

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SIXTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Wednesday

April 15, 2009

Eighty-sixth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 1:01 p.m.

The roll showed eighteen members present. Senator Bunde was absent. The seat from District B was vacant.

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

Father, we pray for the many who are trapped by growing burdens of debt, who see no way out, and who despair for their future.

Give them courage to tackle the problems they face, clarity in taking decisions which will turn their situation around, and faith that, as they cry to you in their trouble, you will deliver them from their distress. Amen.

Senator McGuire led the Senate in the Pledge of Allegiance.

Certification

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

The presence of Senator Bunde was noted.

Messages from the Governor

Message dated April 14 was received stating:

Dear Senator Stevens:

I received written notification from Senator Johnny Ellis on April 10, 2009, that my nomination of Mr. Joseph G. Nelson for the vacant seat for senate district B, through a closed door process, was not confirmed by the Senate Democrats. I am disappointed that they yet again failed to seat a qualified individual for this Senate district, further depriving Juneau and the region representation in the Alaska Senate.

Since the resignation of Senator Kim Elton on March 2, 2009, I have worked hard to fill this vacancy as expeditiously as possible with a person who will represent this diverse district and work to support and develop the economy of Juneau and Southeast Alaska as a whole. The March 5, 2009, nomination of only a single name by the Greater Juneau Democratic District necessitated that I initiate an open and public process so that all interested and qualified Juneau residents could be considered. On March 9, 2009, I asked those interested in the seat to submit a letter to me. After review of those applications, I interviewed several candidates and appointed Mr. Tim Grussendorf on March 30, 2009.

Mr. Grussendorf is a life-long, southeast resident who has earned his living as a commercial fisherman and has worked for the Alaska Senate since 1990, after receiving his Bachelor's degree in political science from the University of Oregon. He is active in the community, coaching soccer and basketball through Juneau Parks and Recreation and Floyd Dryden Middle School, and has served or is serving on several fishing-related boards.

On April 6, 2009, I was notified that, in a closed door meeting, the Senate Democrats did not confirm Mr. Grussendorf. That same day, I submitted a second nomination for Joseph G. Nelson. Mr. Nelson,

another life-long southeast resident, is well-qualified to represent the people of this district. Among his many accomplishments, he holds both a bachelor's and master's degree from UCLA, a law degree from Loyola, is director of Admissions at the University of Alaska Southeast and currently serves on the board of Sealaska, Corp.

I am grateful to both of these gentlemen for their willingness to serve the State and for demonstrating integrity throughout the process. I am confident they will continue to work to make their community and state a better place.

I remain committed to filling this seat with a well qualified individual able to represent the entire district. Due to the importance of filling this Senate seat without additional delay, I am now taking a step to expedite this process.

Therefore, I hereby forward you the following three qualified candidates: Mr. Tim Grussendorf, Mr. Joseph G. Nelson and Mr. Alan D. Wilson. Please confirm one of them to fill the vacant senate seat B. Each of the three are qualified Juneau Democrats, willing and able to serve the citizens of senate district B.

Two of these names have already been discussed. The third, Mr. Alan Wilson, has been a resident of Juneau for more than 10 years. He is a successful small businessman and is active in the community. He is involved with the Affordable Housing Commission and serves as co-chair of the Cold Climate Housing Research Center.

Each of these individuals are committed to responsible development of our resources, job creation and growth of private sector opportunities. Thank you for your consideration of these fine individuals.

Sincerely,

/s/

Sarah Palin
Governor

Messages from the House**SB 142**

Message dated April 14 was read stating the House passed and returned:

SENATE BILL NO. 142 "An Act authorizing the conveyance of certain land of the Alaska Railroad Corporation to the Department of Transportation and Public Facilities; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

HB 81

Message dated April 15 was read stating the House has adopted the report of the Conference Committee with limited powers of free conference considering SENATE CS FOR CS FOR HOUSE BILL NO. 81(FIN) am S and CS FOR HOUSE BILL NO. 81(FIN) am(brf sup maj fld), and failed Sec. 27(d), (e), (f), and (g) of the Constitutional Budget Reserve Fund thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 81(brf sup maj pfld H) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making supplemental appropriations; making reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date."

