SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Monday

March 28, 2011

Seventieth Day

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

The roll showed twenty members present.

The prayer was offered by the Chaplain, The Reverend Dr. Frances A. Williams of the Leake Temple A.M.E. Zion Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Father, you said if anyone lacks wisdom, let them ask of You, Who giveth to all liberally, and upbraideth not; and it shall be given. Therefore, I ask in faith, nothing wavering, that you will fill this place with the knowledge of your will in all wisdom and spiritual understanding.

Today as ears are inclined unto wisdom, and hearts to understanding may all receive that which has been freely given. Father, godly wisdom, skill and instruction are received and practiced here today. I discern and comprehend the words of understanding and insight. I therefore, pray for instruction in wise dealing and the discipline of wise thoughtfulness, righteousness, justice, and integrity.

I pray for the practice of prudence, knowledge, discretion, and discernment. Father, I pray for wisdom because she defends, she protects, and she

guards, and she will bring honor if embraced. Grant the heads of those who are here today who are our elected officials, a wreath of gracefulness; the body a crown of beauty and the work glory. Grant us the strength to take hold of the task that is before them, and not let go. Let each eye look right on with fixed purpose and the path of their feet be established and ordered alright.

Amen.

Senator Paskvan led the Senate in the Pledge of Allegiance.

Certification

Senator Meyer moved and asked unanimous consent that the journals for the sixty-seventh through sixty-ninth legislative days, Senate Journal Supplement No. 2 and House and Senate Joint Journal Supplement No. 6 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

Letter dated March 26 and received March 28 was read, stating in accordance with AS 39.05.080 and AS 16.05.221, I submit the following names for legislative confirmation of appointment to the positions noted:

Board of Fisheries

William S. Brown – Juneau Appointed: 3/12/2008

Reappointed: 3/26/2011 Term Expires: 6/30/2014

John E. Jensen – Petersburg Appointed: 1/20/2003 Reappointed: 4/11/2005 Reappointed: 3/12/2008

Reappointed: 3/26/2011 Term Expires: 6/30/2014

Susan Jeffrey - Kodiak

Appointed: 3/26/2011 Term Expires: 6/30/2014

Board of Game

Stanley "Stosh" L. Hoffman, Jr. - Bethel

Appointed: 11/13/2008

Reappointed: 3/26/2011 Term Expires: 6/30/2014

Ted H. Spraker – Soldotna Appointed: 1/21/2003 Reappointed: 4/11/2005 Reappointed: 1/28/2008

Reappointed: 3/26/2011 Term Expires: 6/30/2014

Nick Yurko – Juneau

Appointed: 3/26/2011 Term Expires: 6/30/2014

The appointments were referred to the Resources Committee.

State Board of Parole

Sarah J. Possenti – Fairbanks

Appointed: 3/26/2011 Term Expires: 3/1/2013

The appointment was referred to the Judiciary Committee.

The resumes for these appointments have been submitted to the Offices of the Senate Secretary and the Chief Clerk.

Letter dated March 26 and received March 28 was read stating:

I withdraw the appointments of Jennifer "Robin" Allen to the Board of Nursing and Jerrad "Shea" Hutchings to the State Commission for Human Rights. Since my letter dated February 1, 2011, both individuals have asked to resign from their respective boards for personal reasons.

Messages from the House

Message dated March 28 was read stating:

The House of Representatives respectfully invites the Senate to a Joint Session of the Twenty-seventh Alaska Legislature at 11:00 a.m. on Friday, April 8 for consideration of the Governor's appointments.

Senator Meyer moved and asked unanimous consent that the Senate accept the House invitation to meet in Joint Session. Without objection, it was so ordered.

The Secretary was requested to notify the House.

HB 98

Message dated March 25 was read stating the House concurred in the Senate amendment to HOUSE BILL NO. 98, thus adopting:

SENATE CS FOR HOUSE BILL NO. 98(STA) "An Act relating to display, folding, presentment, and retirement of the state flag."

Message dated March 25 was read stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HCR 1

CS FOR HOUSE CONCURRENT RESOLUTION NO. 1(HSS) BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE,

Proclaiming November 2011 to be Pancreatic Cancer Awareness Month.

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

HCR 3

CS FOR HOUSE CONCURRENT RESOLUTION NO. 3(HSS) am BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE,

Relating to promoting the safety and protection of older Alaskans.

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

First Reading and Reference of House Bills

HB 116

HOUSE BILL NO. 116 am BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL, entitled:

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes by correcting the spellings of 'oxymorphone' and 'lorazepam' and providing an applicability section; and providing for an effective date."

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

Standing Committee Reports

Report dated March 28 was read stating:

In accordance with AS 14.40.150, the Education Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

University of Alaska Board of Regents

Jyotsna "Jo" Heckman Michael K. Powers

This does not reflect an intent by any of the members to vote for or against the confirmation of the individuals during any further sessions.

