

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SEVENTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Tuesday

April 12, 2011

Eighty-fifth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:05 a.m.

The roll showed eighteen members present. Senators McGuire, Olson were absent.

The prayer was offered by the Chaplain, Senator French. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Father of night, Father of day
Father who taketh the darkness away
Father who teacheth the bird to fly
Builder of rainbows up in the sky
Father of loneliness and pain
Father of love and Father of rain

Father of day, Father of night
Father of black and Father of white
Father who build the mountain so high
Who shapeth the cloud up in the sky
Father of time and Father of dreams
Father who turneth the rivers and streams

Father of grain, Father of wheat
Father of cold and Father of heat
Father of air and Father of trees

Who dwells in our hearts and our memories
Father of minutes and Father of days
Father in whom we most solemnly praise

Amen.

Senator Egan led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Messages dated April 11 were read stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HJR 24

HOUSE JOINT RESOLUTION NO. 24 BY REPRESENTATIVES
P.WILSON, Johansen, Kerttula, Johnson,

Urging the United States Congress to reauthorize the
Secure Rural Schools and Communities Self-
Determination Act of 2000.

was read the first time and referred to the Community and Regional
Affairs Committee.

HCR 5

CS FOR HOUSE CONCURRENT RESOLUTION NO. 5(HSS) BY
THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE,

Relating to prevention of disease and to vitamin D.

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

First Reading and Reference of House Bills**HB 1**

CS FOR HOUSE BILL NO. 1(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act stating a public policy that allows a person to accept or decline any offered mode of securing health care services."

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

HB 6

CS FOR HOUSE BILL NO. 6(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act authorizing the governor to remove or suspend a member of the Board of Regents of the University of Alaska for good cause; and establishing a procedure for the removal or suspension of a regent."

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

HB 8

CS FOR HOUSE BILL NO. 8(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to certain federal statutes, regulations, presidential executive orders, and secretarial orders; relating to the duties of the attorney general; and providing for an effective date."

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

The presence of Senator Olson was noted.

HB 146

CS FOR HOUSE BILL NO. 146(RES) BY THE HOUSE RESOURCES COMMITTEE, entitled:

"An Act authorizing the transfer of land from the State of Alaska and the Alaska Railroad Corporation to property owners along the Eielson Spur Line; and providing for an effective date."

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

HB 160

CS FOR HOUSE BILL NO. 160(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to state tourism marketing contracts with qualified trade associations and to tourism marketing campaigns; and providing for an effective date."

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

HB 204

HOUSE BILL NO. 204 BY REPRESENTATIVES FAIRCLOUGH, Neuman, P.Wilson, Costello, Saddler, entitled:

"An Act relating to the State Procurement Code, including the use of small procurement provisions for certain amounts of leased space, the requirement of Alaska business license proof for Alaska bidder and other procurement preferences, the registration of construction contract bidders and offerors, the establishment and maintenance of lists of persons who want to provide supplies or services to the state, state agencies, and state instrumentalities, electronic bids and proposals, small procurements, and writings; and providing for an effective date."

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

HB 205

HOUSE BILL NO. 205 BY REPRESENTATIVES FAIRCLOUGH, Neuman, P.Wilson, Costello, Saddler, entitled:

"An Act relating to state and public entity procurement, including the State Procurement Code, procurement preferences, and contract awards; relating to the meaning of 'Alaska bidder'; and providing for an effective date."

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

HB 215

CS FOR HOUSE BILL NO. 215(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to the judicial review of a right-of-way lease or the development or construction of an oil or gas pipeline on state land; and relating to the lease of a right-of-way by the Alaska Housing Finance Corporation for a gas pipeline transportation corridor."

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

Standing Committee Reports**SB 119**

The Health and Social Services Committee considered SENATE BILL NO. 119 "An Act relating to the licensing and regulation of athletic trainers" and recommended it be replaced with

CS FOR SENATE BILL NO. 119(HSS) "An Act relating to athletic trainers."

Signing do pass: Senator Davis, Chair; Senators Meyer, Egan, Dyson.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, Department of Commerce, Community and Economic Development

President Stevens added a Finance Committee referral to the bill. The bill was referred to the Labor and Commerce, then Finance Committees.

HB 19

The State Affairs Committee considered HOUSE BILL NO. 19 "An Act relating to special request registration plates; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 19(STA)

Signing do pass: Senator Wielechowski, Chair. Signing no recommendation: Senators Paskvan, Kookesh, Meyer, Giessel.

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

The bill was referred to the Transportation Committee.

HB 101

The State Affairs Committee considered CS FOR HOUSE BILL NO. 101(STA) "An Act establishing the fourth Saturday of July each year as Ted Stevens Day." Signing do pass: Senator Wielechowski, Chair; Senators Kookesh, Paskvan, Meyer, Giessel.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Legislative Agency

The bill was referred to the Rules Committee.