HB 83

Message dated April 15 was read stating the House has adopted the report of the Conference Committee with limited powers of free conference considering SENATE CS FOR CS FOR HOUSE BILL NO. 83(FIN) and CS FOR HOUSE BILL NO. 83(FIN), thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 83 "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

Messages dated April 14 were read stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 106

CS FOR HOUSE BILL NO. 106(STA)(title am) BY THE HOUSE STATE AFFAIRS COMMITTEE, entitled:

"An Act relating to grants to nonprofit regional corporations, and, in certain situations, to municipalities with populations of less than 10,000, for village public safety officers in rural areas; defining 'rural area' for the purpose of the village public safety officer program; and authorizing municipalities to accept grants under, and contract with respect to, the village public safety officer program."

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

HB 141

HOUSE BILL NO. 141 BY REPRESENTATIVE COGHILL, entitled:

"An Act relating to the Interstate Compact for Juveniles; relating to the State Council for Interstate Adult and Juvenile Offender Supervision; amending Rules 4 and 24(b), Alaska Rules of Civil Procedure; and providing for an effective date."

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

Standing Committee Reports

SB 12

The Labor and Commerce Committee considered SENATE BILL NO. 12 "An Act relating to limitations on mandatory overtime for registered nurses and licensed practical nurses in health care facilities; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 12(L&C)

Signing do pass: Senator Paskvan, Chair; Senators Thomas, Davis.
Signing no recommendation: Senators Meyer, Bunde.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Health and Social Services
- Fiscal Note No. 2, zero, Department of Health and Social Services
- Fiscal Note No. 3, zero, Department of Corrections
- Fiscal Note No. 4, Department of Labor and Workforce
Development
- Fiscal Note No. 5, zero, Department of Health and Social Services

The bill was referred to the Finance Committee.

SB 126

The Labor and Commerce Committee considered SENATE BILL NO. 126 "An Act amending the State Personnel Act to place in the exempt service the chief economist and state comptroller in the Department of Revenue and certain professional positions concerning oil and gas within the Department of Natural Resources; relating to reemployment of and benefits for or on behalf of reemployed retired teachers and public employees by providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001 and sec. 19, ch. 50, SLA 2005; and providing for an effective date" and recommended the adoption of the State Affairs Committee Substitute offered on page 759. Signing do pass: Senator Paskvan, Chair; Senators Meyer, Thomas, Bunde, Davis.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Natural Resources
- Fiscal Note No. 2, zero, Department of Administration
- Fiscal Note No. 4, indeterminate, Department of Revenue

The bill was referred to the Finance Committee.

HB 93

The Labor and Commerce Committee considered HOUSE BILL NO. 93 "An Act relating to unwanted telephone solicitations on a cellular or mobile telephone and making those calls to cellular or mobile

telephones registered with the national do not call registry violations of the Alaska Unfair Trade Practices and Consumer Protection Act." Signing do pass: Senator Paskvan, Chair; Senators Meyer, Thomas, Bunde, Davis.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

The bill was referred to the Rules Committee.

HB 101

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 101(JUD) "An Act exempting the full value of life insurance and annuity contracts from levy to satisfy a debt, and amending the description of earnings, income, cash, and other assets relating to garnishment of life insurance proceeds payable upon the death of an insured." Signing do pass: Senator Paskvan, Chair; Senators Meyer, Thomas, Davis. Signing no recommendation: Senator Bunde.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Labor and Commerce Committee

The bill was referred to the Judiciary Committee.

HB 102

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 102(JUD) "An Act relating to the Uniform Commercial Code, to the general provisions of the Uniform Commercial Code, to documents of title under the Uniform Commercial Code, to the Uniform Electronic Transactions Act, to lease-purchases of personal property, to the contractual duty to act fairly and in good faith, and to carrier, warehouse, and animal care liens; amending Rules 403 and 902, Alaska Rules of Evidence; and providing for an effective date." Signing do pass: Senator Paskvan, Chair; Senators Meyer, Thomas, Davis. Signing no recommendation: Senator Bunde.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Commerce, Community and Economic Development

The bill was referred to the Judiciary Committee.

HB 199

The Finance Committee considered CS FOR HOUSE BILL NO. 199(FIN) am "An Act making appropriations, including supplemental appropriations and capital appropriations; amending appropriations; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
199(FIN)

Signing do pass: Senators Hoffman, Stedman, Cochairs; Senators Huggins, Thomas, Olson, Ellis.

The bill was referred to the Rules Committee.

