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Legislative Information

The purpose of this newsletter is to help each and every one of you keep up with the legislation that could potentially have a positive or negative impact on your municipality. If you have any questions about any bills, please call us at the AML office. If you hear about legislation that we have missed, please let us know. Sometimes, with the huge flurry of issues, we might miss something.

Legislative Committee Meeting Schedules

The following list of committee meetings address issues and bills important to Municipalities for the upcoming week. For a complete list of bills visit the BASIS website. Most of the meetings are teleconferenced. It is best to go through your local LIO office to testify.

Saturday, February 7
8:00 am - Municipal Regulation Marijuana - (H) C&RA- Barnes124

Monday, February 9
1:00 pm - 

Tuesday, February 10
8:00 am - 
8:00 am - 
10:15 am - 

Wednesday, February 11
1:00 pm – 
1:30 pm – 
1:30 pm – 

Thursday, February 12
8:00 am - Municipal Regulation Marijuana -Testimony invitation only (H) C&RA- Barnes124
9:00 am – 

Friday, February 13
1:30 pm – 

Bills on the Move

Today is Day 18 of the legislative session.

The budget was the big story this week as Governor Bill Walker released more details yesterday on where to cut state spending. He announced a reduction of $240 million in unrestricted general funds to agency operations. This would eliminate 329 jobs – much of which are reportedly positions that are now vacant. While there are concerns among municipalities about cuts to community jails, many are relieved that municipal revenue sharing will be at $57 million. More details are expected early next week as the Legislative Finance Division digests and analyzes detailed budget information released by the Walker administration.

Arctic policy legislation, HB 1 by Rep. Bob Herron, moved out of the House Special Committee on Economic Development, Tourism, and Arctic Policy yesterday and onto its next committee of referral, the House State Affairs Committee, which has scheduled to hear it on Tuesday, Feb. 10. It’s companion bill, SB 16 by Sen. Lesil McGuire, is up in the Senate Special Committee on the Arctic on Thursday, Feb. 12.

Marijuana legislation made no headway this week. New drafts are expected next week for the House Judiciary Committee’s HB 79 and the Senate Judiciary Committee’s SB 30. Both measures are in each body’s respective judiciary committees. HB 79 is scheduled to be heard Feb. 9 and 11; SB 30 on Feb. 11 and 13.

The House Health and Social Services Committee heard HB 59, Rep. Paul Seaton’s measure on marijuana concentrates, on Feb. 3, but took no action on it. Another hearing has yet to be scheduled.

The finance committees are vetting the Fiscal Year 2016 budget. This year’s operating budget vehicle, HB 72, and mental health spending measure, HB 73, were heard in House Finance earlier this week and will come up again on Feb. 9 and 12. This year’s capital budget, SB 26, was heard by Senate Finance last Wednesday and will be heard again on Feb. 9.

Bills Introduced

HB1 – (SB 16) An Act declaring the Arctic policy of the State. This bill lines out the reasons that the State of Alaska is what makes the U.S. an Arctic nation. It then lines out the “declaration of state Arctic policy.” It also lists the priority efforts of the Arctic policy.

HB 3 – An Act relating to a death benefit for health insurance payable to the widows, widowers, and children of police officers, firefighters, or emergency medical technicians who die because of work-related injuries. If any of the above mentioned people suffer an injury, which then leads to death (no time frame identified), there would be a number of death benefits available to the family: funeral expenses, not to exceed $10,000; 80% of weekly wages for a widow or widower without children; 50% to the widow or widower if there is one child and 40% to the child; 30% to the widow or widower if more than one child with 70% divided among the children; 100% to children if there is no widow or widower (no age limit). Health insurance would be paid for by the employer that is the same as that in place before employee’s death. These benefits
would also be provided to volunteers of all the above positions. The healthcare coverage would be provided for one year following the death or one year from the time that employer provided coverage stops.

