

**SENATE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**THIRTY-FIRST LEGISLATURE**  
**FIRST SESSION**

**Juneau, Alaska**

**Tuesday**

**May 14, 2019**

**One Hundred Twentieth Day**

Pursuant to adjournment the Senate was called to order by President Giessel at 8:04 a.m.

The roll showed twenty members present.

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

What follows is the first prayer of the Continental Congress, given in Philadelphia on September 7, 1774.

"O Lord our Heavenly Father, high and mighty King of kings, and Lord of lords, who dost from thy throne behold all the dwellers on earth and reignest with power supreme and uncontrolled over all the Kingdoms, Empires and Governments; look down in mercy, we beseech Thee, on these our American States, who have fled to Thee from the rod of the oppressor and thrown themselves on Thy gracious protection, desiring to be henceforth dependent only on Thee.

To Thee have they appealed for the righteousness of their cause; to Thee do they now look up for that countenance and support, which Thou alone canst give.

Take them, therefore, Heavenly Father, under Thy nurturing care; give them wisdom in Council and valor in the field; defeat the malicious designs of our cruel adversaries; convince them of the unrighteousness of their Cause and if they persist

in their sanguinary purposes, of own unerring justice, sounding in their hearts, constrain them to drop the weapons of war from their unnerved hands in the day of battle!

Be Thou present, O God of wisdom, and direct the councils of this honorable assembly; enable them to settle things on the best and surest foundation.

That the scene of blood may be speedily closed; that order, harmony and peace may be effectually restored, and truth and justice, religion and piety, prevail and flourish amongst the people.

Preserve the health of their bodies and vigor of their minds; shower down on them and the millions they here represent, such temporal blessings as Thou seest expedient for them in this world and crown them with everlasting glory in the world to come.

All this we ask in the name and through the merits of Jesus Christ, Thy Son and our Savior." Amen.

Senator Coghill led the Senate in the Pledge of Allegiance.

### **Certification**

Senator Costello moved and asked unanimous consent the journal for the one hundred nineteenth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

### **Standing Committee Reports**

#### **HB 44**

The Labor and Commerce Committee considered HOUSE BILL NO. 44 "An Act relating to fees for using an automated teller machine; and providing for an effective date." Signing do pass: Senator Reinbold, Chair; Senators Birch, Bishop, Costello, Gray-Jackson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Commerce, Community,  
and Economic Development

The bill was referred to the Rules Committee.

#### **HB 104**

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 104(L&C) am "An Act relating to exemptions from mortgage lender, mortgage broker, and mortgage loan originator licensing requirements; and providing for an effective date." Signing do pass: Senator Reinbold, Chair; Senators Birch, Bishop, Costello, Gray-Jackson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Commerce, Community,  
and Economic Development

The bill is on today's calendar.

### **Consideration of the Calendar**

#### **Second Reading of Senate Bills**

#### **SB 106**

SENATE BILL NO. 106 "An Act relating to renewal of insurance coverage for homeowners and renters; and providing for an effective date" was read the second time.

Senator Costello moved and asked unanimous consent for the adoption of the Labor and Commerce Committee Substitute offered on page 1108. Without objection, CS FOR SENATE BILL NO. 106(L&C) was adopted.

Senator Costello moved and asked unanimous consent the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 106(L&C) was read the third time.

Senators Hughes, Reinbold, Kiehl moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE BILL NO. 106(L&C) "An Act relating to renewal of insurance coverage for homeowners and renters; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 106(L&C)

Third Reading - Final Passage

Effective Dates

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, CS FOR SENATE BILL NO. 106(L&C) passed the Senate.

Senator Costello moved and asked unanimous consent 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.

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

#### **HB 104**

CS FOR HOUSE BILL NO. 104(L&C) am "An Act relating to exemptions from mortgage lender, mortgage broker, and mortgage loan originator licensing requirements; and providing for an effective date" was read the second time.

President Giessel stated CS FOR HOUSE BILL NO. 104(L&C) am will advance to third reading on the May 15 calendar.

**House Bills in Second Reading****HB 49**

SENATE CS FOR CS FOR HOUSE BILL NO. 49(FIN) am S "An Act relating to criminal law and procedure; relating to marriage as a defense to certain crimes of sexual assault; establishing the crime of possession of motor vehicle theft tools; relating to controlled substances; relating to electronic monitoring; relating to probation and parole; relating to sentencing; amending the definitions of 'most serious felony,' 'sex offense,' and 'sex offender'; relating to registration of sex offenders; relating to the automated victim notification system; relating to reporting child abuse or neglect; relating to Alaska Native organizations; relating to the village public safety officer program; relating to cancellation of a driver's license; relating to driving while license canceled; relating to operating under the influence; relating to restoration of a driver's license; relating to refusal to submit to a chemical test; relating to the use of headlights; relating to the powers and duties of the commissioner of corrections; relating to pretrial services; relating to the duties of a prosecuting attorney; relating to testing of sexual assault examination kits; relating to reports of involuntary commitment; amending Rules 6(r)(6), 38.2, and 45(d), Alaska Rules of Criminal Procedure; and providing for an effective date" which had been returned to and held in second reading (page 1155) was before the Senate.

