

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SEVENTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Tuesday

March 6, 2012

Fiftieth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:00 a.m.

The roll showed seventeen members present. Senators Kookesh, Stedman were excused from a call of the Senate. Senator McGuire was absent.

The prayer was offered by the Chaplain, Reverend Sarah Schurr of the Unitarian Universalist Fellowship of Juneau and Fairbanks. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Great God called by so many names in so many places, may these elected leaders find their best selves in their work of service to the people. May they be open to all the wisdom that is available to them, from the wisdom of their colleagues to the quiet wisdom whispering in their hearts. May they serve, working toward the greater good as they make important decisions and help build a better future. May they feel compassion for all the people they serve and know the equal value of all the Alaskans they represent. May they find patience when things take longer than expected and may they find calm when situations feel anxious. Theirs is holy and important work. May they feel blessed as they do the job they are called to do. Amen.

Senator Ellis led the Senate in the Pledge of Allegiance.

Certification

Senator Meyer moved and asked unanimous consent that the journal for the forty-ninth legislative day and House and Senate Joint Journal Supplement No. 14 be approved as certified by the Secretary. Without objection, it was so ordered.

The presence of Senator McGuire was noted.

Messages from the House

Message dated March 5 was read stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 55**

CS FOR HOUSE BILL NO. 55(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act adding definitions of 'gravity knife' and 'switchblade' to the criminal law; and relating to reserving the authority to regulate knives to the state with limited exceptions for municipalities to regulate knives."

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

HB 246

CS FOR HOUSE BILL NO. 246(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act naming certain bridges and airports."

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

HB 307

CS FOR HOUSE BILL NO. 307(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act making supplemental appropriations, capital appropriations, and other appropriations; amending appropriations; repealing appropriations; making appropriations to capitalize funds; and providing for an effective date."

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

HB 316

HOUSE BILL NO. 316 BY REPRESENTATIVES THOMPSON, Saddler, Feige, Chenault, Herron, T. Wilson, Lynn, Kawasaki, Costello, Johnson, Millett, Keller, Pruitt, Tuck, Olson, Gara, Fairclough, Johansen, entitled:

"An Act relating to military facility zones in the state; relating to the development of housing in military facility zones; relating to the financing of projects in military facility zones; and providing for an effective date."

was read the first time and referred to the State Affairs Committee.

Standing Committee Reports

Report dated March 5 was read stating:

In accordance with AS 24.60.130 the Judiciary Committee reviewed the following and recommends the appointments be forwarded to the Senate for consideration:

Select Committee on Legislative Ethics

Herman G. Walker, Jr.

Dennis "Skip" Cook

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 Wielechowski, Coghill, Paskvan.

Senator Meyer moved and asked unanimous consent that Herman G. Walker, Jr. and Dennis "Skip" Cook be confirmed as public members to the Select Committee on Legislative Ethics.

The question being: "Shall Herman G. Walker, Jr. and Dennis "Skip" Cook be confirmed as public members to the Select Committee on Legislative Ethics?" The roll was taken with the following result:

Shall Herman G. Walker, Jr. and Dennis "Skip" Cook be confirmed as public members to the Select Committee on Legislative Ethics?

YEAS: 18 NAYS: 0 EXCUSED: 2 ABSENT: 0

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

Excused: Kookesh, Stedman

and so, Herman G. Walker, Jr. and Dennis "Skip" Cook were confirmed as public members to the Select Committee on Legislative Ethics.

SB 151

The Health and Social Services Committee considered SENATE BILL NO. 151 "An Act relating to mitigation at sentencing in a criminal case for a defendant found by the court to have been affected by a fetal alcohol spectrum disorder" and recommended it be replaced with

CS FOR SENATE BILL NO. 151(HSS) "An Act relating to inclusion of fetal alcohol spectrum disorders, traumatic and acquired brain injury, and intellectual disability in the definition of 'mental disease or defect'; and relating to mitigation at sentencing in a criminal case for a defendant suffering from a mental disease or defect."