**HB 13** – An Act requiring notice of the postage required to mail an absentee ballot on the envelope provided by the division of elections for returning an absentee ballot; and repealing the authority to include certain material from a political party in the election pamphlet. This bill would require a mailing envelope for returning an absentee ballot to be preaddressed to the election supervisor in the district in which the voter is a resident. The envelope for returning an absentee ballot must include a notice of the postage required to return the ballot by way of the United States Postal Service within the United States. We will check with the Clerk’s Association for clarification on how they view this legislation.

**HB 21** – An Act relating to regional transit authorities. This bill is intended to reduce traffic flow on highways by providing for the creation of regional transit authorities. The purpose of these authorities is to provide for public transportation by commuter rail or by other means. It would allow individual municipalities (or a collaboration of municipalities) to create a regional transit authority to provide transit service to commuters.

**HB 23** – An Act relating to sexual abuse and sexual assault awareness and prevention efforts in public schools. This bill would require schools to create age-appropriate curricula. Curricula is instructed to include warning signs of abuse, referral and resource information, counseling and support, methods for increasing awareness, and actions a child may take to protect themselves.

**HB 24** – An Act relating to the procurement of architectural, engineering, or land surveying services under state-funded contracts. This bill has visited us before. This bill requires all contracts, awarded under state-funded contracts, to be selected based on “qualifications” rather than price. Price may be used as part of the criteria if the people reviewing the contracts, are registered engineers, themselves. Otherwise, they don’t trust municipalities to do it right. The municipality shall also consider “proximity” to the project site. As far as we can tell, when a municipality puts out a bid for a state-funded job for the architectural, engineering or land surveying section of that project, the bids you select will be based on the qualities of a company. All of you will then sit down and negotiate the price. If you can’t come up with a price you all agree with, you must start over. The comment we got from some of the engineers pushing this bill was that price shouldn’t matter when it comes to selecting a good firm. OF COURSE PRICE MATTERS!!!!!! Unless you have endless streams of money.

**HB 30** – An Act requiring school districts to develop and require completion of a history of American constitutionalism curriculum segment; and providing for an effective date. While the thought is grand, this is an unfunded mandate that even mandates what the curriculum must be: Declaration of Independence; the first state constitutions; the Articles of Confederation; the Constitution of the United States; the
Federalist Papers; the Bill of Rights and other historical documents produced in the founding of our constitutional republic model of government.

**HB 34** – **An Act relating to the amount of workers’ compensation benefits in the case of permanent partial impairment.** This bill attempts to give injured workers a higher base for permanent total disability and permanent partial disability. It has been quite a while since the $177,000 amount was established, so it probably needs to be updated. More, most likely, will be added to this bill.

**HB 47** – **An Act requiring each municipality with a population that decreased by more than 25% between 2000 and 2010 that participates in the defined benefit retirement plan of the Public Employees’ Retirement System of Alaska to contribute to the system an amount calculated by applying a rate of 22% of the total of all base salaries paid by the municipality to employees of the municipality who are active members of the system during a payroll period; reducing the rate of interest payable by a municipality with a population that decreased by more than 25% between 2000 and 2010 that is delinquent in transmitting employee and employer contributions to the defined benefit retirement plan of the Public Employees’ Retirement System of Alaska; giving retrospective effect to the substantive provisions of the Act; and providing for an effective date.** The description of this bill is actually the title, itself. The title is a long one, in order to keep the subject tight and disallow anyone from adding or changing the bill. This is known to us at AML, as the Galena bill. It basically provides for municipalities that, through no fault of their own, lose more than 25% of their employees between the years 2000 and 2010, from being charged exorbitant termination penalties; reducing their interest from the current 12+% and making this bill retroactive. The year on which the current “below the 2008 salary floor” is based, would become 2012 for those specified municipalities.

