

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SIXTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Friday

April 10, 2009

Eighty-first Day

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

The roll showed seventeen members present. Senator Stedman was excused from a call of the Senate. Senator McGuire was absent. The seat from District B was vacant.

The prayer was offered by the Chaplain, Pastor Tari Stage-Harvey of Shepherd of the Valley Lutheran Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Breath of life,

Breathe into us your calmness that we may stand in the midst of the anxiety and fear of the world with a sense of peace and courage.

Breathe into us wonder that we may recognize mystery and ambiguity greater than our ability to understand.

Breathe into us a vision of justice and life that is greater than the pain and death we hear and see so often.

Fill our lives with your life so we may seek compassion, so we may know laughter, so we may live in love.

On this day when Christians remember the death of Jesus, we pray that we all may know what it is to stand for love in the face of power even if it may mean death. Bless these gracious servants of the people gathered here today and with all leaders throughout our communities, nation and world. Give them a sense of humor, an openness of mind, and a passion for justice. In you I pray. Amen.

Senator French led the Senate in the Pledge of Allegiance.

Certification

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

The presence of Senators Stedman, McGuire was noted.

Communications

The following letter dated April 10 was received:

Dear Senator Stevens,

The nine Senate Democrats have met and discussed Governor Palin's nomination of Joe Nelson to fill the vacant seat in Senate District B. We respectfully wish to inform you that Mr. Nelson did not achieve the needed support to be seated.

This decision was reached in accordance with the relevant statutes and a lengthy history of established practice. On behalf of my Democratic colleagues, at this time I request that Governor Palin appoint another qualified person for our consideration by April 20, 2009, as required by AS 15.40.350.

Sincerely

/s/

Senator Johnny Ellis

Standing Committee Reports

Report dated April 9 was read stating:

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

University of Alaska Board of Regents

Ashton M. Compton – Fairbanks

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

Signing the report: Senator Davis, Vice Chair; Senators Huggins, Stevens, Olson.

SB 137

The Community and Regional Affairs Committee considered SENATE BILL NO. 137 "An Act relating to meetings of the Board of Fisheries." Signing no recommendation: Senator Olson, Chair; Senator Kookesh. Signing do pass: Senators Thomas, Menard.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Fish and Game

The bill was referred to the Resources Committee.

SB 187

The Labor and Commerce Committee considered SENATE BILL NO. 187 "An Act relating to the state's participation in the federal Nationwide Mortgage Licensing System and Registry, and to mortgage lending regulation and licensing; and providing for an effective date." Signing do pass: Senator Paskvan, Chair; Senators Meyer, Thomas, Bunde, Davis.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

HB 129

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 129(RLS) "An Act relating to the authority of the Real Estate Commission to revoke licenses of persons convicted of certain crimes." Signing do pass: Senator Paskvan, Chair; Senators Meyer, Thomas, Bunde, Davis.

The following previously published fiscal information applies:

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

The bill was referred to the Judiciary Committee.

HB 156

The Community and Regional Affairs Committee considered HOUSE BILL NO. 156 "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property." Signing no recommendation: Senator Olson, Chair; Senator Kookesh. Signing do pass: Senators Thomas, Menard.

The following previously published fiscal information applies:

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

The bill was referred to the State Affairs Committee.

SJR 2

The Education Committee considered SENATE JOINT RESOLUTION NO. 2 Urging the United States Congress to establish a federal program to rebuild student access to public higher education in Alaska and elsewhere and to appropriate sufficient funding for that purpose. Signing do pass: Senator Davis, Vice Chair; Senator Stevens. Signing no recommendation: Senator Olson.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate Education Committee

The resolution was referred to the Rules Committee.

Special Committee Reports**SJR 7**

The Senate Special Committee on Energy considered SENATE JOINT RESOLUTION NO. 7 Opposing a United Nations designation of the Arctic Ocean as a World Heritage Site. Signing do pass: Senator McGuire, Chair; Senator Kookesh. Signing no recommendation: Senator Wielechowski.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate Special Committee on Energy

The resolution was referred to the Resources Committee.

**Introduction and Reference of
Senate Resolutions****SCR 6**

SENATE CONCURRENT RESOLUTION NO. 6 BY THE SENATE RESOURCES COMMITTEE,

Directing the Legislative Council to contract for an assessment of environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area watershed.

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

Introduction and Reference of Senate Bills**SB 190**

SENATE BILL NO. 190 BY SENATOR WIELECHOWSKI, entitled:

"An Act relating to biometric information."

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

SB 191

SENATE BILL NO. 191 BY SENATOR MCGUIRE, entitled:

"An Act authorizing the negotiation for the lease, sale, or other disposal of state land with a common carrier that is engaged in the intrastate transportation of natural gas by pipeline or with a public utility; relating to the authority of the Alaska Natural Gas Development Authority; relating to a right-of-way across state land for the purpose of developing an intrastate gas pipeline project identified by the governor; relating to the authority of the governor to identify an intrastate gas pipeline project to be developed in conjunction with the Alaska Natural Gas Development Authority; and providing for an effective date."

was read the first time and referred to the Senate Special Committee on Energy, Resources and Finance Committees.

