SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE

SECOND SESSION

Juneau, Alaska

Monday

February 13, 2006

Thirty-sixth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:06 a.m.

The roll showed nineteen members present. Senator Seekins was excused from a call of the Senate.

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

Dear God, we pray for the State of Alaska and all the cities and towns that are in it. Change demands patience, understanding, vision and planning. It requires leaders to be in touch with their local communities, with knowledge of priorities and with a love and passion for people and the work involved. We ask that You relieve the challenges and obstacles that cause delays, and impart to our leaders the ability to make progress, and inspire and motivate people.

We pray that our leaders this morning will experience the kind of servant leadership that was inspired by our forefathers. We thank You for each of them. We ask Your blessing upon the leaders and their family. Also, we pray for our leaders today, that they will bring strong and principled leadership to this community. Bless them today as they balance their responsibilities between home and public office.

We pray that our leaders will be mindful of their integrity, as the residents of Alaska look to them for leadership. Let them accept their responsibilities with sincerity and may they always realize exactly what it means to be in a position of influence. May their actions, their character, and honesty enhance the vision and future of our state and nation.

So I pray that today would be a continuation of building a strong nation that will impact the world. I pray that today You would continue to bring unity and oneness as they debate what is best for Alaskans.

God bless and protect our leaders today. In Jesus' name,

Amen.

Senator Cowdery led the Senate in the Pledge of Allegiance.

Certification

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

Communications

The following report is on file in the Office of the Secretary of the Senate:

Division of Insurance 67^{th} Annual Report, Calendar Year 2004, Fiscal Year 2005

from Linda S. Hall, Director, Division of Insurance Department of Commerce, Community and Economic Development in accordance with AS 21.06.110

Standing Committee Reports

Report dated February 9 was read, stating:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee reviewed the following and recommends these appointments be forwarded to a joint session for consideration:

Commissioner – Department of Commerce, Community and Economic Development

William Noll

Alaska State Board of Public Accountancy

Johnny Floyd - Anchorage Daniel J. Rozema - Anchorage Elaine R. Williamson - Fairbanks

Alcoholic Beverage Control Board

Shirley A. Gifford - Soldotna

State Board of Registration for Architects, Engineers, and Land Surveyors

Terry Gorlick - Anchorage Burdett B. Lent - Wasilla Daniel E. Walsh - Fairbanks

Board of Chiropractic Examiners

Dr. Gregory M. Culbert - Eagle River Dr. Rosemary E. Zimmerman - Girdwood

Alaska Labor Relations Agency

Matthew R. McSorley - Anchorage

Board of Certified Real Estate Appraisers

Steve MacSwain - Anchorage Richard (Butch) D. Olmstead - Ketchikan

Real Estate Commission

Timothy J. Worthen - Anchorage

Workers' Compensation Appeals Commission

John Giuchici - Fairbanks Kristin S. Knudsen - Anchorage Jim E. Robison - Eagle River Marc D. Stemp - Bethel Philip E. Ulmer - Eagle River

Alaska Workers' Compensation Board

Raymond (Scott) S. Bridges - Eagle River Stephen T. Hagedorn - Anchorage Linda F. Hutchings - Soldotna David (Dave) B. Robinson - Wasilla

This does not reflect intent by any of the members to vote for or against the individuals during any future sessions.

Signing the report: Senator Bunde, Chair; Senators Ellis, Davis.

SB 237

Forthcoming Judiciary Committee Substitute (page 2121) for SENATE BILL NO. 237 "An Act increasing the number of superior court judges designated for the third judicial district, to provide additional superior court judges at Anchorage, Palmer, and Kenai; and providing for an effective date" was received today:

CS FOR SENATE BILL NO. 237(JUD) "An Act increasing the number of superior court judges designated for the third and fourth judicial districts to provide additional superior court judges at Anchorage, Palmer, Kenai, and Fairbanks; and providing for an effective date."

Forthcoming Judiciary Committee Letter of Intent (page 2121) for SENATE BILL NO. 237 was received today:

The legislature finds that the Alaska Court System has experienced a steady multi-year trend in the growth of the criminal caseload. Much of the growth in criminal caseload has occurred in Anchorage, Palmer, Kenai, and Fairbanks in part due to rapid increases in population in some areas. For

example, the Matanuska-Susitna Borough had a 77 percent increase in population from 1990 to 2004 and a 39 percent increase in felony case filings for fiscal year 2004 alone. Overall, felony criminal case filings with the court have increased by approximately 20 percent from fiscal year 2002 to fiscal year 2004.