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

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Law
Fiscal Note No. 2, zero, Alaska Court System
Fiscal Note No. 3, zero, Department of Administration
Fiscal Note No. 4, zero, Department of Corrections

The bill was referred to the Judiciary Committee.

SB 202

The Health and Social Services Committee considered SENATE BILL NO. 202 "An Act relating to resuscitation protocol documents that may be adopted by reference in regulations." Signing do pass: Senator Davis, Chair; Senators Meyer, Egan, Dyson.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Health and Social Services

The bill was referred to the Rules Committee.

HB 185

The Resources Committee considered CS FOR HOUSE BILL NO. 185(RES) "An Act relating to an exemption from authorizations that may be required by the Department of Environmental Conservation for the firing or other use of munitions on active ranges." Signing do pass: Senator Wagoner, Cochair; Senator McGuire. Signing no recommendation: Senator Paskvan, Cochair; Senators Stevens, Wielechowski, French.

The following fiscal information was published today:

Fiscal Note No. 2, zero, Department of Environmental Conservation

The bill was referred to the Rules Committee.

Consideration of the Calendar**Second Reading of Senate Bills****SB 83**

SENATE BILL NO. 83 "An Act providing for payment and loan incentives to public school teachers for national board certification" was read the second time.

Senator Thomas, Cochair, moved and asked unanimous consent for the adoption of the Education Committee Substitute offered on page 315. Without objection, CS FOR SENATE BILL NO. 83(EDC) was adopted.

Senator Meyer 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. 83(EDC) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 83(EDC) "An Act providing for payment and loan incentives to public school teachers for national board certification" pass the Senate?" The roll was taken with the following result:

CSSB 83(EDC)

Third Reading - Final Passage

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

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

Nays: Giessel

Excused: Kookesh, Stedman

and so, CS FOR SENATE BILL NO. 83(EDC) passed the Senate and was referred to the Secretary for engrossment.

SB 130

SENATE BILL NO. 130 "An Act establishing in the Office of the Governor an advisory council for the preservation, restoration, and revitalization of Alaska Native languages" was read the second time.

Senator Wielechowski, Chair, moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 1386. Without objection, CS FOR SENATE BILL NO. 130(STA) "An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages" was adopted.

Senator Meyer 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. 130(STA) was read the third time.

Senators Wielechowski, Paskvan, Hoffman, Thomas moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE BILL NO. 130(STA) "An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages" pass the Senate?" The roll was taken with the following result:

CSSB 130(STA)

Third Reading - Final Passage

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

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

Nays: Coghill

Excused: Kookesh, Stedman

and so, CS FOR SENATE BILL NO. 130(STA) passed the Senate and was referred to the Secretary for engrossment.

SB 140

SENATE BILL NO. 140 "An Act classifying certain substances as schedule IIA controlled substances; and providing for an effective date" was read the second time.

Senator French, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 1483. Without objection, CS FOR SENATE BILL NO. 140(JUD) "An Act classifying certain substances as schedule IIA controlled substances and providing penalties relating to those substances; and providing for an effective date" was adopted.

Senator Meyer 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. 140(JUD) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 140(JUD) "An Act classifying certain substances as schedule IIA controlled substances and providing penalties relating to those substances; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 140(JUD)

Third Reading - Final Passage

Effective Date

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

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

Excused: Kookesh, Stedman

Absent: Olson

and so, CS FOR SENATE BILL NO. 140(JUD) passed the Senate.

Senator Meyer 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.

Citations

Honoring - Regan Fitzgerald

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

Representative(s) Hawker

Honoring - Rachel and Barney Gottstein

Representative(s) Gardner

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

Senator McGuire moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 6 through plane time, March 12. Without objection, Senator McGuire was excused.

