

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SEVENTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Friday

March 25, 2011

Sixty-seventh Day

Pursuant to adjournment the Senate was called to order by President Stevens at 10:01 a.m.

The roll showed eighteen members present. Senator McGuire was excused from a call of the Senate. Senator Kookesh was absent.

The prayer was offered by the Chaplain, Father Simeon Johnson of St. Nicholas Russian Orthodox Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

For my final offering this week, I will share a brief thought from a contemporary Greek elder from Mount Athos, the most influential center of Monasticism in the Orthodox world:

If each one of us doesn't improve himself so that there will be more goodness in the world, how will goodness ever prevail in a good way? (Elder Paisios of Athos, *Athonite Ways and Athonite Matters*, 1999)

Today's prayer is a prayer from the Divine Liturgy of John Chrysostom. It is recited by the priest while the congregation prays the Great Litany:

O thou who hast bestowed on us these common and united supplications and dost promise that when two or three are of one accord in thy name thou wilt grant their requests: do thou also now fulfill the desires and petitions of thy servants as may be most expedient for

them, granting us in this age the knowledge of thy truth, and in the age to come, life everlasting. For Thou art a good God and lovest mankind, and unto Thee we ascribe glory: to the Father, and to the Son, and to the Holy Spirit, now and ever and unto ages of ages. Amen.

Senator Olson led the Senate in the Pledge of Allegiance.

Certification

Senator Meyer moved and asked unanimous consent that the journals for the sixty-fifth and sixty-sixth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

The presence of Senator Kookesh was noted.

Messages from the House

Message dated March 23 was read stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 19

HOUSE BILL NO. 19 BY REPRESENTATIVES LYNN, KELLER, GATTO, P. Wilson, Johnson, entitled:

"An Act relating to special request registration plates; and providing for an effective date."

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

HB 119

CS FOR HOUSE BILL NO. 119(EDT) BY THE HOUSE SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT, TRADE, AND TOURISM, entitled:

"An Act relating to the procurement of supplies, services, professional services, and construction for the Alaska Industrial Development and Export Authority; relating to the definition of 'own' for the economic development account; relating to the definitions of 'development project', 'plant', 'facility', and 'project' for the Alaska Industrial Development and Export Authority; relating to the Alaska Industrial Development and Export Authority creating subsidiaries regarding projects financed under AS 44.88.172; and providing for an effective date."

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

HB 166

CS FOR HOUSE BILL NO. 166(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to performance reviews and audits of executive and legislative branch agencies, the University of Alaska, and the Alaska Court System; and providing for an effective date."

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

Communications

Disclosure letters received in accordance with AS 24.60 will be published in Senate Journal Supplement No. 2 and House and Senate Joint Journal Supplement No. 6.

Standing Committee Reports**SB 95**

The Transportation Committee considered SENATE BILL NO. 95 "An Act naming the ferry terminal located at Auke Bay in Juneau the Frank Palmer Ferry Terminal." Signing do pass: Senator Kookesh, Chair; Senators Huggins, Menard, Egan.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Transportation and Public
Facilities

The bill was referred to the Finance Committee.

Introduction and Reference of Senate Bills

SB 114

SENATE BILL NO. 114 BY SENATORS KOOKESH, Hoffman,
entitled:

"An Act creating the Holitna River Basin Range."

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

SB 115

SENATE BILL NO. 115 BY THE SENATE LABOR AND
COMMERCE COMMITTEE, entitled:

"An Act defining portable electronics insurance and
authorizing the director of insurance to issue a
limited producer license to a person that sells
portable electronics insurance."

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

SB 116

SENATE BILL NO. 116 BY THE SENATE LABOR AND
COMMERCE COMMITTEE, entitled:

"An Act offering mediation of disputed workers'
compensation claims by a hearing officer or other
classified employee of the division of workers'
compensation and allowing collective bargaining
agreements to supersede certain provisions of the
Alaska Workers' Compensation Act; and providing
for an effective date."

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

Consideration of the Calendar**Citations**

Honoring - Olivia Pfeifer, 2011 Prudential Spirit of Community Award

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

In Memoriam - Bailey Paul Jr.