Signing the report: Senators Meyer, Thomas, Cochairs; Senators Stevens, Davis.

Report dated March 28 was read stating:

In accordance with AS 39.05.080, the Education Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Board of Education and Early Development

Patrick Shier

Professional Teaching Practices Commission

Stephen Atwater Richard Lum

This does not reflect an intent by any of the members to vote for or against the confirmation of the individuals during any further sessions.

Signing the report: Senators Meyer, Thomas, Cochairs; Senators Stevens, Davis.

SB 102

The Finance Committee considered SENATE BILL NO. 102 "An Act relating to certain payments made under the Alaska affordable heating program." Signing do pass: Senators Hoffman, Stedman, Cochairs; Senators Egan, McGuire, Olson, Ellis.

The following fiscal information was published today: Fiscal Note No. 1, zero, Department of Health and Social Services

The bill was referred to the Rules Committee.

HB 7

The Judiciary Committee considered CS FOR HOUSE BILL NO. 7(JUD) "An Act classifying certain substances as schedule IIIA controlled substances; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 7(JUD) "An Act classifying certain substances as schedule IIIA controlled substances and relating to penalties for possession of those substances; and providing for an effective date." (Title change SCR 8).

Signing do pass: Senator French, Chair; Senator Paskvan. Signing no recommendation: Senators Coghill, Wielechowski.

The following previously published fiscal information applies:

Fiscal Note No. 4, zero, House Finance Committee

Fiscal Note No. 5, zero, Department of Law

Fiscal Note No. 6, indeterminate, Department of Corrections

The bill was referred to the Finance Committee.

HB 108

The Finance Committee considered CS FOR HOUSE BILL NO. 108(FIN) "An Act making appropriations for the operating and loan program expenses of state government and for certain programs, capitalizing funds, amending appropriations, and making reappropriations; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 108(FIN)

Signing do pass: Senators Stedman, Hoffman, Cochairs; Senators Thomas, Egan, Olson, Ellis.

The bill was referred to the Rules Committee.

HB 109

The Finance Committee considered CS FOR HOUSE BILL NO. 109(FIN) "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 109(FIN)

Signing do pass: Senators Stedman, Hoffman, Cochairs; Senators Thomas, Egan, Olson, Ellis.

The bill was referred to the Rules Committee.

SJR 2

The Resources Committee considered SENATE JOINT RESOLUTION NO. 2 Commending and supporting the aggressive actions of the governor to protect the state from federal government incursion into the care and management of state resources and to promote the economic prosperity of the state; and urging the United States Congress and the President of the United States to limit the exercise of federal powers to those enumerated in the United States Constitution and to trust and empower states to manage their own affairs, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO. 2(RES) Commending and supporting actions taken by the Office of the Governor and the attorney general to protect the state from federal government incursion into the care and management of state resources and to promote the economic prosperity of the state; and urging the United States Congress and the President of the United States to limit federal government overreach into management of state resources.

Signing do pass: Senators Wagoner, Paskvan, Cochairs; Senators French, Wielechowski, Stedman, Stevens.

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

The resolution was referred to the Rules Committee.

Introduction and Reference of Senate Resolutions

SCR 8

SENATE CONCURRENT RESOLUTION NO. 8 BY THE SENATE JUDICIARY COMMITTEE.

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 7, relating to classifying certain substances as schedule IIIA controlled substances.

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

SCR 9

SENATE CONCURRENT RESOLUTION NO. 9 BY SENATOR EGAN,

Creating the Taku River Task Force as a joint legislative task force.

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

Consideration of the Calendar

Second Reading of Senate Bills

SB 8

SENATE BILL NO. 8 "An Act relating to questionnaires and surveys administered in the public schools" was read the second time.

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

SENATE BILL NO. 8 was read the third time.

The question being: "Shall SENATE BILL NO. 8 "An Act relating to questionnaires and surveys administered in the public schools" pass the Senate?" The roll was taken with the following result:

SB 8

Third Reading - Final Passage

YEAS: 14 NAYS: 6 EXCUSED: 0 ABSENT: 0

Yeas: Davis, Egan, Ellis, French, Hoffman, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stevens, Thomas, Wielechowski

Nays: Coghill, Dyson, Giessel, Huggins, Stedman, Wagoner

and so, SENATE BILL NO. 8 passed the Senate.

Senator Coghill gave notice of reconsideration.

