

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SIXTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Friday

February 6, 2009

Eighteenth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 10:00 a.m.

The roll showed fifteen members present. Senators Dyson, Therriault, Wagoner were excused from a call of the Senate. Senators Davis, McGuire were absent.

The prayer was offered by the Chaplain, Pastor Tom Matthews of Douglas Island Bible Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Lord:

Thank you once again for giving me the opportunity to pray on behalf of the men and women here today who have been tasked with being the decision makers for our state. What an awesome responsibility they have. There is no other state that so clearly shows the power of your creative hand. The wildlife and scenery take our breath away. I pray that you would bring men and women around these senators who would give them good counsel, so they would be able to make informed decisions, and preserve this state and its resources for the generations to come.

Lord, I also want to lift up those in leadership over us. I ask you to give Governor Palin wisdom. Help her as she leads us. May she always be known as someone with scruples, who is

committed to justice, honesty and integrity. This is a big state with much potential. Help her to find doors that can be opened to develop Alaska's future. Give her the wisdom to know when to pursue something and the wisdom to know when it is time to say no.

I also lift up our president. I pray for President Obama as he has a hard task in front of him to bring our country back from the economic disaster we find ourselves in. It seems there are no quick ways of restoring this land back into economic stability. I pray that you would give him the wisdom as President to bring financial advisors around him who can help him find the path to our recovery.

Proverbs 14:34 gives us good counsel: "Righteousness exalts a nation: but sin is a disgrace to any people." I pray that we would pursue righteousness as a nation. May we always take sin seriously and not allow it to separate us from you as individuals or as a nation.

In the name of your beloved Son, Jesus Christ I lift this prayer today. Amen.

Senator Huggins led the Senate in the Pledge of Allegiance.

Certification

Senator Ellis moved and asked unanimous consent that the journals for the sixteenth and seventeenth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

The presence of Senator McGuire was noted.

Messages from the Governor

SR 1

Message dated February 4 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 Relating to establishing a Senate Special Committee on Energy.

Senate Resolve No. 1

Messages from the House

SB 77

Message dated February 4 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 77(STA) "An Act relating to the Joint Armed Services Committee; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

Pending enactment of CS FOR SENATE BILL NO. 77(STA), President Stevens made the following appointments:

Joint Armed Services Committee

Senator Wielechowski, Cochair
Senator Huggins
Senator McGuire
Senator Paskvan
Senator Therriault

Message dated February 4 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HJR 11

CS FOR HOUSE JOINT RESOLUTION NO. 11(FIN) BY THE HOUSE FINANCE COMMITTEE,

Relating to the federal stimulus package.

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

Communications

Disclosure letters received in accordance with AS 24.60 were published today in Senate Journal Supplement No. 1 and House and Senate Joint Journal Supplement No. 2.

The following reports are on file in the Office of the Secretary of the Senate:

Schedule of Travel and Compensation Reports for
Alaska Court System Supreme Court Justices,
Appellate Court Judges and Administrative Director
Calendar Year 2008
from Stephanie J. Cole, Administrative Director, Alaska Court System
in accordance with AS 22.20.037(d)

Annual Capital Project Status Report
Bradley Lake Hydroelectric Project
from Steve Haagenson, Executive Director
Alaska Energy Authority
in accordance with AS 44.83.950(b)

2008 Annual Report
from Lela F. Klingert, President
Alaska Commercial Fishing and Agriculture Bank
in accordance with AS 44.81.200

The presence of Senator Davis was noted.

Standing Committee Reports

Report dated February 4 was read, stating:

In accordance with AS 24.60.130 the Senate Judiciary Committee reviewed the following with regard to confirmation of the appointments by Chief Justice Dana Fabe:

Select Committee on Legislative Ethics

Herman G. Walker, Jr.
Dennis "Skip" Cook

There were no stated objections to the named individuals. This does not reflect an intent by any of the members to vote for or against the individuals during any further sessions.

Signing the report: Senator French, Chair, Senators Wielechowski, McGuire, Elton, Therriault.

The appointments will be forwarded to a Joint Session.

