

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SIXTH LEGISLATURE

SECOND SESSION

Juneau, Alaska

Wednesday

March 31, 2010

Seventy-second Day

Pursuant to adjournment the Senate was called to order by President Stevens at 10:46 a.m.

The roll showed nineteen members present. Senator McGuire was absent.

Senator Ellis moved and asked unanimous consent that Senator McGuire be excused from a call of the Senate to evening plane time today. Without objection, Senator McGuire was excused.

The prayer was offered by the Chaplain, Pastor Mike Rose of Juneau Christian Center. Senator Meyer moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Heavenly Father, thank you for this day that you have created. I pray that you help us to honor you in all we do. Lord, we pray for eyes to see, ears to hear and hearts to discern your ways and your will for our nation, for our state and for our individual lives.

As our first president, George Washington, declared in 1789: "It is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly implore His protection and favor."

Lord, thank you for the rich spiritual heritage that we have in our nation. May your name be praised, your favor increased, your people protected and your will be done in our lives today. In your name I pray.

Amen.

Senator Thomas led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor

HB 276

Message was read stating the Governor signed the following bill on March 30, 2010 and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CS FOR HOUSE BILL NO. 276(CRA) "An Act amending the description of parcels within the Fort Rousseau Causeway State Historical Park; and providing for an effective date."

Chapter 3, SLA 2010
Effective Date: 3/31/10

Messages from the House

Message dated March 30 was read stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HJR 49

CS FOR HOUSE JOINT RESOLUTION NO. 49(RES) BY THE HOUSE RESOURCES COMMITTEE,

Urging the United States Congress to enact S.J. Res. 26, a resolution disapproving the Environmental Protection Agency's imposition of climate regulations that would harm Alaska's economy and the livelihoods of the state's citizens.

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

First Reading and Reference of House Bills

HB 292

HOUSE BILL NO. 292 BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to grants to victims of a disaster in this state; and providing for an effective date."

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

HB 376

HOUSE BILL NO. 376 BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act extending the termination date of the Board of Psychologist and Psychological Associate Examiners; and providing for an effective date."

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

Communications

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

Statistical Report of the Power Cost Equalization Program Fiscal Year 2009; Twenty-First Edition dated March 2010
from the Alaska Energy Authority

AIDEA Strategic Plan, Investing in Alaskans
from the Alaska Industrial Development and Export Authority

Alaska Salmon Enhancement Program 2009 Annual Report dated
March 2010

from Bruce White, Division of Sport Fish and Commercial Fisheries,
Alaska Department of Fish and Game

Alaska Aerospace Corporation Expanding Horizons 2009 Annual
Report

from Sharon E. Anderson, Chair; Dale Nash, Chief Executive Officer;
and Thomas Case, President and Chief Operating Officer
in accordance with AS 14.40.866

The Economic Benefits of the Alaska Aerospace Corporation, FY
2009, dated March 2010

Prepared by Northern Economics for the Alaska Aerospace
Corporation

Standing Committee Reports

Report dated March 30 was read stating:

In accordance with AS 30.05.080, the Labor and Commerce
Committee reviewed the following and recommends the appointments
be forwarded to a joint session for consideration:

