SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Wednesday

February 9, 2011

Twenty-third Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:00 a.m.

The roll showed nineteen members present. Senator McGuire was absent.

The prayer was offered by the Chaplain, Pastor Steve Evenson of the Juneau Seventh-day Adventist Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

O God of the universe, whose power is great, who is ever ready to hear from his children, who loves us, we come before you this day, recognizing our need of you for guidance in the matters of state. We know from the pages of old, that it is you who have placed us in these halls. You have entrusted to us, the representatives of the people of the great state of Alaska, the responsibility of justice, forthrightness and forbearance.

How we need divine insight for the matters before us, how we need guidance from above. May we be open to the divine impressions that are from your Holy Spirit. May we be willing to listen to that still small voice. We recognize our weakness, our selfishness, our sinful tendencies, so it is with these solemn petitions that we seek for your wisdom, understanding, long-suffering and patience.

In the Name of my Lord Jesus.

Amen.

Senator Huggins led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor

SR 1

Message dated February 8 was read stating the Governor read the following resolution and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE RESOLUTION NO. 1 Establishing a Senate Special Committee on World Trade.

Senate Resolve No. 1

Communications

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

Alaska Public Offices Commission (APOC) 2011 Lobbyist Directory from Patricia Ware, Lobbying Administrator, APOC in accordance with AS 24.45.041(e) also available electronically at: http://doa.alaska.gov/apoc

Standing Committee Reports

SB 34

The Labor and Commerce Committee considered SENATE BILL NO. 34 "An Act establishing the Alaska small business revolving loan fund; relating to the fund and loans from the fund; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 34(L&C)

Signing do pass: Senator Egan, Chair; Senators Giessel, Davis, Paskvan, Menard.

The following fiscal information was published today:

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

Fiscal Note No. 2, Department of Commerce, Community and Economic Development

The bill was referred to the Finance Committee.

SJR 6

The Transportation Committee considered SENATE JOINT RESOLUTION NO. 6 Urging the United States Army and United States Air Force to extend the public comment period for the Joint Pacific Alaska Range Complex Modernization and Enhancement Environmental Impact Statement that ends February 18, 2011, for a minimum of 90 days to allow for effective communication and full state and user involvement during the comment period, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO. 6(TRA) Urging the United States Army and United States Air Force to extend the public comment period for the Joint Pacific Alaska Range Complex Modernization and Enhancement Environmental Impact Statement, which is set to end February 18, 2011, for a minimum of 30 days to allow for effective communication and full state and user involvement during the comment period.

Signing do pass: Senator Kookesh, Chair; Senators Thomas, Huggins.

The following fiscal information was published today: Fiscal Note No. 1, zero, Senate Transportation Committee

The resolution is on today's calendar.

The presence of Senator McGuire was noted.

Introduction and Reference of Senate Resolutions

SR 2

SENATE RESOLUTION NO. 2 BY SENATORS KOOKESH, Hoffman, Dyson, Wielechowski, Olson, French, Meyer, Menard, Paskvan, Egan, Davis, Thomas, Stedman, Stevens, Ellis,

Urging the United States Congress to fund fully the essential air service program.

was read the first time.

The following fiscal information was published today: Fiscal Note No. 1, zero, Senate Rules Committee.

Senator Meyer moved and asked unanimous consent that SENATE RESOLUTION NO. 2 be taken up at this time. Without objection, SENATE RESOLUTION NO. 2 was before the Senate on final passage.

The question being: "Shall SENATE RESOLUTION NO. 2 Urging the United States Congress to fund fully the essential air service program, pass the Senate?" The roll was taken with the following result:

SR 2

Final Passage

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

Yeas: Coghill, Davis, Dyson, Egan, Ellis, French, Giessel, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wagoner, Wielechowski

and so, SENATE RESOLUTION NO. 2 passed the Senate and was referred to the Secretary for engrossment and enrollment.

