

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SEVENTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Thursday

April 14, 2011

Eighty-seventh Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:04 a.m.

The roll showed twenty members present.

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

Heavenly Father, we ask your blessing upon our state, its leadership, and all of the state employees that serve so faithfully. Father I ask that you give the folks in this room wisdom, compassion, understanding, and that you would bring us together to do the very best for the people we serve.

Lord I ask your blessing on those in this building who are sick, facing tough health issues, and their families and extended families. I thank you for all of this in Christ's name. Amen.

Senator French led the Senate in the Pledge of Allegiance.

Certification

Senator Meyer moved and asked unanimous consent that the journal for the eighty-sixth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House**SB 90**

Message dated April 13 was read stating the House passed and returned:

SENATE BILL NO. 90 "An Act classifying and setting a monthly salary for the executive secretary of the Board of Public Accountancy."

The bill was referred to the Secretary for enrollment.

HB 28

Message dated April 13 was read stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 28(FIN) "An Act relating to temporary courtesy licenses for certain nonresident professionals and to a temporary exemption from fees and other licensing requirements for active duty members of the armed forces" thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 28(L&C) "An Act relating to temporary courtesy licenses for certain nonresident professionals and to a temporary exemption from fees and other licensing requirements for active duty members of the armed forces; authorizing temporary licenses for pawnbrokers not currently licensed by a municipality; and providing for an effective date." (Title change SCR 10)

SCR 7

Message dated April 13 was read stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 7
Proclaiming September 9, 2011, as Fetal Alcohol Spectrum Disorders Awareness Day.

The resolution was referred to the Secretary for enrollment.

SCR 10

Message dated April 13 was read stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 10
Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 28, relating to temporary
courtesy licenses for certain nonresident
professionals and to a temporary exemption from fees
and other licensing requirements for active duty
members of the armed forces.

The resolution was referred to the Secretary for enrollment.

Message dated April 13 was read stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 129**

CS FOR HOUSE BILL NO. 129(FIN) BY THE HOUSE FINANCE
COMMITTEE, entitled:

"An Act relating to providing a death certificate for a
deceased veteran without charge."

was read the first time and referred to the State Affairs and Finance
Committees.

Concur Messages**SB 31**

Message dated April 13 was read stating the House passed and returned for consideration CS FOR SENATE BILL NO. 31(JUD) "An Act relating to the counting of write-in votes" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL
NO. 31(STA) am H

Senator Meyer moved that 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 CSSB 31(STA) am H
Shall the Senate Concur in the House
Amendments to CSSB 31(JUD)?

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, the Senate concurred in the House amendments, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 31(STA) am H "An Act relating to the counting of write-in votes."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Communications

Report from the Commissioner of the Department of Administration dated April 13 was received stating the monetary terms for the collective bargaining agreement reached with the Public Safety Employees Association representing the Public Safety Officers Bargaining Unit in accordance with AS 23.40.215.

The President referred the report to the Finance Committee.

Standing Committee Reports

SB 86

The Judiciary Committee considered SENATE BILL NO. 86 "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" and recommended it be replaced with

CS FOR SENATE BILL NO. 86(JUD) "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; making conforming amendments; amending Rules 12(h) and 45(a), Alaska Rules of Criminal Procedure, Rule 77, Alaska Rules of Civil Procedure, Rule 17, Alaska Rules of Probate Procedure, and Rule 9, Alaska Rules of Administration; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 7, zero, Department of Corrections
Fiscal Note No. 8, zero, Alaska Court System

The following previously published fiscal information applies:

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

The bill was referred to the Finance Committee.

HB 15

The Health and Social Services Committee considered CS FOR HOUSE BILL NO. 15(JUD) "An Act relating to prevention and evaluation of and liability for concussions in student athletes." Signing do pass: Senator Davis, Chair; Senators Dyson, Egan.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Education and Early Development

The bill was referred to the Rules Committee.