HB 215

The Education Committee considered CS FOR HOUSE BILL NO. 215(EDC) "An Act repealing school experience for salary scales provisions." Signing do pass: Senator Davis, Vice Chair. Signing no recommendation: Senators Olson, Stevens, Huggins.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Education and Early
Development

The bill was referred to the Rules Committee.

Special Committee Reports**HB 81**

The following report was received and distributed at 1:20 p.m.,
April 14:

April 14, 2009

Mr. President:

Mr. Speaker:

The Conference Committee with limited powers of free conference considered SENATE CS FOR CS FOR HOUSE BILL NO. 81(FIN) am S and CS FOR HOUSE BILL NO. 81(FIN) am(brf sup maj fld) and recommends

CONFERENCE CS FOR HOUSE BILL NO. 81 "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making supplemental appropriations; making reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date."

be adopted.

Signing the report: Senator Hoffman, Chair, Senators Stedman, Thomas; Representative Hawker, Chair, Representatives Stoltze, Crawford.

President Stevens stated the report would be held on the Secretary's desk. Without objection, it was so ordered.

HB 83

The following report was received and distributed at 1:20 p.m., April 14:

April 14, 2009

Mr. President:

Mr. Speaker:

The Conference Committee with limited powers of free conference considered SENATE CS FOR CS FOR HOUSE BILL NO. 83(FIN) and CS FOR HOUSE BILL NO. 83(FIN) and recommends

CONFERENCE CS FOR HOUSE BILL NO. 83 "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date"

be adopted.

Signing the report: Senator Hoffman, Chair, Senators Stedman, Thomas; Representative Hawker, Chair, Representatives Stoltze, Crawford.

President Stevens stated the report would be held on the Secretary's desk. Without objection, it was so ordered.

Introduction and Reference of Senate Resolutions

SR 8

SENATE RESOLUTION NO. 8 BY SENATOR MCGUIRE,

Reaffirming support for the environmentally responsible development of the Kensington Gold Mine; and urging the governor to encourage and facilitate the prompt continuation or reinstatement, reactivation, and period extension of permits authorizing the construction and operation of the Kensington Gold Mine upon a decision by the United States Supreme Court in favor of the Kensington Gold Mine.

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

Introduction and Reference of Senate Bills

SB 192

SENATE BILL NO. 192 BY SENATOR MCGUIRE, entitled:

"An Act relating to the tax applicable to the production of natural gas used in the state as fuel or feedstock in producing a manufactured end product."

was read the first time and referred to the Senate Special Committee on Energy and Resources Committee.

Consideration of the Calendar**Second Reading of Senate Bills****SB 51**

SENATE BILL NO. 51 "An Act relating to the installation of window tinting in automobiles" was read the second time.

Senator Kookesh, Chair, moved and asked unanimous consent for the adoption of the Transportation Committee Substitute offered on page 447. Without objection, CS FOR SENATE BILL NO. 51(TRA) was adopted.

Senator Ellis 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. 51(TRA) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 51(TRA) "An Act relating to the installation of window tinting in automobiles" pass the Senate?" The roll was taken with the following result:

CSSB 51(TRA)

Third Reading - Final Passage

YEAS: 14 NAYS: 5 EXCUSED: 0 ABSENT: 0 VACANT: 1

Yeas: Bunde, Davis, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Meyer, Paskvan, Stedman, Stevens, Wagoner, Wielechowski

Nays: Dyson, Menard, Olson, Therriault, Thomas

and so, CS FOR SENATE BILL NO. 51(TRA) passed the Senate and was referred to the Secretary for engrossment.

SB 133

SENATE BILL NO. 133 "An Act creating a statewide electronic health information exchange system; and providing for an effective date" was read the second time.

Senator Stedman, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 918. Without objection, CS FOR SENATE BILL NO. 133(FIN) was adopted.

Senator Ellis 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. 133(FIN) was read the third time.

Senators Therriault, Wagoner, Dyson, Ellis 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. 133(FIN) "An Act creating a statewide electronic health information exchange system; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 133(FIN)

Third Reading - Final Passage

Effective Date

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

Yeas: Bunde, Davis, Dyson, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski

and so, CS FOR SENATE BILL NO. 133(FIN) passed the Senate.

Senator Ellis 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 177

SENATE BILL NO. 177 "An Act repealing the termination of licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date" was read the second time.

Senator Stedman, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 941. Without objection, CS FOR SENATE BILL NO. 177(FIN) "An Act relating to an exception for professional fishing guide services in the Kenai River Special Management Area; relating to the licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date" was adopted.