Introduction and Reference of Senate Bills

SB 86

SENATE BILL NO. 86 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the protection of property of persons under disability and minors; relating to the crime of violating a protective order concerning certain vulnerable persons; relating to aggravating factors at sentencing for offenses concerning a victim 65 years or older; relating to the protection of vulnerable adults; amending Rule 12(h), Alaska Rules of Criminal Procedure; amending Rule 45(a), Alaska Rules of Criminal Procedure; amending Rule 65, Alaska Rules of Civil Procedure; amending Rule 17, Alaska Rules of Probate Procedure; amending Rule 9, Alaska Rules of Administration; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Health and Social Services

Fiscal Note No. 2, zero, Department of Administration

Fiscal Note No. 3, zero, Department of Law

Fiscal Note No. 4, Department of Public Safety

Fiscal Note No. 5, zero, Department of Public Safety

Fiscal Note No. 6, indeterminate, Department of Corrections

Governor's transmittal letter dated February 8:

Dear President Stevens:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to the protection of property of persons under disability; relating to the crime of violating a protective order concerning certain vulnerable persons; relating to aggravating factors at sentencing for offenses concerning a victim 65 years or older; and relating to the protection of vulnerable adults.

Financial exploitation of the elderly and other vulnerable adults is a growing problem. Victims of financial exploitation may not need a guardian, but may need assistance stopping immediate misuse or theft of their money. These victims find it difficult to access the courts and

obtain prompt and inexpensive relief. With a temporary conservator, the vulnerable victim retains autonomy while receiving assistance. The ex parte relief from fraud procedure is similar to the existing domestic violence protection law, providing a means for vulnerable adults to independently obtain straightforward, expedited relief from immediate financial exploitation.

I am committed to protecting our seniors and other vulnerable adults. This legislation strengthens the laws against financial exploitation and enhances the ability to obtain emergency protection orders for seniors. It improves the ability of those investigating reports of harm to obtain vital information in a timely manner, and will lead to better services and safety for vulnerable adults who are abused, neglected, or exploited and unable to protect their own interests.

I urge your prompt and favorable action on this measure.

Sincerely, /s/ Sean Parnell Governor

Consideration of the Calendar

Second Reading of Senate Resolutions

SJR 6

SENATE JOINT RESOLUTION NO. 6 Urging the United States Army and United States Air Force to extend the public comment period for the Joint Pacific Alaska Range Complex Modernization and Enhancement Environmental Impact Statement that ends February 18, 2011, for a minimum of 90 days to allow for effective communication and full state and user involvement during the comment period, was read the second time.

Senator Kookesh, Chair, moved and asked unanimous consent for the adoption of the Transportation Committee Substitute offered on page 211. Without objection, CS FOR SENATE JOINT RESOLUTION NO. 6(TRA) Urging the United States Army and United States Air

Force to extend the public comment period for the Joint Pacific Alaska Range Complex Modernization and Enhancement Environmental Impact Statement, which is set to end February 18, 2011, for a minimum of 30 days to allow for effective communication and full state and user involvement during the comment period was adopted.

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

CS FOR SENATE JOINT RESOLUTION NO. 6(TRA) was read the third time.

The question being: "Shall CS FOR SENATE JOINT RESOLUTION NO. 6(TRA) Urging the United States Army and United States Air Force to extend the public comment period for the Joint Pacific Alaska Range Complex Modernization and Enhancement Environmental Impact Statement, which is set to end February 18, 2011, for a minimum of 30 days to allow for effective communication and full state and user involvement during the comment period, pass the Senate?" The roll was taken with the following result:

CSSJR 6(TRA)

Third Reading - Final Passage

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

Yeas: Coghill, Davis, Dyson, Egan, Ellis, French, Giessel, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wagoner, Wielechowski

Absent: Hoffman

and so, CS FOR SENATE JOINT RESOLUTION NO. 6(TRA) passed the Senate and was referred to the Secretary for engrossment.

Citations

Honoring - Nella and Jess Wooten, 60 Years of Adventure in Alaska Senator(s) Dyson, Stevens, Coghill, Davis, Egan, Ellis, French, Giessel, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Thomas, Wagoner, Wielechowski Representative(s) Fairclough, Stolze, Saddler Honoring - Professor Rick Steiner

Representative(s) Gardner

Senator(s) Ellis, Stevens, Coghill, Davis, Dyson, Egan, French, Giessel, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Thomas, Wagoner, Wielechowski

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

Unfinished Business

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

Special Order of Business

Honoring - 2011 Alaska Academic Decathletes Representative(s) Holmes

Senator(s) French, Stevens, Coghill, Davis, Dyson, Egan, Ellis, Giessel, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Thomas, Wagoner, Wielechowski

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

SB 51

Senators Dyson, Meyer, Wagoner, McGuire moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 51 "An Act relating to the operation of vending facilities on public property." Without objection, it was so ordered.

