## SENATE JOURNAL

### ALASKA STATE LEGISLATURE

### **TWENTY-SIXTH LEGISLATURE**

# FIRST SESSION

Juneau, Alaska

Wednesday

March 18, 2009

### Fifty-eighth Day

Pursuant to adjournment the Senate was called to order by President pro tempore Huggins at 11:07 a.m.

The roll showed sixteen members present. Senators Ellis, Kookesh, Stevens were excused from a call of the Senate. The seat from District B was vacant.

The prayer was offered by the Chaplain, Reverend Judy Shook of the Aldersgate United Methodist Church. Senator Therriault moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

> Spirit of the Living God, Breathe newness of life into each of us and among this group gathered here.

> Help us to know that you are closer than our very breath and beyond the comprehension of the wisest.

May your spirit flow within our very flesh and blood, that we may remember we are your creatures, family with all your creation.

Bless the leaders gathered here, that they may use their gifts of wisdom, respect, humility and integrity to serve all your people.

Bless their minds, hearts, bodies and souls, with health and strength necessary to do this work of service.

Bless all of the staff who assist in this leadership, for their work makes possible the service of the leaders. Janitors, secretaries, administrators, and pages each offer their gifts.

Bless the people of our State that they may do their part of serving as citizens.

Help all of your people to care for one another as your great examples of Love have shown us and called us to do.

Help us to live in peace and harmony, learning to share our resources with wise and gracious stewardship, remembering that all life and all in it is a gift from you.

May we all have clear minds, open hearts, strong bodies, and loving souls that all of our work may serve the highest good. Amen.

Senator McGuire led the Senate in the Pledge of Allegiance.

### Certification

Senator Hoffman, Acting Majority Leader, moved and asked unanimous consent that the journals for the fifty-sixth and fiftyseventh legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

### Communications

Report from the Commissioner of the Department of Administration dated March 12 was received stating the monetary terms for the collective bargaining agreement reached between the State and the Marine Engineers Beneficial Association (MEBA) in accordance with AS 23.40.215.

President pro tempore Huggins referred the report to the Finance Committee.

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

Annual Report on the Constitutional Budget Reserve Fund from Patrick Galvin, Commissioner, Department of Revenue in accordance with AS 37.10.430(b)

Annual Report 2008 from Robert F. Swenson, State Geologist and Director Division of Geological and Geophysical Surveys Department of Natural Resources in accordance with AS 41.08.030

2008 Time-to-Disposition Reports: Volumes 1, 2, 3a, 3b, 4, 5 from Stephanie Cole, Administrative Director, Alaska Court System in accordance with AS 22.20.310

2008 Travel for Justices, Judges, and Magistrates and Affidavit Information from the Alaska Court System in accordance with AS 22.20.310(4) and (6)

### **Standing Committee Reports**

#### SB 51

The Judiciary Committee considered SENATE BILL NO. 51 "An Act relating to the installation of window tinting in automobiles" and recommended the adoption of the Transportation Committee Substitute offered on page 447. Signing do pass: Senator French, Chair. Signing do not pass: Senator Therriault. Signing no recommendation: Senators Wielechowski, McGuire.

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

The bill was referred to the Rules Committee.

#### SB 52

The Judiciary Committee considered SENATE BILL NO. 52 "An Act relating to scheduling Salvia divinorum and Salvinorin A as controlled substances." Signing no recommendation: Senator French, Chair; Senator Wielechowski. Signing do pass: Senators Therriault, McGuire.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Corrections

Fiscal Note No. 2, indeterminate, Department of Public Safety

Fiscal Note No. 3, indeterminate, Department of Law

Fiscal Note No. 4, indeterminate, Department of Administration

Fiscal Note No. 5, indeterminate, Department of Administration

The bill was referred to the Finance Committee.

### SB 96

The Judiciary Committee considered SENATE BILL NO. 96 "An Act relating to nonpayment of child support; relating to certain judicial and administrative orders for medical support of a child; relating to periodic review and adjustment of child support orders; relating to relief from administrative child support orders; relating to child support arrearages; relating to medical support of a child and the Alaska Native family assistance program; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date" and recommended the adoption of the Health and Social Services Committee Substitute offered on page 433. Signing do pass: Senator French, Chair. Signing no recommendation: Senators Therriault, Wielechowski, McGuire.