Felony criminal cases are typically the most complex and time intensive criminal cases that the Alaska Court System handles. Over the years, these cases have become even more complex and therefore time consuming due to changes in the nature of criminal cases and the use of scientific evidence in a greater number of cases. Additionally, increased participation by victims and other new court procedures have resulted in cases requiring more actual courtroom time prior to resolution. Felony criminal cases are becoming back-logged to a degree that undermines the criminal justice system.

Prosecutors, law enforcement and others who regularly appear before the Alaska Court System recognize that additional superior court judges are essential for the efficient handling of the felony caseload. The legislature finds that justice will be better served for victims, defendants and the general public if the court system has the resources necessary for efficient processing of these cases.

Therefore, it is the intent of the legislature that the additional superior court judges authorized by this bill be assigned to criminal matters, or be utilized by the court system in a manner that will allow criminal matters to be more efficiently processed by the court.

Introduction and Reference of Senate Resolutions

SJR 18

SENATE JOINT RESOLUTION NO. 18 BY SENATOR ELLIS,

Urging the Alaska Department of Health and Social Services to seek authority and funding from the United States Department of Veterans Affairs to establish a system allowing Alaska veterans treatment in both public and private Alaska facilities.

was read the first time and referred to the Health, Education and Social Services and State Affairs Committees.

Introduction and Reference of Senate Bills

SB 277

SENATE BILL NO. 277 BY SENATOR ELTON, entitled:

"An Act relating to eligibility requirements for medical assistance for certain children, pregnant women, and persons in medical or intermediate care facilities; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services and Finance Committees.

SB 278

SENATE BILL NO. 278 BY SENATOR OLSON, entitled:

"An Act creating the Alaska Climate Change Task Force; and providing for an effective date."

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

SB 279

SENATE BILL NO. 279 BY SENATOR DYSON, entitled:

"An Act relating to missions and desired results to be applied to certain expenditures from state operating budgets by the executive branch of state government and the University of Alaska and by the judicial branch of state government; and providing for an effective date."

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

SB 280

SENATE BILL NO. 280 BY SENATOR HUGGINS, entitled:

"An Act relating to approval of insurance policy forms or associated materials in foreign languages, and providing that the English version of policy forms or associated materials is the official version if certain conditions are met."

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

SB 281

SENATE BILL NO. 281 BY SENATOR DYSON, entitled:

"An Act relating to interdistrict operation of public schools; relating to enrollment of students by school districts and regional educational attendance areas; and relating to charter schools and correspondence programs."

was read the first time and referred to the Health, Education and Social Services and Finance Committees.

SB 282

SENATE BILL NO. 282 BY SENATOR GARY STEVENS, entitled:

"An Act relating to the use of broadcasting to promote raffles and lotteries."

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

SB 283

SENATE BILL NO. 283 BY SENATOR DYSON, entitled:

"An Act relating to the Energy Task Force; and providing for an effective date."

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

SB 284

SENATE BILL NO. 284 BY SENATOR THERRIAULT, entitled:

"An Act relating to sentencing for the commission of a felony while under the influence of alcohol."

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

SB 285

SENATE BILL NO. 285 BY SENATORS FRENCH, Davis, Ellis, Elton, Guess, entitled:

"An Act relating to disclosure to the Alaska Public Offices Commission of information about certain income received as compensation for personal services by legislators, public members of the Select Committee on Legislative Ethics, and legislative directors subject to the provisions of law setting standards of conduct for legislative branch officers and employees; and providing for an effective date."

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

SB 286

SENATE BILL NO. 286 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the issuance of complimentary fishing and hunting licenses and certain tags; providing for the issuance of complimentary fishing and hunting licenses to certain members of the Alaska National Guard returning from active duty deployment; and providing for an effective date."