SB 23

Senator Davis moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 23 "An Act relating to transferable film production tax credits; and providing for an effective date by amending the effective dates of secs. 3 and 4, ch. 63, SLA 2008." Without objection, it was so ordered.

Senator Olson moved and asked unanimous consent to be excused from a call of the Senate from plane time, February 11 through evening plane time, February 13. Without objection, Senator Olson was excused.

Senator Giessel moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, February 11 through morning plane time, February 14 and from noon, March 1 through morning plane time, March 7. Without objection, Senator Giessel was excused.

Senator Wielechowski moved and asked unanimous consent to be excused from a call of the Senate on February 14 to morning plane time. Without objection, Senator Wielechowski was excused.

Senator Huggins moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, February 25 through evening plane time, February 27. Without objection, Senator Huggins was excused.

Announcements

Announcements are at the end of the journal.

Engrossment

SJR 6

CS FOR SENATE JOINT RESOLUTION NO. 6(TRA) Urging the United States Army and United States Air Force to extend the public comment period for the Joint Pacific Alaska Range Complex Modernization and Enhancement Environmental Impact Statement, which is set to end February 18, 2011, for a minimum of 30 days to allow for effective communication and full state and user involvement during the comment period, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Meyer moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., February 11, 2011. Without objection, the Senate adjourned at 11:45 a.m.

Kirsten Waid Secretary of the Senate

Announcements

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

STANDING COMMITTEES

- + indicates teleconference
- = indicates bill previously heard/scheduled

COMMUNITY & REGIONAL AFFAIRS

Feb 10 +	Thursday Alaska's Mayors Forum	Beltz 105 (tsbldg)	3:30 PM
	EDUCA	ΓΙΟΝ	
Feb 09 += SB 43	Wednesday ALASKA PERFORMANCI Bills Previously Heard/Sche	_ ~	8:00 AM
Feb 11 += SB 43	Friday ALASKA PERFORMANCI Bills Previously Heard/Sche		8:00 AM
Mar 09 +	Wednesday Joint House/Senate Education Presentation: Best Beginnings/Early Child	C	8:00 AM
Mar 11 +	Friday Joint House/Senate Education Presentation: Higher Education and Caree	C	8:00 AM
Mar 18 +	Friday Joint House/Senate Education Presentation: State Board of Education an	C	8:00 AM

FINANCE

Feb 09 + + Feb 10	Wednesday MEETING CANCELED Presentation Postponed to Presentation on the Goose C Department of Corrections General Overview, Commis Financial Overview, Leslie I Bills Previously Heard/Sche	Call of the Chair reek Prison by the sioner Joe Schmidt Houston	9:00 AM 9:00 AM
+	Thursday Presentation on Oil and Gas Department of Revenue Bills Previously Heard/Sche	Tax Credits by the	9:00 AM
Feb 11 +	Friday Bills Previously Heard/Sche		9:00 AM
Feb 09 + SB 17 + +	Wednesday SYNTHETIC CANNABING Citizen Review Panel Office of Children's Services Christy Lawton, Acting Direct	S	1:30 PM
Feb 11	Friday No Meeting ScheduledJUDICI	Butrovich 205	1:30 PM
Feb 09 + + = SB 62	Wednesday Reducing the Cost of Crime Therapeutic Courts, Doug W Prisoner Reentry Programs Carmen Gutierrez, Departme Bridge Home Program Jeff Jessee, Mental Health T Bills Previously Heard/Sche CIVIL LEGAL SERVICES	Beltz 105 (tsbldg) Tooliver, Court System ent of Corrections rust Authority duled	1:30 PM
Feb 11 +	Friday Bills Previously Heard/Sche	Beltz 105 (tsbldg) duled	1:30 PM

LABOR & COMMERCE

Fel	10	Thursday	Beltz 105 (tsbldg)	1:30 PM
+	SB 38	POLICE & FIREFIGHTER	DEATH BENEFITS	
+	SB 67	LOAN FUNDS:CHARTER	S/MARICULTURE/MICRO	LOAN
+		Bills Previously Heard/Sche	duled	

RESOURCES

Feb 09 + SB 42	Wednesday POWER PROJECT; ALASKA Presentation by AEA	Butrovich 205 ENERGY AUTHORITY	3:30 PM
Feb 11 += SB 42	Friday POWER PROJECT; ALASKA Presentation by AEA (continued meeting if necessary) Public Comment		3:30 PM

