

SENATE JOURNAL
ALASKA STATE LEGISLATURE
THIRTIETH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Wednesday

May 9, 2018

One Hundred Fourteenth Day

Pursuant to adjournment the Senate was called to order by President Kelly at 11:12 a.m.

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

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

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

Dear Heavenly Father,

You alone are worthy of our praise, our thanks and adoration. Who are we, Lord, that you should be so merciful to us? And all that we give back to you is only from what you first gave us. Lord, today I submit myself to you. Please quicken our minds and conscience with your holiness. Give us the vision, and the courage that will enlarge our horizons and stretch our faith. Guide us with your truth. Purify our imaginations with your beauty and majesty. Open our hearts to your love as we surrender to your purpose. We thank you that you are hearing us even now. I thank you for the grace of prayer. I thank you for your Son. May the words of our mouths and the meditation of our minds be acceptable in your sight, oh Lord, our strength and our Redeemer. I ask this in Jesus' name, Amen!

Senator Hoffman led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House**SB 26**

Message dated May 8 was read stating the House adopted the report of the Conference Committee with limited powers of free conference considering CS FOR SENATE BILL NO. 26(FIN) and HOUSE CS FOR CS FOR SENATE BILL NO. 26(FIN)(efd fld H), thus adopting:

CONFERENCE CS FOR SENATE BILL NO. 26
"An Act relating to the earnings of the Alaska permanent fund and the earnings reserve account; relating to the mental health trust fund; and providing for an effective date."

The bill was referred to the Secretary for engrossment and enrollment.

SCR 29

Message dated May 8 was read stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 29
Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 26, relating to an appropriation limit; relating to the budget responsibilities of the governor; relating to the Alaska permanent fund, the earnings of the Alaska permanent fund, and the earnings reserve account; relating to the mental health trust fund; relating to deposits into the dividend fund; and relating to the calculation and payment of permanent fund dividends.

The resolution was referred to the Secretary for enrollment.

Standing Committee Reports**HB 312**

The Rules Committee considered HOUSE BILL NO. 312 "An Act relating to arrest without a warrant for assault in the fourth degree at a health care facility; and relating to an aggravating factor at sentencing for a felony offense against a medical professional at a health care facility" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 312(RLS)
"An Act relating to scheduled substances; relating to the Controlled Substances Advisory Committee; authorizing the attorney general to schedule substances by emergency regulation or repeal an emergency regulation that scheduled a substance; relating to arrest without a warrant for assault in the fourth degree at a health care facility; relating to detaining a person for up to 48 hours for the prosecuting authority to demonstrate that release of the person would not reasonably ensure the appearance of the person or will pose a danger to the victim, other persons, or the community if the person has a criminal conviction or charge outside the state; relating to conditions of release for a person who is represented by an attorney or has a criminal conviction or charge outside the state; relating to factors the court is required to consider when determining the conditions of release before trial; relating to the surcharge imposed for violation of state or municipal law; relating to an aggravating factor at sentencing for a felony offense against a medical professional at a health care facility; amending the authority of pretrial services officers to make a warrantless arrest or request the court to issue a warrant for arrest; providing that pretrial services, probation, and parole officers may perform duties relating to pretrial services, probation, and parole; amending Rule 41, Alaska Rules of Criminal Procedure; and providing for an effective date."
(Title Change SCR 30)

Signing do pass: Senator Meyer, Chair; Senators Gardner, Micciche.
Signing no recommendation: Senators MacKinnon, Kelly.

The following fiscal information was published today:

- Fiscal Note No. 3, zero, Office of the Governor
- Fiscal Note No. 4, zero, Department of Corrections
- Fiscal Note No. 5, zero, Department of Health and Social Services
- Fiscal Note No. 6, zero, Department of Health and Social Services
- Fiscal Note No. 7, zero, Department of Law
- Fiscal Note No. 8, Department of Public Safety

The bill is on today's calendar.

Introduction and Reference of Senate Resolutions

SCR 30

SENATE CONCURRENT RESOLUTION NO. 30 BY THE
SENATE RULES COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 312, relating to arrest
without a warrant for assault in the fourth degree at a
health care facility; and relating to an aggravating
factor at sentencing for a felony offense against a
medical professional at a health care facility.

was read the first time and held on the Secretary's desk.

Consideration of the Calendar

Second Reading of House Bills

HB 56

HOUSE BILL NO. 56 "An Act relating to limitations on certain
commercial fishing loans made by the Department of Commerce,
Community, and Economic Development" was read the second time.

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

HOUSE BILL NO. 56 was read the third time.

