SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE

SECOND SESSION

Juneau, Alaska

Friday

March 24, 2006

Seventy-fifth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:23 a.m.

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

The prayer was offered by the Chaplain, Father Tony Dummer of St. Paul's Catholic Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord God, we bless You and are filled with gratitude for the numerous gifts, the countless blessings, that come to us from You.

Your blessings come in times of joy, in times of victory, success and honor, and they come as well in times of pain and sorrow, in sickness and defeat, Your blessings, however, come always as life.

We take delight in our eyes, in our ears, arms and legs.
We find joy in holidays and vacations, and in our work as well.
We thank You, Lord of Gifts, for friendships, family and fun.
In winning and in losing in being last as well as first we take delight in the challenge and adventure of Your great gift of life.

Lord, we thank You for all the gifts that flow fully, day and night into our lives.

Today, with full hearts, in the company of each other and of all who have walked these halls before us we bless You for all the good that has come to us.

Blessed are You, Lord our God, who in the richness of Your divine love, bless us with good things.

Senator Elton led the Senate in the Pledge of Allegiance.

Certification

Senator Gary Stevens moved and asked unanimous consent that the journals for the seventy-third and seventy-fourth legislative days and House and Senate Joint Journal Supplement No. 14 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

SB 224

Message dated and received March 23 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE BILL NO. 224 "An Act establishing Older Alaskans' Day."

Chapter 8, SLA 2006 Effective Date: 06/21/2006

HB 81

Message dated and received March 23 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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SENATE CS FOR CS FOR HOUSE BILL NO. 81(JUD) am S "An Act establishing an administrative fine and procedure for construction contractors in certain circumstances; increasing the amount of a civil penalty for persons acting in the capacity of contractors or home inspectors; modifying the elements of a crime involving contractor registration and residential contractors; modifying the exemptions from regulation under AS 08.18 for contractors; and exempting the administrative hearings for imposing an administrative fine on construction contractors from the hearings conducted by the office of administrative hearings in the Department of Administration."

> Chapter 9, SLA 2006 Effective Date: 06/21/2006

Messages from the House

Message dated March 22 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 300

CS FOR HOUSE BILL NO. 300(O&G) BY THE HOUSE SPECIAL COMMITTEE ON OIL AND GAS, entitled:

"An Act relating to the qualifications of the member of the Alaska Oil and Gas Conservation Commission who need not be certified, trained, or experienced in either the field of petroleum engineering or the field of petroleum geology."

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

HB 395

CS FOR HOUSE BILL NO. 395(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the period of the fire season; and providing for an effective date."

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

Communications

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

2002/2003 Annual Report of the Alaska Behavioral Risk Factor Study Health Risks in Alaska Among Adults from Rebecca S. Wells, Division of Public Health Department of Health and Social Services available at: www.hss.state.ak.us/dph/chronic/hsl/brfss/pubs/brfss0203.pdf

Alaska Court System 2005 Annual Report from Stephanie J. Cole, Administrative Director

Standing Committee Reports

Report dated March 22 was read, stating:

In accordance with AS 39.05.080, the Health, Education and Social Services Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Board of Marital and Family Therapy

Vivian C. Finlay Curtis C. Schlosser Dorothy (Dottie) Vanmeter Stanton Patricia A. White

State Medical Board

Edward A. Hall Nancy Puckett Kevin M. Tomera

Alaska Mental Health Trust Authority Board of Trustees Laraine L. Derr

Board of Certified Direct-Entry Midwives

Mila (Melinda) A. Cosgrove Barbara Norton Holly M. Steiner

Board of Nursing

JoAnne Bell-Graves Catherine A. Giessel

Board of Examiners in Optometry Dennis A. Swarner

State Physical Therapy and Occupational Therapy Board Julius S. Brecht

Occupational Safety and Health Review Board

Timothy O. Sharp Thomas A. Trosvig

Professional Teaching Practices Commission Craig Baker Bonnie C. Gaborik Linda L. Gillam Black

Board of Dental Examiners

Dr. Kevin L. Gottlieb, DDS

Board of Psychologist and Psychological Associate Examiners Dr. Lorin L. Bradbury

Board of Social Work Examiners Gail La Rose-Henderson There were no stated objections to the confirmations of the named individuals by committee members. This does not reflect intent by any of the members to vote for or against the individuals during any further sessions.