Senator Ellis 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. 177(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 177(FIN) "An Act relating to an exception for professional fishing guide services in the Kenai River Special Management Area; relating to the licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 177(FIN)
Third Reading - Final Passage
Effective Date

YEAS: 18 NAYS: 1 EXCUSED: 0 ABSENT: 0 VACANT: 1

Yeas: Bunde, Davis, Dyson, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wagoner, Wielechowski

Nays: Therriault

and so, CS FOR SENATE BILL NO. 177(FIN) passed the Senate.

Senator Ellis 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.

Second Reading of House Bills**HB 156**

HOUSE BILL NO. 156 "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property" was read the second time.

Senator Ellis moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE BILL NO. 156 was read the third time.

The question being: "Shall HOUSE BILL NO. 156 "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property" pass the Senate?" The roll was taken with the following result:

HB 156

Third Reading - Final Passage

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

Yeas: Bunde, Davis, Dyson, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski

and so, HOUSE BILL NO. 156 passed the Senate, was signed by the President and Secretary and returned to the House.

Second Reading of Senate Resolutions**SJR 2**

SENATE JOINT RESOLUTION NO. 2 Urging the United States Congress to establish a federal program to rebuild student access to public higher education in Alaska and elsewhere and to appropriate sufficient funding for that purpose, was read the second time.

Senator Ellis moved and asked unanimous consent that the resolution be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE JOINT RESOLUTION NO. 2 was read the third time.

The question being: "Shall SENATE JOINT RESOLUTION NO. 2 Urging the United States Congress to establish a federal program to rebuild student access to public higher education in Alaska and elsewhere and to appropriate sufficient funding for that purpose, pass the Senate?" The roll was taken with the following result:

SJR 2

Third Reading - Final Passage

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

Yeas: Bunde, Davis, Dyson, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski

and so, SENATE JOINT RESOLUTION NO. 2 passed the Senate and was referred to the Secretary for engrossment.

Second Reading of House Resolutions

HJR 31

CS FOR HOUSE JOINT RESOLUTION NO. 31(MLV) Urging the United States Congress to pass the Honor the Written Intent of our Soldier Heroes Act, was read the second time.

Senator Ellis moved and asked unanimous consent that the resolution be advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR HOUSE JOINT RESOLUTION NO. 31(MLV) was read the third time.

The question being: "Shall CS FOR HOUSE JOINT RESOLUTION NO. 31(MLV) Urging the United States Congress to pass the Honor the Written Intent of our Soldier Heroes Act, pass the Senate?" The roll was taken with the following result:

CSHJR 31(MLV)

Third Reading - Final Passage

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

Yeas: Bunde, Davis, Dyson, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski

and so, CS FOR HOUSE JOINT RESOLUTION NO. 31(MLV) passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Honoring – The Retirement of Fairbanks North Star Borough Mayor N. Jim Whitaker

Representative(s) Kawasaki

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

Commemorating – Law Enforcement Memorial Day May 8, 2009

Representative(s) Chenault

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

Senator Ellis moved and asked unanimous consent that the citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Senator Ellis moved and asked unanimous consent for the adoption of the first supplemental calendar. Without objection, it was so ordered.

Consideration of the First Supplemental Calendar**Second Reading of House Bills****HB 199**

CS FOR HOUSE BILL NO. 199(FIN) am "An Act making appropriations, including supplemental appropriations and capital appropriations; amending appropriations; and providing for an effective date" was read the second time.

Senator Stedman, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 964. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 199(FIN) was adopted.

Senator Therriault offered Amendment No. 1:

Page 16, lines 27 - 31:

Delete all material and insert:

"(9) before federal stimulus funds are disbursed by the state, each department, agency, school district, or other person receiving federal stimulus money through the state acknowledge to the governor, in writing, that the funding is intended as a one-time funding supplement, and receipt of the federal stimulus money should not create an expectation that the services provided by the federal stimulus money will continue to be funded by the legislature."

Senator Therriault moved for the adoption of Amendment No. 1. Senator Ellis objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

SCS CSHB 199(FIN)

Second Reading

Amendment No. 1

YEAS: 4 NAYS: 15 EXCUSED: 0 ABSENT: 0 VACANT: 1

Yeas: Bunde, Dyson, Therriault, Wagoner

Nays: Davis, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wielechowski

and so, Amendment No. 1 failed.

Senator Ellis 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.