**HB 53** – **An Act relating to the application of pesticides and broadcast chemicals in certain public places near fish habitat or water used for human consumption and on state-owned land, land leased by or to the state, state highways, and state-owned rights-of-way.** After the “debacle” on Prince of Wales this past summer, where DOT unilaterally decided to spray pesticide wherever they deemed necessary, without any permitting from DEC and by simply posting it in the paper of notice, this bill would make it necessary for an agency to apply for a permit; post a notice 14 days in advance, and then hold a public hearing to receive comment by the public. In the above case, pesticide (of an unknown quality) was sprayed near anadromous streams and on berry bushes used for subsistence. There were some MAD people. This needed to be fixed! We will watch the changes that may come with this bill, however, as we need to make sure it does not prohibit municipalities from necessary spraying (as happened in legislation a few years ago) in conditions such as a hornets nest hanging on a public building near the water.

**HB 57** – **An Act relating to voter identification at the polls; and relating to the counting of absentee and questioned ballots.** This bill is built upon the statute that
requires certain identification before allowing a person to vote. However, added to this statute is section which states the identification may be waived if, “the voter is on the official registration list to vote in the precinct. If the identification requirements are waived under this subsection, the election official shall sign beside the voter’s name in the register kept under AS 15.15.180. It also states that an absentee ballot or a questioned ballot may NOT be counted if the voter voted in person and was not eligible for waiver of the identification requirement (personally known).

HB 58 – An Act making an entity that is exempt from federal taxation under 26 U.S.C. 501 (c)(3) (Internal Revenue Code) and a federally recognized tribe eligible for a loan from the Alaska energy efficiency revolving loan fund; and relating to loans from the Alaska energy efficiency revolving loan fund. Currently, tribes are not eligible for these loans and this bill would make that change. This also makes a change to include “subdivisions” of a municipality (I am not sure what that legally means, but we will research that to see if that means “service areas?”) This would also include subsidiaries and/or businesses owned by a federally recognized tribe. To date, not ONE SINGLE loan has been given since the inception of this program (2010).

HB 59 – An Act relating to marijuana concentrates; and providing for an effective date. This bill would delay marijuana regulations relating to growth and sale of marijuana and marijuana licensing. Also, criminal intent with regards to possession, manufacture, etc. is listed.

HB 75 – An Act relating to the regulation of marijuana by municipalities; and providing for an effective date. This bill is simply a “place holder” for now. Testimony and work will ensue with AML and municipalities as this whole marijuana thing gets further down the road. For now, municipalities must do a bit of a waiting game, as the State must define many aspects of the initiative and make decisions about what they will and will not allow. We hope to help municipalities answer as many as those marijuana issues, as possible, during our AML Marijuana Summit (February 17th).

HB 78 – An Act bearing the short title of the “Alaska Competitive Energy Act of 2015”; and relating to the Regulatory Commission of Alaska. This bill would give boroughs and cities the ability to regulate, fix, establish and change the rates and charges imposed by a utility that is not subject to regulation. It appears to make changes to ensure that the “end user” is offered an affordable, competitive pricing schedule and to bring unregulated utilities in line with the state energy policy (AS 44.99.115).

HB 79 – An Act relating to controlled substances; relating to marijuana; relating to driving motor vehicles when there is an open marijuana container; and providing for an effective date. This bill relates to the criminal aspect of the upcoming marijuana initiative. It lays out what would be deemed “crimes” by the State with regards to marijuana, and a slew of names and initials of things that most of us (I hope) have never heard. It is being rewritten, as we speak, so the present version will be changed in the Judiciary Committee. We will wait to see what comes out the other end.
**HB 86** – An Act relating to investment of the Power Cost Equalization Endowment Fund; and providing for an effective date. This extends the language of the Power Cost Equalization Fund to no longer require a stated return (7%), but to have the investments done in a manner that will, “meet the objectives of the power cost equalization and rural electric capitalization fund.”