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

The bill was referred to the Finance Committee.

### SB 101

The Education Committee considered SENATE BILL NO. 101 "An Act relating to questionnaires and surveys administered in the public schools." Signing do pass: Senator Davis, Vice Chair. Signing no recommendation: Senators Olson, Huggins.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Education and Early Development

The bill was referred to the Health and Social Services Committee.

### SB 140

The Education Committee considered SENATE BILL NO. 140 "An Act relating to an investment in the education loan fund; relating to authority for the commissioner of revenue to enter into a bond purchase agreement and letter of credit with the Alaska Student Loan Corporation; and providing for an effective date." Signing do pass: Senator Davis, Vice Chair. Signing no recommendation: Senators Olson, Huggins.

The following fiscal information was published today: Fiscal Note No. 3, Department of Education and Early Development

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

The bill was referred to the Finance Committee.

### SB 142

The Transportation Committee considered SENATE BILL NO. 142 "An Act authorizing the conveyance of certain land of the Alaska Railroad Corporation to the Department of Transportation and Public Facilities; and providing for an effective date." Signing do pass: Senator Menard, Vice Chair; Senators Davis, Meyer, Paskvan.

The following fiscal information was published today:

- Fiscal Note No. 1, zero, Department of Transportation and Public Facilities
- Fiscal Note No. 2, zero, Department of Commerce, Community and Economic Development

The bill was referred to the Labor and Commerce Committee.

#### **SJR 10**

The Judiciary Committee considered SENATE JOINT RESOLUTION NO. 10 Urging the United States Congress to adopt S. 371, the Respecting States Rights and Concealed Carry Reciprocity Act of 2009. Signing do pass: Senator French, Chair; Senators Therriault, Wielechowski, McGuire.

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

The resolution was referred to the Rules Committee.

#### **Introduction and Reference of Senate Bills**

#### SB 151

SENATE BILL NO. 151 BY SENATOR FRENCH, entitled:

"An Act relating to certain solicitations for veterans."

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

#### SB 152

SENATE BILL NO. 152 BY SENATOR HUGGINS, entitled:

"An Act relating to municipal transportation systems and to regional transit authorities."

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

### SB 153

SENATE BILL NO. 153 BY SENATOR FRENCH, entitled:

"An Act relating to manufactured homes, including manufactured homes permanently affixed to land, to the conversion of manufactured homes to real property, to the severance of manufactured homes from real property, to the titling, conveyance, and

encumbrance of manufactured homes, and to manufacturers' certificates of origin for vehicles; and providing for an effective date."

was read the first time and referred to the Labor and Commerce and Judiciary Committees.

### SB 154

SENATE BILL NO. 154 BY SENATOR MCGUIRE, entitled:

"An Act adding state wildland fire and resource technicians to the definition of peace officer or fire fighter under the defined contribution plan of the public employees' retirement system and under the defined benefit plan of the public employees' retirement system; and providing for an effective date."

was read the first time and referred to the Labor and Commerce and Finance Committees.

### SB 155

SENATE BILL NO. 155 BY SENATOR MCGUIRE, entitled:

"An Act relating to medical assistance payment rates for cognitive disabilities; and providing for an effective date."

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

### SB 156

SENATE BILL NO. 156 BY SENATOR MCGUIRE, entitled:

"An Act relating to the Interstate Compact for Juveniles; relating to the State Council for Interstate Adult and Juvenile Offender Supervision; amending Rules 4 and 24(b), Alaska Rules of Civil Procedure; and providing for an effective date." was read the first time and referred to the Health and Social Services and Judiciary Committees.

### SB 157

SENATE BILL NO. 157 BY SENATORS OLSON, Davis, entitled:

"An Act directing the Alaska Permanent Fund Corporation to transfer \$22,700,000 from the principal of the mental health trust fund to the Alaska Mental Health Trust Authority; relating to the development of revenue-producing facilities on mental health trust land and to the Alaska Mental Health Trust Authority Subport Office Building; authorizing the issuance of certificates of participation for construction of the building; approving leases of all or part of the building by the Department of Administration; and providing for an effective date."