Senator Kiehl offered Amendment No. 7:

Page 67, line 20, through page 68, line 10:

Delete all material and insert:

**\*\* Sec. 104.** AS 33.05.020(h) is amended to read:

(h) The commissioner shall establish by regulation a program allowing probationers to earn credits for complying with the conditions of probation. The credits earned reduce the period of probation. Nothing in this subsection prohibits the department from recommending to the court the early discharge of the probationer as provided in AS 33.30. At a minimum, the regulations must

(1) require that a probationer earn a credit of **10** [30] days for each 30-day period served in which the defendant complied with the conditions of probation;

- (2) include policies and procedures for
  - (A) calculating and tracking credits earned by probationers;
  - (B) reducing the probationer's period of probation based on credits earned by the probationer; and
  - (C) notifying a victim under AS 33.30.013;
- (3) require that a probationer convicted of [A SEX OFFENSE AS DEFINED IN AS 12.63.100 OR] a crime involving domestic violence as defined in AS 18.66.990 complete all treatment programs required as a condition of probation before discharge based on credits earned under this subsection."

Page 77, line 29, through page 78, line 20:

Delete all material and insert:

"\* **Sec. 123.** AS 33.16.270 is amended to read:

**Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish by regulation a program allowing parolees to earn credits for complying with the conditions of parole. The earned compliance credits reduce the period of parole. Nothing in this section prohibits the department from recommending to the board the early discharge of the parolee as provided in this chapter. At a minimum, the regulations must

- (1) require that a parolee earn a credit of **10** [30] days for each 30-day period served in which the parolee complied with the conditions of parole;
- (2) include policies and procedures for
  - (A) calculating and tracking credits earned by parolees;
  - (B) reducing the parolee's period of parole based on credits earned by the parolee and notifying a victim under AS 33.30.013;
- (3) require that a parolee convicted of [A SEX OFFENSE AS DEFINED IN AS 12.63.100 OR] a crime involving domestic violence complete all treatment programs required as a condition of parole before discharge based on credits earned under this section."

Senator Kiehl moved for the adoption of Amendment No. 7. Senator Micciche objected.

The question being: "Shall Amendment No. 7 be adopted?" The roll was taken with the following result:

SCS CSHB 49(FIN) am S  
 Second Reading  
 Amendment No. 7?

**YEAS: 13 NAYS: 7 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Gray-Jackson, Hoffman, Kawasaki, Kiehl, Olson, Reinbold, Stevens, von Imhof, Wielechowski

Nays: Costello, Giessel, Hughes, Micciche, Shower, Stedman, Wilson

and so, Amendment No. 7 was adopted.

Senator Kiehl offered Amendment No. 8:

Page 40, line 27, through page 41, line 9:  
 Delete all material.

Renumber the following bill sections accordingly.

Page 42, line 28:

Delete "[SUBJECT TO THE LIMITS SET OUT IN AS 12.55.110]"

Insert "subject to the limits set out in AS 12.55.110"

Page 44, following line 20:

Insert a new bill section to read:

**\*\* Sec. 73.** AS 12.55.110(c) is amended to read:

(c) If a defendant is serving a period of probation for an offense, the court may find that the defendant has committed a technical violation of probation. If the court finds that a defendant has committed a technical violation of probation that does not include absconding, the court may reinstate the term of probation with appropriate conditions or impose a sentence of imprisonment of not more than

(1) **zero to** three days for the first probation revocation;

**or**

(2) [FIVE DAYS FOR THE SECOND PROBATION REVOCATION];

(3) 10 DAYS FOR THE THIRD PROBATION REVOCATION; OR

(4)] the remainder of the suspended portion of the sentence for a **second** [FOURTH] or subsequent probation revocation."

Renumber the following bill sections accordingly.

Page 69, lines 19 - 21:

Delete "[, INCLUDING RESPONSES TO TECHNICAL VIOLATIONS OF CONDITIONS OF PROBATION,]"

Insert ", including responses to technical violations of conditions of probation,"

Page 77, lines 5 - 14:

Delete all material and insert:

"\* **Sec. 121.** AS 33.16.215(a) is amended to read:

(a) If a parolee is serving a period of parole for an offense, the board may find that the parolee has committed a technical violation of parole. If the board finds that a parolee has committed a technical violation of parole that does not include absconding, the board may reinstate the term of parole with appropriate conditions or revoke parole and impose a term of imprisonment of not more than

(1) **zero to** three days for the first parole revocation; **and**

(2) [FIVE DAYS FOR THE SECOND PAROLE REVOCATION;

(3) 10 DAYS FOR THE THIRD PAROLE REVOCATION; AND

(4)] the remainder of the sentence for a **second** [FOURTH] or subsequent parole revocation."