SENATE CS FOR CS FOR HOUSE BILL NO. 199(FIN) was read the third time.

President Stevens cautioned members to proceed in order.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 199(FIN) "An Act making appropriations, including supplemental appropriations and capital appropriations; amending appropriations; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 199(FIN)
Third Reading - Final Passage
Effective Date

YEAS: 15 NAYS: 4 EXCUSED: 0 ABSENT: 0 VACANT: 1

Yeas: Davis, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wielechowski

Nays: Bunde, Dyson, Therriault, Wagoner

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 199(FIN) passed the Senate.

Senator Ellis 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.

Senator Bunde gave notice of reconsideration.

Unfinished Business**HB 81**

Senator Ellis moved and asked unanimous consent to take up the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 81 "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making supplemental appropriations; making reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date" which had been held on the Secretary's desk (page 964). Without objection, it was so ordered.

Senator Ellis moved that the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 81.

Senator Ellis called the Senate. The call was satisfied.

The question being: "Shall the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 81 "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making supplemental appropriations; making reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date"?" The roll was taken with the following result:

CCS HB 81

Shall the Senate Adopt the Conference Committee Report? Effective Dates

YEAS: 15 NAYS: 4 EXCUSED: 0 ABSENT: 0 VACANT: 1

Yeas: Davis, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wielechowski

Nays: Bunde, Dyson, Therriault, Wagoner

and so, the report was adopted, thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 81 "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making supplemental appropriations; making reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date."

Senator Ellis moved for the adoption of the constitutional budget reserve fund section.

The question being: "Shall the constitutional budget reserve fund section (Article IX, Section 17(c) Constitution of the State of Alaska) be adopted?" The roll was taken with the following result:

CCS HB 81

Adopt Constitutional Budget Reserve
Fund Section?

YEAS: 15 NAYS: 4 EXCUSED: 0 ABSENT: 0 VACANT: 1

Yeas: Davis, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wielechowski

Nays: Bunde, Dyson, Therriault, Wagoner

and so, the constitutional budget reserve fund section was adopted.

Senator Ellis moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clauses. Without objection, it was so ordered.

The Secretary was requested to notify the House.

HB 83

Senator Ellis moved and asked unanimous consent to take up the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 83 "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date" which had been held on the Secretary's desk (page 965). Without objection, it was so ordered.

Senator Ellis moved that the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 83.

The question being: "Shall the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 83 "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date"?" The roll was taken with the following result:

CCS HB 83

Shall the Senate Adopt the Conference
Committee Report? Effective Date

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

Yeas: Bunde, Davis, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Therriault, Thomas, Wielechowski

Nays: Dyson, Wagoner

and so, the report was adopted, thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 83 "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

Senator Ellis moved and asked unanimous consent that the vote on the adoption of the Conference Committee Report be considered the vote on the effective date clause. Without objection, it was so ordered.

The Secretary was requested to notify the House.

Senator Ellis moved and asked unanimous consent that the Senate return to Messages from the House. Without objection, the Senate returned to:

Messages from the House

Message dated April 15 was read stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 221**

CS FOR HOUSE BILL NO. 221(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the state's participation in the federal Nationwide Mortgage Licensing System and Registry, and to mortgage lending regulation and licensing; and providing for an effective date."

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

Unfinished Business (continued)**Reconsideration of Senate Bills****SB 171**

Senator Wagoner requested that the reconsideration on CS FOR SENATE BILL NO. 171(FIN) "An Act relating to the permanent fund dividend of an otherwise qualified individual who dies during the qualifying year; and providing for an effective date" be taken up. The bill was before the Senate on reconsideration.

Senator Wagoner moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Without objection, the bill was returned to second reading.

Senator Wagoner offered Amendment No. 1:

Page 2, line 7:

Delete all material.

Insert new bill sections to read:

"* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. Notwithstanding the permanent fund dividend application deadline in AS 43.23.005(h), as amended by sec. 1 of this Act, an application by the personal representative or the successor for a 2009 permanent fund dividend may be filed at any time before the

end of the application period for the 2011 permanent fund dividend if the personal representative or the successor qualifies to apply for the 2009 dividend because of the amendment to AS 43.23.005(h) made by sec. 1 of this Act.

* **Sec. 3.** Section 1 of this Act is retroactive to January 1, 2009.

* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c)."

Senator Wagoner moved for the adoption of Amendment No. 1. Objections were heard.