SB 3

The Community and Regional Affairs Committee considered SENATE BILL NO. 3 "An Act authorizing an Alaska regional development organization to use the Alaska Commercial Fisheries Entry Commission as an informational resource." Signing no recommendation: Senator Olson, Chair; Senator Kookesh. Signing do pass: Senators French, Thomas, Menard.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Commerce, Community and Economic Development
Fiscal Note No. 2, zero, Department of Fish and Game

The bill was referred to the Resources Committee.

SB 4

The Community and Regional Affairs Committee considered SENATE BILL NO. 4 "An Act relating to the Alaska coastal management program; and establishing the Alaska Coastal Policy Board" and recommended it be replaced with

CS FOR SENATE BILL NO. 4(CRA)

Signing do pass: Senator Olson, Chair; Senators Thomas, Kookesh.
Signing no recommendation: Senators French, Menard.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Environmental Conservation
Fiscal Note No. 2, Department of Natural Resources

The bill was referred to the Resources Committee.

SB 19

The Community and Regional Affairs Committee considered SENATE BILL NO. 19 "An Act relating to complaints concerning peace officers and village public safety officers and to notification to persons filing complaints concerning peace officers and village public safety officers" and recommended it be replaced with

CS FOR SENATE BILL NO. 19(CRA) "An Act relating to complaints concerning peace officers and to notification to persons filing complaints concerning peace officers."

Signing no recommendation: Senator Olson, Chair. Signing do pass:
Senators French, Thomas, Kookesh, Menard.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Public Safety

The bill was referred to the State Affairs Committee.

SB 83

The Labor and Commerce Committee considered SENATE BILL NO. 83 "An Act repealing the governor's committee on employment of people with disabilities; creating the state vocational rehabilitation committee and relating to the committee; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 83(L&C)

Signing do pass: Senator Paskvan, Chair; Senators Thomas, Davis.
Signing no recommendation: Senators Meyer, Bunde.

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.

**Introduction and Reference of
Senate Resolutions**

SR 5

SENATE RESOLUTION NO. 5 BY THE SENATE JUDICIARY
COMMITTEE,

Relating to subpoenas issued by the Senate Judiciary
Committee and to compliance with those subpoenas.

was read the first time.

Senator Ellis moved and asked unanimous consent that the resolution be taken up. Without objection, SENATE RESOLUTION NO. 5 was before the Senate on final passage.

The question being: "Shall SENATE RESOLUTION NO. 5 Relating to subpoenas issued by the Senate Judiciary Committee and to compliance with those subpoenas, pass the Senate?" The roll was taken with the following result:

SR 5
Final Passage

YEAS: 16 NAYS: 1 EXCUSED: 3 ABSENT: 0

Yea: Davis, Ellis, Elton, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wielechowski

Nay: Bunde

Excused: Dyson, Therriault, Wagoner

and so, SENATE RESOLUTION NO. 5 passed the Senate and was referred to the Secretary for engrossment and enrollment.

Introduction and Reference of Senate Bills**SB 101**

SENATE BILL NO. 101 BY SENATOR DAVIS, entitled:

"An Act relating to questionnaires and surveys administered in the public schools."

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

SB 102

SENATE BILL NO. 102 BY SENATORS DAVIS, McGuire, entitled:

"An Act relating to compulsory school attendance; relating to the crime of contributing to the delinquency of a minor; and relating to school disciplinary action and truancy."

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

Consideration of the Calendar**Citations**

Honoring – Elizabeth Peratovich Day

Senator(s) Davis, Stevens, Bunde, Dyson, Ellis, Elton, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wagoner, Wielechowski

Honoring – Petersburg High School 2008 3A State Wrestling Champions

Representative(s) Wilson

Senator(s) Stedman, Stevens, Bunde, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Therriault, Thomas, Wagoner, Wielechowski

Honoring – Barrow Arctic Science Consortium

Representative(s) Joule

Senator(s) Olson, Stevens, Bunde, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Paskvan, Stedman, Therriault, Thomas, Wagoner, Wielechowski

In Memoriam – Helen Bette Day

Representative(s) Guttenberg

Senator(s) Thomas, Stevens, Bunde, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Wagoner, Wielechowski

In Memoriam – Leon Gaston Quesnel

Representative(s) Olson

Senator(s) Wagoner, Stevens, Bunde, Davis, Dyson, Ellis, Elton, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wielechowski