Page 77, line 19:

Delete "[SUBJECT TO THE LIMITS SET OUT IN AS 33.16.215,]"

Insert "subject to the limits set out in AS 33.16.215,"



Page 80, lines 30 - 31:

Delete "[PROBATIONERS AND PAROLEES ADMITTED SOLELY FOR A TECHNICAL VIOLATION;]"

Insert "probationers and parolees admitted solely for a technical violation;"

Page 89, line 10:

Delete "12.55.110(c), 12.55.110(d), 12.55.110(e)"

Insert "12.55.110(d)"

Page 89, line 11:

Delete "12.55.110(g), 12.55.110(h),"

Insert "12.55.110(h)(1),"

Page 89, line 13:

Delete "33.16.215,"

Page 92, line 17:

Delete "sec. 67"

Insert "sec. 66"

Page 92, line 18:

Delete "sec. 68"

Insert "sec. 67"

Page 92, line 19:

Delete "sec. 69"

Insert "sec. 68"

Page 92, line 20:

Delete "sec. 70"

Insert "sec. 69"

Page 92, line 21:

Delete "sec. 71"

Insert "sec. 70"

Page 93, line 13:

Delete "sec. 72"

Insert "sec. 71"

Page 93, line 14:

Delete "sec. 73"

Insert "sec. 72"

Page 94, line 7:

Delete "Act."

Insert "Act;

(12) AS 33.16.215(a), as amended to read by sec. 121 of this Act."

Page 94, line 10:

Delete all material.

Renumber the following paragraphs accordingly.

Page 94, line 21:

Delete "sec. 66"

Insert "sec. 65"

Page 94, line 22:

Delete "sec. 66"

Insert "sec. 65"

Page 94, line 23:

Delete "sec. 66"

Insert "sec. 65"

Senator Kiehl moved for the adoption of Amendment No. 8. Senator Micciche objected.

The question being: "Shall Amendment No. 8 be adopted?" The roll was taken with the following result:

SCS CSHB 49(FIN) am S

Second Reading

Amendment No. 8?

**YEAS: 9 NAYS: 11 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Coghill, Gray-Jackson, Kawasaki, Kiehl, Olson, Stevens, Wielechowski

Nays: Bishop, Costello, Giessel, Hoffman, Hughes, Micciche, Reinbold, Shower, Stedman, von Imhof, Wilson

Olson changed from "Nay" to "Yea".

and so, Amendment No. 8 failed.

Senators Shower, Wilson, Micciche, Hughes offered Amendment No. 10:

Page 64, line 23, following "**ordered**":

Insert "**under (v) or (w) of this section or**"

Page 65, following line 17:

Insert a new bill section to read:

"\* **Sec. 100.** AS 28.35.030 is amended by adding new subsections to read:

(v) In addition to the penalties imposed under (n) of this section, if a person is convicted under (n) of this section and has been convicted two or more times under (n) of this section or a similar law of another jurisdiction at any time preceding the date of the present offense, upon conviction, the court shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license.

(w) In addition to the penalties imposed under (b) of this section, if a person is convicted under (a) of this section and the person has previously had the person's driver's license restored under (o) of this section or under AS 28.35.032(q), upon conviction, the court shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license."

Renumber the following bill sections accordingly.

Page 66, line 27, following "**jurisdiction**":

Insert "**or the revocation was ordered under AS 28.35.030(v) or (w)**"

Page 93, following line 1:

Insert a new paragraph to read:

"(18) AS 28.35.030(v) and (w), enacted by sec. 100 of this Act;"

Renumber the following paragraphs accordingly.

Page 93, line 2:

Delete "sec. 100"

Insert "sec. 101"

Page 93, line 3:

Delete "sec. 125"

Insert "sec. 126"

Page 93, line 15:

Delete "sec. 103"

Insert "sec. "104"

Page 93, line 16:

Delete "sec. 105"

Insert "sec. 106"

Page 93, line 17:

Delete "sec. 106"

Insert "sec. 107"

Page 93, line 18:

Delete "sec. 107"

Insert "sec. 108"

Page 93, line 19:

Delete "sec. 108"

Insert "sec. 109"

Page 93, line 23:

Delete "sec. 104"

Insert "sec. 105"

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Page 93, line 24:

Delete "sec. 105"

Insert "sec. 106"

Page 93, line 25:

Delete "sec. 107"

Insert "sec. 108"

Page 93, line 28:

Delete "sec. 109"

Insert "sec. 110"

Page 93, line 29:

Delete "sec. 110"

Insert "sec. 111"

Page 93, line 30:

Delete "sec. 111"

Insert "sec. 112"

Page 94, line 1:

Delete "sec. 113"

Insert "sec. 114"

Page 94, line 2:

Delete "sec. 115"

Insert "sec. 116"

Page 94, line 3:

Delete "sec. 116"

Insert "sec. 117"

Page 94, line 4:

Delete "sec. 117"