STATE AFFAIRS

Feb 10	0	Thursday	Butrovich 205	9:00 AM
+= S	B 18	DURATION OF REGULAR LEG	GISLATIVE SESSIONS	
+ S	CR 2	UNIFORM RULES: PRESIDING	OFFICER PRO TEM	
		Bills Previously Heard/Scheduled		

TRANSPORTATION

Feb 10	Thursday	Butrovich 205	1:00 PM
	No Meeting Scheduled		

FINANCE SUBCOMMITTEES

COMMERCE, COMMUNITY & ECONOMIC DEV

Feb 22	Tuesday Overview	Senate Finance 532	8:00 AM
Mar 08	Tuesday Divisions TBA	Senate Finance 532	3:00 PM
Mar 15	Tuesday Closeout	Senate Finance 532	3:00 PM

CORRECTIONS

Feb 09	Wednesday Goose Creek Correctional Subcommittee Members w Senate Finance Committee	ill be Guests of the	9:00 AM
Mar 08	Tuesday Rescheduled from 3/3/11 Rehabilitation and Parole I		5:30 PM
Mar 10	Thursday Inmate Health Care, Medic Community Residential Ce		5:30 PM
Mar 17	Thursday Closeout	Fahrenkamp 203	5:30 PM
	COURTS	SYSTEM	
Feb 10 +	Thursday Overview and FY12 Budge	Sen Conf Rm 103 Tsb et Request	4:00 PM
Feb 22 +	Tuesday FY12 Budget Request	Sen Conf Rm 103 Tsb	4:00 PM
Mar 15 +	Closeout	Sen Conf Rm 103 Tsb	3:00 PM
	EDUCATION & EAR	LY DEVELOPMENT	
Feb 24 +	Thursday Overview & FY12 Request	Fahrenkamp 203	4:00 PM
Mar 01 +	Tuesday FY12 Budget Request	Fahrenkamp 203	4:00 PM
Mar 10 +	Thursday FY12 Budget Request	Fahrenkamp 203	4:00 PM
Mar 17 +	Thursday Closeout	Fahrenkamp 203	4:00 PM

FISH & GAME

Feb 10 +	Thursday MEETING CANCELED Department Budget Overview Testimony <invitation only<="" th=""><th>Beltz 105 (tsbldg)</th><th>8:00 AM</th></invitation>	Beltz 105 (tsbldg)	8:00 AM
Feb 17 +	Thursday Department Budget Overview Testimony <invitation only<="" td=""><td>Beltz 105 (tsbldg)</td><td>8:00 AM</td></invitation>	Beltz 105 (tsbldg)	8:00 AM
Feb 24 +	Thursday Status of FY 2011 Budget Testimony <invitation only<="" td=""><td>Beltz 105 (tsbldg)</td><td>8:00 AM</td></invitation>	Beltz 105 (tsbldg)	8:00 AM
Mar 10 +	Thursday Other topics of interest to the operiously, Budget Amendmenter Testimony <invitation only<="" td=""><td>nts, Q&A</td><td>8:00 AM</td></invitation>	nts, Q&A	8:00 AM
Mar 17 +	Thursday Budget Close Out Testimony <invitation only<="" td=""><td>Beltz 105 (tsbldg)</td><td>8:00 AM</td></invitation>	Beltz 105 (tsbldg)	8:00 AM
	HEALTH & SOCIA	L SERVICES	
Feb 14	Monday	Beltz 105 (tsbldg)	3:30 PM
Т	Department Budget Overview Testimony <invitation only<="" td=""><td>></td><td></td></invitation>	>	
Feb 16 +		Beltz 105 (tsbldg)	3:30 PM
Feb 16	Testimony <invitation only<br="">Wednesday Public Health</invitation>	Beltz 105 (tsbldg) > Beltz 105 (tsbldg) de including implications avioral Health budget compo	3:30 PM

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HEALTH & SOCIAL SERVICES (continued)