Alcoholic Beverage Control Board

Belen M. Cook - Cordova

State Board of Registration for Architects, Engineers, and Land Surveyors

Brian R. Hanson - Anchorage

Burdett B. Lent - Wasilla

Donald W. Shiesl - Wasilla

State Assessment Review Board

Roger W. Nash - Fairbanks

Board of Barbers and Hairdressers

Glenda Ledford - Wasilla
Jynal C. Radziukinas - Sitka

Board of Chiropractic Examiners

Verdie A. Bowen, Sr. - Wasilla
Dr. Walter L. Campbell - Palmer

Alaska Labor Relations Agency

Gary P. Bader - Anchorage
Daniel Repasky - Anchorage

Board of Marine Pilots

Richard A. Erickson - Ketchikan

Personnel Board

Dr. Keith J. Hamilton - Soldotna

Board of Certified Real Estate Appraisers

Clint H.A. Lentfer - Anchorage
Donna H. Rulien - Anchorage

Real Estate Commission

Marianne K. Burke - Anchorage

Regulatory Commission of Alaska

T. W. Patch - Anchorage

Board of Veterinary Examiners

Dr. Teresa L. Beck - Palmer
Dr. John E. Tuomi - Palmer

Alaska Workers' Compensation Board

Jeffrey R. Bizzarro - Two Rivers
James P. Fassler - Soldotna
John D. Garrett - Anchorage
Don E. Gray - Anchorage
Sarah L. Lefebvre - Fairbanks
Michael J. Notar - Juneau
Thomas J. Tibor - Anchorage
Janet L. Waldron - Anchorage

Workers' Compensation Appeals Commission

Laurence Keyes - Anchorage

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: Senator Paskvan, Chair; Senators Bunde, Davis, Thomas, Meyer.

SB 305

The Finance Committee considered SENATE BILL NO. 305 "An Act relating to the tax on oil and gas production; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 305(FIN) "An Act relating to that part of the tax on oil and gas production that increases the rate of tax as the production tax value of oil or the BTU equivalent barrel of gas increases above \$30, separating the determination of that rate between oil and gas, and making that rate distinct between oil and gas; relating to availability of a portion of the money received from the tax on oil and gas production for appropriation to the community revenue sharing fund; relating to the allocation of lease expenditures and adjustments to lease expenditures; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate Finance Committee

The bill was referred to the Rules Committee.

HB 377

The Labor and Commerce Committee considered HOUSE BILL NO. 377 "An Act exempting certain volunteer work by amateur sports officials from certain requirements of the Alaska Employment Security Act." Signing do pass: Senator Paskvan, Chair; Senators Bunde, Davis, Thomas, Meyer.

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

The bill was referred to the Rules Committee.

SCR 17

The Community and Regional Affairs Committee considered SENATE CONCURRENT RESOLUTION NO. 17 Establishing and relating to the Alaska Northern Waters Task Force. Signing do pass: Senator Olson, Chair; Senators Thomas, Menard, Kookesh. Signing no recommendation: Senator French.

The following fiscal information was published today:
Fiscal Note No. 1, Legislative Agency

The resolution was referred to the Finance Committee.

Consideration of the Calendar

Second Reading of Senate Bills

SB 129

SENATE BILL NO. 129 "An Act relating to state and municipal building code requirements for fire sprinkler systems in certain residential buildings" was read the second time.

Senator Paskvan, Chair, moved and asked unanimous consent for the adoption of the Labor and Commerce Committee Substitute offered on page 1946. Without objection, CS FOR SENATE BILL NO. 129(L&C) "An Act relating to municipal building code requirements for fire sprinkler systems in certain residential buildings" was adopted.

Recess

Senator Ellis moved and asked unanimous consent that the Senate stand in recess to the Joint Session. Without objection, the Senate recessed at 10:57 a.m.

After Recess**Joint Session in the House**

Speaker Chenault called the House to order and in accordance with Uniform Rule 51 turned the gavel over to President Stevens, who called the Joint Session to order at 11:08 a.m.

The purpose of the Joint Session was to hear an address by the Honorable Mark Begich, U.S. Senator.

Senator Ellis moved and asked unanimous consent that the roll call of the Senate be waived and all members be shown as present. Without objection, it was so ordered.

Representative Johansen moved and asked unanimous consent that the roll call of the House be waived and all members be shown as present. Without objection, it was so ordered.

President Stevens appointed Representative N. Foster and Senator Paskvan to escort Senator Begich to the Joint Session.

The Senate Sergeant at Arms, Emily Peyton, announced the Honorable Mark Begich's entrance to the House Chamber.

The Honorable Mark Begich was escorted to the rostrum and welcomed by President Stevens.

Senator Mark Begich delivered his address. This address appears in House and Senate Joint Journal Supplement No. 15.