Insert "sec. 118"

Page 94, line 5:

Delete "sec. 118"

Insert "sec. 119"

Page 94, line 6:

Delete "sec. 119"

Insert "sec. 120"

Page 94, line 7:

Delete "sec. 120"

Insert "sec. 121"

Page 94, line 10:

Delete "sec. 121"

Insert "sec. 122"

Page 94, line 11:

Delete "sec. 122"

Insert "sec. 123"

Page 94, line 12:

Delete "sec. 123"

Insert "sec. 124"

Page 94, line 13:

Delete "sec. 124"

Insert "sec. 125"

Page 94, line 14:

Delete "sec. 114"

Insert "sec. 115"

Page 94, line 15:

Delete "sec. 114"

Insert "sec. 115"

Page 94, line 16:

Delete "sec. 114"

Insert "sec. 115"

Page 94, line 18:

Delete "sec. 101"

Insert "sec. 102"

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Page 94, line 30:

Delete "sec. 108"

Insert "sec. 109"

Page 95, line 5:

Delete "secs. 130 and 131"

Insert "secs. 131 and 132"

Page 95, line 10:

Delete "sec. 104"

Insert "sec. 105"

Delete "sec. 123"

Insert "sec. 124"

Page 95, line 12:

Delete "sec. 104"

Insert "sec. 105"

Page 95, line 13:

Delete "sec. 123"

Insert "sec. 124"

Page 95, line 23:

Delete "Sections 141 - 144"

Insert "Sections 142 - 145"

Page 95, lines 23 - 24:

Delete "secs. 141 - 144"

Insert "secs. 142 - 145"

Page 95, line 26:

Delete "Sections 132 - 135"

Insert "Sections 133 - 136"

Page 95, line 27:

Delete "Sections 129 - 131"

Insert "Sections 130 - 132"

Page 95, line 28:

Delete "Section 137"

Insert "Section 138"

Page 95, line 29:

Delete "Sections 102, 146, 148, and 151"

Insert "Sections 103, 147, 149, and 152"

Page 95, line 31:

Delete "secs. 154 - 157"

Insert "secs. 155 - 158"

Senator Shower moved for the adoption of Amendment No. 10.  
Objections were heard.

The question being: "Shall Amendment No. 10 be adopted?" The roll was taken with the following result:

SCS CSHB 49(FIN) am S

Second Reading

Amendment No. 10?

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, Amendment No. 10 was adopted.

Senator Reinbold offered Amendment No. 9:

Page 30, lines 20 - 22:

Delete all material and insert:

**"(12) violates AS 11.71.050(a)(4) and has been previously convicted of a crime under AS 11.71.050(a)(4)."**

Page 30, lines 28 - 29:

Delete "in **AS 03.05, AS 17.30, and AS 17.38** [AS 17.30]"

Insert "AS 17.30 **and AS 17.38**"



Page 31, line 7, through page 32, line 3:

Delete all material and insert:

"(4) under circumstances not proscribed under AS 11.71.030(a)(3), 11.71.040(a)(3), or 11.71.040(a)(4) [, OR 11.71.060(a)(2),] possesses any amount of a schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance."

Page 32, line 19:

Delete "[OR]"

Insert "or"

Page 32, line 21:

Delete "or"

Insert "."

Page 32, line 22, through page 33, line 14:

Delete all material.

Page 89, line 9, following "11.71.040(a)(11)":

Insert ", 11.71.060(a)(2)"

Senator Reinbold moved for the adoption of Amendment No. 9.  
Senator Micciche objected.

Senator Wielechowski moved for the adoption of the following amendment to Amendment No. 9:

Page 1, line 14:

Delete "VIA"

Page 1, line 15:

Insert a new subsection to read:

(4) under circumstances not proscribed under AS 11.71.040(a)(4), possesses

(E) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance.

Legislative Legal is directed to make conforming changes.

Senator Micciche objected then withdrew his objection. There being no further objection, Amendment No. 9 was amended.

Senator Hughes moved and asked unanimous consent to be shown as a cosponsor on Amendment No. 9 as amended. Without objection, it was so ordered.

The question being: "Shall Amendment No. 9 as amended be adopted?" The roll was taken with the following result:

SCS CSHB 49(FIN) am S  
Second Reading  
Amendment No. 9 as Amended?

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, Amendment No. 9 as amended was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 49(FIN) am S was automatically in third reading.

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

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 49(FIN) am S "An Act relating to criminal law and procedure; relating to marriage as a defense to certain crimes of sexual assault; establishing the crime of possession of motor vehicle theft tools; relating to controlled substances; relating to electronic monitoring; relating to probation and parole; relating to sentencing; amending the definitions of 'most serious felony,' 'sex offense,' and 'sex offender'; relating to registration of sex offenders; relating to the automated victim notification system; relating to reporting child abuse or neglect; relating to Alaska Native organizations; relating to the village public safety officer program; relating to cancellation of a driver's license; relating to driving while license canceled; relating to operating under the influence; relating to restoration of a driver's license; relating to refusal to submit to a chemical test; relating to the use of headlights; relating to the powers and duties of the commissioner of corrections; relating to pretrial services; relating to the duties of a prosecuting

attorney; relating to testing of sexual assault examination kits; relating to reports of involuntary commitment; amending Rules 6(r)(6), 38.2, and 45(d), Alaska Rules of Criminal Procedure; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 49(FIN) am S  
Third Reading - Final Passage

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 49(FIN) am S passed the Senate.