Signing the report: Senator Dyson, Chair; Senators Green, Wilken, Olson, Elton.

SB 206

The Finance Committee considered SENATE BILL NO. 206 "An Act relating to material witnesses; and amending Rule 58.1, Alaska Rules of Civil Procedure, and Rule 204, Alaska Rules of Appellate Procedure" and recommended it be replaced with

CS FOR SENATE BILL NO. 206(FIN) "An Act relating to contempt of court and to temporary detention and identification of persons."

Signing do pass: Senators Wilken, Green, Cochairs; Senators Bunde, Dyson, Stedman. Signing no recommendation: Senators Hoffman, Olson.

The following fiscal information was published today: Fiscal Note No. 5, zero, Department of Administration

Fiscal Note No. 6, zero, Department of Corrections

Fiscal Note No. 7, zero, Department of Law

Fiscal Note No. 8, zero, Department of Administration

The bill was referred to the Rules Committee.

SB 214

The State Affairs Committee considered SENATE BILL NO. 214 "An Act making appropriations for energy assistance and weatherization; and providing for an effective date." Signing do pass: Senator Therriault, Chair; Senator Huggins. Signing amend: Senator Davis.

The bill was referred to the Finance Committee.

SB 215

The State Affairs Committee considered SENATE BILL NO. 215 "An Act relating to the energy dividend for 2005; and providing for an effective date." Signing do pass: Senator Therriault, Chair; Senator Huggins. Signing amend: Senator Davis.

The following fiscal information was published today: Fiscal Note No. 1, Department of Revenue

The bill was referred to the Finance Committee.

SB 274

The State Affairs Committee considered SENATE BILL NO. 274 "An Act relating to the disposition of surplus firearms by the state" and recommended it be replaced with

CS FOR SENATE BILL NO. 274(STA) "An Act relating to the disposition of forfeited, surplus, and unclaimed firearms by the state."

Signing do pass: Senator Therriault, Chair; Senator Huggins. Signing no recommendation: Senator Davis.

The following fiscal information was published today: Fiscal Note No. 1, Department of Administration

Fiscal information forthcoming.

The bill was referred to the Finance Committee.

SB 284

The Finance Committee considered SENATE BILL NO. 284 "An Act relating to sentencing for the commission of a felony while under the influence of alcohol" and recommended it be replaced with

CS FOR SENATE BILL NO. 284(FIN) "An Act relating to sentencing for the commission of certain offenses influenced by alcohol and to the offense of consumption of alcohol in violation of sentence."

Signing do pass: Senators Wilken, Green, Cochairs; Senator Bunde. Signing no recommendation: Senators Hoffman, Olson, Stedman.

- The following fiscal information was published today: Fiscal Note No. 3, indeterminate, Alaska Court System Fiscal Note No. 4, indeterminate, Department of Corrections
- The following previously published fiscal information applies: Fiscal Note No. 1, indeterminate, Department of Administration Fiscal Note No. 2, indeterminate, Department of Administration

The bill was referred to the Rules Committee.

HB 274

The Finance Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 274(FIN) "An Act relating to the practice of accounting; and providing for an effective date." Signing do pass: Senators Wilken, Green, Cochairs; Senators Bunde, Hoffman. Signing no recommendation: Senator Olson.

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 Rules Committee.

SCR 21

The State Affairs Committee considered SENATE CONCURRENT RESOLUTION NO. 21 Relating to the Vietnam War, to veterans, and to the Vietnam War memorial entitled "The Moving Wall" and recommended it be replaced with

CS FOR SENATE CONCURRENT RESOLUTION NO. 21(STA) Relating to the Vietnam War, to veterans and their families, and to the Vietnam War memorial entitled "The Moving Wall."