Following his address, there was a question and answer period. Senator Begich received a standing ovation and was escorted from the chamber by Senator Paskvan and Representative N. Foster.

Senator Ellis moved and asked unanimous consent that the Joint Session stand in adjournment. Without objection, President Stevens adjourned the Joint Session at 12:00 p.m.

After Recess**In the Senate**

The Senate reconvened at 12:06 p.m.

Second Reading of Senate Bills (continued)**SB 129**

CS FOR SENATE BILL NO. 129(L&C) was before the Senate in second reading.

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. 129(L&C) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 129(L&C) "An Act relating to municipal building code requirements for fire sprinkler systems in certain residential buildings" pass the Senate?" The roll was taken with the following result:

CSSB 129(L&C)

Third Reading - Final Passage

YEAS: 17 NAYS: 0 EXCUSED: 1 ABSENT: 2

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

Excused: McGuire

Absent: Coghill, Dyson

and so, CS FOR SENATE BILL NO. 129(L&C) passed the Senate.

SB 217

SENATE BILL NO. 217 "An Act relating to the issuance of state-guaranteed revenue bonds by the Alaska Housing Finance Corporation to finance mortgages for qualifying veterans; 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 2001. Without objection, CS FOR SENATE BILL NO. 217(FIN) "An Act relating to the issuance of state-guaranteed revenue bonds by the Alaska Housing Finance Corporation to finance mortgages for qualifying veterans; authorizing the Alaska Housing Finance Corporation to acquire the building that it occupies for an amount that does not exceed \$14,500,000; authorizing the Alaska Housing Finance Corporation to acquire a building or purchase an undesignated site for the relocation of its public housing client intake and assisted housing center for an amount that does not exceed \$3,500,000; 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. 217(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 217(FIN) "An Act relating to the issuance of state-guaranteed revenue bonds by the Alaska Housing Finance Corporation to finance mortgages for qualifying veterans; authorizing the Alaska Housing Finance Corporation to acquire the building that it occupies for an amount that does not exceed \$14,500,000; authorizing the Alaska Housing Finance Corporation to acquire a building or purchase an undesignated site for the relocation of its public housing client intake and assisted housing center for an amount that does not exceed \$3,500,000; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 217(FIN)

Third Reading - Final Passage

Effective Date

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

Yeas: Bunde, Coghill, Davis, Egan, Ellis, French, Hoffman, Huggins, Kookesh, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wagoner, Wielechowski

Excused: McGuire

Absent: Dyson

and so, CS FOR SENATE BILL NO. 217(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 clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Reconsideration of Senate Bills

SB 129

Senator Ellis gave notice of reconsideration on CS FOR SENATE BILL NO. 129(L&C) "An Act relating to municipal building code requirements for fire sprinkler systems in certain residential buildings" and moved and asked unanimous consent that it be taken up at this time. Senator Bunde objected.

The question being: "Shall the reconsideration be taken up on the same day?" The roll was taken with the following result:

CSSB 129(L&C)

Take up Reconsideration?

YEAS: 15 NAYS: 3 EXCUSED: 1 ABSENT: 1

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

Nays: Bunde, Coghill, Wagoner

Excused: McGuire

Absent: Dyson

and so, CS FOR SENATE BILL NO. 129(L&C) was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 129(L&C) "An Act relating to municipal building code requirements for fire sprinkler systems in certain residential buildings" pass the Senate?" The roll was taken with the following result:

CSSB 129(L&C)

Third Reading - On Reconsideration

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

Yeas: Bunde, Coghill, Davis, Egan, Ellis, French, Hoffman, Huggins, Kookesh, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wagoner, Wielechowski

Excused: McGuire

Absent: Dyson

and so, CS FOR SENATE BILL NO. 129(L&C) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

Second Reading of Senate Resolutions

SJR 21

SENATE JOINT RESOLUTION NO. 21 Proposing amendments to the Constitution of the State of Alaska relating to and increasing the number of members of the house of representatives to forty-eight and the number of members of the senate to twenty-four, was read the second time.