Senator Costello moved for the adoption of the court rule changes.

The question being: "Shall the court rule changes be adopted?" The roll was taken with the following result:

SCS CSHB 49(FIN) am S  
Adopt Court Rule Changes

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, the court rule changes were adopted.

Senator Costello moved for the adoption of the effective date clauses.

The question being: "Shall the effective date clauses be adopted?" The roll was taken with the following result:

SCS CSHB 49(FIN) am S  
Effective Date Clauses

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, the effective date clauses were adopted.

### SCR 7

Senator Costello moved and asked unanimous consent to take up SENATE CONCURRENT RESOLUTION NO. 7 which had been held on the Secretary's desk (page 1131). Without objection, the resolution was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 7 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 49, relating to criminal law and procedure; relating to pretrial services; establishing the crime of possession of motor vehicle theft tools; relating to electronic monitoring; relating to controlled substances; relating to probation and parole; relating to sentencing; amending the definitions of "most serious felony," "sex offense," and "sex offender"; relating to registration of sex offenders; relating to operating under the influence; relating to refusal to submit to a chemical test; relating to the duties of the commissioner of corrections; relating to testing of sexual assault examination kits; relating to reports of involuntary commitment; and amending Rules 6(r)(6) and 38.2, Alaska Rules of Criminal Procedure, pass the Senate?" The roll was taken with the following result:

### SCR 7

Final Passage

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, SENATE CONCURRENT RESOLUTION NO. 7 passed the Senate.

**Reconsideration of House Bills****HB 49**

Senator Begich gave notice of reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 49(FIN) am S and moved and asked unanimous consent it be taken up. Without objection, the bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 49(FIN) am S "An Act relating to criminal law and procedure; relating to marriage as a defense to certain crimes of sexual assault; establishing the crime of possession of motor vehicle theft tools; relating to controlled substances; relating to electronic monitoring; relating to probation and parole; relating to sentencing; amending the definitions of 'most serious felony,' 'sex offense,' and 'sex offender'; relating to registration of sex offenders; relating to the automated victim notification system; relating to reporting child abuse or neglect; relating to Alaska Native organizations; relating to the village public safety officer program; relating to cancellation of a driver's license; relating to driving while license canceled; relating to operating under the influence; relating to restoration of a driver's license; relating to refusal to submit to a chemical test; relating to the use of headlights; relating to the powers and duties of the commissioner of corrections; relating to pretrial services; relating to the duties of a prosecuting attorney; relating to testing of sexual assault examination kits; relating to reports of involuntary commitment; amending Rules 6(r)(6), 38.2, and 45(d), Alaska Rules of Criminal Procedure; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 49(FIN) am S  
Third Reading - On Reconsideration  
Court Rules    Effective Dates

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

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stevens, von Imhof, Wielechowski, Wilson

Absent: Stedman

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 49(FIN) am S passed the Senate on reconsideration.

Senator Costello moved and asked unanimous consent the vote on reconsideration be considered the vote on the court rule changes. Without objection, it was so ordered.

Senator Costello moved and asked unanimous consent the vote on reconsideration 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.

### **Reconsideration of Senate Resolutions**

#### **SCR 7**

Senator Costello gave notice of reconsideration on SENATE CONCURRENT RESOLUTION NO. 7 and moved and asked unanimous consent that it be taken up. Without objection, the resolution was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CONCURRENT RESOLUTION NO. 7 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 49, relating to criminal law and procedure; relating to pretrial services; establishing the crime of possession of motor vehicle theft tools; relating to electronic monitoring; relating to controlled substances; relating to probation and parole; relating to sentencing; amending the definitions of "most serious felony," "sex offense," and "sex offender"; relating to registration of sex offenders; relating to operating under the influence; relating to refusal to submit to a chemical test; relating to the duties of the commissioner of corrections; relating to testing of sexual assault examination kits; relating to reports of involuntary commitment; and amending Rules 6(r)(6) and 38.2, Alaska Rules of Criminal Procedure, pass the Senate?" The roll was taken with the following result:

SCR 7

Final Passage on Reconsideration

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

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stevens, von Imhof, Wielechowski, Wilson

Absent: Stedman

and so, SENATE CONCURRENT RESOLUTION NO. 7 passed the Senate on reconsideration and was referred to the Secretary for engrossment.