Signing do pass: Senator Therriault, Chair; Senators Davis, Huggins.

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The following fiscal information was published today: Fiscal Note No. 1, zero, Senate State Affairs Committee

The resolution was referred to the Rules Committee.

Introduction and Reference of Senate Bills

SB 311

SENATE BILL NO. 311 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the athletic commission and the commissioner of athletics; and relating to boxing, sparring, and wrestling contests, matches, and exhibitions."

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

SB 312

SENATE BILL NO. 312 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the promotion of live public events for which tickets are sold in advance."

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

Consideration of the Calendar

Second Reading of Senate Bills

SB 200

SENATE BILL NO. 200 "An Act relating to defense of self, other persons, and property" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 2056. Without objection, CS FOR SENATE BILL NO. 200(JUD) "An Act relating to defense of self, other persons, property, or services was adopted.

President Stevens stated CS FOR SENATE BILL NO. 200(JUD) will be on the March 27 calendar.

Second Reading of House Bills

HB 410

CS FOR HOUSE BILL NO. 410(JUD) "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date" was read the second time.

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

CS FOR HOUSE BILL NO. 410(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 410(JUD) "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 410(JUD) Third Reading - Final Passage Effective Date

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

Yeas: Bunde, Cowdery, Davis, Ellis, Elton, French, Guess, Hoffman, Huggins, Kookesh, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Green

Absent: Dyson, Olson

and so, CS FOR HOUSE BILL NO. 410(JUD) passed the Senate.

Senator Gary Stevens 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 Ellis gave notice of reconsideration.

Third Reading of Senate Bills

SB 250

SENATE BILL NO. 250 was read the third time.

The question being: "Shall SENATE BILL NO. 250 "An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and eliminating statutory references to the network on domestic violence and sexual assault" pass the Senate?" The roll was taken with the following result:

SB 250 Third Reading - Final Passage

YEAS: 16 NAYS: 2 EXCUSED: 0 ABSENT: 2

Yeas: Bunde, Cowdery, Davis, French, Green, Guess, Hoffman, Huggins, Kookesh, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis, Elton

Absent: Dyson, Olson

and so, SENATE BILL NO. 250 passed the Senate.

Senator Elton gave notice of reconsideration.

Citations

Honoring – Alaska Tanker Company Representative(s) Kohring Senator(s) Green, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, 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.

Senator Gary Stevens moved and asked unanimous consent that the following citations be made a special order of business. Without objection, it was so ordered.

Special Order of Business

In Memoriam - Joseph R. Cumming

Senator(s) Seekins, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam - Margaret Shinobu Awamura Inouye Representative(s) Harris 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 citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Unfinished Business

Senator Stedman moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time today to morning plane time, March 27. Without objection, Senator Stedman was excused.

Senator Gary Stevens moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 31 to morning plane time, April 3. Without objection, Senator Gary Stevens was excused.

Senator Davis moved and asked unanimous consent to be excused from a call of the Senate on March 27 to morning plane time on March 28. Without objection, Senator Davis was excused.

Senator Seekins moved and asked unanimous consent to be excused from a call of the Senate from today to morning plane time, March 27. Without objection, Senator Seekins was excused.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 27, 2006. Without objection, the Senate adjourned at 11:52 a.m.

Kirsten Waid Secretary of the Senate

March 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

Mar 24	Friday No Meeting Scheduled	Beltz 211	1:30 PM
Mar 27	Monday No Meeting Scheduled	Beltz 211	1:30 PM
Mar 29 += SB 248	Wednesday ADMINISTRATIVE BOROUGHS	Beltz 211 /BOROUGH GRA	1:30 PM ANTS/
Mar 31	Friday No Meeting Scheduled	Beltz 211	1:30 PM