Consideration of the Calendar**Second Reading of Senate Bills****SB 96**

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" was read the second time.

Senator Stedman, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 852. Without objection, CS FOR SENATE BILL NO. 96(FIN) "An Act relating to nonpayment of child support, to the definition of the term "state" for the purposes of the Uniform Interstate Family Support Act, to certain judicial and administrative orders for medical support of a child, to periodic review and adjustment of child support orders, to

relief from administrative child support orders, to child support arrearages, and 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" was adopted.

Senator Ellis 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.

CS FOR SENATE BILL NO. 96(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 96(FIN) "An Act relating to nonpayment of child support, to the definition of the term "state" for the purposes of the Uniform Interstate Family Support Act, to certain judicial and administrative orders for medical support of a child, to periodic review and adjustment of child support orders, to relief from administrative child support orders, to child support arrearages, and 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" pass the Senate?" The roll was taken with the following result:

CSSB 96(FIN)

Third Reading - Final Passage

Effective Dates Court Rule

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

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

and so, CS FOR SENATE BILL NO. 96(FIN) passed the Senate.

Senator Ellis 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.

Senator Ellis moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the Court Rule change. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Second Reading of House Bills**HB 139**

HOUSE BILL NO. 139 "An Act providing for an exception to allow drivers of public utility motor vehicles to operate those vehicles with certain screen devices operating and visible to the drivers" was read the second time.

Senator Ellis 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. 139 was read the third time.

The question being: "Shall HOUSE BILL NO. 139 "An Act providing for an exception to allow drivers of public utility motor vehicles to operate those vehicles with certain screen devices operating and visible to the drivers" pass the Senate?" The roll was taken with the following result:

HB 139

Third Reading - Final Passage

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

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

and so, HOUSE BILL NO. 139 passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Honoring – Alaska Youth Military Academy

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

Representative(s) Dahlstrom

Honoring – The Alaska Railroad Train Crews At The Mile Post 49
Avalanche Site

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

Honoring – Drs. Cathie Schumacher and K.C. Kaltenborn
Representative(s) Gara, Gardner

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

Honoring – Beth Snyder & Barb Dexter
Representative(s) Gara

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

Honoring – Donna A. Peterson

Representative(s) Olson

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

Honoring – Yaakoosge Daakahidi Alternative High School

Representative(s) Kerttula, Munoz

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

Honoring – Chaninik Wind Group

Representative(s) Herron

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

Honoring – The Alaska Territorial Guard

Representative(s) Herron

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

Honoring – West High State Champion Tennis Team

Representative(s) Holmes

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

Honoring – West High Girls Cross-Country Team

Representative(s) Holmes

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

Honoring – William H. Seward Elementary School, A 2008 No Child Left Behind Blue Ribbon School

Representative(s) Seaton

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

Honoring – Keith Harvey Miller, Governor of Alaska 1969-1970

Representative(s) Seaton

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

In Memoriam – Helen Deidra Mason

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

In Memoriam – Ernest Schroeder

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

Representative(s) Seaton

In Memoriam – Reverend Kondraty Sozontovich Fefelov

Representative(s) Seaton

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

In Memoriam – Oscar Fritz Lekander

Representative(s) Herron

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

In Memoriam – Helen A. Alm

Representative(s) Seaton

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

In Memoriam – Shane Scott Harrington

Representative(s) Seaton

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

In Memoriam – Gale E. Parsons

Representative(s) Seaton

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

In Memoriam – Howard T. Davis

Representative(s) Olson

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

In Memoriam – Maxine Vivian McGary Reed

Senator(s) Ellis, French, Stevens, Bunde, Davis, Dyson, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Therriault, Thomas, Wagoner, 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**SJR 22**

Senator Thomas moved and asked unanimous consent to be shown as a cosponsor on SENATE JOINT RESOLUTION NO. 22 Opposing litigation that seeks to eliminate the Kenai, Kasilof, and Chitina sockeye salmon personal use dip net fisheries; and requesting the governor to re-examine the disproportional influence of the commercial fisheries industries on fisheries management in the state. Without objection, it was so ordered.

SB 173

Senator Thomas moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 173 "An Act relating to marine products and motorized recreational products; and providing for an effective date." 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.