Citations

Honoring - Dennis McMillan

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

Honoring - Jeremiah Klejka, 2011 Junior Iditarod Sled Dog Race Champion

Representative(s) Herron

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

Honoring - Jodi Bailey, Rookie Yukon Quest and Iditarod Finisher Representative(s) Miller

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

In Memoriam - Michael Robert Cathey

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

In Memoriam - Jerry Dixon

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

In Memoriam - John J. Herda

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

In Memoriam - Cecile Costello

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

In Memoriam - Eugene Sundberg

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

In Memoriam - Carl Carlson

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

In Memoriam - Mary Putman

Representative(s) Gara

Senator(s) Ellis, Stevens, Coghill, Davis, Dyson, Egan, 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

SB 70

Senator Ellis moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 70 "An Act establishing the Alaska Health Benefit Exchange; and providing for an effective date." Without objection, it was so ordered.

SB 87

Senator Ellis moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 87 "An Act establishing a program in the Department of Commerce, Community, and Economic

Development for payment of grants to health care providers for care of patients who are 65 years of age or older." Without objection, it was so ordered.

SB 79

Senators Huggins, Dyson, McGuire moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 79 "An Act making a special appropriation to the Knik Arm Crossing fund; and providing for an effective date." Without objection, it was so ordered.

SB 80

Senators Huggins, Dyson, McGuire moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 80 "An Act relating to the authority and obligations of the Knik Arm Bridge and Toll Authority, to bonds of the authority, and to reserve funds of the authority; authorizing the state to provide support for certain obligations of the authority; relating to taxes and assessments on a person that is a party to an agreement with the authority; and establishing the Knik Arm Crossing fund." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Engrossment and Enrollment

SR 3

SENATE RESOLUTION NO. 3 Urging the North Pacific Fishery Management Council to amend the groundfish fisheries management plan for the Gulf of Alaska to allow for an annually adjusted cap of prohibited species catch based on an abundance of bycatch species, and expeditiously to implement a Chinook bycatch cap to limit the number of Chinook salmon harvested as bycatch in the Gulf of Alaska, was engrossed and enrolled, signed by the President and Secretary and the engrossed and enrolled copies transmitted to the Office of the Governor at 1:06 p.m., March 28, 2011.

Senate Resolve No. 3

Adjournment

Senator Meyer moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 30, 2011. Without objection, the Senate adjourned at 11:54 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

Mar 29	Tuesday	Beltz 105 (tsbldg)	3:30 PM
	Note Time Change		
+	Price of Oil's Impact to	State and Municipal	
	Governments	•	
	<above item="" removed<="" td=""><th>from Agenda></th><td></td></above>	from Agenda>	
+	Bills Previously Heard	Scheduled	
Mar 31	Thursday	Beltz 105 (tsbldg)	3:30 PM
+	Confirmation Hearing:	_	
	Susan Bell, Commission	ner, Department of Commerce,	
	Community and Econo	=	
+	Alaska Coastal Manage	ement Plan	
	Alaska Coastai Mailagi	ment i mi	

EDUCATION

Mar 28	Monday	Barnes 124	8:00 AM	
	Note Location			
	Joint with House Education	Joint with House Education Committee		
+	Board Appointee Confirmat	ion Hearings:		
	Pat Shier			
	Board of Education and Early Development			
	Richard Lum			
	Professional Teaching Practices Commission			
	Stephen Atwater			
	Professional Teaching Practices Commission			
	Jyotsna "Jo" Heckman, Board of Regents			
	Michael Powers, Board of R	Regents		

EDUCATION (continued)

Mar 30 += SB 6 +	Wednesday Beltz 105 (tsbldg) 8:00 AM PREKINDERGARTEN SCHOOL PROGRAMS/PLANS Bills Previously Heard/Scheduled	
Apr 01 += SB 6 +	Friday Beltz 105 (tsbldg) 8:00 AM PREKINDERGARTEN SCHOOL PROGRAMS/PLANS Bills Previously Heard/Scheduled	
	FINANCE	
Mar 28 += SB 102 + SB 70 + SB 87 +	ALASKA HEALTH BENEFIT EXCHANGE	
Mar 29 +	Tuesday Senate Finance 532 9:00 AM MEETING CANCELED Bills Previously Heard/Scheduled	
Mar 30 += SB 19 + SB 92 + SB 66 + SB 90 + SB 94 +	Wednesday Senate Finance 532 9:00 AM PASSENGER VEHICLE RENTAL TAX DENTISTS/DENTAL HYGIENISTS/ASSISTANTS AIDEA: NEW MARKETS TAX CREDIT PROGRAM BOARD OF PUBLIC ACCOUNTANCY SECRETARY SECOND VERSE OF ALASKA'S STATE SONG Bills Previously Heard/Scheduled	
Mar 31 + +	Thursday Senate Finance 532 Department of Transportation Overview: Roads to Resources (Postponed from 3/25/11) Bills Previously Heard/Scheduled	
Apr 01 + += HB 16 +	Friday Senate Finance 532 9:00 AM Confirmation Hearing: Commissioner Bryan Butcher, Department of Revenue EXTEND SENIOR BENEFITS PAYMENT PROGRAM Bills Previously Heard/Scheduled	