HB 87

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 87(L&C) "An Act relating to civil and criminal penalties for antitrust violations." Signing do pass: Senator Egan, Chair; Senators Giessel, Davis, Paskvan, Menard.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Law

The bill was referred to the Judiciary Committee.

HB 105

The Finance Committee considered HOUSE BILL NO. 105 "An Act relating to the Southeast State Forest; and providing for an effective date." Signing do pass: Senators Hoffman, Stedman, Cochairs; Senators Thomas, Egan, McGuire, Ellis.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Natural Resources

The bill is on today's calendar.

HB 127

The Judiciary Committee considered CS FOR HOUSE BILL NO. 127(FIN) "An Act relating to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, and misconduct involving confidential information;

relating to probation; relating to the subpoena power of the attorney general in cases involving use of an Internet service account; relating to an appearance before a judicial officer after arrest; relating to penalties for operating a vehicle without possessing proof of motor vehicle liability insurance or a driver's license; relating to penalties for certain arson offenses; amending Rule 5(a)(1), Alaska Rules of Criminal Procedure, and Rule 43.10, Alaska Rules of Administration; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL
NO. 127(JUD) "An Act relating to the crimes of stalking, sexual assault in the third degree, sexual assault in the fourth degree, unlawful exploitation of a minor, distribution of child pornography, online enticement of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, and misconduct involving confidential information; making the installation, enabling, or use of keystroke loggers or other devices criminal use of a computer; relating to probation; relating to the subpoena power of the attorney general in cases involving use of an Internet service account; relating to an appearance before a judicial officer after arrest; relating to conditions of probation in criminal cases involving sex offenses; relating to penalties for operating a vehicle without possessing proof of motor vehicle liability insurance or a driver's license; relating to penalties for certain arson offenses; amending Rule 5(a)(1), Alaska Rules of Criminal Procedure, and Rule 43.10, Alaska Rules of Administration; and providing for an effective date."
(Title change SCR forthcoming)

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

The following fiscal information was published today:
Fiscal Note No. 7, indeterminate, Department of Corrections

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Public Safety
- Fiscal Note No. 2, zero, Department of Law
- Fiscal Note No. 3, indeterminate, Department of Administration
- Fiscal Note No. 5, zero, Department of Health and Social Services
- Fiscal Note No. 6, indeterminate, Department of Administration

The bill was referred to the Finance Committee.

HB 155

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 155(L&C) "An Act relating to the applicability of prevailing wage rates to public construction contracts; and, with regard to public construction contracts, relating to notifications, bonding notifications, filings, notices, primary contractors, final payments, penalties, advertised specifications, required contract provisions, terminations, lists of violating contractors, and remedies." Signing do pass: Senator Egan, Chair; Signing no recommendation: Senators Giessel, Paskvan, Menard. Signing amend: Senator Davis.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Labor and Workforce Development

The bill was referred to the Finance Committee.

HCR 5

The Health and Social Services Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 5(HSS) Relating to prevention of disease and to vitamin D. Signing do pass: Senator Davis, Chair; Senators Dyson, Egan, Ellis, Meyer.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Health and Social Services
- Fiscal Note No. 2, zero, Legislative Agency

The resolution was referred to the Rules Committee.

Introduction and Reference of Senate Bills**SB 127**

SENATE BILL NO. 127 BY SENATOR MEYER, entitled:

"An Act establishing September 9 each year as Fetal Alcohol Spectrum Disorders Awareness Day."

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

Consideration of the Calendar**Reconsideration of Senate Bills****SB 5**

Senator Meyer requested that the reconsideration on SENATE BILL NO. 5(fld S) "An Act relating to eligibility requirements for medical assistance for certain children and pregnant women; and providing for an effective date" be taken up. SENATE BILL NO. 5 was before the Senate on reconsideration.

Senator Meyer moved and asked unanimous consent that SENATE BILL NO. 5 be returned to the Rules Committee. Without objection, the bill was returned to the Rules Committee.

