

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-EIGHTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Monday

March 11, 2013

Fifty-sixth Day

Pursuant to adjournment the Senate was called to order by President Huggins at 2:03 p.m.

The roll showed seventeen members present. Senators French, Hoffman, Stevens were excused from a call of the Senate.

The prayer was offered by the Chaplain, Pastor Tari Stage-Harvey of the Shepherd of the Valley Lutheran Church. Senator Fairclough moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

As we gather to begin a new week we pray that where hearts are fearful and constricted, grant courage and hope. Where anxiety is infectious and widening, grant peace and reassurance. Where impossibilities close every door and window, grant imagination and resistance. Where distrust twists our thinking, grant healing and illumination. Where spirits are daunted and weakened, grant soaring wings and strengthened dreams. Let your spirit flow in these faithful people so your will for mercy and justice may become our will. Amen.

Senator Fairclough led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Messages dated March 4 and March 5 were read stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions****HJR 6**

HOUSE JOINT RESOLUTION NO. 6 BY REPRESENTATIVES MILLETT, Kawasaki, Isaacson, P.Wilson, Nageak, Johnson, Tuck, Hawker, Feige, Hughes, Gara, Costello, Reinbold, Holmes, Chenault, Austerman, Lynn, Olson, Josephson, Gattis, T.Wilson, Thompson, Munoz, Saddler, Pruitt, Foster,

Relating to legacy wells and legacy well sites; urging the United States Department of the Interior, Bureau of Land Management, to open new areas of the National Petroleum Reserve - Alaska for environmentally responsible oil and gas development; and requesting the Office of the Governor to increase nationwide awareness about legacy wells and well sites

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

First Reading and Reference of House Bills**HB 56**

HOUSE BILL NO. 56 BY REPRESENTATIVES HOLMES, T.WILSON, Herron, Johnson, P.Wilson, Gattis, Isaacson, Keller, Stoltze, Drummond, Tuck, Josephson, entitled:

"An Act excluding motorcycles and motor-driven cycles from the passenger vehicle rental tax; and providing for an effective date."

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

HB 77

CS FOR HOUSE BILL NO. 77(RES) BY THE HOUSE RESOURCES COMMITTEE, entitled:

"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."

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. 5 and House and Senate Joint Journal Supplement No. 5.

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

Report of the Task Force on Standards & Training of Evidence Technicians, Department of Law
from Michael Geraghty, Attorney General

Alaska Taxable 2012, Department of Commerce, Community, and Economic Development
from Susan Bell, Commissioner

Standing Committee Reports**SB 56**

The Judiciary Committee considered SENATE BILL NO. 56 "An Act relating to certain crimes involving controlled substances; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 56(JUD)

Signing do pass: Senator Coghill, Chair; Senators McGuire, Dyson.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration
Fiscal Note No. 2, zero, Department of Administration
Fiscal Note No. 3, zero, Department of Public Safety
Fiscal Note No. 4, zero, Department of Public Safety
Fiscal Note No. 5, zero, Department of Corrections
Fiscal Note No. 6, indeterminate, Department of Law
Fiscal Note No. 7, zero, Alaska Court System

The bill was referred to the Finance Committee.

Introduction and Reference of Senate Bills**SB 71**

SENATE BILL NO. 71 BY SENATOR MICCICHE, entitled:

"An Act relating to the filing date for the final quarterly payment of, and to the assessment of penalties under, the fishery resource landing tax."

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

SB 72

SENATE BILL NO. 72 BY SENATOR COGHILL BY REQUEST, entitled:

"An Act clarifying that the Alaska Bar Association is an agency for purposes of investigations by the ombudsman; relating to compensation of the ombudsman and to employment of staff by the ombudsman under personal service contracts; providing that certain records of communications between the ombudsman and an agency are not public records; relating to disclosure by an agency to the ombudsman of communications subject to attorney-client and attorney work-product privileges; relating to informal and formal reports of opinions and recommendations issued by the ombudsman; relating to the privilege of the ombudsman not to testify and creating a privilege under which the ombudsman is not required to disclose certain documents; relating to procedures for procurement by the ombudsman; relating to the definition of 'agency' for purposes of the Ombudsman Act and providing jurisdiction of the ombudsman over persons providing certain services to the state by contract; and amending Rules 501 and 503, Alaska Rules of Evidence."