FINANCE

Ma	ır 24	Friday	Senate Finance 532	9:00 AM
+	SB 305	OIL AND GAS PRODU	JCTION TAX	
		<pending referral=""></pending>		
		<above bill="" ca<="" hearing="" td=""><th>nceled></th><td></td></above>	nceled>	
+=	SB 284	SENTENCING FOR AI	COHOL-RELATED CRIMI	ES
		Electronic Commerce Pi	lot Program	
		Overview < Testimony b	y Invitation Only>	
+		Bills Previously Heard/S	Scheduled	

FINANCE (continued)

Mar 25	Saturday Masting Consoled	Senate Finance 532	10:00 AM
+= SB 305	Meeting Canceled OIL AND GAS PRODU	UCTION TAX	
+	<pending referral=""> Bills Previously Heard/S</pending>	cheduled	
	Monday EMPLOYMENT OF PR INSURANCE	Senate Finance 532 LISONERS	9:00 AM
+ SB 189 +	<above bill="" ca<="" hearing="" td=""><td>DRIVER'S LICENSE/I.D.</td><td></td></above>	DRIVER'S LICENSE/I.D.	
Mar 28 +	Tuesday Bills Previously Heard/S	Senate Finance 532 Scheduled	9:00 AM
Mar 29 += SB 305 +	Wednesday OIL AND GAS PRODU <pending referral=""> Bills Previously Heard/S</pending>		9:00 AM
Mar 30 += SB 305 +	Thursday OIL AND GAS PRODU <pending referral=""> Bills Previously Heard/S</pending>		9:00 AM
Mar 31 += SB 305 +	Friday OIL AND GAS PRODU <pending referral=""> Bills Previously Heard/S</pending>		9:00 AM
Apr 01 += SB 305 +	Saturday OIL AND GAS PRODU <pending referral=""> Bills Previously Heard/S</pending>		10:00 AM

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 24	Friday	Butrovich 205	1:30 PM
	Meeting Canceled		
+	Bills Previously Heard	Scheduled	

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

	Monday SCHOOL DIST. ENROLLME FETAL ALCOHOL SPECTR FLUORIDATION Bills Previously Heard/Schedu	UM DISORDERS DAY	
Mar 29 +	Wednesday Overview Update: Avian Flu Department of Environmental Department of Fish and Game Department of Health and Soc Bills Previously Heard/Schedu	ial Services	1:30 PM
Mar 31 +	Friday Bills Previously Heard/Schedu	Butrovich 205 led	1:30 PM
	JUDICIAR	Y	
Mar 24	Friday No Meeting Scheduled	Butrovich 205	8:30 AM
Mar 27	Monday No Meeting Scheduled	Butrovich 205	8:30 AM
	Tuesday LIMITATION ON EMINENT DEFINITION OF CHILD AB		8:30 AM
	Wednesday HARASSMENT/ASSAULT/S CARD ROOMS & OPERATI Bills Previously Heard/Schedu	ONS	8:30 AM
Mar 30 +	Thursday Bills Previously Heard/Schedu	Butrovich 205 lled	8:30 AM
Mar 31	Friday No Meeting Scheduled	Butrovich 205	8:30 AM

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LABOR & COMMERCE

Mar 28	Tuesday	Beltz 211	1:30 PM
+ SB 241	JOINT INSURANCE ARRANGEM	IENTS	
+ SB 309	CONSTR. TRAINING GRANT; UNEMPLOYMENT COMP.		
+	Confirmation of Governor's Appointees:		
	<teleconference listen="" only=""></teleconference>		
	Board of Barbers and Hairdressers -		
	Cody Downs, Charlette Lushin, Alice	e Massie	
	Real Estate Appraisers -		
	William Larick		
	Alaska Workers Compensation Boa	rd -	
	Robert Morigeau, Debra Norum,		
	Jeffrey Pruss, H. Bardie Scarbrough,		
	Damian Thomas, Robert Weel		
	Alaska Labor Relations Agency -		
	Dennis Niedermeyer		
	Board of Marine Pilots -		
	Les Cronk		
	Personnel Board -		
	Alfred Tamagni, Sr.		
	Bills Previously Heard/Scheduled		
	Including But Not Limited to:		
+= SB 307	LANDLORD REMEDIES; LATE I	FEE	
+= SB 300	MOTOR VEHICLE NEGATIVE E	QUITY	
Mar 30	Thursday	Beltz 211	1:30 PM
+	Bills Previously Heard/Scheduled		