In Memoriam – James "Vince" O'Reilly

Representative(s) Olson

Senator(s) Wagoner, Stevens, Bunde, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wielechowski

In Memoriam – David M. Feeken

Representative(s) Olson

Senator(s) Wagoner, Stevens, Bunde, Davis, Dyson, Ellis, Elton, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wielechowski

In Memoriam – James F. "Jim" Pope

Representative(s) Olson

Senator(s) Wagoner, Stevens, Bunde, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wielechowski

Senator Ellis 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

President Stevens changed the following referral (page 147):

Alaska Commercial Fisheries Entry Commission (CFEC)

Judge Peter Froehlich – Juneau

Appointed: 8/2/2005

Reappointed: 3/1/2009 Term Expires: 3/1/2013

The appointment was referred to the Resources Committee.

Senators Ellis, Stedman, Wielechowski, French moved and asked unanimous consent to be excused from a call of the Senate on February 9, to morning plane time. Without objection, Senators Ellis, Stedman, Wielechowski, French were excused.

Senator Kookesh moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, February 7 through morning plane time, February 9. Without objection, Senator Kookesh was excused.

Senator Menard moved and asked unanimous consent to be excused from a call of the Senate from plane time, February 13 through evening plane time, February 17; and from afternoon plane time, February 20, through evening plane time, February 22. Without objection, Senator Menard was excused.

Senator McGuire moved and asked unanimous consent to be excused from a call of the Senate on February 9. Without objection, Senator McGuire was excused.

Senator Wielechowski moved and asked unanimous consent to be excused from a call of the Senate on February 16, to morning plane time. Without objection, Senator Wielechowski was excused.

Senator Meyer moved and asked unanimous consent to be excused from a call of the Senate from plane time, February 6 through plane time, February 9. Without objection, Senator Meyer was excused.

SB 23

Senators McGuire, Thomas, Davis moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 23 "An Act repealing the defined contribution retirement plans for teachers and for public employees; providing a defined benefit retirement plan for teachers and public employees; making conforming amendments; and providing for an effective date." Without objection, it was so ordered.

SB 29

Senator Thomas moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 29 "An Act naming the Capitol Annex the Thomas B. Stewart Legislative Office Building." Without objection, it was so ordered.

SB 33

Senator Thomas moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 33 "An Act creating a postsecondary scholarship grant program for Alaska residents based on high achievement and financial need." Without objection, it was so ordered.

SB 93

Senator Thomas moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 93 "An Act relating to a municipal property tax credit for an improvement that aids in improving air quality." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Enrollment**SB 77**

CS FOR SENATE BILL NO. 77(STA) "An Act relating to the Joint Armed Services Committee; and providing for an effective date" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 11:00 a.m., February 6, 2009.

Adjournment

Senator Ellis moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., February 9, 2009. Without objection, the Senate adjourned at 10:22 a.m.

Kirsten Waid
Secretary of the Senate

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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	Tuesday	Beltz 211	3:30 PM
+ SB 48	MEETINGS OF ROAD SERVICE AREA BOARDS		
+ SB 93	MUNICIPAL AIR QUALITY PROPERTY TAX CREDIT		
	Bills Previously Heard/Scheduled		
Feb 12	Thursday	Beltz 211	3:30 PM
	Bills Previously Heard/Scheduled		

EDUCATION

Feb 06	Friday	Beltz 211	8:00 AM
	-- MEETING CANCELED --		
+ SB 57	CHARTER SCHOOL FUNDING		
	If Necessary		
Feb 09	Monday	Beltz 211	8:00 AM
+ SB 33	POSTSECONDARY SCHOLARSHIPS		
	Overview: Conference of Young Alaskans		
Feb 11	Wednesday	Beltz 211	8:00 AM
+ SB 33	POSTSECONDARY SCHOLARSHIPS		
	Overview: Alaska Mental Health Trust, Bring the Kids Home Program		
Feb 13	Friday	Beltz 211	8:00 AM
	No Meeting Scheduled		