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

SB 73

SENATE BILL NO. 73 BY SENATOR MEYER, entitled:

"An Act authorizing municipalities to exempt from tax, by ordinance approved by the voters in the municipality, the real property that is the primary residence of a resident who is the widow or widower of a person who was killed while in the military service of the United States; and providing for an effective date."

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

SB 74

SENATE BILL NO. 74 BY SENATOR KELLY, entitled:

"An Act creating the University of Alaska building fund for the payment by the University of Alaska of the costs of use, management, operation, maintenance, and depreciation of space in buildings; and authorizing the Board of Regents of the University of Alaska to designate buildings for which the fund is to be used."

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

SB 75

SENATE BILL NO. 75 BY SENATOR COGHILL, entitled:

"An Act prohibiting the use of assets or resources of state or municipal agencies to implement or aid in the implementation of the requirements of certain federal laws; and providing for an effective date."

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

SB 76

SENATE BILL NO. 76 BY SENATOR KELLY, entitled:

"An Act relating to the Alaska Judicial Council and to judicial retention elections."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 23**

SENATE BILL NO. 23 "An Act relating to development project financing by the Alaska Industrial Development and Export Authority; relating to the dividends from the Alaska Industrial and Export

Authority; authorizing the Alaska Industrial Development and Export Authority to provide financing and issue bonds for a liquefied natural gas production system and natural gas distribution system; and providing for an effective date" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 495. Senator Ellis objected, then withdrew his objection. There being no further objection, CS FOR SENATE BILL NO. 23(FIN) "An Act relating to development project financing by the Alaska Industrial Development and Export Authority; relating to the dividends from the Alaska Industrial Development and Export Authority; authorizing the Alaska Industrial Development and Export Authority to provide financing and issue bonds for a liquefied natural gas production system and natural gas distribution system; and providing for an effective date" was adopted.

President Huggins stated CS FOR SENATE BILL NO. 23(FIN) will advance to third reading on the March 13 calendar.

Third Reading of Senate Bills

SB 2

SENATE BILL NO. 2 "An Act enacting the Interstate Mining Compact and relating to the compact; relating to the Interstate Mining Commission; and providing for an effective date" was read the third time.

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

The question being: "Shall SENATE BILL NO. 2 "An Act enacting the Interstate Mining Compact and relating to the compact; relating to the Interstate Mining Commission; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 2

Third Reading - Final Passage

Effective Date

YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

Yeas: Bishop, Coghill, Dunleavy, Dyson, Egan, Ellis, Fairclough, Gardner, Giessel, Huggins, Kelly, McGuire, Meyer, Micciche, Olson, Stedman, Wielechowski

Excused: French, Hoffman, Stevens

and so, SENATE BILL NO. 2 passed the Senate.

Senator Coghill 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.

SB 27

SENATE BILL NO. 27 was read the third time.

The question being: "Shall 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" pass the Senate?" The roll was taken with the following result:

SB 27

Third Reading - Final Passage

Effective Date

YEAS: 15 NAYS: 2 EXCUSED: 3 ABSENT: 0

Yeas: Bishop, Coghill, Dunleavy, Dyson, Egan, Fairclough, Gardner, Giessel, Huggins, Kelly, McGuire, Meyer, Micciche, Olson, Stedman

Nays: Ellis, Wielechowski

Excused: French, Hoffman, Stevens

and so, SENATE BILL NO. 27 passed the Senate.