### **Second Reading of House Resolutions**

**HJR 12**

HOUSE JOINT RESOLUTION NO. 12 Supporting the completion of the Northern Rail Extension; supporting the increase in defensive capabilities at Fort Greely, Alaska; and encouraging the development of critical Arctic infrastructure, was read the second time.

Senator Costello moved and asked unanimous consent the resolution be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE JOINT RESOLUTION NO. 12 was read the third time.

The question being: "Shall HOUSE JOINT RESOLUTION NO. 12 Supporting the completion of the Northern Rail Extension; supporting the increase in defensive capabilities at Fort Greely, Alaska; and encouraging the development of critical Arctic infrastructure, pass the Senate?" The roll was taken with the following result:

**HJR 12**

Third Reading - Final Passage

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, HOUSE JOINT RESOLUTION NO. 12 passed the Senate, was signed by the President and Secretary and returned to the House.

### **Unfinished Business**

President Giessel stated in accordance with Rule 43(b), Alaska State Legislature Uniform Rules, engrossment may be waived on all bills transmitted to the House this legislative day.

Senator Begich moved and asked unanimous consent to be excused from a call of the Senate from September 1 to October 14. Without objection, Senator Begich was excused.

### **Recess**

Senator Costello moved and asked unanimous consent the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 11:10 a.m.

### **After Recess**

The Senate reconvened at 5:06 p.m.

Senator Costello moved and asked unanimous consent to return to Messages from the House. Without objection, the Senate returned to:

### **Messages from the House**

#### **SB 29**

Message dated May 14 was read stating the House passed and returned:



SENATE BILL NO. 29 "An Act extending the termination date of the Board of Marine Pilots; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

**SB 91**

Message dated May 14 was read stating the House passed and returned:

CS FOR SENATE BILL NO. 91(FIN) "An Act relating to the development and operation of a hydroelectric site at the Nuyakuk River Falls; providing for the amendment of the management plan for the Wood-Tikchik State Park; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

**SJR 11**

Message dated May 14 was read stating the House passed and returned:

CS FOR SENATE JOINT RESOLUTION NO. 11(TRA) Urging the United States to issue a Presidential permit authorizing a railroad crossing of the Alaska-Canada border from state land into Yukon, Canada; and supporting cooperation between the United States and Canada to establish a public-private partnership for construction of a railroad from Alberta, Canada, to the state that would connect the Alaska Railroad to the North American railroad system.

The resolution was referred to the Secretary for enrollment.

Message dated May 14 was read stating the House passed and transmitted for consideration:

### **First Reading and Reference of House Bills**

#### **HB 87**

CS FOR HOUSE BILL NO. 87(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the liquefied natural gas storage facility tax credit; and providing for an effective date."

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

### **Concur Messages**

#### **SB 71**

Message dated May 14 was read stating the House passed and returned for consideration SENATE BILL NO. 71 "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes" with the following amendment:

HOUSE CS FOR SENATE BILL NO. 71(JUD)

Senator Costello moved 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 SB 71(JUD)

Shall the Senate Concur in the House  
Amendment to SB 71?

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR SENATE BILL NO. 71(JUD) "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

### **SB 83**

Message dated May 14 was read stating the House passed and returned for consideration SENATE BILL NO. 83 "An Act relating to the Regulatory Commission of Alaska; relating to the public utility regulatory cost charge; relating to the regulation of telecommunications; relating to exemptions, charges, and rates applicable to telecommunications utilities; relating to regulation of telephone services; and relating to alternate operator services" with the following amendment:

HOUSE CS FOR SENATE BILL NO. 83(L&C) "An Act relating to the Regulatory Commission of Alaska; relating to the public utility regulatory cost charge; relating to the regulation of telecommunications; relating to exemptions, charges, and rates applicable to telecommunications utilities; relating to regulation of telephone services; relating to exempt employees; and relating to alternate operator services."

(Title change HCR 7)

Senator Costello moved 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 SB 83(L&C)

Shall the Senate Concur in the House  
Amendment to SB 83?

**YEAS: 18 NAYS: 2 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

Nays: Kawasaki, Kiehl

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR SENATE BILL NO. 83(L&C) "An Act relating to the Regulatory Commission of Alaska; relating to the public utility regulatory cost charge; relating to the regulation of telecommunications; relating to exemptions, charges, and rates applicable to telecommunications utilities; relating to regulation of telephone services; relating to exempt employees; and relating to alternate operator services."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

#### **HCR 7**

Senator Costello moved and asked unanimous consent to take up HOUSE CONCURRENT RESOLUTION NO. 7. Without objection, the resolution was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 7 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 83, relating to the Regulatory Commission of Alaska; relating to the public utility regulatory cost charge; relating to the regulation of telecommunications; relating to exemptions, charges, and rates applicable to telecommunications utilities; relating to regulation of telephone services; and relating to alternate operator services, pass the Senate?" The roll was taken with the following result:

#### **HCR 7**

Final Passage

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, HOUSE CONCURRENT RESOLUTION NO. 7 passed the Senate, was signed by the President and Secretary and returned to the House.

