

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SIXTH LEGISLATURE
SECOND SESSION

Juneau, Alaska **Wednesday** **January 27, 2010**
Ninth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:02 a.m.

The roll showed nineteen members present. Senator Dyson was absent.

Senator Ellis moved and asked unanimous consent that Senator Dyson be excused from a call of the Senate today through 5:00 p.m., January 29. Without objection, Senator Dyson was excused.

The prayer was offered by the Chaplain, Vicar Michael J. Steckel of Faith Lutheran Church. Senator Coghill moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Lord, your servant, St. Paul said in 2 Timothy 4:7 "I have fought the good fight, I have finished the race, I have kept the faith."

Gracious God we pray that you would give each member of this legislature vision and insight to do the work that needs to be done during this session and to fight the good fight for those whom they serve. Also grant to them strength of body and mind, guidance of action and words and encouragement from family, friends and the people of Alaska so that they may persevere in the tasks which are before them.

I pray this in the name of Jesus Christ. Amen.

Senator Thomas led the Senate in the Pledge of Allegiance.

Certification

Senator Ellis moved and asked unanimous consent that the journals for the seventh and eighth legislative days and Senate and House Joint Journal Supplement No. 10 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

Concur Messages

SB 59

Message dated January 25 was read stating the House passed and returned for consideration CS FOR SENATE BILL NO. 59(TRA) am "An Act relating to the operation of low-speed vehicles" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL
NO. 59(TRA)

Senator Ellis moved that the Senate concur in the House amendment.

The question being: "Shall the Senate concur in the House amendment?" The roll was taken with the following result:

HCS CSSB 59(TRA)

Shall the Senate Concur in the House
amendment to CSSB 59(TRA)am?

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

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

Excused: Dyson

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 59(TRA) "An Act relating to the operation of low-speed vehicles."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Communications

Letters dated January 22, 2010, were received from Walter L. Carpeneti, Chief Justice of the Alaska Supreme Court, stating that pursuant to AS 24.60.130(b)(3) he has nominated the following public members for reappointment to the Select Committee on Legislative Ethics:

H. Conner Thomas
Gary J. Turner

President Stevens referred the nominations to the Judiciary Committee.

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

2010 Minerals Commission Report
from Irene Anderson, Chair; Alaska Minerals Commission
Department of Commerce, Community and Economic Development
in accordance with AS 44.33.431

Alaska Commercial Fishing and Agriculture Bank (CFAB) Annual
Report 2009
from Lela F. Klingert, President
in accordance with AS 44.81.200

Alaska Municipal Bond Bank Authority 2009 Annual Report
from Mark Pfeffer, Chair
in accordance with AS 44.85.100

Knik Arm Bridge and Toll Authority 2009 Annual Report
from Michael L. Foster, Chairman of the Board of Directors
in accordance with AS 19.75.111

Notification of availability of Annual State Loan Report and Report on
Reinstatements, Alaska Division of Investments
from Emil Notti, Commissioner
Department of Commerce, Community and Economic Development
in accordance with AS 37.05.035 and AS 16.10.350

2009 Annual Report of Fisheries Enhancement Term Extensions
from Emil Notti, Commissioner
Department of Commerce, Community and Economic Development
in accordance with AS 16.10.510(11)

Standing Committee Reports

SB 199

The Health and Social Services Committee considered SENATE BILL NO. 199 "An Act providing for a two-year funding cycle for medical assistance coverage for dentures." Signing do pass: Senator Davis, Chair; Senators Ellis, Thomas, Paskvan, Dyson.

The following fiscal information was published today:

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

Fiscal Note No. 2, Department of Health and Social Services

The bill was referred to the Finance Committee.

HB 6

The State Affairs Committee considered CS FOR HOUSE BILL NO. 6(JUD) am "An Act relating to proscribing certain sexual conduct or sexual activities as cruelty to animals." Signing do pass: Senator Menard, Chair; Senators French, Meyer, Paskvan, Kookesh.

The following fiscal information was published today:

Fiscal Note No. 3, zero, Department of Law

Fiscal Note No. 4, zero, Department of Corrections

The bill was referred to the Judiciary Committee.