HB 155

President Stevens added a Finance Committee referral to CS FOR HOUSE BILL NO. 155(L&C) "An Act relating to the applicability of prevailing wage rates to public construction contracts; and, with regard to public construction contracts, relating to notifications, bonding notifications, filings, notices, primary contractors, final payments, penalties, advertised specifications, required contract provisions, terminations, lists of violating contractors, and remedies."

The bill was referred to the Labor and Commerce, then Finance Committees.

SCR 11

The State Affairs Committee considered SENATE CONCURRENT RESOLUTION NO. 11 Designating August 18, 2011, as Walter J. Hickel Day of the Arctic. Signing do pass: Senator Wielechowski, Chair; Senators Kookesh, Paskvan, Meyer, Giessel.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate State Affairs Committee

The resolution was referred to the Rules Committee.

Introduction and Reference of Senate Bills**SB 125**

SENATE BILL NO. 125 BY SENATOR MEYER, entitled:

"An Act relating to certain vehicles, including trailers; and relating to motor vehicle dealer advertising, motor vehicle dealer sales of used motor vehicles, motor vehicle sales contracts, motor vehicle service contracts, and motor vehicle sales financing."

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

SB 126

SENATE BILL NO. 126 BY SENATOR MCGUIRE, entitled:

"An Act relating to a producer state energy symposium; and providing for an effective date."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 5**

SENATE BILL NO. 5 "An Act relating to eligibility requirements for medical assistance for certain children and pregnant women; and providing for an effective date" was read the second time.

President Stevens stated SENATE BILL NO. 5 will advance to third reading on the April 13 calendar.

Citations

Senator Meyer moved and asked unanimous consent that the verbal reading of the citations be waived. Without objection, the reading of the citations was waived.

Honoring - U.S. Coast Guard Base Kodiak

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

Representative(s) Austerman

Honoring - Robert Service High School, Boys Cross Country Running 2010 State Champions

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

Representative(s) Millett

Honoring - Robert Service High School, Boys Cross Country Ski Team 2011 State Champions

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

Representative(s) Millett

Honoring - Robert Service High School, Girls Swim Team 2010-2011 State Champions

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

Representative(s) Millett

Honoring - Healy Coal Kings Pee Wee Tier IV Alaska State Hockey Champions

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

Representative(s) Guttenberg

Honoring - Mary Louise Molenda

Representative(s) Seaton

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

Honoring - Voznesenka Cougars, 2010 Eight-Man Football State Champions

Representative(s) Seaton

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

Honoring - Alaska Supreme Court Justice Robert L. Eastaugh

Representative(s) Gruenberg

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

Honoring - South Addition Voluntary Clean-Up Group

Representative(s) Gara

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

Honoring - Willow Winter Golf Classic

Representative(s) Neuman

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

Honoring - Rural Cap Head Start and Parents as Teachers Programs in Toksook Bay

Representative(s) Herron

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

Honoring - Ann Glasheen, 2010 Women's Nurse Practitioner of the Year

Representative(s) Herron

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

Honoring - Bethel Regional High School Warriors, 2010 Class 1-2-3A State Wrestling Champs

Representative(s) Herron

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

Honoring - Timothy Debilt, 2009-2010 Teacher of the Year, Lower Kuskokwim School District

Representative(s) Herron

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

Honoring - Diane McEachern

Representative(s) Herron

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

Honoring - Matanuska-Susitna Convention & Visitor Bureau 25th Anniversary

Representative(s) Gatto

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

Honoring - Kathleen Plunkett

Representative(s) Gruenberg

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

In Memoriam - Ray Clapp

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

Representative(s) Seaton

In Memoriam - Edwin J. Klopp

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

Representative(s) Austerman

In Memoriam - Glenn Robert Gregory

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

In Memoriam - Dr. William (Bill) Harlan James

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

In Memoriam - Charles "Chuck" Ray Hart Sr.

Representative(s) Seaton

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

In Memoriam - Virginia Morsey Wheeler Talley

Representative(s) Seaton

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

In Memoriam - Steve W. Hackett

Representative(s) Seaton

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

In Memoriam - Arthur Leroy Griffith

Representative(s) Seaton

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

In Memoriam - Valerie Byrd

Representative(s) Seaton

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

In Memoriam - C.E. "Red" Calhoun

Representative(s) Seaton

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

In Memoriam - Carol Mary Vath Moss

Representative(s) Seaton

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

In Memoriam - William Alban Greene

Representative(s) Stoltze

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

In Memoriam - Gregory Alan Kruschek

Representative(s) Foster

Senator(s) Olson, Stevens, Coghill, Davis, Dyson, Egan, Ellis, Giessel, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Paskvan, Stedman, Thomas, 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**HB 19**

Senator Kookesh, Chair, moved and asked unanimous consent that the Transportation Committee referral be waived on HOUSE BILL NO. 19 "An Act relating to special request registration plates; and providing for an effective date." Without objection, the bill was referred to the Rules Committee.

