuge, Cape Newenham State Game Refuge, Palmer Hay Flats State Game Refuge, Port Moller Critical Habitat Area, Egegik Critical Habitat Area, Pilot Point Critical Habitat Area, Fox River Flats Critical Habitat Area, Kachemak Bay Critical Habitat Area, and Dude Creek Critical Habitat Area; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Fish and Game

Fiscal Note No. 2, zero, Department of Fish and Game

Governor's transmittal letter dated February 14:

Dear President Kelly:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to certain State game refuges and critical habitat areas (collectively called special areas), namely Izembek State Game Refuge, Cape Newenham State Game Refuge, Palmer Hay Flats State Game Refuge, Port Moller Critical Habitat Area, Egegik Critical Habitat Area, Pilot Point Critical Habitat Area, Fox River Flats Critical Habitat Area, Kachemak Bay Critical Habitat Area, and Dude Creek Critical Habitat Area.

The bill would correct technical errors or minor omissions in the legal boundary descriptions of eight legislatively-designated special areas and would incorporate parcels of land adjacent into another critical habitat area. Egegik, Pilot Point, and Port Moller Critical Habitat Areas have either typographical errors in the original legal descriptions from the 1970s, or were described from a map with a typographical error. The bill would shift the boundaries to correct these errors with no net change in acreage. Izembek State Game Refuge, Cape Newenham State Game Refuge, and Fox River Flats Critical Habitat Area have small tideland areas within their larger boundaries that were likely excluded from the original legal description due to the mapping of shorelines at the time the areas were created. The bill would incorporate omitted areas by adding 778 acres to the Izembek State Game Refuge, 415 acres to the Cape Newenham State Game Refuge, and 285 acres to the Fox River Flats Critical Habitat Area. Palmer Hay Flats State Game Refuge has small portions of abandoned and current stream channels that were initially excluded from the refuge due to platted descriptions of streambanks. By adding these lands, the bill would add 398 acres to the Refuge. Kachemak Bay Critical Habitat Area has a small portion of tidelands that appears to have been inadvertently excluded from the statutory description. The bill would incorporate 230 acres of tidelands into the critical habitat area.

Through the aforementioned amendments, the bill would:

- 1) correct errors and properly describe areas intended for habitat protection;
- 2) eliminate the confusing patchwork of land status within these refuges and critical habitat areas;
- 3) create contiguous, inclusive boundaries that better reflect the original legislative intent of the designations;
- 4) remove lands inadvertently included in critical habitat areas that were not appropriate for habitat protections, and eliminate permitting requirements for such lands; and
- 5) clarify management and enforcement of the applicable statutes and regulations governing the subject special areas.

In addition, the bill would add several tracts of wetlands, consisting of approximately 1,439 acres, to the Dude Creek Critical Habitat Area. These tracts of lands are located adjacent to the current boundaries of the Dude Creek Critical Habitat Area and were acquired by The Nature Conservancy in 2004 from the Alaska Mental Health Trust Authority through the U.S. Fish and Wildlife Service's National Coastal Wetland Conservation Grant Program and then donated to the State of Alaska specifically for the purpose of becoming part of the Critical Habitat Area. After acquiring title for these parcels in 2004, the Alaska Department of Natural Resources issued full management authority to the Alaska Department of Fish and Game (ADF&G) to manage the lands consistent with the conservation purposes for which the State acquired the property and with the policies of the Dude Creek Critical Habitat Area. The bill would give ADF&G the authority to effectively regulate these parcels and would be the final step in this cooperative process between State, local, and federal agencies.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Bill Walker
Governor

Consideration of the Calendar**Second Reading of Senate Bills****SB 3**

SENATE BILL NO. 3 "An Act relating to the regulation of wastewater discharge from small commercial passenger vessels in state waters; relating to art requirements for certain public facilities; and providing for an effective date" was read the second time.

President Kelly stated SENATE BILL NO. 3 will advance to third reading on the February 17 calendar.

Citations

Honoring - Robert "Beau" Bassett

Senator(s) Gardner, Kelly, Begich, Bishop, Coghill, Costello, Dunleavy, Egan, Hoffman, Hughes, MacKinnon, Meyer, Micciche, Olson, Stedman, Stevens, von Imhof, Wielechowski
Representative(s) Drummond

In Memoriam - Carole Ann Dixon

Representative(s) Wilson
Senator(s) Coghill, Kelly, Begich, Bishop, Costello, Dunleavy, Egan, Gardner, Giessel, Hoffman, Hughes, MacKinnon, Meyer, Micciche, Olson, Stedman, Stevens, von Imhof, Wielechowski, Wilson

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

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

Special Order of Business

Honoring - Armed Services YMCA of Alaska
Senator(s) Costello, Kelly, Begich, Bishop, Coghill, Dunleavy, Egan,
Gardner, Giessel, Hoffman, Hughes, MacKinnon, Meyer, Micciche,
Olson, Stedman, Stevens, von Imhof, Wielechowski, Wilson
Representative(s) Kawasaki

Senator Micciche moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

Unfinished Business

Senator Dunleavy moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, February 18 through morning plane time, February 21. Without objection, Senator Dunleavy was excused.