### **SB 95**

Message dated May 14 was read stating the House passed and returned for consideration SENATE BILL NO. 95 "An Act approving the transfer of certain Alaska Railroad Corporation land; and providing for an effective date" with the following amendments:

HOUSE CS FOR SENATE BILL  
NO. 95(RES) am H "An Act directing the sale of  
certain land to the Tok Shooters Association, Inc.;  
approving the transfer of certain Alaska Railroad  
Corporation land; and providing for an effective  
date." (Title change HCR 5)

Senator Costello moved 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 SB 95(RES) am H

Shall the Senate Concur in the House

Amendments to SB 95? Effective Date

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, the Senate concurred in the House amendments, thus adopting HOUSE CS FOR SENATE BILL NO. 95(RES) am H "An Act directing the sale of certain land to the Tok Shooters Association, Inc.; approving the transfer of certain Alaska Railroad Corporation land; and providing for an effective date."

Senator Costello moved and asked unanimous consent 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.

### **HCR 5**

Senator Costello moved and asked unanimous consent to take up HOUSE CONCURRENT RESOLUTION NO. 5. Without objection, the resolution was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 5 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 95, approving the transfer of certain Alaska Railroad Corporation land, pass the Senate?" The roll was taken with the following result:

HCR 5

Final Passage

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, HOUSE CONCURRENT RESOLUTION NO. 5 passed the Senate, was signed by the President and Secretary and returned to the House.

### **Recede Messages**

### **HB 49**

Message dated May 14 was read stating the House failed to concur in the Senate amendments to CS FOR HOUSE BILL NO. 49(FIN) am "An Act relating to criminal law and procedure; relating to pretrial services; establishing the crime of possession of motor vehicle theft tools; relating to electronic monitoring; relating to controlled

substances; relating to probation and parole; relating to sentencing; amending the definitions of 'most serious felony,' 'sex offense,' and 'sex offender'; relating to registration of sex offenders; relating to operating under the influence; relating to refusal to submit to a chemical test; relating to the duties of the commissioner of corrections; relating to testing of sexual assault examination kits; relating to reports of involuntary commitment; amending Rules 6(r)(6) and 38.2, Alaska Rules of Criminal Procedure; and providing for an effective date" and respectfully requests the Senate to recede from its amendments, namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 49(FIN) am S "An Act relating to criminal law and procedure; relating to marriage as a defense to certain crimes of sexual assault; establishing the crime of possession of motor vehicle theft tools; relating to controlled substances; relating to electronic monitoring; relating to probation and parole; relating to sentencing; amending the definitions of 'most serious felony,' 'sex offense,' and 'sex offender'; relating to registration of sex offenders; relating to the automated victim notification system; relating to reporting child abuse or neglect; relating to Alaska Native organizations; relating to the village public safety officer program; relating to cancellation of a driver's license; relating to driving while license canceled; relating to operating under the influence; relating to restoration of a driver's license; relating to refusal to submit to a chemical test; relating to the use of headlights; relating to the powers and duties of the commissioner of corrections; relating to pretrial services; relating to the duties of a prosecuting attorney; relating to testing of sexual assault examination kits; relating to reports of involuntary commitment; amending Rules 6(r)(6), 38.2, and 45(d), Alaska Rules of Criminal Procedure; and providing for an effective date."

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Claman, Chair  
Representative Kopp  
Representative Pruitt

Senator Costello moved the Senate recede from its amendments and recommended the body vote no.

The question being: "Shall the Senate recede from its amendments?"  
The roll was taken with the following result:

SCS CSHB 49(FIN) am S  
Shall the Senate Recede from its Amendments  
to CSHB 49(FIN) am?

**YEAS: 0 NAYS: 20 EXCUSED: 0 ABSENT: 0**

Nays: Begich, Birch, Bishop, Coghill, Costello, Giessel, Gray-Jackson, Hoffman, Hughes, Kawasaki, Kiehl, Micciche, Olson, Reinbold, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

and so, the Senate failed to recede.

President Giessel appointed the following members to a Conference Committee to meet with the like committee from the House:

Senator Hughes, Chair  
Senator Shower  
Senator Wielechowski

The Secretary was requested to notify the House.

### **Introduction and Reference of Senate Bills**

#### **SB 123**

SENATE BILL NO. 123 BY THE SENATE SPECIAL COMMITTEE  
ON THE RAILBELT ELECTRIC SYSTEM, entitled:



"An Act relating to the regulation of electric utilities and electric reliability organizations; and providing for an effective date."

was read the first time and referred to the Senate Special Committee on the Railbelt Electric System and Finance Committee.

**SB 124**

SENATE BILL NO. 124 BY SENATOR GIESSEL, entitled:

"An Act relating to the duties of the Alaska Mental Health Board; establishing the Alaska Psychiatric Institute Oversight Board; relating to state psychiatric hospital records; and providing for an effective date."

was read the first time and referred to the Health and Social Services and Finance Committees.