Senator Giessel moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, August 18 through morning plane time, August 22. Without objection, Senator Giessel was excused.

Announcements

Rule 23(d) of the Alaska State Legislature Uniform Rules is currently in effect.

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., April 13, 2011. Without objection, the Senate adjourned at 11:29 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

Apr 12 Tuesday Butrovich 205 3:00 PM
 -- Location Change --
 -- Meeting Rescheduled from 4/11/11 --
 + HJR 17 WATER & WASTE WATER REGULATION
 + HB 197 HOME ENERGY RATING SYSTEM
 + HJR 27 RELOCATE COASTAL VILLAGES REGION FUND

FINANCE

Apr 12 Tuesday Senate Finance 532 2:30 PM
 -- MEETING CANCELED --
 -- Time Changed from 1:30 -2:30 --
 Bills Previously Heard/Scheduled
 += SB 46 BUDGET: CAPITAL
 += SB 76 SUPPLEMENTAL/CAPITAL/OTHER APPROPRIATIONS

Apr 13 Wednesday Senate Finance 532 9:00 AM
 + SB 95 FRANK PALMER FERRY TERMINAL
 + SB 108 SPC. STEPHEN "MAX" CAVANAUGH OVERPASS
 + HB 105 SOUTHEAST STATE FOREST
 + Bills Previously Heard/Scheduled

HEALTH & SOCIAL SERVICES

Apr 13 Wednesday Butrovich 205 1:30 PM
 + HCR 5 VITAMIN D SUPPLEMENTS
 + HB 15 STUDENT ATHLETE CONCUSSIONS
 <Pending Referral>

HEALTH & SOCIAL SERVICES (continued)

Apr 15 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

JUDICIARY

Apr 13 Wednesday Beltz 105 (tsbldg) 1:30 PM
 + Bills Previously Heard/Scheduled
 += SB 86 PROTECTION OF VULNERABLE ADULTS/MINORS
 += HB 127 OMNIBUS CRIME BILL
 += SB 89 LEGISLATIVE ETHICS ACT

LABOR & COMMERCE

Apr 12 Tuesday Beltz 105 (tsbldg) 2:00 PM
 Bills Previously Heard/Scheduled:
 += SB 115 PORTABLE ELECTRONICS INSURANCE
 += HB 24 EXTEND REGULATORY COMM. OF ALASKA SUNSET
 += HB 130 RESIDENTIAL SPRINKLER SYSTEMS
 Bills:
 + SB 74 INS. COVERAGE: AUTISM SPECTRUM DISORDER
 + HB 164 INSURANCE: HEALTH CARE & OTHER
 + HB 155 PUBLIC CONSTRUCTION CONTRACTS
 + HB 188 INTEREST RATES
 + HB 87 ANTITRUST VIOLATION PENALTIES

Apr 13 Wednesday Beltz 105 (tsbldg) 5:00 PM
 += HB 155 PUBLIC CONSTRUCTION CONTRACTS
 += HB 87 ANTITRUST VIOLATION PENALTIES

RESOURCES

Apr 13 Wednesday Butrovich 205 3:30 PM
 + HB 185 EXEMPT DISCHARGES FROM USE OF MUNITIONS
 + HJR 21 OPPOSING FEDERAL WILD LAND DESIGNATION
 + HJR 23 HYDROELECTRIC POWER; RENEWABLE ENERGY
 + HCR 9 STATE ENERGY PRODUCTION WORKING GROUP
 -- Invited Testimony and Public Testimony --
 Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 12 Tuesday Butrovich 205 9:00 AM
 + SCR 11 WALTER HICKEL DAY OF THE ARCTIC
 + HB 101 TED STEVENS DAY
 + HB 19 SPECIAL REQUEST LICENSE PLATES
 + Bills Previously Heard/Scheduled

Apr 14 Thursday Butrovich 205 9:00 AM
 + SB 121 TEACHERS & PUB EMPLOYEE RETIREMENT PLANS
 + Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 12 Tuesday Butrovich 205 1:00 PM
 + HB 214 WALTER L. KUBLEY FERRY TERMINAL
 + HB 213 NAMING MARK HUFFORD TRAIL

JOINT COMMITTEES**ALASKA NORTHERN WATERS TASK FORCE**

May 17 Tuesday Location Tba 9:00 AM
 Hearings in Bethel:
 + Coastal Erosion and Flooding

May 18 Wednesday Anch Lio Conf Rm 9:00 AM
 Hearings in Anchorage:
 + Current Research on the Arctic Ocean