FINANCE

Feb 06	Friday	Senate Finance 532	9:00 AM
+	Presentation:		
	State Budget Reserves/Savings Accounts and Sweep Mechanics		
	Bills Previously Heard/Scheduled		
Feb 09	Monday	Senate Finance 532	9:00 AM
+ HJR 11	PROJECTS FOR ECONOMIC STIMULUS PACKAGE		
+	Bills Previously Heard/Scheduled		
Feb 10	Tuesday	Senate Finance 532	9:00 AM
+	Overview: Economic and Capital Market		
	Outlook by Michael O'Leary, EVP, Callan Associates		
+	Permanent Fund Performance Review		
	-- Testimony <Invitation Only> --		
+	Bills Previously Heard/Scheduled		
Feb 11	Wednesday	Senate Finance 532	9:00 AM
+	Overview: Retirement Trust Performance		
	Review by Dept of Revenue & Alaska		
	Retirement Management Board		
+	Constitutional Budget Reserve Performance Review		
	-- Testimony <Invitation Only> --		
+	Bills Previously Heard/Scheduled		
Feb 12	Thursday	Senate Finance 532	9:00 AM
+	Overview: Dept of Transportation		
	Statewide Capital Project Overview		
	-- Testimony <Invitation Only> --		
+	Bills Previously Heard/Scheduled		
Feb 13	Friday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		

HEALTH & SOCIAL SERVICES

Feb 06	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

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HEALTH & SOCIAL SERVICES (continued)

Feb 09	Monday	Butrovich 205	1:30 PM
+ SB 13	MEDICAL ASSISTANCE ELIGIBILITY		
+ SB 87	MEDICAL ASSISTANCE ELIGIBILITY		
+	Bills Previously Heard/Scheduled		
Feb 11	Wednesday	Butrovich 205	1:30 PM
+	Returning Kids from Out of State, Jeff Jessee, Mental Health Trust		
+ SCR 1	BRAIN INJURY AWARENESS MONTH: MARCH 2009		
+ SB 52	SALVIA DIVINORUM AS CONTROLLED SUBSTANCE		
+	Bills Previously Heard/Scheduled		
Feb 13	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

JUDICIARY

Feb 06	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		
Feb 09	Monday	Beltz 211	1:30 PM
+	Confirmation Hearing: Chief Administrative Law Judge, Terry Thurbon		
+ SJR 3	FIREARMS IN NATIONAL PARK		
Feb 11	Wednesday	Beltz 211	1:30 PM
+	Overview: Dept of Public Safety Commissioner Joseph A. Masters -- Testimony <Invitation Only> --		
Feb 13	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		

LABOR & COMMERCE

Feb 10	Tuesday	Beltz 211	1:30 PM
	Bills Previously Heard/Scheduled		

LABOR & COMMERCE (continued)

RESOURCES

Feb 06	Friday No Meeting Scheduled	Butrovich 205	3:30 PM
Feb 09 +	Monday Overview: Cook Inlet Gas Supplies and Exploration/Development Activities Presentation by the Administration's Oil and Gas Division	Butrovich 205	3:30 PM
Feb 11 +	Wednesday Overview: In-State Use of Cook Inlet Gas Invited Presenters: Chugach Electric, Enstar, ML&P, RCA, Dept of Law, Div. of Regulatory Affairs & Public Advocacy	Butrovich 205	3:30 PM
Feb 13	Friday No Meeting Scheduled	Butrovich 205	3:30 PM

STATE AFFAIRS

Feb 10	Tuesday	Beltz 211	9:00 AM
	Confirmation of Governor's Appointments		
+	SB 45	VETERANS' CEMETERIES/FUND/LICENSE PLATES	
Feb 12	Thursday	Beltz 211	9:00 AM
+	Confirmation of Governor's Appointments		
	Commissioner Joseph A. Masters, Dept of Public Safety		
	Commissioner Kathleen Ballenger, APOC		
+	SB 79	MED BENEFITS OF DISABLED PEACE OFFICERS	
+		Bills Previously Heard/Scheduled	

TRANSPORTATION

Feb 10	Tuesday	Butrovich 205	1:00 PM
+ SB 25	RICHARD DEWEY DUVALL FERRY TERMINAL		
+ SB 72	CHILD SAFETY SEATS & SEAT BELTS		
Feb 12	Thursday	Butrovich 205	1:00 PM
	Bills Previously Heard/Scheduled		