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

The following fiscal information was published today:
Fiscal Note No. 1, zero, Department of Military and Veterans'
Affairs
Fiscal Note No. 2, Department of Fish and Game

Governor's transmittal letter dated February 13:

Dear President Stevens:

Under authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting this bill to honor certain members of the Alaska National Guard by authorizing them to receive complimentary fishing and hunting licenses. This bill would demonstrate Alaska's support for members of the Alaska National Guard, helping them reconnect with their home and families, by honoring Alaska's returning heroes with the opportunity to turn to the peace and quiet that hunting and fishing offers.

The bill would allow the governor to direct the commissioner of the Department of Fish and Game to authorize the issuance of complimentary fishing and hunting licenses by the department or its authorized agents to those members of the Alaska National Guard who have been deployed for 30 or more consecutive days for the purpose of fighting in, or providing direct support for, a national conflict outside the United States. The bill would allow a member who cannot meet the 30-day deployment requirement due to being injured during the deployment to still be eligible for a complimentary license. The licenses would be valid for the license year in which the Alaska National Guard member is no longer in deployed status and returns to Alaska, or for the subsequent license year.

The bill also would authorize the issuance of complimentary king salmon tags to certain distinguished visitors to the state.

I urge your prompt and favorable action on this measure.

Sincerely yours, /s/ Frank H. Murkowski Governor

SB 287

SENATE BILL NO. 287 BY SENATOR ELLIS, entitled:

"An Act establishing a higher education savings program for eligible persons who were placed in foster care by the state; and providing for confidentiality of identifying information of a beneficiary under the program."

was read the first time and referred to the Health, Education and Social Services and Finance Committees.

SB 288

SENATE BILL NO. 288 BY SENATOR ELLIS, entitled:

"An Act declaring September Education Savings Month."

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

SB 289

SENATE BILL NO. 289 BY THE SENATE LABOR AND COMMERCE COMMITTEE BY REQUEST, entitled:

"An Act relating to the payment of insurer examination expenses, to the regulation of managed care insurance actuarial to opinions and supporting documentation for an insurer, to insurance firms, managing general agents, and third-party administrators, to eligibility of surplus lines insurers, to suitability of life and health insurance policies and annuity contracts, to unfair discrimination under a health insurance policy, to prompt payment of health care insurance claims, to required notice by an insurer, to individual deferred annuities, to direct payment to providers under a health insurance policy, to mental health benefits under a health care insurance plan, to the definitions of 'title insurance limited producer' and of other terms used in the title regulating the practice of the business of insurance, and to small employer health insurance; repealing the Small Employer Health Reinsurance Association; making conforming amendments; and providing for an effective date."

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

Consideration of the Calendar

Citations

In Memoriam – Michael J. Shibe Representative(s) Rokeberg Senator(s) Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

Senator Gary Stevens 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 Davis moved and asked unanimous consent to be excused from a call of the Senate on February 17. Without objection, Senator Davis was excused.

Senator Stedman moved and asked unanimous consent to amend his previous excusal motion on February 21, from morning plane time to afternoon plane time. Without objection, the excusal motion was amended.

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, February 15 to morning plane time, February 16. Without objection, Senator Wagoner was excused.

Announcements

Announcements are at the end of the journal.

Enrollment

SB 164

HOUSE CS FOR CS FOR SENATE BILL NO. 164(RLS) "An Act relating to the salmon product development tax credit; providing for an effective date by amending an effective date in sec. 7, ch. 57, SLA 2003; and providing for an effective date" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 9:53 a.m., February 13, 2006.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., February 14, 2006. Without objection, the Senate adjourned at 11:31 a.m.

Kirsten Waid Secretary of the Senate

February 2006

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 13	Monday No Meeting Scheduled	Beltz 211	1:30 PM
+ SB 248	Wednesday BONDS OF BOND BANK AUTH ADMINISTRATIVE BOROUGHS DEFERRAL OF MUNICIPAL PRO	BOROUGH GRA	1:30 PM ANTS/
Feb 17	Friday No Meeting Scheduled	Beltz 211	1:30 PM

FINANCE

Feb 13	Monday	Senate Finance 532	9:00 AM	
+= SB 18	8 BULK FUEL RE	EVOLVING LOAN FUND CAP		
+= HB 24	3 SWAN LAKE-T	YEE LAKE INTERTIE		
+ SB 20	7 AK AEROSPAC	AK AEROSPACE DEVEL. CORP BD MEMBERSHIP		
+	Bills Previously	Heard/Scheduled		
Feb 14	Tuesday	Senate Finance 532	9:00 AM	
+	Overview of Gov	vernor's Overall Spending		
	Proposal			
+	Bills Previously	Heard/Scheduled		