**Announcements**

Rule 23(d) of the Alaska State Legislature Uniform Rules is currently in effect.

Announcements are at the end of the journal.

**Engrossment****SB 106**

CS FOR SENATE BILL NO. 106(L&C) "An Act relating to renewal of insurance coverage for homeowners and renters; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**HB 49**

SENATE CS FOR CS FOR HOUSE BILL NO. 49(FIN) am S "An Act relating to criminal law and procedure; relating to marriage as a defense to certain crimes of sexual assault; establishing the crime of possession of motor vehicle theft tools; relating to controlled substances; relating to electronic monitoring; relating to probation and parole; relating to sentencing; amending the definitions of 'most serious felony,' 'sex offense,' and 'sex offender'; relating to registration

of sex offenders; relating to the automated victim notification system; relating to reporting child abuse or neglect; relating to Alaska Native organizations; relating to the village public safety officer program; relating to cancellation of a driver's license; relating to driving while license canceled; relating to operating under the influence; relating to restoration of a driver's license; relating to refusal to submit to a chemical test; relating to the use of headlights; relating to the powers and duties of the commissioner of corrections; relating to pretrial services; relating to the duties of a prosecuting attorney; relating to testing of sexual assault examination kits; relating to reports of involuntary commitment; amending Rules 6(r)(6), 38.2, and 45(d), Alaska Rules of Criminal Procedure; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

#### **SCR 7**

SENATE CONCURRENT RESOLUTION NO. 7 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 49, relating to criminal law and procedure; relating to pretrial services; establishing the crime of possession of motor vehicle theft tools; relating to electronic monitoring; relating to controlled substances; relating to probation and parole; relating to sentencing; amending the definitions of "most serious felony," "sex offense," and "sex offender"; relating to registration of sex offenders; relating to operating under the influence; relating to refusal to submit to a chemical test; relating to the duties of the commissioner of corrections; relating to testing of sexual assault examination kits; relating to reports of involuntary commitment; and amending Rules 6(r)(6) and 38.2, Alaska Rules of Criminal Procedure, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

#### **Adjournment**

Senator Costello moved and asked unanimous consent the Senate stand in adjournment until 11:00 a.m., May 15, 2019. Without objection, the Senate adjourned at 5:35 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.

**STANDING COMMITTEES**

+ indicates teleconference

= indicates bill previously heard/scheduled

**FINANCE**

<b>May 14</b>	<b>Tuesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
	-- MEETING CANCELED --		
+	Bills Previously Heard/Scheduled		
<b>May 15</b>	<b>Wednesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
+	Bills Previously Heard/Scheduled		

**HEALTH & SOCIAL SERVICES**

<b>May 15</b>	<b>Wednesday</b>	<b>Butrovich 205</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>May 17</b>	<b>Friday</b>	<b>Butrovich 205</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>May 20</b>	<b>Monday</b>	<b>Butrovich 205</b>	<b>1:30 PM</b>
	No Meeting Scheduled		

**JUDICIARY**

<b>May 15</b>	<b>Wednesday</b>	<b>Beltz 105 (tsbldg)</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>May 17</b>	<b>Friday</b>	<b>Beltz 105 (tsbldg)</b>	<b>1:30 PM</b>
	No Meeting Scheduled		

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**STATE AFFAIRS**

**May 14**      **Tuesday**                      **Butrovich 205**              **3:30 PM**  
-- MEETING CANCELED --  
+              Bills Previously Heard/Scheduled

**May 16**      **Thursday**                      **Butrovich 205**              **3:30 PM**  
+              Bills Previously Heard/Scheduled

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**TRANSPORTATION**

**May 14**      **Tuesday**                      **Butrovich 205**              **1:30 PM**  
No Meeting Scheduled

**May 16**      **Thursday**                      **Butrovich 205**              **1:30 PM**  
No Meeting Scheduled

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**JOINT COMMITTEES**

**LEGISLATIVE BUDGET & AUDIT**

**May 15**      **Wednesday**                  **Adams Room 519**              **7:00 AM**  
-- Teleconference Listen Only --  
Legislative Audit Storage Area Network  
Procurement  
Executive Session  
- Final Audit Release: FY18 Statewide Single  
Audit  
Other Committee Business

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**CONFERENCE COMMITTEES**

**CONFERENCE COMMITTEE ON HB39 AND HB40**

**May 14**      **Tuesday**                      **Senate Finance 532**          **10:00 AM**  
-- Delayed to 8:00 p.m. --  
+= HB 39      APPROP: OPERATING BUDGET/LOANS/FUNDS  
+= HB 40      APPROP: MENTAL HEALTH BUDGET

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**CONFERENCE COMMITTEES (continued)**

**CONFERENCE COMMITTEE ON HB49**

**May 15      Wednesday                      Butrovich 205      12:00 PM**  
+    HB 49    CRIMES; SENTENCING; MENT. ILLNESS; EVIDENCE