Senator Stedman declared a conflict of interest.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSSB 171(FIN)
Second Reading
Amendment No. 1

YEAS: 3 NAYS: 16 EXCUSED: 0 ABSENT: 0 VACANT: 1

Yeas: Bunde, Therriault, Wagoner

Nays: Davis, Dyson, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wielechowski

Olson changed from "Yea" to "Nay".

and so, Amendment No. 1 failed.

CS FOR SENATE BILL NO. 171(FIN) was automatically in third reading on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 171(FIN) "An Act relating to the permanent fund dividend of an otherwise qualified individual who dies during the qualifying year; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 171(FIN)

Third Reading - On Reconsideration

Effective Date

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

Yeas: Bunde, Davis, Dyson, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski

and so, CS FOR SENATE BILL NO. 171(FIN) passed the Senate on reconsideration.

Senator Ellis 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.

SJR 22

Senators Therriault, Dyson moved and asked unanimous consent to be shown as cosponsors on SENATE JOINT RESOLUTION NO. 22 Opposing litigation that seeks to eliminate the Kenai, Kasilof, and Chitina sockeye salmon personal use dip net fisheries; and requesting the governor to re-examine the disproportional influence of the commercial fisheries industries on fisheries management in the state. Without objection, it was so ordered.

HCR 2

President Stevens stated CS FOR HOUSE CONCURRENT RESOLUTION NO. 2(RES) am Requesting the governor to provide energy security for all Alaskans first by pursuing development of a natural gas bullet pipeline from the North Slope to the Cook Inlet region; and requesting the governor to identify and negotiate where appropriate with one or more persons capable of producing natural gas from the Gubik area, and other areas on the North Slope if necessary, in sufficient quantities to support the energy needs of Alaskans and a bullet pipeline project, would be returned to the Finance Committee. Without objection, the resolution was returned to the Finance Committee.

Announcements

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

Announcements are at the end of the journal.

Reconsideration of House Bills**HB 199**

Senator Stedman moved and asked unanimous consent that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 199(FIN) "An Act making appropriations, including supplemental appropriations and capital appropriations; amending appropriations; and providing for an effective date" be taken up on the same day (page 974).

Senator Therriault objected.

The question being: "Shall the reconsideration be taken up the same day?" The roll was taken with the following result:

SCS CSHB 199(FIN)

Take up Reconsideration Same Day?

YEAS: 15 NAYS: 4 EXCUSED: 0 ABSENT: 0 VACANT: 1

Yeas: Davis, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wielechowski

Nays: Bunde, Dyson, Therriault, Wagoner

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 199(FIN) was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 199(FIN) "An Act making appropriations, including supplemental appropriations and capital appropriations; amending appropriations; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 199(FIN)
Third Reading - On Reconsideration
Effective Date

YEAS: 15 NAYS: 4 EXCUSED: 0 ABSENT: 0 VACANT: 1

Yeas: Davis, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wielechowski

Nays: Bunde, Dyson, Therriault, Wagoner

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 199(FIN) passed the Senate on reconsideration.

Senator Ellis 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.

Engrossment

SB 51

CS FOR SENATE BILL NO. 51(TRA) "An Act relating to the installation of window tinting in automobiles" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 133

CS FOR SENATE BILL NO. 133(FIN) "An Act creating a statewide electronic health information exchange system; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 171

CS FOR SENATE BILL NO. 171(FIN) "An Act relating to the permanent fund dividend of an otherwise qualified individual who dies during the qualifying year; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 177

CS FOR SENATE BILL NO. 177(FIN) "An Act relating to an exception for professional fishing guide services in the Kenai River Special Management Area; relating to the licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HB 199

SENATE CS FOR CS FOR HOUSE BILL NO. 199(FIN) "An Act making appropriations, including supplemental appropriations and capital appropriations; amending appropriations; and providing for an effective date" was engrossed and signed by the President and Secretary.