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FINANCE

(continued)

Feb	15	Wednesday	Senate Finance 532	9:00 AM
+	SB 209	UNDERAGE MILITAR	Y ON LICENSED PREMISE	ES
+	SB 210	VIOL. OF ALCOHOLIC	C BEV. LAWS/FORFEITUR	E
+	SB 237	ADDITIONAL JUDGES	S FOR THIRD DISTRICT	
+		Bills Previously Heard/S	cheduled	
Feb	16	Thursday	Senate Finance 532	9:00 AM
+		Presentation by Lewin G	roup:	
		Long Term Forecast of M	Medicaid	
		Enrollment and Spending	g in Alaska,	
		2005-2025		
+		Bills Previously Heard/S	cheduled	
Feb	17	Friday	Senate Finance 532	9:00 AM
+		Bills Previously Heard/S	cheduled	

HEALTH, EDUCATION & SOCIAL SERVICES

Monday	Butrovich 205	1:30 PM
Overview Presentation:		
Department of Health & So	ocial Services	
Pandemic Influenza Respo	nse Plan	
Wednesday No Meeting Scheduled	Butrovich 205	1:30 PM
		1:30 PM DUNCIL
	Overview Presentation: Department of Health & Se Pandemic Influenza Respo Wednesday No Meeting Scheduled Friday DOMESTIC VIOLENCE/	Overview Presentation: Department of Health & Social Services Pandemic Influenza Response Plan Wednesday No Meeting Scheduled Butrovich 205

JUDICIARY

Fet	14		Tuesday	Butrovich 205	8:30 AM
+=	SB	10	PARENTAL LIABILITY I	FOR CHILD'S DAMAGE	<u>L</u>
+=	HB	41	ASSAULT ON SCHOOL I	EMPLOYEES/BUS DRIV	/ERS
+=	HB	107	HUNTING/FISHING INTI	ERFERENCE	
+=	HB	269	HAZARDOUS SUBSTAN	CE RELEASE LIABILIT	Ϋ́
+			Bills Previously Heard/Sch	eduled	

February 13, 2006

JUDICIARY (continued)

Feb 15	Wednesday	Butrovich 205	8:30 AM
+ SB 240	DRUG OFFENSES: NEIGH	BORS AS CRIME VI	CTIMS
+ SB 249	REPORTING BAIL AND RELEASE INFORMATION		
+	Bills Previously Heard/Scheduled		
Feb 16	Thursday	Butrovich 205	8:30 AM
+	Senate Bill:		
	PROPOSING AN AMENDA	MENT TO THE SECT	ION OF
	THE COSTITUTION OF TH	HE STATE OF ALASH	KΑ
	RELATING TO MARRIAGE		
	<pending &="" introduction="" referral=""></pending>		
+ SB 206	DETENTION OF MATERIA	AL WITNESSES	
+	Bills Previously Heard/Sched	luled	

LABOR & COMMERCE

Feb	14	Tuesday	Beltz 211	1:30 PM
+	SB 177	PRACTICE OF PSYCHOLOGY		
+	SB 255	OPTOMETRY: EXTEND BD/ LIC	. ENDORSEMEN	ΙΤ
		Bills Previously Heard/Scheduled,		
		Including But Not Limited to:		
+=	SB 244	NO DISCRIMINATION AGAINST	Γ ACUPUNCTUR	IST
+=	SB 222	PROTECTION OF PERSONAL IN	FORMATION	
Feb	16	Thursday	Beltz 211	1:30 PM
Feb	16 SB 289	· · · · · · · · · · · · · · · · · · ·	Beltz 211	1:30 PM
	SB 289			
+	SB 289	INSURANCE	ACTIC EXAMINE	ERS
+	SB 289 SB 253	INSURANCE EXTEND BOARD OF CHIROPRA	ACTIC EXAMINE	ERS
+	SB 289 SB 253	INSURANCE EXTEND BOARD OF CHIROPRA EXTEND PT & OCCUPATIONAL	ACTIC EXAMINE	ERS