Second Reading of House Bills**HB 16**

HOUSE BILL NO. 16 "An Act extending senior benefits" was read the second time.

Senator Stedman, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 670. Without objection, SENATE CS FOR HOUSE BILL NO. 16(FIN) "An Act extending the senior benefits payment program; and relating to income allowances for medical assistance recipients and Alaska Pioneers' Homes and Alaska Veterans' Homes residents" was adopted.

President Stevens stated SENATE CS FOR HOUSE BILL NO. 16(FIN) will advance to third reading on the April 15 calendar.

HB 105

HOUSE BILL NO. 105 "An Act relating to the Southeast State Forest; and providing for an effective date" was read the second time.

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

HOUSE BILL NO. 105 was read the third time.

The question being: "Shall HOUSE BILL NO. 105 "An Act relating to the Southeast State Forest; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 105

Third Reading - Final Passage

Effective Dates

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, HOUSE BILL NO. 105 passed the Senate.

Senator Meyer moved and asked unanimous consent that 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 signed by the President and Secretary and returned to the House.

Second Reading of House Resolutions**HJR 27**

HOUSE JOINT RESOLUTION NO. 27 Supporting the relocation of the home port of the Coastal Villages Region Fund fishing fleet from Seattle to Alaska, was read the second time.

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

HOUSE JOINT RESOLUTION NO. 27 was read the third time.

Senators Hoffman, Ellis, McGuire, Stedman, Davis, Thomas, Egan, Paskvan, Menard, Meyer, Olson, Kookesh, French, Wielechowski, Wagoner, Dyson, Giessel, Stevens moved and asked unanimous consent to be shown as cross sponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall HOUSE JOINT RESOLUTION NO. 27 Supporting the relocation of the home port of the Coastal Villages Region Fund fishing fleet from Seattle to Alaska, pass the Senate?" The roll was taken with the following result:

HJR 27

Third Reading - 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, HOUSE JOINT RESOLUTION NO. 27 passed the Senate, was signed by the President and Secretary and returned to the House.

HCR 3

CS FOR HOUSE CONCURRENT RESOLUTION NO. 3(HSS) am was read the second time and was before the Senate on final passage.

The question being: "Shall CS FOR HOUSE CONCURRENT RESOLUTION NO. 3(HSS) am Relating to promoting the safety and protection of older Alaskans, pass the Senate?" The roll was taken with the following result:

CSHCR 3(HSS) am

Second Reading - 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, CS FOR HOUSE CONCURRENT RESOLUTION NO. 3(HSS) am passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Honoring - Tom Nealeigh

Representative(s) Tuck, Stoltze

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

Honoring - Monica Moore

Representative(s) Tuck

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

Honoring - John Steiner

Representative(s) Tuck

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

Honoring - Melba J. Piispanen

Representative(s) Kawasaki, Miller

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

In Memoriam - Horace D. Johnson

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

In Memoriam - Joan Roberts

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

In Memoriam - Marie A. Charles

Representative(s) Herron

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

In Memoriam - Ritabell Wilson

Representative(s) Thomas

Senator(s) Kookesh, Stevens, Coghill, Davis, Dyson, Egan, Ellis, Giessel, Hoffman, Huggins, 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

Citations

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 - James Pound

Representative(s) Keller

Senator(s) Menard, Stevens, Coghill, Davis, Dyson, Egan, Ellis, French, Giessel, Hoffman, Huggins, Kookesh, McGuire, 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.

Senator McGuire moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, April 20 through evening plane time, April 27. Without objection, Senator McGuire was excused.

HB 15

Senators McGuire, Dyson, Davis, Paskvan, Meyer moved and asked unanimous consent to be shown as cross sponsors on CS FOR HOUSE BILL NO. 15(JUD) "An Act relating to prevention and evaluation of and liability for concussions in student athletes." Without objection, it was so ordered.