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

In Memoriam - Ronald Dean "Ron" Young

Representative(s) Thompson

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

In Memoriam - Jean Williams

Representative(s) Guttenberg, Gara

Senator(s) Thomas, Ellis, Stevens, Coghill, Davis, Dyson, Egan, Giessel, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, 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**SR 3**

Senator Meyer moved and asked unanimous consent to take up SENATE RESOLUTION NO. 3 Urging the North Pacific Fishery Management Council to amend the groundfish fisheries management plan for the Gulf of Alaska to allow for an annually adjusted cap of prohibited species catch based on an abundance of bycatch species,

and expeditiously to implement a Chinook bycatch cap to limit the number of Chinook salmon harvested as bycatch in the Gulf of Alaska, which had been held on the Secretary's desk (page 592). Without objection, it was so ordered.

SENATE RESOLUTION NO. 3 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE RESOLUTION NO. 3 Urging the North Pacific Fishery Management Council to amend the groundfish fisheries management plan for the Gulf of Alaska to allow for an annually adjusted cap of prohibited species catch based on an abundance of bycatch species, and expeditiously to implement a Chinook bycatch cap to limit the number of Chinook salmon harvested as bycatch in the Gulf of Alaska, pass the Senate?" The roll was taken with the following result:

SR 3

Final Passage

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

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

Excused: McGuire

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

SB 94

President Stevens added a Finance Committee referral to SENATE BILL NO. 94 "An Act adding a second verse to the official Alaska state song."

The bill was referred to the Finance Committee.

SB 30

Senator French moved and asked unanimous consent that SENATE BILL NO. 30 "An Act providing for the release of certain property in the custody of a law enforcement agency to the owner under certain conditions" be returned to the Judiciary Committee. Without objection, the bill was returned to the Judiciary Committee.

Senator Ellis moved and asked unanimous consent to be excused from a call of the Senate on March 28, to morning plane time. Without objection, Senator Ellis was excused.

Senator French moved and asked unanimous consent that the Senate return to Introduction of Guests. Without objection, the Senate returned to Introduction of Guests.

Standing Committee Reports

Report dated March 23 was read stating:

In accordance with AS 39.05.080, the Judiciary Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Alaska Police Standards Council

Mark Mew

Richard Burton

Violent Crimes Compensation Board

Nora Barlow

Commission on Judicial Conduct

Amy Demboski

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 French, Chair; Senators Coghill, Paskvan, Wielechowski.

Report dated March 23 was read stating:

In accordance with AS 39.05.080, the Resources Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Commissioner – Department of Fish and Game

Cora Campbell

Commissioner – Department of Natural Resources

Dan Sullivan

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: Senators Wagoner, Paskvan, Cochairs; Senators French, Wielechowski, Stevens.

Unfinished Business

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, April 6 through morning plane time, April 11. Without objection, Senator Wagoner was excused.

Announcements

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., March 28, 2011. Without objection, the Senate adjourned at 10:41 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

COMMUNITY & REGIONAL AFFAIRS

Mar 29 Tuesday Beltz 105 (tsbldg) 3:30 PM

-- Note Time Change --

+ Price of Oil's Impact to State and Municipal Governments

<Above Item Removed from Agenda>

+ Bills Previously Heard/Scheduled

Mar 31 Thursday Beltz 105 (tsbldg) 3:30 PM

+ Confirmation Hearing: Susan Bell, Commissioner, Department
of Commerce, Community and Economic Development

+ Alaska Coastal Management Plan

EDUCATION

Mar 25 Friday Beltz 105 (tsbldg) 8:00 AM

+= SB 6 PREKINDERGARTEN SCHOOL PROGRAMS/PLANS

+ Bills Previously Heard/Scheduled

Mar 28 Monday Barnes 124 8:00 AM

-- Note Location --

Joint with House Education Committee

+ Board Appointee Confirmation Hearings:

Pat Shier

Board of Education and Early Development

Richard Lum

Professional Teaching Practices Commission

Stephen Atwater

Professional Teaching Practices Commission

Jyotsna "Jo" Heckman, Board of Regents

Michael Powers, Board of Regents

EDUCATION (continued)

Mar 30 Wednesday Beltz 105 (tsbldg) 8:00 AM
 += SB 6 PREKINDERGARTEN SCHOOL PROGRAMS/PLANS
 + Bills Previously Heard/Scheduled

Apr 01 Friday Beltz 105 (tsbldg) 8:00 AM
 += SB 6 PREKINDERGARTEN SCHOOL PROGRAMS/PLANS
 + Bills Previously Heard/Scheduled

FINANCE

Mar 25 Friday Senate Finance 532 9:00 AM
 -- MEETING CANCELED --
 + Department of Transportation Overview:
 Roads to Resources (Postponed to 3/31/11)
 Uniform Rule 23 Waived
 += HB 108 APPROP: OPERATING BUDGET/LOANS/FUNDS
 += HB 109 APPROP: MENTAL HEALTH BUDGET
 + Bills Previously Heard/Scheduled

Mar 28 Monday Senate Finance 532 9:00 AM
 += SB 102 AK AFFORDABLE HEATING PROGRAM PAYMENTS
 + SB 70 ALASKA HEALTH BENEFIT EXCHANGE
 + SB 87 GRANTS FOR SENIORS' MEDICAL CARE
 + Bills Previously Heard/Scheduled

Mar 29 Tuesday Senate Finance 532 9:00 AM
 + Bills Previously Heard/Scheduled

Mar 30 Wednesday Senate Finance 532 9:00 AM
 += SB 19 PASSENGER VEHICLE RENTAL TAX
 + SB 92 DENTISTS/DENTAL HYGIENISTS/ASSISTANTS
 + SB 66 AIDEA: NEW MARKETS TAX CREDIT PROGRAM
 + SB 90 BOARD OF PUBLIC ACCOUNTANCY SECRETARY
 + SB 94 SECOND VERSE OF ALASKA'S STATE SONG
 + Bills Previously Heard/Scheduled

Mar 31 Thursday Senate Finance 532 9:00 AM
 + Department of Transportation Overview:
 Roads to Resources (Postponed from 3/25/11)
 + Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 01 Friday Senate Finance 532 9:00 AM
 + Confirmation Hearing:
 Commissioner Bryan Butcher, Department of Revenue
 += HB 16 EXTEND SENIOR BENEFITS PAYMENT PROGRAM
 + Bills Previously Heard/Scheduled

HEALTH & SOCIAL SERVICES

Mar 25 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

Mar 28 Monday Butrovich 205 1:30 PM
 += SB 5 MEDICAL ASSISTANCE ELIGIBILITY
 + Bills Previously Heard/Scheduled

Mar 30 Wednesday Butrovich 205 1:30 PM
 + SCR 7 FETAL ALCOHOL SPECTRUM DISORDERS DAY
 + SB 22 STUDENT ATHLETE TRAUMATIC BRAIN INJURIES
 + SB 74 INS. COVERAGE: AUTISM SPECTRUM DISORDER
 + Bills Previously Heard/Scheduled

Apr 01 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

JUDICIARY

Mar 25 Friday Beltz 105 (tsbldg) 1:30 PM
 += HB 7 SYNTHETIC CANNABINOIDS
 + SB 101 ENTITY TRANSACTIONS ACT
 + Bills Previously Heard/Scheduled

Mar 28 Monday Beltz 105 (tsbldg) 1:30 PM
 += SB 98 BIOMETRIC INFORMATION FOR ID
 + SB 15 SEX OFFENDER/UNDERAGE ALCOHOL OFFENSE
 + Bills Previously Heard/Scheduled

Mar 30 Wednesday Beltz 105 (tsbldg) 1:30 PM
 += SB 86 PROTECTION OF VULNERABLE ADULTS/MINORS
 + SB 82 FOSTER CARE LICENSING/STATE CUSTODY
 + SB 110 HUMAN TRAFFICKING/SEX OFFENSES
 + Bills Previously Heard/Scheduled

JUDICIARY (continued)