Introduction and Reference of Senate Bills

SB 240

SENATE BILL NO. 240 BY SENATOR COGHILL, entitled:

"An Act relating to the licensing of manicurists; and providing for an effective date."

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

SB 241

SENATE BILL NO. 241 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to post-conviction DNA testing, to the preservation of certain evidence, and to the DNA identification registration system; relating to post-conviction relief procedures; relating to representation by the public defender; amending Rule 35.1, Alaska Rules of Criminal Procedure; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Public Safety
Fiscal Note No. 2, zero, Department of Administration
Fiscal Note No. 3, zero, Department of Corrections
Fiscal Note No. 4, zero, Department of Administration
Fiscal Note No. 5, Department of Law

Governor's transmittal letter dated January 25:

Dear President Stevens:

Under the authority of Art. III, Sec. 18, of the Alaska Constitution, I am transmitting a bill that adopts procedures for post-conviction deoxyribonucleic acid (DNA) testing and evidence retention.

This bill will adopt standards for evidence retention and disposal. As well as procedures for post conviction DNA testing and address changes in the DNA identification registration system.

The United States Supreme Court recently upheld Alaska's post-conviction procedures against a challenge based on due process of the law. In the District Attorney's Office for the *Third Judicial District v. Osborne*, 129 S. Ct. 2308 (2009), the court found Alaska's post-conviction relief statutes and procedures to be constitutional. While our current law is legally satisfactory, provide statutory guidance for granting post-conviction DNA testing will allow policy makers to adopt the most reasonable balance for ensuring that a person is not mistakenly convicted, and at the same time will protect the vast majority of convictions that are correct.

A person who has been convicted of a crime, and whose conviction has been upheld on appeal, has already had adequate opportunity to argue legal issues arising at trial and on appeal. The post-conviction DNA testing procedure should be limited to cases where the person reasonably claims that the wrong person was convicted. The bill provides for post-conviction DNA testing when there is a reasonable probability that the testing would produce evidence that could conclusively establish that the applicant is innocent.

The bill addresses retention of physical evidence and biological material in homicide, sexual assault, and abuse cases, and provides standards that may vary according to the community and the law enforcement resources of that community. A small community may be unable to retain large items of evidence in a criminal prosecution, but it can preserve samples of the evidence for use in future DNA testing or other post-conviction procedures. A larger community may have more space for evidence retention, and would be able to keep more of the original evidence rather than cutting representative samples of it. The bill also includes a procedure in which a law enforcement agency, after giving notice to all parties, may dispose of physical evidence and biological material if there is no objection to the disposition.

In addition to keeping evidence so that it may be used at a later date, law enforcement and other agencies, such as courts and prosecution offices, must safeguard it so that it is useful for possible future testing. The bill authorizes the establishment of a task force to include law enforcement, prosecutors, the court system, a representative from the crime laboratory, and the medical examiner to develop policies and procedures for maintaining evidence in a way that will protect and safeguard against tampering or degradation. Standards for evidence collection and retention will be established as well.

Although the Alaska post-conviction law has been upheld by the United States Supreme Court, standards for evidence retention and a procedure for post-conviction DNA testing will strengthen the current law and provide one more protection in our justice system.

I urge your prompt and favorable consideration of this bill.

Sincerely,

/s/

Sean Parnell
Governor

SB 242

SENATE BILL NO. 242 BY SENATOR MCGUIRE, entitled:

"An Act providing income tax credits for geothermal resource exploration and development."

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

SB 243

SENATE BILL NO. 243 BY SENATOR MCGUIRE, entitled:

"An Act removing the royalty obligation for geothermal resources."

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

Consideration of the Calendar**Citations**

In Memoriam - Tito Kagimoto

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

Senator Ellis 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

Senator Huggins moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, January 27 through morning plane time, February 1. Without objection, Senator Huggins was excused.

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, January 29 through morning plane time, February 1. Without objection, Senator Wagoner was excused.

Senator McGuire moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, January 28 through evening plane time, January 31. Without objection, Senator McGuire was excused.