Senator Coghill moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, February 18 through evening plane time, February 19. Without objection, Senator Coghill was excused.

Senator Bishop moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, February 18 through 2:30 p.m. plane time, February 20. Without objection, Senator Bishop was excused.

Senators Micciche, Meyer moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, February 24 through evening plane time, February 26. Without objection, Senators Micciche, Meyer were excused.

Senator Wilson moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, February 24 through evening plane time, February 26. Without objection, Senator Wilson was excused.

Senator Begich moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, April 26 through evening plane time, April 29. Without objection, Senator Begich was excused.

SB 46

Senators Dunleavy, Micciche, von Imhof, Stedman moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 46 "An Act establishing October 25 of each year as African American Soldiers' Contribution to Building the Alaska Highway Day." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Micciche moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., February 17, 2017. Without objection, the Senate adjourned at 11:27 a.m.

Liz Clark
Secretary of the Senate

Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

STANDING COMMITTEES

+ indicates teleconference

= indicates bill previously heard/scheduled

COMMUNITY & REGIONAL AFFAIRS

Feb 16 **Thursday** **Beltz 105 (tsbldg)** **3:30 PM**
No Meeting Scheduled

EDUCATION

Feb 15 **Wednesday** **Butrovich 205** **8:00 AM**
+ SR 3 FEBRUARY 2017: BLACK HISTORY MONTH
-- Public Testimony --

Feb 17 **Friday** **Butrovich 205** **8:00 AM**
+ Virtual Education from a Statewide Perspective
Florida Virtual Schools
Mike Bayba, New York State Distance Learning Consortium
-- Testimony <Invitation Only> --
+ Bills Previously Heard/Scheduled

FINANCE

Feb 15 **Wednesday** **Senate Finance 532** **9:00 AM**
+ SB 9 MILITARY FACILITY ZONES
+ SB 14 TRANSPORTATION NETWORK COMPANIES
+ Bills Previously Heard/Scheduled

FINANCE (continued)

Feb 16 Thursday Senate Finance 532 9:30 AM
 + University of Alaska
 FY18 Operating Budget Overview
 + Bills Previously Heard/Scheduled

Feb 16 Thursday Senate Finance 532 1:30 PM
 + Department of Education and Early Development
 FY18 Operating Budget Overview
 + Bills Previously Heard/Scheduled

Feb 17 Friday Senate Finance 532 8:30 AM
 + Department of Health and Social Services
 FY18 Operating Budget Overview
 + Bills Previously Heard/Scheduled

HEALTH & SOCIAL SERVICES

Feb 15 Wednesday Butrovich 205 1:30 PM
 += SB 36 OPTOMETRY & OPTOMETRISTS
 -- Testimony <Invitation Only> --
 + Bills Previously Heard/Scheduled:
 += SB 32 PRESCRIPTIONS FOR BIOLOGICAL PRODUCTS

Feb 17 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

JUDICIARY

Feb 15 Wednesday Beltz 105 (tsbldg) 1:30 PM
 + SB 55 OMNIBUS CRIME/CORRECTIONS
 + SB 5 POLITICAL CONTRIBUTION LIMITS/PROHIBITION

Feb 17 Friday Beltz 105 (tsbldg) 1:30 PM
 + SB 54 CRIME AND SENTENCING

LABOR & COMMERCE

Feb 16 **Thursday** **Beltz 105 (tsbldg)** **1:30 PM**
 + Innovating Alaska
 Presentations:
 Robert Tucker - "Innovation is Everybody's
 Business"
 University of Alaska - Inventions and Economic
 Opportunities
 Global Innovation Award Winners - First Lego
 League
 + Bills Previously Heard/Scheduled
 -- Public Testimony --

RESOURCES

Feb 15 **Wednesday** **Senate Finance 532** **12:00 PM**
 + -- Please Note Location & Time Change --
 Joint Meeting with the House Resources Committee
 + Overview on Mining in the State of Alaska:
 Alaska Miners Association
 The Council of Alaska Producers
 -- Testimony <Invitation Only> --

Feb 15 **Wednesday** **Butrovich 205** **3:30 PM**
 += SB 6 **INDUSTRIAL HEMP PRODUCTION**
 -- Public Testimony --
 + Overview: State Legal Efforts Related to the
 Alaska National Interest Lands Conservation Act
 Department of Law
 -- Testimony <Invitation Only> --
 + Bills Previously Heard/Scheduled

Feb 17 **Friday** **Butrovich 205** **3:30 PM**
 No Meeting Scheduled

STATE AFFAIRS

Feb 16 Thursday Butrovich 205 3:30 PM
 += SB 21 PERMANENT FUND: INCOME; POMV; DIVIDENDS
 -- Testimony <Invitation Only> --
 += SB 26 PERM. FUND:DEPOSITS;DIVIDEND;EARNINGS
 -- Testimony <Invitation Only> --
 + Bills Previously Heard/Scheduled