	IIIII W SOCIAL SEI	(continued)	
Mar 09 +	Wednesday Other topics of interest to the covered previously, Q&A, Go Amendments Testimony <invitation only<="" th=""><th>vernor's Budget</th><th>3:30 PM</th></invitation>	vernor's Budget	3:30 PM
Mar 16 +	Wednesday Budget Close Out Testimony <invitation only<="" td=""><td></td><td>3:30 PM</td></invitation>		3:30 PM
	LABOR & WORKFORCE	E DEVELOPMENT	
Feb 14	Monday Budget Overview by Commiss Department Overview	Fahrenkamp 203 sioner Clark Bishop	12:00 PM
Mar 09	Wednesday Budget Overview Continued (Fahrenkamp 203 if necessary)	4:00 PM
Mar 10	Thursday Budget: Department Addresse and Overview of House Budge		11:00 AM
Mar 14	Monday Budget Closeout	Fahrenkamp 203	4:00 PM
	MILITARY & VETER	ANS' AFFAIRS	
Feb 22 +	Tuesday Overview of the Department &	Butrovich 205 & FY12 Budget Request	12:00 PM
Mar 08 +	Tuesday Overview of the Department &	Butrovich 205 & FY12 Budget Request	12:00 PM
Mar 10 +	Thursday Overview of the Department &	Butrovich 205 & FY 12 Budget Request	12:00 PM

Tuesday Butrovich 205
Overview of the Department & FY12 Budget Request

12:00 PM

Mar 15

NATURAL RESOURCES

Feb 17	Thursday Budget Overview by Commis Department Overview	Butrovich 205 sioner Dan Sullivan	3:30 PM
Mar 08	Tuesday Budget & Department Overvion (if necessary)	Fahrenkamp 203 ew Continued	12:00 PM
Mar 11	Friday Budget - Department Address Overview of House Budget A		12:00 PM
Mar 17	Thursday Budget Closeout	Fahrenkamp 203	12:00 PM
	PUBLIC SA	FETY	
Feb 15 + +	Tuesday Status of VPSO Program Status of AST Recruitment an Testimony <invitation only<="" td=""><td></td><td>8:00 AM</td></invitation>		8:00 AM
Feb 22 +	Tuesday Domestic Violence & Sexual Testimony <invitation only<="" td=""><td>~</td><td>8:00 AM</td></invitation>	~	8:00 AM
Mar 08 +	Tuesday Pre-Close-Out and Question/A Testimony <invitation only<="" td=""><td></td><td>8:00 AM</td></invitation>		8:00 AM
Mar 15 +	Tuesday Budget Close-Out Testimony <invitation only<="" td=""><td></td><td>8:00 AM</td></invitation>		8:00 AM
	JOINT COMM	-	
	ADMINISTRATIVE REGU	ULATION REVIEW	
Feb 15 +	Tuesday Overview: Regulation Process	Fahrenkamp 203	1:30 PM

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HIGHER EDUC/CAREER READINESS TASK FORCE

Mar 10	Thursday	Terry Miller Gym	9:00 AM	
+	Discuss Preliminary	(Draft) Recommendations		
	to the Legislature			
	Detailed Agenda to	be Announced		
Mar 11	Friday	Terry Miller Gym	1:00 PM	
+	Discuss Preliminary (Draft) Recommendations			
	to the Legislature			

Detailed Agenda to be Announced

LEGISLATIVE BUDGET & AUDIT

Feb 10	Thursday	House Finance 519	10:30 AM
	Audits: Executive Session		
+	Other Committee Business		
	<teleconference invitation<="" th=""><th>Only></th><th></th></teleconference>	Only>	

LEGISLATIVE COUNCIL					
Feb 17	Thursday Meeting Postponed to 2 Agenda Forthcoming	Tba	11:00 AM		
Feb 24	Thursday House Finance 519 MEETING CANCELED Rescheduled from 2/17/11 Agenda Forthcoming		11:00 AM		
Mar 17	Thursday Agenda Forthcoming	House Finance 519	11:00 AM		
Apr 07	Thursday Agenda Forthcoming	House Finance 519	11:00 AM		

OTHER MEETINGS

FISH CAUCUS

Feb 15	Tuesday	Capitol 106	12:00 PM
+	Totem Ocean Trailer		
	Seafood Product Transportation		

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Feb 24	Thursday Annual Address by the	House Chamber e Honorable	11:00 AM
	Lisa Murkowski, U.S. Senator		
Mar 09	Wednesday	House Chamber	11:00 AM
	State of the Judiciary Address by		
	Chief Justice Walter C	Carpeneti	
Mar 22	Tuesday	House Chamber	11:00 AM
	Annual Address by the Honorable		
	Mark Begich, U.S. Ser	nator	