Engrossment**SB 96**

CS FOR SENATE BILL NO. 96(FIN) "An Act relating to nonpayment of child support, to the definition of the term "state" for the purposes of the Uniform Interstate Family Support Act, to certain judicial and administrative orders for medical support of a child, to periodic review and adjustment of child support orders, to relief from administrative child support orders, to child support arrearages, and 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" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Ellis moved and asked unanimous consent that the Senate stand in adjournment until 1:00 p.m., April 11, 2009. Without objection, the Senate adjourned at 11:41 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

EDUCATION

Apr 10 Friday Beltz 211 8:00 AM
 + SJR 2 FED. HIGHER EDUCATION FUNDING/PROGRAM
 Bills Previously Heard/Scheduled

FINANCE

Apr 10 Friday Senate Finance 532 9:00 AM
 -- Meeting Postponed to 1:30 p.m. --
 + SB 35 EXTEND SUICIDE PREVENTION COUNCIL
 + SB 114 EXT BD OF ARCHITECTS, ENGRS, & SURVEYORS
 += SB 183 GRANT AUTHORITY FOR AIR QUALITY
 + HB 86 EXTENDING VETERINARY BOARD
 + SB 80 EXTENDING VETERINARY BOARD
 <Above Item Removed from Agenda>
 + Bills Previously Heard/Scheduled

Apr 11 Saturday Senate Finance 532 11:00 AM
 -- Time Change --
 += SB 75 BUDGET: CAPITAL, SUPP. & OTHER APPROPS
 += SB 170 UNEMPLOYMENT AMENDMENTS: FED STIMULUS
 + Bills Previously Heard/Scheduled

HEALTH & SOCIAL SERVICES

Apr 10 Friday Butrovich 205 1:30 PM
 + HJR 10 VETERANS' HEALTH CARE
 + Bills Previously Heard/Scheduled

HEALTH & SOCIAL SERVICES (continued)

- Apr 13 Monday Butrovich 205 1:30 PM**
 + SB 105 FOSTER CARE/CINA/EDUCATION OF HOMELESS
 + OCS Hearing
 + Bills Previously Heard/Scheduled
- Apr 15 Wednesday Butrovich 205 1:30 PM**
 + SB 179 PARENTAL NOTICE OF MINOR'S ABORTION
 + HB 35 NOTICE & CONSENT FOR MINOR'S ABORTION
 + Bills Previously Heard/Scheduled
- Apr 17 Friday Butrovich 205 1:30 PM**
 + SB 172 ALASKA HEALTH CARE COMMISSION
 + Bills Previously Heard/Scheduled
-

JUDICIARY

- Apr 10 Friday Beltz 211 1:30 PM**
 += SB 54 PRICE GOUGING INVOLVING ENERGY RESOURCES
 + SB 68 FELONS' RIGHT TO VOTE
 + Bills Previously Heard/Scheduled
- Apr 13 Monday Butrovich 205 1:30 PM**
 Confirmation: Attorney General Wayne
 + Anthony Ross - Invited Testimony Only
 += HB 49 EMINENT DOMAIN: RECREATIONAL STRUCTURES
 + SB 156 COMPACT FOR JUVENILES; INTERSTATE COUNCIL
 + Bills Previously Heard/Scheduled
-

RESOURCES

- Apr 10 Friday Butrovich 205 3:30 PM**
 Confirmation Hearing:
 Judge Karl Johnstone - Board of Fish
 = SB 177 NO REPEAL OF SPORT FISH GUIDE LICENSING
 += SB 108 STAMPEDE STATE RECREATION AREA
 = HB 134 CRUISE SHIP WASTEWATER DISCHARGE PERMITS
 Overview: Alaska Fischer-Tropsch
 + Synthetic Fuels Pilot Program
 Mark K. Iden, Deputy Director,
 Operations Defense Energy Support Center
 + Bills Previously Heard/Scheduled
-

STATE AFFAIRS

Apr 14 Tuesday Beltz 211 9:00 AM
 += HJR 10 VETERANS' HEALTH CARE
 + HB 14 ALASKAN MALAMUTE AS STATE DOG
 + HB 156 ALLOWING CERTAIN LANDFILL FEE WAIVERS

JOINT COMMITTEES

LEGISLATIVE COUNCIL

Apr 14 Tuesday Senate Finance 532 5:00 PM
 Roll Call
 Approval of Minutes of April 2, 2009
 Legislative Coin Policy Approval
 Fairbanks Telephone Upgrade Approval
 Legis. Legal Representation Approval
 Amendment to Moving & Travel Policy
 - Waiver Fees
 Anchorage Office Space Proposal
 Bethel Lease (Executive Session)
 Other Business

CONFERENCE COMMITTEES

CONFERENCE COMMITTEE ON HB 81 & HB 83

Apr 11 Saturday Senate Finance 532 2:00 PM
 = HB 81 APPROP: OPERATING BUDGET/LOANS/FUNDS
 = HB 83 APPROP: MENTAL HEALTH BUDGET
 Open Items

Apr 13 Monday Senate Finance 532 8:00 AM
 = HB 81 APPROP: OPERATING BUDGET/LOANS/FUNDS
 = HB 83 APPROP: MENTAL HEALTH BUDGET
 Open Items

Apr 14 Tuesday Senate Finance 532 8:00 AM
 = HB 81 APPROP: OPERATING BUDGET/LOANS/FUNDS
 = HB 83 APPROP: MENTAL HEALTH BUDGET
 Open Items

OTHER MEETINGS

JOINT LEGISLATIVE HEALTH CAUCUS

May 13	Wednesday	Anch Lio Conf Rm	12:30 PM
	Week of the Uninsured		

JOINT SESSION

Apr 16	Thursday	House Chamber	11:00 AM
	Confirmation of Governor's Appointees		