TRANSPORTATION

Feb 16 Thursday Butrovich 205 1:30 PM
 + Bills Previously Heard/Scheduled

FINANCE SUBCOMMITTEES

ADMINISTRATION

Feb 22 Wednesday Senate Finance 532 1:30 PM
 Overview of the Governor's FY18 Budget
Feb 27 Monday Senate Finance 532 1:30 PM
 Agenda TBA
Mar 01 Wednesday Senate Finance 532 1:30 PM
 Agenda TBA
Mar 08 Wednesday Senate Finance 532 1:30 PM
 Tentative FY18 Subcommittee Budget Close-Out

EDUCATION & EARLY DEVELOPMENT

Feb 21 Tuesday Butrovich 205 7:30 AM
 Overview of the Governor's FY18 Budget
 Dr. Michael Johnson, Commissioner
 Sana Efird, Deputy Commissioner
 Heidi Teshner, Director, Division of
 Administrative Services

EDUCATION & EARLY DEVELOPMENT (continued)

Feb 28	Tuesday Agenda TBA	Butrovich 205	7:30 AM
Mar 07	Tuesday Agenda TBA	Butrovich 205	7:30 AM
Mar 09	Thursday Tentative FY18 Subcommittee Budget Close-Out -----	Butrovich 205	7:30 AM

ENVIRONMENTAL CONSERVATION

Feb 16	Thursday -- MEETING CANCELED -- + Governor's FY18 Budget Overview -----	Fahrenkamp 203	1:15 PM
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HEALTH & SOCIAL SERVICES

Feb 17	Friday Budget Overview	Senate Finance 532	11:00 AM
Feb 21	Tuesday Agenda to Follow	Senate Finance 532	1:30 PM
Feb 23	Thursday Agenda to Follow	Senate Finance 532	1:30 PM
Feb 28	Tuesday Agenda to Follow	Senate Finance 532	1:30 PM
Mar 02	Thursday Agenda to Follow	Senate Finance 532	1:30 PM
Mar 07	Tuesday Agenda to Follow	Senate Finance 532	1:30 PM
Mar 09	Thursday Agenda to Follow	Senate Finance 532	1:30 PM

HEALTH & SOCIAL SERVICES (continued)

Mar 14 **Tuesday** **Senate Finance 532** **1:30 PM**
 Agenda to Follow

Mar 16 **Thursday** **Senate Finance 532** **1:30 PM**
 If Needed

LAW

Feb 15 **Wednesday** **Butrovich 205** **5:30 PM**
 Overview of the Governor's Proposed FY18 Budget

Feb 27 **Monday** **Butrovich 205** **5:30 PM**
 Agenda TBA

Mar 01 **Wednesday** **Butrovich 205** **5:30 PM**
 Agenda TBA

Mar 08 **Wednesday** **Butrovich 205** **5:30 PM**
 Tentative FY18 Subcommittee Budget Close-Out

UNIVERSITY OF ALASKA

Feb 16 **Thursday** **Beltz 105 (tsbldg)** **11:15 AM**
 -- MEETING CANCELED --
 + Governor's FY18 Budget Overview

Feb 23 **Thursday** **Beltz 105 (tsbldg)** **11:15 AM**
 + Governor's FY18 Budget Overview

SPECIAL COMMITTEES**SPECIAL CMTE ON THE ARCTIC**

Feb 17 **Friday** **Butrovich 205** **3:30 PM**
 HJR 5 ENDORSING ANWR LEASING; RELATED ISSUES
 <Pending Introduction & Referral>
 -- Public Testimony --

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Feb 23 **Thursday** **Senate Finance 532** **12:00 PM**
 -- Teleconference <Listen Only> --
 Audit Contracts - EXECUTIVE SESSION
 Other Committee Business
 - Legislative Audit
 - Mental Health Trust Audit
 - Oil & Gas Consultant Update

LEGISLATIVE COUNCIL

Feb 15 **Wednesday** **House Finance 519** **7:00 AM**
 + FY18 Proposed Budget
 + Subcommittee Assignments

OTHER MEETINGS**JOINT SESSION**

Feb 22 **Wednesday** **House Chamber** **11:00 AM**
 + Annual Address by the Honorable
 Lisa Murkowski, U.S. Senator

Feb 24 **Friday** **House Chamber** **10:30 AM**
 + Annual Address by the Honorable
 Dan Sullivan, U.S. Senator

MISCELLANEOUS MEETING

Feb 23 **Thursday** **Butrovich 205** **12:00 PM**
 Lunch & Learn:
 Alaska Legal Services Corporation
 Presentation By Nikole Nelson, Executive Director
 & Jim Sandman, Legal Services Corp. President
 Sponsored by Senator Micciche

MISCELLANEOUS MEETING (continued)

Mar 22	Wednesday	Capitol 106	12:00 PM
	Lunch & Learn		
	Alaska Chapter of the American Foundation for Suicide Prevention		
	Sponsored by Senator Hoffman		