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

### **Consideration of the Calendar**

#### Second Reading of Senate Bills

#### **SB 3**

SENATE BILL NO. 3 "An Act authorizing an Alaska regional development organization to use the Alaska Commercial Fisheries Entry Commission as an informational resource" was read the second time.

Senator Olson moved and asked unanimous consent to change his recommendation from "no recommendation" to "do pass" on the Community and Regional Affairs Committee report (page 175). Without objection, Senator Olson's recommendation was changed.

Senator Hoffman, Acting Majority Leader, 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. 3 was read the third time.

The question being: "Shall SENATE BILL NO. 3 "An Act authorizing an Alaska regional development organization to use the Alaska Commercial Fisheries Entry Commission as an informational resource" pass the Senate?" The roll was taken with the following result:

**SB** 3

Third Reading - Final Passage

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

Yeas: Bunde, Davis, Dyson, French, Hoffman, Huggins, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wagoner, Wielechowski

Excused: Ellis, Kookesh, Stevens

and so, SENATE BILL NO. 3 passed the Senate and was referred to the Secretary for engrossment.

#### Citations

Honoring – Florence Welch on the Occasion of Her 100<sup>th</sup> Birthday Senator(s) Stevens, Bunde, Davis, Dyson, Ellis, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wagoner, Wielechowski Representative(s) Austerman

Honoring – Kodiak High School Cross Country Team, 2008 Alaska State Champions

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

Honoring – Grace Christian School, 2008 Class 1-2-3A State Cross Country Champions

Senator(s) Meyer, Stevens, Bunde, Davis, Dyson, Ellis, Hoffman, Huggins, Kookesh, McGuire, Menard, Olson, Paskvan, Stedman, Therriault, Thomas, Wagoner, Wielechowski Honoring – Judge Beverly Cutler

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

Honoring – Dr. Cary S. Keller Representative(s) Kelly Senator(s) Paskvan, Thomas, Stevens, Bunde, Davis, Dyson, Ellis, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Stedman, Therriault, Wagoner, Wielechowski

Honoring – Linda Freed Representative(s) Austerman Senator(s) Stevens, Bunde, Davis, Dyson, Ellis, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wagoner, Wielechowski

Honoring – William Iggiagruk Hensley Representative(s) Joule Senator(s) Olson, Stevens, Bunde, Davis, Dyson, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Paskvan, Stedman, Therriault, Thomas, Wagoner, Wielechowski

In Memoriam – Barbara Bowen Doak Senator(s) Bunde, Stevens, Davis, Dyson, Ellis, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wagoner, Wielechowski

In Memoriam – Katherine "Kay" Fannin Senator(s) Stevens, Bunde, Davis, Dyson, Ellis, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wagoner, Wielechowski Representative(s) Austerman

In Memoriam – Dick Synhorst Senator(s) Stevens, Bunde, Davis, Dyson, Ellis, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wagoner, Wielechowski Representative(s) Seaton

Senator Hoffman, Acting Majority Leader, 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 106

Senator Wagoner moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 106 "An Act disapproving all recommendations of the State Officers Compensation Commission relating to the compensation, benefits, and allowances of state officers; and providing for an effective date." Without objection, it was so ordered.

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate from plane time, March 27 through morning plane time, March 29. Without objection, Senator Wagoner was excused.

Senator Hoffman, Acting Majority Leader, moved and asked unanimous consent that President pro tempore Huggins be excused from a call of the Senate from evening plane time, March 20 through evening plane time, March 22. Without objection, Senator Huggins was excused.

Senator Menard moved and asked unanimous consent to be excused from a call of the Senate from the afternoon of March 20 through the morning of March 23. Without objection, Senator Menard was excused.

#### Announcements

Announcements are at the end of the journal.