Senator Stedman moved and asked unanimous consent to be excused from a call of the Senate from January 29 through plane time, January 31. Without objection, Senator Stedman was excused.

SB 199

Senators Wagoner, Huggins, McGuire moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 199 "An Act providing for a two-year funding cycle for medical assistance coverage for dentures." Without objection, it was so ordered.

SB 138

Senator French moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 138 "An Act relating to a corporation income tax credit for contributions by a person owning or operating a commercial passenger vessel to a qualified trade association that was awarded a contract by the Department of Commerce, Community, and Economic Development, and used for planning and executing a destination tourism marketing campaign." Without objection, it was so ordered.

SB 139

Senators French, Kookesh, Paskvan, Egan moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 139 "An Act establishing a loan repayment program and employment incentive program for certain health care professionals employed in the state; and providing for an effective date." Without objection, it was so ordered.

SB 213

Senators Paskvan, Menard, Thomas moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 213 "An Act providing for funding for school lunch and breakfast." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Engrossment and Enrollment**SR 9**

SENATE RESOLUTION NO. 9 Dedicating a committee room in the Thomas B. Stewart Legislative Office Building to former Senator William Beltz, was engrossed and enrolled, signed by the President and Secretary and the engrossed and enrolled copies transmitted to the Office of the Governor at 9:30 a.m., January 26, 2010.

Senate Resolve No. 6

Adjournment

Senator Ellis moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., January 29, 2010. Without objection, the Senate adjourned at 11:42 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

Jan 28 Thursday Beltz 105 (tsbldg) 3:30 PM
 + SB 43 SECOND VERSE OF ALASKA'S STATE SONG
 + SB 212 MUNICIPAL ENERGY IMPROVEMENTS PROGRAM

EDUCATION

Jan 27 Wednesday Fahrenkamp 203 8:00 AM
 + SB 221 LEGISLATIVE TASK FORCE ON HIGHER ED

Jan 29 Friday Fahrenkamp 203 8:00 AM
 += SB 109 REPEAL SECONDARY SCHOOL EXIT EXAM

FINANCE

Jan 27 Wednesday Senate Finance 532 9:00 AM
 + FY2011 Budget Overview & Fiscal Summary
 Office of Management & Budget, Director
 Karen Rehfeld
 Legislative Finance Division, Director
 David Teal

FINANCE (continued)

Jan 28	Thursday	Senate Finance 532	9:00 AM
+	FY2011 Budget Overview & Fiscal Summary Office of Management & Budget, Director Karen Rehfeld Legislative Finance Division, Director David Teal		
Jan 29	Friday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		

HEALTH & SOCIAL SERVICES

Jan 27	Wednesday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Jan 29	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Feb 01	Monday	Butrovich 205	1:30 PM
+ SB 238	MEDICAID FOR MEDICAL & INTERMEDIATE CARE		
Feb 02	Tuesday	Capitol 106	3:00 PM
	Joint w/ (H) H&SS Presentation: Juvenile Justice Task Force Report		
Feb 03	Wednesday	Butrovich 205	1:30 PM
	Joint w/ (H) H&SS Presentations: United Way - 211 Project Presentation; Alaska Health Care Commission Report		
+= SB 172	ALASKA HEALTH CARE COMMISSION		
Feb 05	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

JUDICIARY

Jan 27	Wednesday	Beltz 105 (tsbldg)	1:30 PM
+	Overview: Juvenile Justice Programs -- Testimony <Invitation Only> --		
Jan 29	Friday	Beltz 105 (tsbldg)	1:30 PM
	No Meeting Scheduled		

LABOR & COMMERCE

Jan 28	Thursday	Beltz 105 (tsbldg)	2:00 PM
+	-- Time Change -- Gasline Training Overview: By Commissioner Bishop, Labor and Workforce Development Bills Previously Heard/Scheduled		