Senator Davis moved and asked unanimous consent to amend a prior excusal (page 1712) in order to be excused from a call of the Senate on March 12, to 9:10 p.m. plane time. Without objection, Senator Davis was excused.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 83

CS FOR SENATE BILL NO. 83(EDC) "An Act providing for payment and loan incentives to public school teachers for national board certification" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 130

CS FOR SENATE BILL NO. 130(STA) "An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 140

CS FOR SENATE BILL NO. 140(JUD) "An Act classifying certain substances as schedule IIA controlled substances and providing penalties relating to those substances; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Meyer moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., March 7, 2012. Without objection, the Senate adjourned at 11:33 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 06	Tuesday	Beltz 105 (tsbldg)	3:30 PM
	-- MEETING CANCELED --		
+	Bills Previously Heard/Scheduled		
+ SB 157	CANCEL INSUR. ON CERTAIN VACANT PROPERTY		
+	Overview - Toxic Release Inventory		
Mar 08	Thursday	Beltz 105 (tsbldg)	3:30 PM
	No Meeting Scheduled		
Mar 13	Tuesday	Beltz 105 (tsbldg)	3:30 PM
+	Bills Previously Heard/Scheduled		
Mar 15	Thursday	Beltz 105 (tsbldg)	3:30 PM
+ SB 223	TAX CRED: CONTR. TO HOMELESS SHELTER/DETOX		
+	Bills Previously Heard/Scheduled		

EDUCATION

Mar 07	Wednesday	Beltz 105 (tsbldg)	8:00 AM
	No Meeting Scheduled		
Mar 09	Friday	Beltz 105 (tsbldg)	8:00 AM
	No Meeting Scheduled		

FINANCE

Mar 06	Tuesday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		
Mar 07	Wednesday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		
Mar 08	Thursday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		
Mar 09	Friday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		

HEALTH & SOCIAL SERVICES

Mar 07	Wednesday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Mar 09	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

JUDICIARY

Mar 07	Wednesday	Beltz 105 (tsbldg)	1:30 PM
+ HB 80	SELF DEFENSE		
+ SB 134	CHILD SUPPORT AWARDS		
+	Bills Previously Heard/Scheduled		
Mar 09	Friday	Beltz 105 (tsbldg)	1:30 PM
	No Meeting Scheduled		

LABOR & COMMERCE

Mar 06	Tuesday	Beltz 105 (tsbldg)	1:30 PM
+ SB 217	PHARMACY AUDITS		
Mar 08	Thursday	Beltz 105 (tsbldg)	1:30 PM
	No Meeting Scheduled		

RESOURCES

Mar 07 Wednesday Butrovich 205 3:30 PM
 No Meeting Scheduled

Mar 09 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

STATE AFFAIRS

Mar 06 Tuesday Butrovich 205 9:00 AM
 = SCR 22 ALASKA ARCTIC POLICY COMMISSION
 = SB 198 POLICE OFFICER PROTECTIONS/CERTIFICATION
 + SB 222 APPROP: BASE CLOSURE/REALIGNMENT STUDY
 += SB 29 TAX EXPENDITURE REPORT
 + SB 208 DISASTER PLANNING AND SERVICES
 + Bills Previously Heard/Scheduled

Mar 08 Thursday Butrovich 205 9:00 AM
 No Meeting Scheduled

TRANSPORTATION

Mar 06 Tuesday Butrovich 205 1:00 PM
 No Meeting Scheduled

Mar 08 Thursday Butrovich 205 1:00 PM
 No Meeting Scheduled

Mar 13 Tuesday Butrovich 205 1:00 PM
 No Meeting Scheduled

Mar 15 Thursday Butrovich 205 1:00 PM
 No Meeting Scheduled

FINANCE SUBCOMMITTEES**COMMERCE, COMMUNITY & ECONOMIC DEV**

Mar 20	Tuesday	Senate Finance 532	3:00 PM
	Closeout		

CORRECTIONS

Mar 06	Tuesday	Butrovich 205	5:00 PM
	Overview of Budget Requests		
	Review Select Staffing Issues		
	- Compliance w/ 2010 Legislative Audit		
	- Adjustment to Shift Scheduling Methodology		

