

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-EIGHTH LEGISLATURE

FIRST SESSION

Juneau, Alaska Monday February 11, 2013

Twenty-eighth Day

Pursuant to adjournment the Senate was called to order by President Huggins at 11:03 a.m.

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

The prayer was offered by the Chaplain, Pastor Dan Wiese of the Juneau Church of the Nazarene. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

O God, you who call us to love mercy, act justly and walk humbly with our God, have called this honored body of men and women across our state to sit in the seat of government and represent the people of Alaska. This great state is a marvel of the blessings of your hand through its vast natural resources, its wonderful grandeur and beauty, and the pioneering spirit of its people.

In these challenging times I pray for wisdom, understanding and discernment for these legislators as they discuss and make decisions that will affect the present and future of this great state and its people. Above all, we seek both mercy and justice from you, O God, as we are not only accountable to the people we represent, but also to you, O Lord.

Bless and guide these men and women this day. Bless and guide them in their sessions, in their committee work and in their special meetings and gatherings, to

be mindful that their decisions and influence affect the lives of those they lead. Bless their families who, in some cases, are separated from them as they do their work here in Juneau. Help them in each particular need that arises while they are away and watch over their comings and goings.

I thank you for these dedicated men and women. I bring these petitions before you in the name of Jesus, my savior. Amen.

Senator Meyer led the Senate in the Pledge of Allegiance.

Certification

Senator Coghill moved and asked unanimous consent that the journals for the twenty-fifth through twenty-seventh legislative days and Senate Journal Supplement No. 1 be approved as certified by the Secretary. Without objection, it was so ordered.

Senator Coghill moved and asked unanimous consent that Senator McGuire be excused from a call of the Senate today. Without objection, it was so ordered.

Messages from the House

Message dated February 8 was read stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 40

CS FOR HOUSE BILL NO. 40(CRA) BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE, entitled:

"An Act establishing a municipal tax exemption for certain farm structures."

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

HB 88

CS FOR HOUSE BILL NO. 88(HSS) BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act changing the terms 'mental retardation' and 'mentally retarded,' and making conforming changes, in Alaska Statutes."

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

Communications

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

Notification of Availability of the Alaska Energy Authority Annual Capital Project Status Reports for Bradley Lake Hydroelectric Project and Alaska Intertie Project
from Sarah Fisher-Goad, Executive Director
Alaska Energy Authority
in accordance with AS 44.83.950(b)

Susitna-Watana Hydroelectric Project Report to the Legislature 2012
from Sarah Fisher-Goad, Executive Director
Alaska Energy Authority
in accordance with AS 44.83.085

Standing Committee Reports**SB 26**

The Resources Committee considered SENATE BILL NO. 26 "An Act relating to the Alaska Land Act, including certain authorizations, contracts, leases, permits, or other disposals of state land, resources, property, or interests; relating to authorization for the use of state land by general permit; relating to exchange of state land; relating to procedures for certain administrative appeals and requests for reconsideration to the commissioner of natural resources; relating to

the Alaska Water Use Act; and providing for an effective date." Signing do pass: Senator Giessel, Chair; Senator Dyson. Signing no recommendation: Senators Micciche, Bishop, Fairclough.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Natural Resources

Fiscal Note No. 2, zero, Department of Fish and Game

The bill was referred to the Finance Committee.

SB 27

The Resources Committee considered SENATE BILL NO. 27 "An Act establishing authority for the state to evaluate and seek primacy for administering the regulatory program for dredge and fill activities allowed to individual states under federal law and relating to the authority; and providing for an effective date." Signing do pass: Senator Giessel, Chair; Senator Dyson. Signing no recommendation: Senators Micciche, Bishop, Fairclough.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Environmental Conservation

Fiscal Note No. 2, Department of Natural Resources

Fiscal Note No. 3, zero, Department of Law

The bill was referred to the Finance Committee.

SJR 6

The Judiciary Committee considered SENATE JOINT RESOLUTION NO. 6 Urging the United States Congress not to relinquish to the office of the President of the United States the legislative duty to safeguard our most fundamental right; and urging the President of the United States to refrain from any further efforts to restrict ownership of firearms. Signing do pass: Senator Coghill, Chair; Senators Wielechowski, Dyson.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate Judiciary Committee

The resolution was referred to the Rules Committee.