RESOURCES

Jan 27	Wednesday	Butrovich 205	3:30 PM
= SB 220	ENERGY EFFICIENCY/ ALTERNATIVE ENERGY Energy-Related Budget Recommendations -- Public Testimony -- Bills Previously Heard/Scheduled		
Jan 28	Thursday	Butrovich 205	3:30 PM
	Overview of the "Open Season" Process for Building Fuel Transportation Pipelines Scott Hobbs - Administration Consultant Bills Previously Heard/Scheduled		
Jan 29	Friday	Butrovich 205	3:30 PM
	No Meeting Scheduled		

STATE AFFAIRS

Jan 28 Thursday Beltz 105 (tsbldg) 9:00 AM
 + SB 62 COMMUNITY PROPERTY OF MARRIED PERSONS
 <Bill Hearing Canceled>
 + SB 184 INTERNET ACCESS TO LEG COMMITTEE MTGS
 + SB 194 CIVIL DAMAGES FOR ALCOHOL VIOLATIONS

TRANSPORTATION

Jan 28 Thursday Butrovich 205 1:00 PM
 + SB 218 SUSPENDING MOTOR FUEL TAX

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Jan 27 Wednesday Beltz 105 (tsbldg) 3:30 PM
 Joint w/(H) Administration Subcommittee
 Commissioner Departmental Overview
 Office of Administrative Hearings
 Division of Retirement & Benefits
 Office of Risk Management

Feb 03 Wednesday Beltz 105 (tsbldg) 3:30 PM
 Division of General Services
 Division of Motor Vehicles
 Public Communications Services
 Public Defender Agency

Feb 10 Wednesday Beltz 105 (tsbldg) 3:30 PM
 Division of Finance
 Division of Personnel & Labor Relations
 Office of Public Advocacy
 Violent Crimes Compensation Board

Feb 17 Wednesday Beltz 105 (tsbldg) 3:30 PM
 Oil & Gas Conservation Commission
 Public Offices Commission

FINANCE SUBCOMMITTEES (continued)**ADMINISTRATION(continued)**

Feb 24 **Wednesday** **Beltz 105 (tsbldg)** **3:30 PM**
Enterprise Technology Services

COMMERCE, COMMUNITY & ECONOMIC DEV

Feb 02 **Tuesday** **Fahrenkamp 203** **11:00 AM**
DCCED Budget Overview by Commissioner
Emil Notti
Department Overview
Introduction of Division Directors,
Commissioner's Office, Administrative Services

Feb 11 **Thursday** **Fahrenkamp 203** **11:00 AM**
DCCED Overview Continued - Other Items of
Interest or Concerns (if necessary)

HEALTH & SOCIAL SERVICES

Feb 02 **Tuesday** **Butrovich 205** **8:00 AM**
+ Department Budget Overview
-- Testimony <Invitation Only> --

Feb 04 **Thursday** **Butrovich 205** **8:00 AM**
+ Department Budget Overview Continuation
-- Testimony <Invitation Only> --

Feb 09 **Tuesday** **Butrovich 205** **8:00 AM**
+ Mental Health Trust Programs
-- Testimony <Invitation Only> --

Feb 11 **Thursday** **Butrovich 205** **8:00 AM**
+ Medicaid, FMAP, Provider Rates, Denali
KidCare Update
-- Testimony <Invitation Only> --

FINANCE SUBCOMMITTEES (continued)

HEALTH & SOCIAL SERVICES (continued)

Feb 16 **Tuesday** **Butrovich 205** **8:00 AM**
 + Public Assistance (PA) programs: LEAN
 Approach, Adult PA Senior Benefit
 Payments, Child Care Assistance, and
 Heating Assistance
 -- Testimony <Invitation Only> --

MILITARY & VETERANS' AFFAIRS

Feb 05 **Friday** **Fahrenkamp 203** **12:00 PM**
 + Departmental Overview
 -- Testimony <Invitation Only> --

Feb 16 **Tuesday** **Butrovich 205** **9:30 AM**
 + Committee Discussion and Draft Closeout
 -- Testimony <Invitation Only> --