Senator Coghill 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 - Rockwell

Representative(s) Gara, Kerttula, Munoz

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

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

Unfinished Business

HJR 6

Senators Micciche, Dyson, McGuire, Gardner, Bishop, Egan, Giessel, Fairclough, Stedman, Meyer, Dunleavy, Wielechowski moved and asked unanimous consent to be shown as cross sponsors on HOUSE JOINT RESOLUTION NO. 6 Relating to legacy wells and legacy well sites; urging the United States Department of the Interior, Bureau of Land Management, to open new areas of the National Petroleum Reserve - Alaska for environmentally responsible oil and gas development; and requesting the Office of the Governor to increase nationwide awareness about legacy wells and well sites. Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 2**

SENATE BILL NO. 2 "An Act enacting the Interstate Mining Compact and relating to the compact; relating to the Interstate Mining Commission; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 27

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" 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 11:00 a.m., March 13, 2013. Without objection, the Senate adjourned at 2:57 p.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

Mar 12	Tuesday No Meeting Scheduled	Beltz 105 (tsbldg)	3:30 PM
Mar 14	Thursday No Meeting Scheduled	Beltz 105 (tsbldg)	3:30 PM

EDUCATION

Mar 11	Monday No Meeting Scheduled	Beltz 105 (tsbldg)	8:00 AM
Mar 13	Wednesday	Beltz 105 (tsbldg)	8:00 AM
+ SB 47	STIPEND FOR STATEWIDE BOARDING SCHOOL		
+ SB 57	LITERACY, PUPIL TRANSP, TEACHER NOTICES		
	Bills Previously Heard/Scheduled		
Mar 15	Friday	Beltz 105 (tsbldg)	8:00 AM
	Discussion: Vouchers #2, Continuation of a		
	Discussion on Voucher Systems		
	Agenda TBA		
	Bills Previously Heard/Scheduled		

FINANCE

Mar 11	Monday	Senate Finance 532	9:00 AM
	-- MEETING CANCELED --		
+	Bills Previously Heard/Scheduled		
+= SB 21	OIL AND GAS PRODUCTION TAX		
Mar 11	Monday	Senate Finance 532	1:30 PM
	-- MEETING CANCELED --		
+	Bills Previously Heard/Scheduled		
+= SB 21	OIL AND GAS PRODUCTION TAX		
Mar 12	Tuesday	Senate Finance 532	9:00 AM
+= SB 21	OIL AND GAS PRODUCTION TAX		
+	Bills Previously Heard/Scheduled		
Mar 12	Tuesday	Senate Finance 532	1:30 PM
+= SB 21	OIL AND GAS PRODUCTION TAX		
+	Bills Previously Heard/Scheduled		
Mar 12	Tuesday	Senate Finance 532	4:00 PM
+= SB 21	OIL AND GAS PRODUCTION TAX		
	Public Testimony		
+	Bills Previously Heard/Scheduled		
Mar 13	Wednesday	Senate Finance 532	9:00 AM
+= SB 21	OIL AND GAS PRODUCTION TAX		
+	Bills Previously Heard/Scheduled		
Mar 13	Wednesday	Senate Finance 532	1:30 PM
+= SB 21	OIL AND GAS PRODUCTION TAX		
+	Bills Previously Heard/Scheduled		
Mar 14	Thursday	Senate Finance 532	9:00 AM
+	SB 62 SCHOOL CONST. GRANTS/SMALL MUNICIPALITIES		
+	SB 38 EXTEND STATE MEDICAL BOARD		
+	Bills Previously Heard/Scheduled		
Mar 15	Friday	Senate Finance 532	9:00 AM
+	SB 24 MARINE TRANSPORTATION ADVISORY BOARD		
+	Bills Previously Heard/Scheduled		

HEALTH & SOCIAL SERVICES

Mar 11	Monday No Meeting Scheduled	Butrovich 205	1:30 PM
Mar 13	Wednesday No Meeting Scheduled	Butrovich 205	1:30 PM
Mar 15	Friday No Meeting Scheduled	Butrovich 205	1:30 PM

JUDICIARY

Mar 11	Monday -- Please Note Time Change -- += SB 49 MEDICAID PAYMENT FOR ABORTIONS; TERMS -- Public Testimony -- + Bills Previously Heard/Scheduled	Beltz 105 (tsbldg)	5:00 PM
Mar 13	Wednesday + Confirmation Hearings: William Gordon, Board of Governors of the Alaska Bar Robert Groseclose, Commission on Judicial Conduct + SJR 9 CONST. AM: EDUCATION FUNDING + Bills Previously Heard/Scheduled	Beltz 105 (tsbldg)	1:30 PM
Mar 15	Friday + HB 69 EXEMPT FIREARMS FROM FEDERAL REGULATION += SJR 9 CONST. AM: EDUCATION FUNDING + Bills Previously Heard/Scheduled	Beltz 105 (tsbldg)	1:30 PM