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

SENATE JOINT RESOLUTION NO. 21 was read the third time.

The question being: "Shall SENATE JOINT RESOLUTION NO. 21 Proposing amendments to the Constitution of the State of Alaska relating to and increasing the number of members of the house of representatives to forty-eight and the number of members of the senate to twenty-four, pass the Senate?" The roll was taken with the following result:

SJR 21

Third Reading - Final Passage

YEAS: 14 NAYS: 5 EXCUSED: 1 ABSENT: 0

Yeas: Coghill, Davis, Egan, Ellis, French, Hoffman, Kookesh, Menard, Meyer, Olson, Paskvan, Stedman, Thomas, Wielechowski

Nays: Bunde, Dyson, Huggins, Stevens, Wagoner

Excused: McGuire

and so, SENATE JOINT RESOLUTION NO. 21 passed the Senate.

Senator Coghill gave notice of reconsideration.

Citations

Honoring - Dee Longenbaugh

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

Representative(s) Kerttula, Munoz

Senator Ellis moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 129

CS FOR SENATE BILL NO. 129(L&C) "An Act relating to municipal building code requirements for fire sprinkler systems in certain residential buildings" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 217

CS FOR SENATE BILL NO. 217(FIN) "An Act relating to the issuance of state-guaranteed revenue bonds by the Alaska Housing Finance Corporation to finance mortgages for qualifying veterans; authorizing the Alaska Housing Finance Corporation to acquire the building that it occupies for an amount that does not exceed \$14,500,000; authorizing the Alaska Housing Finance Corporation to acquire a building or purchase an undesignated site for the relocation of its public housing client intake and assisted housing center for an amount that does not exceed \$3,500,000; 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 11:00 a.m., April 1, 2010. Without objection, the Senate adjourned at 12:42 p.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 01 Thursday Beltz 105 (tsbldg) 3:30 PM
 + SB 308 COMMUNITY REVENUE SHARING PROGRAM
 + Bills Previously Heard/Scheduled

EDUCATION

Mar 31 Wednesday Beltz 105 (tsbldg) 8:00 AM
 Bills Previously Heard/Scheduled
 += HB 360 YOUTH ACADEMY: STUDENT RECORDS

Apr 02 Friday Beltz 105 (tsbldg) 8:00 AM
 Bills Previously Heard/Scheduled

FINANCE

Mar 31 Wednesday Senate Finance 532 9:00 AM
 += SB 305 SEPARATE OIL & GAS PRODUCTION TAX
 + SB 33 POSTSECONDARY SCHOLARSHIPS
 + SB 139 INCENTIVES FOR CERTAIN MEDICAL PROVIDERS
 + SB 174 PROF STUDENT EXCHANGE LOAN FORGIVENESS
 + SB 235 CHARTER/ALTERNATIVE SCHOOL FUNDING
 + SB 236 TAX CREDITS FOR EDUCATIONAL CONTRIBUTIONS
 + SB 224 POSTSECONDARY SCHOLARSHIPS
 + Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 01 Thursday Senate Finance 532 9:00 AM
 += SB 237 SCHOOL CONSTRUCTION DEBT REIMBURSEMENT
 += SB 174 PROF STUDENT EXCHANGE LOAN FORGIVENESS
 += SB 235 CHARTER/ALTERNATIVE SCHOOL FUNDING
 += SB 236 TAX CREDITS FOR EDUCATIONAL CONTRIBUTIONS
 += SB 224 POSTSECONDARY SCHOLARSHIPS
 += SB 230 BUDGET: CAPITAL, SUPP. & OTHER APPROPS
 <Bill Hearing Canceled>
 + HB 326 SUPPLEMENTAL/OTHER APPROPRIATIONS
 <Bill Hearing Canceled>
 + Bills Previously Heard/Scheduled

Apr 02 Friday Senate Finance 532 9:00 AM
 + Dept of Natural Resources- Presentation
 On AGIA Regulations
 -- Testimony <Invitation Only> --
 + Bills Previously Heard/Scheduled