HEALTH & SOCIAL SERVICES

Mar 28	Monday	Butrovich 205	1:30 PM
+= SB 5	MEDICAL ASSISTANCE ELIGIBILITY		
+	Bills Previously Heard/Sched	uled	
Mar 30	Wednesday	Butrovich 205	1:30 PM
+ SCR 7	FETAL ALCOHOL SPECTS	RUM DISORDERS DAY	<i>l</i>
+ SB 22	STUDENT ATHLETE TRAI	UMATIC BRAIN INJUI	RIES
+ SB 74	INS. COVERAGE: AUTISM	SPECTRUM DISORDI	ER
+	Bills Previously Heard/Sched	uled	
Apr 01	Friday	Butrovich 205	1:30 PM
_	No Meeting Scheduled		
JUDICIARY			

Mar 28 += SB 98 + SB 15 +	Monday Beltz 105 (tsbldg) 1:30 PM BIOMETRIC INFORMATION FOR ID SEX OFFENDER/UNDERAGE ALCOHOL OFFENSE Bills Previously Heard/Scheduled
Mar 30 += SB 86 + SB 82 + SB 110 +	
Apr 01 + + SB 78 +	Friday Beltz 105 (tsbldg) Board Confirmations: Alaska Judicial Council LIQUOR LICENSE HOLDER LIABILITY <pending referral=""> Bills Previously Heard/Scheduled</pending>

LABOR & COMMERCE

Ma	r 29	Tuesday	Beltz 105 (tsbldg)	2:00 PM
		Note Meeting Time Cha	inge	
+	SB 100	PERS TERMINATION C	OSTS	
+	HB 13	WORKERS' COMPENSA	TION: MEDICAL FEES	
+		Bills Previously Heard/Scl	neduled	
+=	SB 78	LIQUOR LICENSE HOL	DER LIABILITY	
+=	HB 28	TEMP LICENSE/FEE WA	AIVER FOR PROFESSION	IALS

LABOR & COMMERCE (continued)

Mar 31 + + HB 119 +	Thursday Beltz 105 (tsbldg) 2:00 PM Note Meeting Time Change Governor's Appointments AIDEA: PROCUREMENT; PROJECTS Bills Previously Heard/Scheduled
T	RESOURCES
Mar 28 += SB 85 + SCR 9 + HJR 19	Monday Butrovich 205 3:30 PM Bills Previously Heard/Scheduled TAX CREDIT FOR NEW OIL & GAS DEVELOPMENT Question/Answers by Departments/Agencies: AOGCC, DOR, DNR TAKU RIVER TASK FORCE Includes Public Comment URGING US TO RATIFY LAW OF THE SEA TREATY
Mar 30 += SB 85 += SB 49	Includes Public Comment Wednesday Butrovich 205 3:30 PM TAX CREDIT FOR NEW OIL & GAS DEVELOPMENT Public Comment and Invited Testimony PRODUCTION TAX ON OIL AND GAS Public Comment and Invited Testimony
Apr 01 += SB 85 += SB 49	Friday Butrovich 205 3:30 PM TAX CREDIT FOR NEW OIL & GAS DEVELOPMENT Public Comment and Invited Testimony PRODUCTION TAX ON OIL AND GAS Public Comment and Invited Testimony
	STATE AFFAIRS
Mar 29 += SB 53 + SB 104 +	Tuesday Butrovich 205 9:00 AM COMMISSION ON THE STATUS OF WOMEN Public Testimony Closed MANUFACTURED HOMES AS REAL PROPERTY Bills Previously Heard/Scheduled
Mar 31 += SB 89 +	Thursday Butrovich 205 LEGISLATIVE ETHICS ACT Public Testimony Closed Bills Previously Heard/Scheduled

TRANSPORTATION

Mar 29 + SB 108 +	Tuesday SPC. STEPHEN "MAX" CA Bills Previously Heard/Scheo		1:00 PM
Mar 31 +	Thursday Bills Previously Heard/Scheo	Butrovich 205	1:00 PM

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Mar 29	Tuesday	House Finance 519	8:00 AM
	Audits: Executive	Session	
+	Other Committee I	Business	
	Teleconference	<invitation only=""></invitation>	

LEGISLATIVE COUNCIL

Apr 07	Thursday	House Finance 519	11:00 AM
	Agenda Forthcoming		

OTHER MEETINGS

FISH CAUCUS

Mar 29	Tuesday	Capitol 106	12:00 PM	
+	"The Graying of the Fleet"			
Paula Cullenberg and Glenn Haight				
	A Discussion Related to the Commercial Fishing			
	Fleets Demographics	C		
	TOTALE GEG	~-~-		

JOINT SESSION

Apr 08	Friday	House Chamber	11:00 AM
	Confirmation of Governor's	s Appointees	