NATURAL RESOURCES

Feb 04 **Thursday** **Fahrenkamp 203** **10:00 AM**
 Department Overview

Feb 09 **Tuesday** **Fahrenkamp 203** **1:00 PM**
 Division of Oil and Gas

Feb 11 **Thursday** **Beltz 105 (tsbldg)** **11:00 AM**
 Gas Pipeline Implementation

Feb 16 **Tuesday** **Fahrenkamp 203** **1:00 PM**
 Division of Mining, Land, and Water
 Division of Geological and Geophysical
 Surveys

FINANCE SUBCOMMITTEES (continued)**NATURAL RESOURCES (continued)**

Feb 23	Tuesday	Fahrenkamp 203	2:00 PM
	Division of Agriculture Office of Project Management & Permitting Support Services Division		
Mar 09	Tuesday	Fahrenkamp 203	1:00 PM
	Close Out		

PUBLIC SAFETY

Feb 04	Thursday	Fahrenkamp 203	1:30 PM
+	Department Budget Overview -- Testimony <Invitation Only> --		
Feb 11	Thursday	Fahrenkamp 203	1:30 PM
+	Status of VPSO Program and Recruitment Efforts for Them and the State Troopers -- Testimony <Invitation Only> --		
Feb 25	Thursday	Fahrenkamp 203	1:30 PM
+	Domestic Violence & Sexual Assault Programs -- Testimony <Invitation Only> --		

JOINT COMMITTEES**ARMED SERVICES COMMITTEE**

Feb 02	Tuesday	Senate Finance 532	11:30 AM
+	Briefings from Alaska Marines; Updates on VA Health Care, Education Benefits, Alaska Territorial Guard, Fisher House, Veterans Summit, and PTA Report Summaries. -- Testimony <Invitation Only> --		

JOINT COMMITTEES (continued)**ARMED SERVICES COMMITTEE (continued)**

Feb 04 **Thursday** **Fahrenkamp 203** **9:00 AM**
 -- Time and Location Change --
 + Briefings from Alaskan Command and Alaska
 Army National Guard
 -- Testimony <Invitation Only> --

LEGISLATIVE BUDGET & AUDIT

Feb 25 **Thursday** **Senate Finance 532** **4:00 PM**
 + RPL's
 Audits - Executive Session
 AEA Renewable Energy Project Update
 Other Committee Business
 -- Testimony <Invitation Only> --

LEGISLATIVE COUNCIL

Feb 04 **Thursday** **Senate Finance 532** **4:00 PM**
 Legislature FY09 Audit
 Sanctioning of Charitable Events
 Late Per Diem Requests
 Travel & Per Diem Policy Approval
 Fosler Law Group Contract Amendment
 90 Day Session Report
 Revisor's Bill
 Presentation of State Flag Policy
 Building Naming Policy Discussion
 IT Subcommittee Recommendations
 Personal Service Contracts/PERS Waivers
 RFP 505 - Public Relations
 Consultations - ESA
 --Executive Session--
 Legislative Office Space

JOINT COMMITTEES (continued)**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

Jan 29 Friday Fahrenkamp 203 12:00 PM
Update - Campaign Year Restrictions and Prohibitions

OTHER MEETINGS**FISH CAUCUS**

Jan 29 Friday Capitol 106 12:00 PM
+ Brown Bag Lunch

JOINT LEGISLATIVE HEALTH CAUCUS

Feb 03 Wednesday Butrovich 205 12:00 PM
-- Rescheduled to 02/10/10 --
Health Care Commission Report and Recommendations

Feb 10 Wednesday Butrovich 205 12:00 PM
-- Rescheduled from 02/03/10 --
Commissioning Healthy, Safe Families

JOINT SESSION

Feb 18 Thursday House Chamber 11:00 AM
Annual Address by the Honorable
Lisa Murkowski, U.S. Senator

MISCELLANEOUS MEETINGS

Feb 08 Monday Senate Finance 532 1:00 PM
School District Legislative Fly-In
Informal Q&A Session Regarding Alaska's
Public School System

MISCELLANEOUS MEETINGS (continued)

Mar 29	Monday	Senate Finance 532	1:00 PM
	School District Legislative Fly-In Informal Q&A Session Regarding Alaska's Public School System		