Apr 03 Saturday Senate Finance 532 11:00 AM
 + Bills Previously Heard/Scheduled

HEALTH & SOCIAL SERVICES

Mar 31 Wednesday Butrovich 205 1:30 PM
 No Meeting Scheduled

Apr 02 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

JUDICIARY

Mar 31 Wednesday Beltz 105 (tsbldg) 1:30 PM
 + Confirmations: Select Committee on
 Legislative Ethics
 + SB 249 PUBLIC RECORDS/ELECTRONIC TRANSMISSIONS
 + HB 108 PROP. FORECLOSURE/EXECUTION/TRUST DEEDS
 + Bills Previously Heard/Scheduled

Apr 02 Friday Beltz 105 (tsbldg) 1:30 PM
 += SB 241 POST-CONVICTION DNA TESTING; EVIDENCE
 + Bills Previously Heard/Scheduled

SENATE JOURNAL

March 31, 2010

2055

LABOR & COMMERCE

Apr 01 Thursday Beltz 105 (tsbldg) 1:30 PM
-- Please Note Time Change --
+ SB 38 PHARMACY BENEFITS MANAGERS; MANAGED CARE
+= SB 303 WORKERS' COMPENSATION AND CONTRACTORS
+= SB 304 ENTITY TRANSACTIONS ACT
+ Bills Previously Heard/Scheduled

RESOURCES

Mar 31 Wednesday Butrovich 205 3:30 PM
+ Overview by DOR & DNR on Cook Inlet Gas Incentives
+ SB 309 GAS EXPLORATION\DEVELOPMENT TAX CREDIT
+ SB 290 TAX CREDIT TO DRILL WELLS IN COOK INLET
+ HB 280 NATURAL GAS: STORAGE/ TAX CREDITS
Bills Previously Heard/Scheduled

Apr 01 Thursday Butrovich 205 3:30 PM
+ Overview from the Administration on In-State Gas
+ Overview from Experts on Export License Issues
+ Update from Conoco Philips on Gas Export Facility
+ HB 369 IN-STATE PIPELINE/ MANAGER/TEAM
+ Bills Previously Heard/Scheduled

Apr 02 Friday Butrovich 205 3:30 PM
Continuation of any Overviews or Bills
Not Completed in Previous Hearings
+ Bills Previously Heard/Scheduled

Apr 03 Saturday Butrovich 205 11:00 AM
Continuation of Overviews or Bills Not
Completed in Previous Hearings
Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 01 Thursday Beltz 105 (tsbldg) 9:00 AM
-- MEETING CANCELED --
+ HB 73 FIREFIGHTER/EMT LICENSE PLATES
+ HB 225 STATE PROCUREMENT CODE
Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 01 Thursday Butrovich 205 1:00 PM
 HB 262 MOTORCYCLE/SCOOTER AWARENESS MONTH

JOINT COMMITTEES

ARMED SERVICES COMMITTEE

Apr 08 Thursday Senate Finance 532 8:00 AM
 + Briefing on Alaska Military Force
 Advocacy and Structure Team by General Katkus
 -- Testimony <Invitation Only> --

OTHER MEETINGS

JOINT SESSION

Mar 31 Wednesday House Chamber 11:00 AM
 Annual Address by the Honorable
 Mark Begich, U.S. Senator

Apr 09 Friday House Chamber 11:00 AM
 Confirmation of Governor's Appointees

MISCELLANEOUS MEETING

Apr 01 Thursday Beltz 105 (tsbldg) 12:00 PM
 + Lunch and Learn Session
 Sponsored by the Senate Energy Committee,
 'Rare Earth Elements, Alaska's Bokan Mountain'

Apr 06 Tuesday Capitol 106 12:00 PM
 Lunch and Learn Session
 Sponsored by the Senate Energy Committee
 and Senator Joe Thomas
 'The Susitna Dam from Delta to Donlin to Dillingham'
 Presented by Bryan Carey, AEA Project Engineer & Jim
 Strandberg, AEA Project Manager