**HB 84** – An Act relating to the Legislative Budget and Audit Committee; and requiring state agencies, municipalities, and Regional Educational Attendance areas to report on federal receipts. This bill adds new language that would require each municipality to, each year, prepare and submit a report that states the total amount of federal receipts that the municipality received for the previous fiscal year; to identify all conditions or requirements related to those funds; identifies those funds which require a state match; reports the total amount to the municipality; states the percentage of the budget represented by the federal receipts; and describes the plan for operating the municipality if there is a reduction of those funds by 5% or more. It also requires that if the state does not include required state matches in their budget, that a municipality may not accept those receipts. Federal receipts, for these purposes, means grants, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, incentives, or other assistance.

**HR 2, 3, 4,** - Establishing a House Special Committee on Energy (2), Fisheries (3), Military & Veterans’ Affairs (4). Each of these resolutions creates a new House Special Committee. In all three of these committees, the Speaker will determine the number of representatives to be members, shall appoint those members and shall designate a chair. Each committee will sunset after the 2nd year of this, the 29th Legislature. Again, this is an added expense to State government. Something to keep in mind.

**HCR 1** – Urging the Governor to acknowledge officially the sovereignty of Alaska tribal governments, to create clear and consistent policies for increased state collaboration and partnership with tribes, and to direct the attorney general to conduct a complete review of the state’s litigation against Alaska Native tribes; urging the Governor to acknowledge the inherent criminal jurisdiction of Alaska tribal governments over tribal members within the boundaries of their villages; urging the Governor to cooperate with tribes’ efforts to transfer Native land to trust; and urging the Governor to support multilateral negotiations between tribal governments, nontribal municipalities, and the state government to delineate clearly tribal geographical jurisdictions. This bill very simply lays out the following: 1) stop the lawsuits against Alaska Native tribes; 2) acknowledge the criminal jurisdiction that tribes have over their members within their village boundaries; 3) help tribes with the on-going effort to transfer Native land to trust; 4) support negotiations to define geographical jurisdiction; and 5) issue a proclamation officially acknowledging the sovereignty of Alaska tribal governments with clear and consistent policy.
HJR 3 – Urging members of the Alaska delegation to the United States Congress to introduce substantially similar legislation to the Alaska Safe Families and Villages Act of 2013; urging the United States Congress to affirm the criminal jurisdiction of Alaska tribal governments over tribal members within the boundaries of their villages; urging the United States Congress to cooperate with tribes’ efforts to transfer Native land to trust; and supporting multilateral negotiations between tribal governments, nontribal municipalities, and the state and federal governments to delineate clearly tribal geographical jurisdictions. This resolution intends to acknowledge tribal governments by the state to be forthcoming. It also urges Congress to introduce new legislation to go along with the discussion begun during 2013 which showed less than desirable conditions in many of the Native Alaska villages. One of the main “asks” is for the U.S. Congress to affirm the criminal jurisdiction of Alaska tribal governments over tribal members and to expedite the transfer of Native land to trust.

HJR 4 – Urging the United States Congress to provide a means for consistently and equitably sharing with all oil and gas producing states adjacent to federal outer continental shelf areas a portion of revenue generated from oil and gas development on the outer continental shelf to ensure that those states develop necessary infrastructure to support outer continental shelf development and preserve environmental integrity. I just LOVE to read this resolution. It (see if you can see the connection here), asks the federal government to share the revenues (WE call that Revenue Sharing) from oil and gas production on the outer continental shelf, as the state and LOCAL GOVERNMENTS will realize increased demands. However, there is no mention in this resolution of actually sharing any of that Revenue Sharing with the local governments. These are the issues we must carefully watch!!

HJR 8 – (SJR 4) Urging the federal government to empower the state to protect the state’s access to affordable and reliable electrical generation. This is another “federal overreach” message attempting to encourage the federal government to “empower” the state to regulate its own energy production and use, in order to protect access to affordable and reliable electrical generation for residents of the state.