HB 144

Senators McGuire, Wielechowski, Ellis moved and asked unanimous consent to be shown as cross sponsors on CS FOR HOUSE BILL NO. 144(RES) "An Act requiring the Department of Natural Resources annually to deliver to the legislature and the governor a report on fishing stream access." Without objection, it was so ordered.

HCR 3

Senators Wielechowski, Giessel, Dyson, Ellis, Meyer, Menard, Egan, Davis, McGuire moved and asked unanimous consent to be shown as cross sponsors on CS FOR HOUSE CONCURRENT RESOLUTION NO. 3(HSS) am Relating to promoting the safety and protection of older Alaskans. Without objection, it was so ordered.

Announcements

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

Announcements are at the end of the journal.

Adjournment

Senator Meyer moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 15, 2011. Without objection, the Senate adjourned at 11:55 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

Apr 14 Thursday Butrovich 205 3:00 PM
 + HJR 24 SUPPORT FED. FOREST LAND REVENUE SHARING

FINANCE

Apr 14 Thursday Senate Finance 532 9:00 AM
 -- Recessed to a Call of the Chair --
 += HB 105 SOUTHEAST STATE FOREST
 + HB 24 EXTEND REGULATORY COMM. OF ALASKA SUNSET
 + HB 126 BOARD EXTENSIONS: NURSE/DENTIST/BARBERS
 + HB 119 AIDEA: PROCUREMENT; PROJECTS
 + Bills Previously Heard/Scheduled

Apr 15 Friday Senate Finance 532 9:00 AM
 += HB 126 BOARD EXTENSIONS: NURSE/DENTIST/BARBERS
 += HB 119 AIDEA: PROCUREMENT; PROJECTS
 + HB 13 WORKERS' COMPENSATION: MEDICAL FEES
 + HB 97 EXTEND INVASIVE PLANTS LAW
 + HB 173 SPORT FISHING GUIDING SERVICES
 + HB 160 TOURISM MARKETING CONTRACTS/CAMPAIGNS
 + Bills Previously Heard/Scheduled

HEALTH & SOCIAL SERVICES

Apr 15 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

JUDICIARY

Apr 14 Thursday Fahrenkamp 203 8:30 AM
 + Bills Previously Heard/Scheduled
 += HB 127 OMNIBUS CRIME BILL

Apr 15 Friday Beltz 105 (tsbldg) 1:30 PM
 + Bills Previously Heard/Scheduled
 += SB 89 LEGISLATIVE ETHICS ACT
 += SB 104 MANUFACTURED HOMES AS REAL PROPERTY
 += SB 98 BIOMETRIC INFORMATION FOR ID

LABOR & COMMERCE

Apr 14 Thursday Beltz 105 (tsbldg) 2:00 PM
 += SB 74 INS. COVERAGE: AUTISM SPECTRUM DISORDER
 + SB 119 ATHLETIC TRAINER LICENSING
 Bills Previously Heard/Scheduled
 += HB 164 INSURANCE: HEALTH CARE & OTHER
 += HB 188 INTEREST RATES

STATE AFFAIRS

Apr 14 Thursday Butrovich 205 9:00 AM
 + SB 121 TEACHERS & PUB EMPLOYEE RETIREMENT PLANS
 + Bills Previously Heard/Scheduled

JOINT COMMITTEES**ALASKA NORTHERN WATERS TASK FORCE**

May 17 Tuesday Location Tba 9:00 AM
 Hearings in Bethel:
 Coastal Erosion and Flooding

May 18 Wednesday Anch Lio Conf Rm 9:00 AM
 Hearings in Anchorage:
 Current Research on the Arctic Ocean

CONFERENCE COMMITTEES**CONFERENCE COMMITTEE ON HB 108 & HB109**

Apr 14 Thursday Senate Finance 532 4:00 PM
 += HB 108 APPROP: OPERATING BUDGET/LOANS/FUNDS
 += HB 109 APPROP: MENTAL HEALTH BUDGET