RESOURCES

F	eb 13	Monday	Butrovich 205	3:30 PM
+=	= SB 166	WILDLIFE CONSERVATION	ON TAG	
+=	= HB 37	PUBLIC ACCESS TO FISH	ING STREAMS	
+	SB 203	UNIFIED PERMIT APPLICATION	ATION	
+	SB 213	APPROPRIATION FOR MI	NERAL INVENTORY	

RESOURCES

(continued)

Feb 15 Wednesday Butrovich 205 3:30 PM

+ Confirmation Hearing:

Big Game Commercial Services Board Ralph Anderson, Roy Ashenfelter, Colin Brown, Paul Johnson, Richard Rohrer, Betty Jo Schmitz, Ted Spraker

Commercial Fisheries Entry Commission

Bruce Twomley

+ SB 262 FOREST RESOURCES & PRACTICES STANDARDS

Feb 17 Friday Butrovich 205 3:30 PM

No Meeting Scheduled

STATE AFFAIRS

Feb 14 Tuesday Butrovich 205 3:30 PM

- SB 274 STATE FIREARM DISPOSAL AND INVENTORY

Senate Bill:

LIFE INSURANCE FOR NATIONAL GUARD

<Pending Introduction & Referral> Bills Previously Heard/Scheduled

Feb 16 Thursday Butrovich 205 3:30 PM

+ Senate Bill:

PFD CHECKLIST CHARTIBLE GIVING <Pending Introduction & Referral> Bills Previously Heard/Scheduled

TRANSPORTATION

Feb 14 Tuesday Butrovich 205 1:30 PM

+ SB 271 AUTHORIZE HWY PROGRAM PARTICIPATION

Bills Previously Heard/Scheduled

Feb 16 Thursday Butrovich 205 1:30 PM

+ Presentation - Context Sensitive Design

"Thinking Beyond the Pavement" Bills Previously Heard/Scheduled

TRANSPORTATION

(continued)

Feb 25 Saturday Wasilla Lio Conf Rm 1:30 PM

-- Note Time and Location Change -- Joint w/(H) Transportation

Meeting with the House Finance

Budget Subcommittee on Public Safety

"Discussion of Highway Safety Issues"

FINANCE SUBCOMMITTEES

HEALTH & SOCIAL SERVICES

Feb 15 Wednesday Senate Finance 532 5:00 PM

Presentation by Lewin Group entitled: Long Term Forecast of Medicaid Enrollment and Spending in Alaska:

2005-2025

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

Feb 21 Tuesday Capitol 17 3:00 PM

Changes to Regulations Adopted by Dept. of Health & Human Services

Re: Durable Medical Equipment Supplies

ARMED SERVICES COMMITTEE

Feb 15 Wednesday Senate Finance 532 1:30 PM

Annual Alaskan Command Briefing Address by Lt. General Douglas Fraser and Brigadier General Craig Christensen

JOINT COMMITTEES

(continued)

LEGISLATIVE COUNCIL

Feb 13 **Senate Finance 532** 5:00 PM Monday

> Approval of 2/2/06 Minutes FY07 LAA Budget Legislative Per Diem Scheduling of Meetings Sanctioning of Charitable Events

Thanksgiving in March

OTHER MEETINGS

CHILDREN'S CAUCUS

Feb 14 Tuesday Butrovich 205 12:00 PM

Alaska Children's Justice Act Task Force: Reviewing Practice, Policy, and Laws on

Child Abuse

JOINT LEGISLATIVE HEALTH CAUCUS

Feb 15 Wednesday **Butrovich 205** 12:00 PM

"Getting to the Heart of Prescription

Drugs"

Light Lunch Will be Served

JOINT SESSION

Feb 21 Tuesday **House Chamber** 2:00 PM

Address by the Honorable Lisa Murkowski, U.S. Senator

Mar 22 Wednesday **House Chamber** 11:00 AM

> Address by the Honorable Ted Stevens, U.S. Senator

MISCELLANEOUS MEETINGS

Feb 16 Thursday Capitol 106 5:00 PM

Thursday Ca Joint w/(H) Open Caucus Presentation by the Alaska Gas Port Authority