The question being: "Shall HOUSE BILL NO. 56 "An Act relating to limitations on certain commercial fishing loans made by the Department of Commerce, Community, and Economic Development" pass the Senate?" The roll was taken with the following result:

HB 56

Third Reading - Final Passage

YEAS: 17 NAYS: 1 EXCUSED: 2 ABSENT: 0

Yeas: Bishop, Costello, Egan, Gardner, Giessel, Hoffman, Hughes, Kelly, MacKinnon, Meyer, Micciche, Olson, Stedman, Stevens, von Imhof, Wielechowski, Wilson

Nays: Coghill

Excused: Begich, Shower

and so, HOUSE BILL NO. 56 passed the Senate, was signed by the President and Secretary and returned to the House.

HB 151

CS FOR HOUSE BILL NO. 151(FIN) "An Act relating to the duties of the Department of Health and Social Services; relating to training and workload standards for employees of the Department of Health and Social Services and providing immunity from damages related to those standards; relating to foster care home licensing; relating to civil and criminal history background checks for foster care licensing and payments; relating to placement of a child in need of aid; relating to the rights and responsibilities of foster parents; requiring the Department of Health and Social Services to provide information to a child or person released from the department's custody; and providing for an effective date" was read the second time.

Senator MacKinnon, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 2927. Senator Gardner objected, then withdrew her objection. There being no further objection, SENATE CS FOR CS FOR HOUSE BILL NO. 151(FIN) "An Act relating to a special audit; relating to the duties of the Department of Health and Social Services; relating to training and workload standards for employees of the Department of Health and Social Services and providing immunity from damages related to those standards; relating to foster care home licensing; relating to civil and criminal history background checks for foster care licensing and payments; relating to placement of a child in need of aid; relating to the rights and responsibilities of foster parents; relating to completed investigations of reports of harm to a child; requiring the Department of Health and Social Services to provide information to a child or person released from the department's custody; and providing for an effective date" was adopted.

Senator Micciche 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.

SENATE CS FOR CS FOR HOUSE BILL NO. 151(FIN) was read the third time.

Senator Micciche moved and asked unanimous consent President Kelly be shown as a cross sponsor on the bill. Without objection, it was so ordered.

Senators Giessel, MacKinnon, Micciche, Stedman, Stevens, Bishop, Costello, Hoffman, Gardner, Hughes, Egan, Olson, Wielechowski, Wilson, Coghil, Meyer, von Imhof moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 151(FIN) "An Act relating to a special audit; relating to the duties of the Department of Health and Social Services; relating to training and workload standards for employees of the Department of Health and Social Services and providing immunity from damages related to those standards; relating to foster care home licensing; relating to civil

and criminal history background checks for foster care licensing and payments; relating to placement of a child in need of aid; relating to the rights and responsibilities of foster parents; relating to completed investigations of reports of harm to a child; requiring the Department of Health and Social Services to provide information to a child or person released from the department's custody; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 151(FIN)

Third Reading - Final Passage

Effective Date

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

Yeas: Bishop, Coghill, Costello, Egan, Gardner, Giessel, Hoffman, Hughes, Kelly, MacKinnon, Meyer, Micciche, Olson, Stedman, Stevens, von Imhof, Wielechowski, Wilson

Excused: Begich, Shower

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 151(FIN) passed the Senate.

Senator Micciche moved and asked unanimous consent the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

SCR 21

Senator Micciche moved and asked unanimous consent to take up SENATE CONCURRENT RESOLUTION NO. 21, which had been held on the Secretary's desk (page 2512). Without objection, the resolution was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 21 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 151, relating to the duties of the Department of Health and Social Services; relating to training and workload standards for employees of the Department of Health and Social Services and providing immunity from damages related to those standards; relating to foster care home

licensing; relating to civil and criminal history background checks for foster care licensing and payments; relating to placement of a child in need of aid; relating to the rights and responsibilities of foster parents; and requiring the Department of Health and Social Services to provide information to a child or person released from the department's custody, pass the Senate?" The roll was taken with the following result:

SCR 21

Final Passage

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

Yeas: Bishop, Coghil, Costello, Egan, Gardner, Giessel, Hoffman, Hughes, Kelly, MacKinnon, Meyer, Micciche, Olson, Stedman, Stevens, von Imhof, Wielechowski, Wilson

Excused: Begich, Shower

and so, SENATE CONCURRENT RESOLUTION NO. 21 passed the Senate and was referred to the Secretary for engrossment.

HB 312

HOUSE BILL NO. 312 "An Act relating to arrest without a warrant for assault in the fourth degree at a health care facility; and relating to an aggravating factor at sentencing for a felony offense against a medical professional at a health care facility" was read the second time.