**Introduction and Reference of
Senate Resolutions****SCR 1**

SENATE CONCURRENT RESOLUTION NO. 1 BY SENATOR
BISHOP,

Relating to the establishment and operation of a state
food resource development working group

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

Introduction and Reference of Senate Bills**SB 48**

SENATE BILL NO. 48 BY SENATOR OLSON, entitled:

"An Act requiring each municipality with a population that decreased by more than 25 percent between 2000 and 2010 that participates in the defined benefit plan of the Public Employees' Retirement System of Alaska to contribute to the system an amount calculated by applying a rate of 22 percent of the total of all base salaries paid by the municipality to employees of the municipality who are active members of the system during a payroll period; reducing the rate of interest payable by a municipality with a population that decreased by more than 25 percent between 2000 and 2010 that is delinquent in transmitting employee and employer contributions to the defined benefit plan of the Public Employees' Retirement System of Alaska; giving retrospective effect to the substantive provisions of the Act; and providing for an effective date."

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

SB 49

SENATE BILL NO. 49 BY SENATORS COGHILL, Olson, Kelly, Dyson, Micciche, Dunleavy, entitled:

"An Act defining 'medically necessary abortion' for purposes of making payments under the state Medicaid program."

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

SB 50

SENATE BILL NO. 50 BY SENATORS WIELECHOWSKI, French, Ellis, Gardner, entitled:

"An Act relating to the oil and gas production tax; relating to oil and gas production tax credits; amending the minimum tax on oil and gas production; relating to the determination of the production tax value of oil and gas; relating to the financing of oil processing facilities on the North Slope by the Alaska Industrial Development and Export Authority; and providing for an effective date."

was read the first time and referred to the Senate Special Committee on Trans Alaska Pipeline System Throughput, Resources and Finance Committees.

Consideration of the Calendar**Second Reading of House Bills****HB 80**

HOUSE BILL NO. 80 "An Act relating to the regulation of wastewater discharge from commercial passenger vessels in state waters; and providing for an effective date" was read the second time.

Senator Coghill moved and asked unanimous consent that the bill be held in second reading to the February 13 calendar. Without objection, it was so ordered.

Third Reading of Senate Resolutions

SJR 2

CS FOR SENATE JOINT RESOLUTION NO. 2(JUD) was read the third time.

The question being: "Shall CS FOR SENATE JOINT RESOLUTION NO. 2(JUD) Commending and supporting actions taken by the Office of the Governor, the attorney general, and the commissioner of natural resources to protect the state from federal government incursion into the care and management of state resources and to promote the economic prosperity of the state; and urging the United States Congress and the President of the United States to limit federal government overreach into management of state resources, pass the Senate?" The roll was taken with the following result:

CSSJR 2(JUD)

Third Reading - Final Passage

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

Yeas: Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Huggins, Kelly, Meyer, Micciche, Stedman, Stevens, Wielechowski

Excused: McGuire, Olson

and so, CS FOR SENATE JOINT RESOLUTION NO. 2(JUD) passed the Senate and was referred to the Secretary for engrossment.

Citations

Honoring - Soldotna Chamber of Commerce 2012 Community Service Awards

Representative(s) Olson

Senator(s) Micciche, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Kelly, McGuire, Meyer, Olson, Stedman, Stevens, Wielechowski

Honoring - Dr. Steve Atwater 2013 Alaska Superintendent of the Year
Representative(s) Olson

Senator(s) Micciche, Huggins, Bishop, Coghill, Dunleavy, Dyson,
Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Kelly,
McGuire, Meyer, Olson, Stedman, Stevens, Wielechowski

Honoring - Dr. Pete and Karolee Hansen

Representative(s) Olson

Senator(s) Micciche, Huggins, Bishop, Coghill, Dunleavy, Dyson,
Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Kelly,
McGuire, Meyer, Olson, Stedman, Stevens, Wielechowski

In Memoriam - James Daniel Ducey

Senator(s) Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis,
Fairclough, French, Gardner, Giessel, Hoffman, Kelly, McGuire,
Meyer, Micciche, Olson, Stedman, Stevens, Wielechowski

Representative(s) Neuman, Stoltze

In Memoriam - William Edward Burton

Senator(s) Stevens, Huggins, Bishop, Coghill, Dunleavy, Dyson,
Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, McGuire,
Meyer, Micciche, Olson, Stedman, Wielechowski