### Engrossment

### **SB 3**

SENATE BILL NO. 3 "An Act authorizing an Alaska regional development organization to use the Alaska Commercial Fisheries Entry Commission as an informational resource" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

### Adjournment

Senator Hoffman, Acting Majority Leader, moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., March 20, 2009. Without objection, the Senate adjourned at 11:46 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 19Thursday<br/>Bills Previously Heard/ScheduledBeltz 2113:30 PM

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#### **EDUCATION**

Mar 18	Wednesday	Beltz 211	8:00 AM
SB 140	STATE INVESTMENT IN EDUCA	ATION FUND	
	Uniform Rule 23 Waived		
	Bills Previously Heard/Scheduled		
+= SB 101	STUDENT QUESTIONNAIRES A	ND SURVEYS	

Mar 20FridayBeltz 2118:00 AM+SB 134PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS<br/>Bills Previously Heard/Scheduled

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#### FINANCE

Mar 18	Wednesday Sei	nate Finance 532	9:00 AM
+= SB 75	BUDGET: CAPITAL, SUPP	P. & OTHER APPROPS	
	University		
	Department of Education and	d Early Development	
	Department of Public Safety		
+	Bills Previously Heard/Scheo	duled	
Mar 18	Wednesday Set	nate Finance 532	1:30 PM

+= SB 75 BUDGET: CAPITAL, SUPP. & OTHER APPROPS Department of Revenue Alaska Housing Finance Corporation + Bills Previously Heard/Scheduled

1:15 PM

### FINANCE (continued)

Bills Previously Heard/Scheduled

Foster Care Legislative Summit

Bills Previously Heard/Scheduled

+= SB 11 DEPENDENT HEALTH INSURANCE; AGE LIMIT += SB 27 FOSTER CARE AGE LIMIT/TUITION WAIVER

**Butrovich 205** 

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580

+

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Mar 20

Friday

### 581

### JUDICIARY

Mar 18	Wednesday	Beltz 211	1:30 PM
+	Confirmation Hearings:		
	Parole Board		
	Judicial Conduct Commission		
+ SB 59	LOW- SPEED MOTOR VEHICLES		
+ SB 73	USE OF HEADLIGHTS REQUIRED	)	
+	Bills Previously Heard/Scheduled		
Mar 20	Friday	Beltz 211	1:30 PM
+= SB 85	ALCOHOL: LOCAL OPTION/LICE	NSING/MINOR	S
+= SB 110	PRESERVATION OF EVIDENCE		
+	Bills Previously Heard/Scheduled		

Bills Previously Heard/Scheduled

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#### LABOR & COMMERCE

M٤	ır 19	Thursday	Beltz 211	1:30 PM
+	SB 138	TAX CREDIT FOR STATE TOUR	ISM PROGRAM	
+	SB 97	CRANE OPERATOR LICENSES		
+	SB 149	MORTGAGE LENDING		
+		Bills Previously Heard/Scheduled		

#### RESOURCES

Ma	ır 18	Wednesday	Butrovich 205	3:30 PM
+	SB 54	PRICE GOUGING INV	OLVING ENERGY RESOU	JRCES
		Bills Previously Heard/S	cheduled	

Mar 20	Friday	<b>Butrovich 205</b>	3:30 PM
+	Bills Previously Heard/Schedu	uled	

- + SB 108 STAMPEDE STATE RECREATION AREA
- + HCR 2 IN-STATE GAS PIPELINE
- + HCR 3 IN-STATE GAS PIPELINE
- + HCR 4 IN-STATE GAS PIPELINE
- + HCR 5 IN-STATE GAS PIPELINE

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#### STATE AFFAIRS

Mar 19	Thursday	Beltz 211
+	Bills Previously Heard/Scheduled	

9:00 AM

### TRANSPORTATION

Mar 19	Thursday No Meeting Scheduled	Butrovich 205	1:00 PM
	FINANCE SUBC	OMMITTEES	
	ADMINIST	RATION	
Mar 18	Wednesday Unfinished Business and Testimony <invitation c<="" td=""><td>Close-out Dnly&gt;</td><td>3:30 PM</td></invitation>	Close-out Dnly>	3:30 PM
	COMMERCE, COMMUNI	TY & ECONOMIC DE	v
Mar 23	Monday FY10 Budget Close-out	Beltz 211	12:00 PM
	COURT S	YSTEM	
<b>Mar 18</b> +	Wednesday Court System FY10 Budge	et Close-out	4:30 PM
	FISH & O	GAME	
Mar 19	Thursday S Department Close-out		8:00 AM
	GOVER	NOR	
Mar 20	Friday S Close-out	Senate Finance 532	3:00 PM
	HEALTH & SOCI	AL SERVICES	
<b>Mar 19</b> +	Thursday Time and Location Char Budget Close-out Testimony <invitation c<="" td=""><td>-</td><td>8:00 AM</td></invitation>	-	8:00 AM