SJR 2

SENATE JOINT RESOLUTION NO. 2 Urging the United States Congress to establish a federal program to rebuild student access to public higher education in Alaska and elsewhere and to appropriate sufficient funding for that purpose, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Ellis moved and asked unanimous consent that the Senate stand in adjournment until 10:45 a.m., April 16, 2009. Without objection, the Senate adjourned at 3:29 p.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 16 Thursday Beltz 211 3:30 PM
 + HB 98 ALCOHOL: MINOR CONSUMING/LOCAL OPTION

EDUCATION

Apr 15 Wednesday Beltz 211 8:00 AM
 + HB 215 TEACHERS' SALARIES: SCHOOL EXPERIENCE

FINANCE

Apr 15 Wednesday Senate Finance 532 9:00 AM
 + HB 113 SUPPLEMENTAL/CAPITAL/OTHER APPROPRIATIONS
 += HB 199 APPROPS: NON-TRANSPORTATION STIMULUS
 + HB 134 CRUISE SHIP WASTEWATER DISCHARGE PERMITS
 + HB 26 MEDICAID FOR ADULT DENTAL SERVICES
 + Bills Previously Heard/Scheduled

Apr 16 Thursday Senate Finance 532 9:00 AM
 += SB 10 MEDICAID/INS FOR CANCER CLINICAL TRIALS
 += HB 134 CRUISE SHIP WASTEWATER DISCHARGE PERMITS
 += HB 26 MEDICAID FOR ADULT DENTAL SERVICES
 + HB 121 MUNICIPAL AIR QUALITY PROPERTY TAX CREDIT
 += HB 221 MORTGAGE LENDING REGULATION
 += HB 109 EDUC. LOANS: SUPPLEMENTAL & FAMILY
 += HB 172 STATE INVESTMENT IN EDUCATION FUND
 + Bills Previously Heard/Scheduled

HEALTH & SOCIAL SERVICES

Apr 15 Wednesday Butrovich 205 1:30 PM

- Delayed to a Call of the Chair --
- + SB 179 PARENTAL NOTICE OF MINOR'S ABORTION
- + HB 35 NOTICE & CONSENT FOR MINOR'S ABORTION
- + Bills Previously Heard/Scheduled

Apr 17 Friday Butrovich 205 1:30 PM

- + SB 172 ALASKA HEALTH CARE COMMISSION
- + Bills Previously Heard/Scheduled

JUDICIARY

Apr 15 Wednesday Butrovich 205 5:30 PM

- Please Note Time & Location Change --
- += SB 68 FELONS' RIGHT TO VOTE
- + HB 152 2009 REVISOR'S BILL
- += HB 49 EMINENT DOMAIN: RECREATIONAL STRUCTURES
- + HB 170 REPEAL AUTHORITY FOR DAY FINES
- + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 16 Thursday Beltz 211 1:00 PM

- Time Change --
- += SB 60 UNIFORM PROBATE CODE; TRUSTS, WILLS
- + HB 108 PROP. FORECLOSURE/EXECUTION/TRUST DEEDS
- + HB 177 MARINE & MOTORIZED RECREATIONAL PRODUCTS
- + HB 175 INSURANCE
- <Pending Referral>
- + Bills Previously Heard/Scheduled

RESOURCES

Apr 15 Wednesday Butrovich 205 3:30 PM

- + Confirmation Hearing: Teresa Sager-Albaugh - Board of Game
- + SJR 22 FEDERAL PREEMPTION OF SALMON MANAGEMENT
- + HB 14 ALASKAN MALAMUTE AS STATE DOG
- + HCR 10 OPPOSE FED. CONTROL OF STATE LAND & WATER
- + HJR 27 STATE SOVEREIGNTY
- + HJR 25 HYDROELECTRIC POWER; RENEWABLE ENERGY
- + Bills Previously Heard/Scheduled

RESOURCES (continued)

Apr 17 **Friday** **Butrovich 205** **3:30 PM**
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 16 **Thursday** **Butrovich 205** **9:00 AM**
 -- Location Change --
 + SB 189 CONCEALED WEAPON: PARDONS/SIS
 + HB 19 ELIMINATE DAYLIGHT SAVING TIME

CONFERENCE COMMITTEES**CONFERENCE COMMITTEE ON HB 81 & HB 83**

Apr 15 **Wednesday** **Senate Finance 532** **8:00 AM**
 -- MEETING CANCELED --
 = HB 81 APPROP: OPERATING BUDGET/LOANS/FUNDS
 = HB 83 APPROP: MENTAL HEALTH BUDGET
 Open Items

OTHER MEETINGS**JOINT LEGISLATIVE HEALTH CAUCUS**

May 13 **Wednesday** **Anch Lio Conf Rm** **12:30 PM**
 Week of the Uninsured

JOINT SESSION

Apr 16 **Thursday** **House Chamber** **11:00 AM**
 Confirmation of Governor's Appointees