SB 1 – An Act prohibiting smoking in certain places; relating to education on the smoking prohibition; and providing for an effective date. This bill would make it unlawful to smoke at a number of “public” places. While the intent of this bill most likely has many good aspects, I think municipalities should have a conversation about the prohibitions this might create for municipalities that will be approached by businesses that want to create a marijuana “smoking” area.

SB 7 – An Act directing the Regulatory Commission of Alaska to provide a report to the legislature relating to electrical transmission in certain areas of the state; and providing for an effective date. This would direct the RCA to first, evaluate the creation of an independent entity would have responsibility to maintain the reliability of the electrical transmission facilities of the Railbelt area. While, in the ideal world, this might be a very wise choice, again, I think AML needs to look at this state wide. Does
this put more energy money into one area, making “less” energy money available for other areas that would LOVE to have someone “maintain” the reliability of their electrical transmission facilities?

SB 13 – An Act prohibiting the state and municipalities from using assets to assist a federal agency in collecting certain telephone records or electronic data without a warrant; prohibiting the state from cooperating with a federal agency in collecting certain telephone records or electronic data without a warrant; and providing for an effective date. Added to the existing statute is the “prohibition against cooperation with federal agencies engaged in collection of telephone records or electronic data,” and “the collection by a federal agency of electronic data without a search warrant; in this paragraph, electronic data includes electronic mail and text messages; or the collection by a federal agency of telephone records without a search warrant, unless the records are collected in a manner consistent with state law.” Also, “Prohibition against cooperation with federal agencies engaged in collection of telephone records or electronic data.” I think that the most important “additions” to this bill, for our purposes, is the addition of “text” and emails.

SB 17 – An Act relating to denial of requests for disclosure of public records. This bill would require that a denial of a request for a public record be 1) in writing; 2) identify the type of record; 3) identify the date of the record; 4) identify the subject matter of the record; 5) state the reason for the denial; 6) if correspondence, identify the sender and recipient of the record; 7) includes notice of the right to appeal; 8) is dated and signed by the person issuing the denial.

SB 19 – An Act relating to Road Service Area Boundary Changes. This bill adds an exclusion to the statutes that determine requirements for the abolishment, replacement, alteration or combination of road, fire protection or parks and recreation service areas. The voter requirements of who must vote and approve of the service area boundary change would not apply, according to this new bill, if the change attempts to include or exclude a lot that is partially located in the road service area.

SB 22 – An Act relating to the collection costs for the municipal motor vehicle registration tax; and providing for an effective date. This would require DMV to refund money collected by the department, less the 5 1/8% administration fees. The change that this bill would effect, is that currently, the administration fee is set at 8%.

SB 30 – An Act relating to controlled substances; relating to marijuana; relating to driving motor vehicles when there is an open marijuana container; and providing for an effective date. This bill clarifies some of the language already on the books to conform to the recently passed initiative, with regards to amount of substance, age of possessor, consumption in a public place; types of marijuana; the marijuana “open container” law; etc.

SB 34 – An Act relating to investment of the Power Cost Equalization Endowment Fund; and providing for an effective date. This extends the language of the Power
Cost Equalization Fund to no longer require a stated return (7%), but to have the investments done in a manner that will, “meet the objectives of the power cost equalization and rural electric capitalization fund.”

**SB 36** – *An Act relating to electronic publication of certain municipal notices and to publication and electronic distribution of reports by state agencies.* This bill would allow a municipality, by ordinance, to provide for electronic notices on a website for three consecutive weeks rather than posting in a general in a newspaper of general circulation, once a week, for three weeks. Small communities, without a newspaper OR website, could still post in three public places for 30 days (current law).

**SR 1, 2, and 3** – *Establishing a Senate Special Committee on World Trade (1), Arctic (2), and Energy (3).* These three resolutions would set up (refer to HR 2, 3, and 4) Special Senate Committees to sunset at the end of the 2nd year of the 29th Legislature.

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