Representative(s) Austerman

In Memoriam - Penelope Gale Malmquist

Representative(s) Olson

Senator(s) Micciche, Huggins, Bishop, Coghill, Dunleavy, Dyson,
Egan, Ellis, Fairclough, French, Gardner, Giessel, Hoffman, Kelly,
McGuire, Meyer, Olson, Stedman, Stevens, Wielechowski

In Memoriam - Barry Eldridge

Representative(s) Olson

Senator(s) Micciche, Huggins, Bishop, Coghill, Dunleavy, Dyson,
Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, McGuire,
Meyer, Olson, Stedman, Stevens, Wielechowski

In Memoriam - Leonard "Bud" Keener

Representative(s) Olson

Senator(s) Micciche, Huggins, Bishop, Coghill, Dunleavy, Dyson,
Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, McGuire,
Meyer, Olson, Stedman, Stevens, Wielechowski

In Memoriam - Deborah Coghill

Representative(s) Olson

Senator(s) Micciche, Huggins, Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Hoffman, Kelly, McGuire, Meyer, Olson, Stedman, Stevens, Wielechowski

Senator Coghill 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 2

Senators Kelly, Giessel, Bishop, Stedman, Fairclough, Meyer, Micciche, Stevens, Dunleavy, Huggins moved and asked unanimous consent to be shown as cosponsors on CS FOR SENATE JOINT RESOLUTION NO. 2(JUD) Commending and supporting actions taken by the Office of the Governor, the attorney general, and the commissioner of natural resources to protect the state from federal government incursion into the care and management of state resources and to promote the economic prosperity of the state; and urging the United States Congress and the President of the United States to limit federal government overreach into management of state resources. Without objection, it was so ordered.

SB 7

Senator Egan moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 7 "An Act relating to the computation of the tax on the taxable income of a corporation derived from sources within the state." Without objection, it was so ordered.

SB 49

Senator Giessel moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 49 "An Act defining 'medically necessary abortion' for purposes of making payments under the state Medicaid program." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Engrossment**SJR 2**

CS FOR SENATE JOINT RESOLUTION NO. 2(JUD) Commending and supporting actions taken by the Office of the Governor, the attorney general, and the commissioner of natural resources to protect the state from federal government incursion into the care and management of state resources and to promote the economic prosperity of the state; and urging the United States Congress and the President of the United States to limit federal government overreach into management of state resources, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Coghill moved and asked unanimous consent that the Senate stand in adjournment until 10:45 a.m., February 13, 2013. Without objection, the Senate adjourned at 11:40 a.m.

Liz Clark
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

Feb 12	Tuesday	Butrovich 205	3:30 PM
	Bills Previously Heard/Scheduled		
+ = SB 32	CHIKUMINUK LAKE HYDROELECTRIC SITE		
Feb 14	Thursday	Butrovich 205	3:30 PM
	No Meeting Scheduled		

EDUCATION

Feb 11	Monday	Capitol 106	8:00 AM
	-- Please Note Time and Location Change --		
+	Joint w/ House Education		
	Presentation: Alaska Native Science & Engineering Program (ANSEP)		
	Dr. Herb Illisaurri-Schroeder, UAA Vice Provost for ANSEP & Professor of Engineering		
Feb 11	Monday	Capitol 106	3:30 PM
	-- MEETING CANCELED --		
+	Discussion on Feasibility of a Health Insurance Pool for Public Education Employees		
	-- Testimony <Invitation Only> --		
	Bills Previously Heard/Scheduled		

EDUCATION (continued)

Feb 13	Wednesday	Capitol 106	8:00 AM
	-- Please Note Time and Location Change --		
	Joint w/ House Education		
+	Presentation: Alaska Performance Scholarship Program		
	Diane Barrans, Executive Director Alaska Commission on Postsecondary Education		
Feb 13	Wednesday	Senate Finance 532	1:30 PM
	-- Please Note Time and Location Change --		
	Joint w/ Senate & House Judiciary and House Education		
+	Presentation: Education Reform & School Choice		
	Kevin P. Chavous, National School Choice & Education Reform Advocate		
	Richard Komer, Constitutional Scholar, Institute for Justice		
Feb 15	Friday	Capitol 106	8:00 AM
	No Meeting Scheduled		