LABOR & COMMERCE

Mar 12	Tuesday No Meeting Scheduled	Beltz 105 (tsbldg)	1:30 PM
Mar 14	Thursday No Meeting Scheduled	Beltz 105 (tsbldg)	1:30 PM

RESOURCES

Mar 11 Monday Butrovich 205 3:30 PM

+ SB 54 EXTEND HAIR CRAB & SCALLOP LIMITED ENTRY
 += HB 36 EXEMPT DISCHARGES FROM USE OF MUNITIONS
 + SCR 1 STATE FOOD RESOURCE DEVELOPMENT GROUP

Mar 13 Wednesday Butrovich 205 3:30 PM

+ SB 69 CHINOOK RESEARCH & RESTORATION ENDOWMENT
 + SB 60 BOUNTY ON SEA OTTERS
 + HJR 5 OPPOSE GENETICALLY ENGINEERED SALMON
 Bills Previously Heard/Scheduled

Mar 15 Friday Butrovich 205 3:30 PM

+ SB 59 OIL & GAS EXPLORATION/DEVELOPMENT AREAS
 -- Testimony <Invitation Only> --
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Mar 12 Tuesday Butrovich 205 9:00 AM

-- Public Testimony <Time Limit May Be Set> --
 + HB 46 WAIVE CDL SKILL TEST FOR CERTAIN VETERANS
 + SB 48 PERS CONTRIBUTIONS BY MUNICIPALITIES
 += SB 44 ELECTION PROCEDURES; REAA ADVISORY BOARDS
 Bills Previously Heard/Scheduled

Mar 14 Thursday Butrovich 205 9:00 AM

No Meeting Scheduled

TRANSPORTATION

Mar 12 Tuesday Butrovich 205 1:30 PM

+ Presentation: Marine Exchange

Mar 14 Thursday Butrovich 205 1:30 PM

+ Presentation: Old Harbor Airport Runway Extension
 + SB 13 KNIK ARM BRIDGE AND TOLL AUTHORITY

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Mar 12	Tuesday	Sen Conf Rm 103 Tsb	5:00 PM
	-- MEETING CANCELED --		
+	Department Overview		
Mar 13	Wednesday	Sen Conf Rm 103 Tsb	8:00 AM
+	Department Overview		
Mar 15	Friday	Sen Conf Rm 103 Tsb	5:00 PM
	-- Agenda Change --		
+	Budget Closeout		

CORRECTIONS

Mar 11	Monday	Senate Finance 532	5:00 PM
+	Department Overview		
Mar 13	Wednesday	Senate Finance 532	5:00 PM
+	House Budget and Specific Concerns or Issues		
Mar 15	Friday	Senate Finance 532	5:00 PM
+	Final Considerations and Closeout		

COURT SYSTEM

Mar 13	Wednesday	Senate Finance 532	8:30 AM
	FY14 Budget Closeout		
Mar 14	Thursday	Senate Finance 532	8:30 AM
	FY14 Budget Closeout		

EDUCATION & EARLY DEVELOPMENT

Mar 11 Monday Senate Finance 532 3:30 PM
-- Time Change --
+ Digitizing Education in Alaska Initiative
Mike Hanley, Commissioner, DEED
Carl Rose, Association of Alaska School Boards
Linda Thibodeau, Director, Libraries, Archives &
Museums

Mar 14 Thursday Senate Finance 532 3:00 PM
+ Discussion of Educational Issues Including:
Alaska Mentor Project
Iditarod Pilot Project
Cost of State Assessments
NCLB Waiver Request

ENVIRONMENTAL CONSERVATION

Mar 14 Thursday Senate Finance 532 5:00 PM
+ Division of Air Quality
Alice Edwards, Director
+ Division of Water
Michelle Bonnet Hale, Director

FISH & GAME

Mar 11 Monday Senate Finance 532 3:00 PM
-- MEETING CANCELED --
Department Budget Overview
-- Testimony <Invitation Only> --