Apr 01 Friday Beltz 105 (tsbldg) 1:30 PM
 + Board Confirmations: Alaska Judicial Council
 + SB 78 LIQUOR LICENSE HOLDER LIABILITY
 <Pending Referral>
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 29 Tuesday Beltz 105 (tsbldg) 2:00 PM
 -- Note Meeting Time Change --
 + SB 100 PERS TERMINATION COSTS
 + HB 13 WORKERS' COMPENSATION: MEDICAL FEES
 + Bills Previously Heard/Scheduled

Mar 31 Thursday Beltz 105 (tsbldg) 2:00 PM
 -- Note Meeting Time Change --
 + Governor's Appointments
 + HB 119 AIDEA: PROCUREMENT; PROJECTS
 + Bills Previously Heard/Scheduled

RESOURCES

Mar 25 Friday Butrovich 205 3:30 PM
 + SJR 2 LIMIT FEDERAL INTERVENTION IN STATE
 += SB 85 TAX CREDIT FOR NEW OIL & GAS DEVELOPMENT
 Bills Previously Heard/Scheduled

Mar 28 Monday Butrovich 205 3:30 PM
 Bills Previously Heard/Scheduled
 += SB 85 TAX CREDIT FOR NEW OIL & GAS DEVELOPMENT
 Question/Answers by Departments/Agencies:
 AOGCC, DOR, DNR
 + Senate Concurrent Resolution:
 Taku River Task Force
 <Pending Introduction & Referral>
 -- Includes Public Comment --
 + HJR 19 URGING US TO RATIFY LAW OF THE SEA TREATY
 -- Includes Public Comment --

RESOURCES (continued)

Mar 30 Wednesday Butrovich 205 3:30 PM
 += SB 85 TAX CREDIT FOR NEW OIL & GAS DEVELOPMENT
 -- Public Comment and Invited Testimony --
 += SB 49 PRODUCTION TAX ON OIL AND GAS
 -- Public Comment and Invited Testimony --

Apr 01 Friday Butrovich 205 3:30 PM
 += SB 85 TAX CREDIT FOR NEW OIL & GAS DEVELOPMENT
 -- Public Comment and Invited Testimony --
 += SB 49 PRODUCTION TAX ON OIL AND GAS
 -- Public Comment and Invited Testimony --

STATE AFFAIRS

Mar 29 Tuesday Butrovich 205 9:00 AM
 += SB 53 COMMISSION ON THE STATUS OF WOMEN
 -- Public Testimony Closed --
 + SB 104 MANUFACTURED HOMES AS REAL PROPERTY
 + Bills Previously Heard/Scheduled

Mar 31 Thursday Butrovich 205 9:00 AM
 += SB 89 LEGISLATIVE ETHICS ACT
 -- Public Testimony Closed --
 + Bills Previously Heard/Scheduled

TRANSPORTATION

Mar 29 Tuesday Butrovich 205 1:00 PM
 + SB 108 SPC. STEPHEN "MAX" CAVANAUGH OVERPASS
 + Bills Previously Heard/Scheduled

Mar 31 Thursday Butrovich 205 1:00 PM
 + Bills Previously Heard/Scheduled

JOINT COMMITTEES**HIGHER EDUC/CAREER READINESS TASK FORCE**

Mar 26 Saturday Capitol 106 9:00 AM
 + Final Meeting
 Draft Final Recommendations
 -- Testimony <Invitation Only> --

LEGISLATIVE BUDGET & AUDIT

Mar 29 **Tuesday** **House Finance 519** **8:00 AM**
Audits: Executive Session
+ Other Committee Business
-- Teleconference <Invitation Only> --

LEGISLATIVE COUNCIL

Apr 07 **Thursday** **House Finance 519** **11:00 AM**
Agenda Forthcoming

OTHER MEETINGS**FISH CAUCUS**

Mar 29 **Tuesday** **Capitol 106** **12:00 PM**
+ "The Graying of the Fleet"
Paula Cullenberg and Glenn Haight
A Discussion Related to the Commercial Fishing
Fleets Demographics