FINANCE

Feb 11	Monday	Senate Finance 532	9:00 AM
+= SB 18	BUDGET: CAPITAL		
	Department Overviews		
	Dept. of Environmental Conservation		
	Dept. of Military & Veterans Affairs		
	Dept. of Fish & Game		
	Bills Previously Heard/Scheduled		
Feb 12	Tuesday	Senate Finance 532	9:00 AM
+= SB 18	BUDGET: CAPITAL		
	Department Overviews		
	Dept. of Labor & Workforce Development		
	Dept. of Transportation & Public Facilities		
	Bills Previously Heard/Scheduled		

FINANCE (continued)

Feb 13	Wednesday	Senate Finance 532	9:00 AM
+= SB 18	BUDGET: CAPITAL		
	Department Overviews		
	Dept. of Education		
	Dept. of Natural Resources		
	Bills Previously Heard/Scheduled		
Feb 14	Thursday	Senate Finance 532	9:00 AM
+= SB 18	BUDGET: CAPITAL		
	Department Overviews		
	Dept. of Revenue		
	Alaska Housing Finance Corporation		
	Alaska Gasline Development Corporation		
	Dept. of Health & Social Services		
	Bills Previously Heard/Scheduled		
Feb 15	Friday	Senate Finance 532	9:00 AM
+	Presentation: Office of Management & Budget		
	Karen Rehfeld		
	FY 2014 Budget Amendments		
	Bills Previously Heard/Scheduled		

HEALTH & SOCIAL SERVICES

Feb 11	Monday	Butrovich 205	1:30 PM
+ SB 39	STATUTORY REFS TO MENTAL RETARDATION		
Feb 13	Wednesday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Feb 15	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

JUDICIARY

Feb 11	Monday	Beltz 105 (tsbldg)	1:30 PM
+= SB 22	CRIMES; VICTIMS; CHILD ABUSE AND NEGLECT		
	-- Public Testimony <Time Limit May be Set> --		
+	Bills Previously Heard/Scheduled		

STATE AFFAIRS

Feb 12 Tuesday Butrovich 205 9:00 AM
 + SB 1 ALASKA MINING DAY
 + SB 2 INTERSTATE MINING COMPACT & COMMISSION
 + SB 4 MILITARY TRAINING CREDIT

Feb 14 Thursday Capitol 106 8:00 AM
 -- Please Note Time and Location Change --
 + Joint w/ House State Affairs
 Overview: AlaskaCare Active Employee Health Plan
 by Dept. of Administration
 Becky Hultberg, Commissioner
 Mike Barnhill, Deputy Commissioner

TRANSPORTATION

Feb 12 Tuesday Butrovich 205 1:30 PM
 No Meeting Scheduled

Feb 14 Thursday Butrovich 205 1:30 PM
 No Meeting Scheduled

FINANCE SUBCOMMITTEES**EDUCATION & EARLY DEVELOPMENT**

Feb 14 Thursday Senate Finance 532 3:00 PM
 Overview: Governor's FY14 Budget Request
 David Teal, Director, Legislative Finance
 Danith Watts, Analyst, Legislative Finance
 Overview: Dept. of Education's FY14 Budget
 Request
 Mike Hanley, Commissioner
 Mark Lewis, Director, Administrative Services

FISH & GAME

Feb 11	Monday	Senate Finance 532	3:00 PM
	-- MEETING CANCELED -- Department Budget Overview -- Testimony <Invitation Only> --		
Feb 13	Wednesday	Senate Finance 532	3:00 PM
	-- MEETING CANCELED -- Department Budget Overview -- Testimony <Invitation Only> --		
Feb 18	Monday	Senate Finance 532	3:00 PM
	Department Budget Overview -- Testimony <Invitation Only> --		
Feb 20	Wednesday	Senate Finance 532	3:00 PM
	-- MEETING CANCELED -- Department Budget Overview -- Testimony <Invitation Only> --		
Feb 25	Monday	Senate Finance 532	3:00 PM
	Department Budget Overview -- Testimony <Invitation Only> --		
Feb 27	Wednesday	Senate Finance 532	3:00 PM
	-- MEETING CANCELED -- Department Budget Overview -- Testimony <Invitation Only> --		
Mar 04	Monday	Senate Finance 532	3:00 PM
	Department Budget Overview -- Testimony <Invitation Only> --		
Mar 06	Wednesday	Senate Finance 532	3:00 PM
	Department Budget Overview -- Testimony <Invitation Only> --		
Mar 11	Monday	Senate Finance 532	3:00 PM
	Department Budget Overview -- Testimony <Invitation Only> --		