### FINANCE SUBCOMMITTEES (continued)

### LABOR & WORKFORCE DEVELOPMENT

Mar 19	Thursday FY10 Budget Close-out	Fahrenkamp 203	11:00 AM
	LEGISL	ATURE	
Mar 20	<b>Friday</b> Close-out	Senate Finance 532	3:30 PM
	MILITARY & VET	ERANS' AFFAIRS	
<b>Mar 18</b> +	Wednesday Budget Close-out Testimony <invitation< td=""><th></th><td>12:30 PM</td></invitation<>		12:30 PM
	NATURAL F	ESOURCES	
<b>Mar 19</b> +	Thursday Time and Location Cha Close-out Testimony <invitation< td=""><th></th><td>12:00 PM</td></invitation<>		12:00 PM
	REVI	ENUE	
Mar 19	Thursday Subcommittee Close-out	Fahrenkamp 203	1:30 PM
	TRANSPORTATION &	PUBLIC FACILITIES	
Mar 20	Friday Subcommittee Close-out		8:00 AM
	UNIVERSITY	OF ALASKA	
Mar 18	Wednesday Close-out	Senate Finance 532	8:00 AM

### SPECIAL COMMITTEES

### ENERGY

+ SB 135	<b>Thursday</b> RAILBELT ENERGY & TRA ALASKA NATURAL GAS D IN-STATE PIPELINES: LEA Bills Previously Heard/Schedu	DEVELOPMENT AUT SES; CERTIFICATIO	
<b>Mar 20</b> +	Friday Presentations: - George Cannelos, Federal Co - TBD, Defense Energy Suppo Alaska Fischer-Tropsch Synth <postponed -="" presentatio<br="" tbd="">Bills Previously Heard/Schedu</postponed>	ort Center: etic Fuels Pilot Progra n>	
	WORLD TRADE, TECH,	INNOVATIONS	
Mar 19	Thursday	<b>Butrovich 205</b>	4:00 PM
+	Overview: Ketchikan Shipyard Presenter: Doug Ward with Al		Inc.
Mar 24 +	Tuesday Fa Overview: Making the 2010 O - Regional Tourism Initiative - Pavilion Opportunities Presenter: Ian Burkheimer, Pro Pacific Northwest Economic F	ogram Manager, 2010	
	OTHER MEET	INGS	
	CHILDREN'S CA	AUCUS	
<b>Mar 24</b> +	<b>Tuesday</b> Joint w/ Legislative Health Ca Topic: SIDS (Sudden Infant D Syndrome) in Alaska		12:00 PM
Mar 31	Tuesday	Butrovich 205	

+ Topic: Exposure to Violence and a Child's Developing Brain

### **OTHER MEETINGS (continued)**

#### FISH CAUCUS

 
 Mar 19
 Thursday
 Capitol 106
 12:00 PM

 +
 Fisheries in the Bering Sea-Benefits to Alaska Communities Presenter: Shirley Marquardt, Mayor, Unalaska Brown Bag Lunch

#### JOINT LEGISLATIVE HEALTH CAUCUS

Mar 27	Friday	Location Tba	12:00 PM
	Week of the Uninsured		

#### JOINT SESSION

Apr 07 Tuesday House Chamber 11:00 AM Annual Address by the Honorable Mark Begich, U.S. Senator

#### MISCELLANEOUS MEETINGS

Mar 18WednesdayHouse Finance 5198:30 AMAddress by Mr. Lobsang Nyandak, the Representative of His<br/>Holiness the Dalai Lama to the USA and Canada. Sponsored by<br/>Senate WTI & House EDT. Mr. Nyandak is the highest ranking<br/>Tibetan Official in North America. He will discuss international<br/>trade with China and ways to encourage trade in such a way<br/>that protects human rights.