Mar 15 Friday Senate Finance 532 11:00 AM
-- Agenda Change --
Budget Closeout

HEALTH & SOCIAL SERVICES

Mar 14 Thursday Fahrenkamp 203 8:00 AM
 -- MEETING CANCELED --
 + Budget Close-out
 -- Testimony <Invitation Only> --

Mar 18 Monday Fahrenkamp 203 8:00 AM
 + Budget Closeout
 -- Testimony <Invitation Only> --

LABOR & WORKFORCE DEVELOPMENT

Mar 18 Monday Senate Finance 532 5:00 PM
 + Department Overview

Mar 20 Wednesday Senate Finance 532 5:00 PM
 + House Budget and Specific Concerns or Issues

Mar 22 Friday Senate Finance 532 5:00 PM
 + Final Considerations and Closeout

LAW

Mar 13 Wednesday Senate Finance 532 8:00 AM
 FY14 Budget Closeout

Mar 14 Thursday Senate Finance 532 8:00 AM
 FY14 Budget Closeout

MILITARY & VETERANS' AFFAIRS

Mar 16 Saturday Senate Finance 532 10:00 AM
 + Department Overview

Mar 18 Monday Senate Finance 532 7:30 AM
 + House Budget and Specific Concerns or Issues

Mar 20 Wednesday Senate Finance 532 7:30 AM
 + Closeout

NATURAL RESOURCES

Mar 14	Thursday	Senate Finance 532	7:30 AM
+	Department Overview		
Mar 16	Saturday	Senate Finance 532	1:30 PM
+	House Budget and Specific Concerns or Issues		
Mar 19	Tuesday	Senate Finance 532	7:30 AM
+	Review (possible Closeout)		
Mar 21	Thursday	Senate Finance 532	5:30 PM
	Closeout (If needed)		

PUBLIC SAFETY

Mar 12	Tuesday	Senate Finance 532	3:30 PM
+	-- Rescheduled to 3/19/13 -- Budget Close-out -- Testimony <Invitation Only> --		
Mar 19	Tuesday	Beltz 105 (tsbldg)	3:30 PM
+	-- Location Change -- Budget Close-out -- Testimony <Invitation Only> --		

REVENUE

Mar 12	Tuesday	Sen Conf Rm 103 Tsb	8:00 AM
+	-- Agenda Change -- Budget Closeout		

UNIVERSITY OF ALASKA

Mar 13	Wednesday	Sen Conf Rm 103 Tsb	12:00 PM
+	Overview		
Mar 14	Thursday	Sen Conf Rm 103 Tsb	12:00 PM
+	Overview		

UNIVERSITY OF ALASKA (continued)

Mar 15	Friday	Sen Conf Rm 103 Tsb	5:30 PM
	-- Agenda and Time Change --		
+	Budget Closeout		

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

Mar 12	Tuesday	Butrovich 205	7:30 AM
	No Meeting Scheduled		

Mar 14	Thursday	Butrovich 205	7:30 AM
	No Meeting Scheduled		

SENATE SPECIAL COMM ON TAPS THROUGHPUT

Mar 12	Tuesday	Butrovich 205	3:30 PM
	No Meeting Scheduled		

Mar 14	Thursday	Butrovich 205	3:30 PM
	No Meeting Scheduled		

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Mar 11	Monday	House Finance 519	8:00 AM
	Audits - Executive Session		
	- DOT/PF, Knik Arm Bridge and Toll Authority, and		
	Select Issues - Preliminary Release		
+	Other Committee Issues		
	- Legislative Audit Furniture Purchase		

LEGISLATIVE COUNCIL

Mar 21 Thursday Senate Finance 532 4:00 PM
+ Ratification of Charity Events
Contract Approvals
Other Committee Business
<Teleconference Listen Only>

SELECT COMMITTEE ON LEGISLATIVE ETHICS

Mar 12 Tuesday Anch Lio Rm 210 8:30 AM
+ FULL COMMITTEE: Open Session
Public Comment
EXECUTIVE SESSION
Open Session
Advisory Opinion 13-01
Other Business