HEALTH & SOCIAL SERVICES

Feb 12	Tuesday	Beltz 105 (tsbldg)	8:00 AM
	-- MEETING CANCELED --		
+	Medicaid		
	-- Testimony <Invitation Only> --		
Feb 14	Thursday	Beltz 105 (tsbldg)	8:00 AM
	-- MEETING CANCELED --		
+	Medicaid		
	-- Testimony <Invitation Only> --		
Feb 14	Thursday	Fahrenkamp 203	1:45 PM
+	Mental Health Trust		
	-- Testimony <Invitation Only> --		
Feb 19	Tuesday	Fahrenkamp 203	8:00 AM
+	Medicaid		
	-- Testimony <Invitation Only> --		
Feb 21	Thursday	Fahrenkamp 203	8:00 AM
	-- Agenda and Location Change --		
+	Medicaid		
	-- Testimony <Invitation Only> --		
Feb 28	Thursday	Fahrenkamp 203	8:00 AM
	-- Location Change --		
+	Other Issues within the Budget, Question and Answer Session		
	-- Testimony <Invitation Only> --		
Mar 14	Thursday	Fahrenkamp 203	8:00 AM
	-- Location Change --		
+	Budget Close-out		
	-- Testimony <Invitation Only> --		

PUBLIC SAFETY

Feb 19	Tuesday	Senate Finance 532	3:30 PM
+	Trooper Aircraft, Budget Amendments		
	-- Testimony <Invitation Only> --		

PUBLIC SAFETY (continued)

Feb 26	Tuesday	Senate Finance 532	3:30 PM
+	Other Issues within the Budget, Question and Answer Session		
	-- Testimony <Invitation Only> --		
Mar 12	Tuesday	Senate Finance 532	3:30 PM
+	Budget Close-out		
	-- Testimony <Invitation Only> --		

SPECIAL COMMITTEES**SENATE SPECIAL COMM ON IN-STATE ENERGY**

Feb 12	Tuesday	Butrovich 205	7:30 AM
+	Alaska Gasline Port Authority, Overview		
	Bill Walker		
Feb 14	Thursday	Butrovich 205	7:30 AM
+	UAF Alaska Center for Energy and Power Overview		
	Director Gwen Holdmann		

SENATE SPECIAL COMM ON TAPS THROUGHPUT

Feb 12	Tuesday	Butrovich 205	3:30 PM
	No Meeting Scheduled		
Feb 14	Thursday	Butrovich 205	3:30 PM
	No Meeting Scheduled		

WORLD TRADE

Feb 12	Tuesday	Barnes 124	11:15 AM
	-- Teleconference --		
	Joint w/ House Economic Development, Trade and Tourism Committee		
	Presentation: Greg Wolf Executive Director of World Trade Center Alaska		

JOINT COMMITTEES

ARMED SERVICES COMMITTEE

Feb 14 **Thursday** **Senate Finance 532** **11:00 AM**
 +
 Lt. General Stephen L. Hoog Commander: Alaskan
 Command, 11th Air Force, Alaskan North
 American Aerospace Defense Command Region and
 Joint Base Elmendorf-Richardson
 Maj. General Thomas Katkus Adjutant General
 Alaska National Guard and Commissioner of DMVA
 Rear Admiral Thomas P. Ostebo, United States
 Coast Guard, Commander 17th Coast Guard District
 -- Testimony <Invitation Only> --

OTHER MEETINGS

JOINT SESSION

Feb 13 **Wednesday** **House Chamber** **11:00 AM**
 State of the Judiciary Address by
 Chief Justice Dana Fabe

Feb 21 **Thursday** **House Chamber** **11:00 AM**
 Annual Address by the Honorable
 Lisa Murkowski, U.S. Senator

Mar 04 **Monday** **House Chamber** **11:00 AM**
 Annual Address by the Honorable
 Mark Begich, U.S. Senator

MISCELLANEOUS MEETING

Feb 11 **Monday** **Capitol 106** **12:00 PM**
 Lunch & Learn:
 "Addressing Food Access Issues: Success Stories
 from Around the State"
 Presenters: Alaska Food Coalition & Alaska Food
 Policy Council
 Sponsored by Rep. Herron