Senator Meyer, Chair, moved and asked unanimous consent for the adoption of the Rules Senate Committee Substitute offered on page 3019. Senator Gardner objected, then withdrew her objection. There being no further objection, SENATE CS FOR HOUSE BILL NO. 312(RLS) "An Act relating to scheduled substances; relating to the Controlled Substances Advisory Committee; authorizing the attorney general to schedule substances by emergency regulation or repeal an emergency regulation that scheduled a substance; relating to arrest without a warrant for assault in the fourth degree at a health care facility; relating to detaining a person for up to 48 hours for the prosecuting authority to demonstrate that release of the person would not reasonably ensure the appearance of the person or will pose a danger to the victim, other persons, or the community if the person has

a criminal conviction or charge outside the state; relating to conditions of release for a person who is represented by an attorney or has a criminal conviction or charge outside the state; relating to factors the court is required to consider when determining the conditions of release before trial; relating to the surcharge imposed for violation of state or municipal law; relating to an aggravating factor at sentencing for a felony offense against a medical professional at a health care facility; amending the authority of pretrial services officers to make a warrantless arrest or request the court to issue a warrant for arrest; providing that pretrial services, probation, and parole officers may perform duties relating to pretrial services, probation, and parole; amending Rule 41, Alaska Rules of Criminal Procedure; and providing for an effective date" was adopted.

President Kelly stated SENATE CS FOR HOUSE BILL NO. 312(RLS) will advance to third reading on the May 10 calendar.

Special Order of Business

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

Citation Calendar

In Memoriam - Sheila Howe

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

In Memoriam - Specialist Gabriel David Conde

Representative(s) Saddler

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

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

Unfinished Business**HB 44**

The reconsideration on SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 44(STA) "An Act relating to campaign expenditures and contributions; relating to the per diem of members of the legislature; relating to limiting gifts by lobbyists to legislators and legislative employees; requiring a legislator to abstain from taking or withholding official action or exerting official influence that could benefit or harm an immediate family member or certain employers; requiring a legislator to request to be excused from voting in an instance where the legislator may have a financial conflict of interest; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Announcements

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

Announcements are at the end of the journal.

Engrossment**HB 44**

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 44(STA) "An Act relating to campaign expenditures and contributions; relating to the per diem of members of the legislature; relating to limiting gifts by lobbyists to legislators and legislative employees; requiring a legislator to abstain from taking or withholding official action or exerting official influence that could benefit or harm an immediate family member or certain employers; requiring a legislator to request to be excused from voting in an instance where the legislator may have a financial conflict of interest; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 151

SENATE CS FOR CS FOR HOUSE BILL NO. 151(FIN) "An Act relating to a special audit; relating to the duties of the Department of Health and Social Services; relating to training and workload standards for employees of the Department of Health and Social Services and providing immunity from damages related to those standards; relating to foster care home licensing; relating to civil and criminal history background checks for foster care licensing and payments; relating to placement of a child in need of aid; relating to the rights and responsibilities of foster parents; relating to completed investigations of reports of harm to a child; requiring the Department of Health and Social Services to provide information to a child or person released from the department's custody; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

SCR 21

SENATE CONCURRENT RESOLUTION NO. 21 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 151, relating to the duties of the Department of Health and Social Services; relating to training and workload standards for employees of the Department of Health and Social Services and providing immunity from damages related to those standards; relating to foster care home licensing; relating to civil and criminal history background checks for foster care licensing and payments; relating to placement of a child in need of aid; relating to the rights and responsibilities of foster parents; and requiring the Department of Health and Social Services to provide information to a child or person released from the department's custody, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Micciche moved and asked unanimous consent the Senate stand in adjournment until 11:00 a.m., May 10, 2018. Without objection, the Senate adjourned at 12:06 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

May 09	Wednesday	Senate Finance 532	9:30 AM
	-- MEETING CANCELED --		
+	Bills Previously Heard/Scheduled		
May 09	Wednesday	Senate Finance 532	1:30 PM
	-- MEETING CANCELED --		
+	Bills Previously Heard/Scheduled		
May 10	Thursday	Senate Finance 532	9:30 AM
+	Bills Previously Heard/Scheduled		
May 10	Thursday	Senate Finance 532	1:30 PM
+	Bills Previously Heard/Scheduled		

JOINT COMMITTEES

SELECT COMMITTEE ON LEGISLATIVE ETHICS

May 17	Thursday	Anch Lio Lg Conf Rm	8:00 AM
+	Public Comment		
	Chair/Staff Report		
	2019 Ethics Training		
	EXECUTIVE SESSION		
	Public Session		
	Other Business		