Mar 13	Tuesday	Butrovich 205	5:00 PM
	Review Select Facility Issues		
	- Update on Goose Creek Correctional Complex Progress		
	- Update on Fairbanks & Bethel Facility Expansion Projects		
	- Review Community Jails Funding and Funding Allocation		
	Review Inmate Health Care Cost Management Strategies		

Mar 20	Tuesday	Butrovich 205	5:00 PM
	Review Rehabilitation and Reentry Program Funding		

COURT SYSTEM

Mar 15	Thursday	Fahrenkamp 203	5:00 PM
+	Closeout		

EDUCATION & EARLY DEVELOPMENT

Mar 06 Tuesday Fahrenkamp 203 3:30 PM
 -- MEETING CANCELED --
 + FY 13 Budget Request

Mar 13 Tuesday Fahrenkamp 203 3:30 PM
 + Closeout

ENVIRONMENTAL CONSERVATION

Mar 13 Tuesday Fahrenkamp 203 12:00 PM
 + Closeout
 -- Testimony <Invitation Only> --

FISH & GAME

Mar 16 Friday Beltz 105 (tsbldg) 8:00 AM
 + FY 13 Budget Pre-Closeout
 -- Testimony <Invitation Only> --

Mar 20 Tuesday Beltz 105 (tsbldg) 8:00 AM
 + FY 13 Budget Closeout
 -- Testimony <Invitation Only> --

HEALTH & SOCIAL SERVICES

Mar 16 Friday Beltz 105 (tsbldg) 3:30 PM
 + FY13 Budget Pre-Closeout
 -- Testimony <Invitation Only> --

Mar 20 Tuesday Beltz 105 (tsbldg) 3:30 PM
 + FY13 Budget Closeout
 -- Testimony <Invitation Only> --

LABOR & WORKFORCE DEVELOPMENT

Mar 22 Thursday Butrovich 205 3:00 PM
 DOLWD Budget - Department Addresses Additional
 Questions and Overview of House Budget Actions

MILITARY & VETERANS' AFFAIRS

Mar 15 Thursday Fahrenkamp 203 12:00 PM
 + Closeout
 -- Testimony <Invitation Only> --

NATURAL RESOURCES

Mar 22 Thursday Butrovich 205 11:00 AM
 DNR Budget - Department Addresses Committee
 Questions; Overview of House Budget Actions

PUBLIC SAFETY

Mar 15 Thursday Beltz 105 (tsbldg) 8:00 AM
 + Pre-Close-Out and Question/Answer Session
 -- Testimony <Invitation Only> --

Mar 22 Thursday Beltz 105 (tsbldg) 8:00 AM
 + Budget Close-Out
 -- Testimony <Invitation Only> --

TRANSPORTATION & PUBLIC FACILITIES

Mar 14 Wednesday Senate Finance 532 8:00 AM
 Budget Overview: Department of Transportation

Mar 16 Friday Senate Finance 532 8:00 AM
 Budget Detail

Mar 23 Friday Senate Finance 532 8:00 AM
 Closeout

JOINT COMMITTEES**ADMINISTRATIVE REGULATION REVIEW**

Mar 13	Tuesday	Fahrenkamp 203	1:30 PM
+	Proposed Changes in the Regulations of the Board of Marine Pilots - 12 AAC 56.115 - Pleasure Craft Exemptions		

LEGISLATIVE BUDGET & AUDIT

Mar 28	Wednesday	House Finance 519	8:00 AM
	Audits - Executive Session Other Committee Business		

OTHER MEETINGS**MISCELLANEOUS MEETING**

Mar 10	Saturday	Barnes 124	10:00 AM
+	Continued Discussion of Taku River Fisheries -- Public Testimony on Draft Report -- Sponsored by the Juneau Legislative Delegation: Sen. Egan and Reps. Kerttula and Munoz		