Mar 30	Thursday	Beltz 211	1:30 PM
+	Bills Previously Heard/Scheduled		
	Including But Not Limited to:		

RESOURCES

Mar 24	Friday	Butrovich 205	10:00 AM
= SB 305	Recessed to 2:00 pm OIL AND GAS PRODUCTION Above Bill continued from 02		
Mar 24	Friday No Meeting Scheduled	Butrovich 205	3:30 PM

RESOURCES (continued)

Mar 27 = SB 305	Monday OIL AND GAS PRODUCT Testimony <invitation on<="" th=""><th></th><th>3:30 PM</th></invitation>		3:30 PM
Mar 29	Wednesday No Meeting Scheduled	Butrovich 205	3:30 PM
Mar 31	Friday No Meeting Scheduled	Butrovich 205	3:30 PM

STATE AFFAIRS

Ma	ar 28	Tuesday No Meeting Scheduled	Butrovich 205	3:30 PM
Ma	ır 30	Thursday	Butrovich 205	3:30 PM
+	HB 245	VETERANS' VEHICLE PL	ATES/FEES/TAXES	

Bills Previously Heard/Scheduled

TRANSPORTATION

Mar 28	Tuesday No Meeting Scheduled	Butrovich 205	1:30 PM
Mar 30	Thursday No Meeting Scheduled	Butrovich 205	1:30 PM

FINANCE SUBCOMMITTEES

COMMERCE, COMMUNITY & ECONOMIC DEV

Mar 28	Tuesday Budget Detail	Beltz 211	8:00 AM
Apr 04	Tuesday Budget Closeout	Beltz 211	8:00 AM

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CORRECTIONS

Mar 28	Tuesday Closeout	Fahrenkamp 203	4:30 PM	
	COURT	SYSTEM		
Mar 28	Tuesday Closeout	Fahrenkamp 203	4:00 PM	
	EDUCATION & EA	RLY DEVELOPMENT		
Mar 29	Wednesday FY07 Operating Budge	Senate Finance 532 t Closeout	4:30 PM	
	ENVIRONMENTA	L CONSERVATION		
Mar 29	Budget Closeout	Senate Finance 532	7:45 AM	
	FISH &	& GAME		
Mar 29	Rescheduled from 03 FY 07 Budget Closeout		1:30 PM	
GOVERNOR				
Mar 29	Budget Closeout	Senate Finance 532	4:00 PM	
HEALTH & SOCIAL SERVICES				
Mar 30	Thursday Closeout	Fahrenkamp 203	4:30 PM	

LAW

Mar 30	Thursday Budget Closeout	Senate Finance 532	4:30 PM	

LEGISLATURE

Mar 29	Wednesday	Senate Finance 532	3:30 PM
	Budget Closeout		

REVENUE

Mar 30	Thursday	Senate Finance 532	1:30 PM	
	Budget Closeout			

TRANSPORTATION & PUBLIC FACILITIES

Mar 30	Thursday	Fahrenkamp 203	4:00 PM	
	Closeout			

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Mar 29	Wednesday Meeting Canceled Minutes Audit Requests Executive Session - Preliminary and Final Au Other Business	House Finance 519	5:00 PM
Apr 04	Tuesday Audit Requests Executive Session - Preliminary and Final Au Other Business	House Finance 519	5:30 PM

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LEGISLATIVE COUNCIL

Mar 30	Thursday	House Finance 519	5:00 PM	
	FY05 Legislature Audi	t		
	Alaska Statehood Celebration Commission			
	Capitol Security			

OTHER MEETINGS

JOINT LEGISLATIVE HEALTH CAUCUS

Mar 29 Wednesday Butrovich 205 12:00 PM "Prevention - Whole Body Health" A light lunch will be served.