FINANCE SUBCOMMITTEES**CORRECTIONS**

Feb 10	Tuesday	Fahrenkamp 203	3:00 PM
	Committee Meeting		

COURT SYSTEM

Feb 09	Monday	Beltz 211	5:00 PM
+	Court System Budget		

EDUCATION & EARLY DEVELOPMENT

Feb 12	Thursday	Fahrenkamp 203	4:30 PM
+	EED Budget		

ENVIRONMENTAL CONSERVATION

Feb 06	Friday	Butrovich 205	4:00 PM
	Joint w/(H) DEC		
	Committee Meeting		

HEALTH & SOCIAL SERVICES

Feb 10	Tuesday	Fahrenkamp 203	8:00 AM
+	Department Budget Overview continuation		
	-- Testimony <Invitation Only> --		

FINANCE SUBCOMMITTEES (continued)**HEALTH & SOCIAL SERVICES (continued)**

Feb 12	Thursday	Fahrenkamp 203	8:00 AM
+	Medicaid, FMAP, Provider Rates -- Testimony <Invitation Only> --		
Feb 17	Tuesday	Fahrenkamp 203	8:00 AM
+	Office of Children's Services, Bring the Kids Home -- Testimony <Invitation Only> --		
Feb 19	Thursday	Fahrenkamp 203	8:00 AM
+	Division of Public Assistance, including Heating Assistance -- Testimony <Invitation Only> --		
Mar 03	Tuesday	Fahrenkamp 203	8:00 AM
+	Public Health Initiatives -- Testimony <Invitation Only> --		
Mar 05	Thursday	Fahrenkamp 203	8:00 AM
+	Governor's Amendments, Q & A -- Testimony <Invitation Only> --		

NATURAL RESOURCES

Feb 10	Tuesday	Fahrenkamp 203	4:00 PM
+	Departmental Budget Overview -- Testimony <Invitation Only> --		

PUBLIC SAFETY

Feb 12	Thursday	Fahrenkamp 203	1:30 PM
+	Department Budget Overview -- Testimony <Invitation Only> --		

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FINANCE SUBCOMMITTEES (continued)

PUBLIC SAFETY (continued)

Feb 17	Tuesday	Fahrenkamp 203	1:30 PM
+	Status of VPSO Program & Recruitment		
	Efforts for Them and the State Troopers		
	-- Testimony <Invitation Only> --		
Mar 03	Tuesday	Fahrenkamp 203	1:30 PM
+	Governor's Amendments - Q & A Session		
	-- Testimony <Invitation Only> --		

SPECIAL COMMITTEES

ENERGY

Feb 10	Tuesday	Senate Finance 532	3:00 PM
+	Joint w/(H) Energy		
	Work Session: Pathway to Energy		
	Committee's Comprehensive Statewide Energy Plan		
Feb 12	Thursday	Butrovich 205	11:00 AM
+	SB 31 GEOTHERMAL ELEC. PROD. TAX CREDIT		
+	SB 54 PRICE GOUGING INVOLVING ENERGY RESOURCES		
+	Bills Previously Heard/Scheduled		

WORLD TRADE, TECH, INNOVATIONS

Feb 10	Tuesday	Capitol 106	5:15 PM
+	Joint w/(H) Economic Development, Trade & Tourism		
	World Trade Center Alaska: Guest Speaker		
	Greg Wolf, Executive Director World Trade		
	Alaska Presentation & Overview of the		
	World Trade Center Alaska		

OTHER MEETINGS**FISH CAUCUS**

Feb 12	Thursday	Capitol 106	12:00 PM
+	Value Challenges in the Bristol Bay Salmon Fishery: Partnerships and New Ideas Brown Bag Lunch		

JOINT SESSION

Feb 11	Wednesday	House Chamber	11:00 AM
	State of the Judiciary Address by Chief Justice Dana Fabe		
Feb 19	Thursday	House Chamber	11:00 AM
	Annual Address by the Honorable Lisa Murkowski, U.S. Senator		
Apr 07	Tuesday	House Chamber	11:00 AM
	Annual Address by the Honorable Mark Begich, U.S. Senator		