

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Monday

March 27, 2006

Seventy-eighth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:08 a.m.

The roll showed eighteen members present. Senator Davis was excused from a call of the Senate. Senator Stedman was absent.

The prayer was offered by the Chaplain, The Reverend Mark Boesser of the Episcopal Church. Senator Bunde moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

As we pause on the last Monday in March, Seward's Day, to commemorate the signing of the treaty by which the United States bought Alaska from Russia, tune in with me for a moment on a few of the voices raised in opposition to Seward's attempt to facilitate the purchase, voices of ridicule, sarcasm, mockery and scorn.

“Seward's Folly” was one of them, like, “Absolutely Ridiculous!” “Seward's Icebox” was another, the derisive name given to the Alaska territory during the battle between Secretary of State William H. Seward and the United States Congress over the purchase.

Other satirical names, voiced, I imagine, with great glee, were “Icebergia,” “Polaria,” and “Walrussia.” Critics of the purchase also chastised the President of the United States, Andrew Johnson, by referring to the Alaska territory as “Johnson's Polar Bear Garden,” all clues to just how difficult a case it was to make.

Still, in spite of everything, Seward persevered, and finally prevailed. Otherwise, well, let's not even think about it!

Instead, maybe that can key our brief prayer this morning:

For the persevering work of William Seward and those with him, against considerable odds, thanks be to God. Amen.

Senator French led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

The presence of Senator Stedman was noted.

SCR 25

Message dated March 24 was read, stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 25
Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 489, relating to the
treatment of charity events by the Alaska Public
Offices Commission and under the law governing
legislative ethics.

The resolution was referred to the Secretary for enrollment.

HB 489

Message dated March 24 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 489(RLS) "An Act relating to the treatment of charity events by the Alaska Public Offices Commission and under the law governing legislative ethics; and providing for an effective date," thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 489(STA) "An Act relating to the treatment of charity events by the Alaska Public Offices Commission and under the law governing legislative ethics; relating to a legislative employee's soliciting, accepting, or receiving a gift on behalf of a charitable organization; and providing for an effective date." (Title change SCR 25)

Messages dated March 24 and March 27 were read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 12**

CS FOR HOUSE BILL NO. 12(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to televisions, monitors, portable computers, and similar devices in motor vehicles; and providing for an effective date."

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

HB 400

CS FOR HOUSE BILL NO. 400(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to confiscation of firearms during disaster emergencies."

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

Standing Committee Reports**SB 189**

The Finance Committee considered SENATE BILL NO. 189 "An Act relating to issuance of identification cards and to issuance of driver's licenses" and recommended the adoption of the State Affairs Committee Substitute offered on page 2100.

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

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Administration

The bill was referred to the Rules Committee.

SB 310

The Finance Committee considered SENATE BILL NO. 310 "An Act relating to the employment of prisoners; and providing for an effective date." Signing do pass: Senators Wilken, Green, Cochairs; Senators Dyson, Stedman. Signing no recommendation: Senator Hoffman.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Labor and Workforce
Development

Fiscal Note No. 2, Department of Corrections

The bill was referred to the Rules Committee.

Consideration of the Calendar**Third Reading of Senate Bills****SB 200**

CS FOR SENATE BILL NO. 200(JUD) "An Act relating to defense of self, other persons, property, or services" was read the third time.

Senator Guess 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 Guess offered Amendment No. 1:

Page 2, lines 22 - 27:

Delete all material and insert:

"(C) acting alone or with others in revenge for, retaliation for, or response to actual or perceived conduct by a rival or perceived rival, or a member or perceived member of a rival group, if the person using deadly force, or the group on whose behalf the person is acting, has a history or reputation for violence among civilians; or"

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

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

CSSB 200(JUD)

Second Reading

Amendment No. 1

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

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

Excused: Davis

and so, Amendment No. 1 was adopted.

CS FOR SENATE BILL NO. 200(JUD) am was automatically in third reading.

Senator French moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 2. Without objection, the bill was returned to second reading.

Senator French offered Amendment No. 2:

Page 4, line 24:

Delete "(1)"

Page 4, line 27:

Delete " ; "

Insert " . "

Page 4, lines 28 - 31:

Delete all material.

Senator French moved for the adoption of Amendment No. 2. Senator Gary Stevens objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSSB 200(JUD) am

Second Reading

Amendment No. 2

YEAS: 7 NAYS: 12 EXCUSED: 1 ABSENT: 0

Yeas: Ellis, Elton, French, Guess, Hoffman, Kookesh, Olson

Nays: Bunde, Cowdery, Dyson, Green, Huggins, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Excused: Davis

and so, Amendment No. 2 failed.

CS FOR SENATE BILL NO. 200(JUD) am was automatically in third reading.

The question being: "Shall CS FOR SENATE BILL NO. 200(JUD) am "An Act relating to defense of self, other persons, property, or services" pass the Senate?" The roll was taken with the following result:

CSSB 200(JUD) am

Third Reading - Final Passage

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

Yeas: Bunde, Cowdery, Dyson, Ellis, French, Green, Guess, Hoffman, Huggins, Olson, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Elton, Kookesh

Excused: Davis

and so, CS FOR SENATE BILL NO. 200(JUD) am passed the Senate and was referred to the Secretary for engrossment.

Citations

Honoring – Gabrielle “Rosey” Fletcher

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

Honoring – Myrna McLaughlin

Representative(s) McGuire

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

Honoring – The Fraternal Order of the Alaska State Troopers

Representative(s) McGuire

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

In Memoriam – Sione Matakaiongo Tupou

Representative(s) Weyhrauch, Kerttula

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

In Memoriam – Roger Kendall Graves

Representative(s) Anderson

Senator(s) Guess, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, 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**SB 250**

The reconsideration on 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" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

HB 410

The reconsideration on 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 not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

Senator Dyson moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, April 13 to afternoon plane time, April 18. Without objection, Senator Dyson was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 200**

CS FOR SENATE BILL NO. 200(JUD) am "An Act relating to defense of self, other persons, property, or services" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 250

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" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 29, 2006. Without objection, the Senate adjourned at 11:41 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 27	Monday	Beltz 211	1:30 PM
	No Meeting Scheduled		
Mar 29	Wednesday	Beltz 211	1:30 PM
+ SB 248	ADMINISTRATIVE BOROUGH/BOROUGH GRANTS/		
Mar 31	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		

FINANCE

Mar 27	Monday	Senate Finance 532	9:00 AM
+ SB 310	EMPLOYMENT OF PRISONERS		
+ SB 289	INSURANCE		
	<Above Bill Hearing Canceled>		
+ SB 189	REQUIREMENTS FOR DRIVER'S LICENSE/I.D.		
+	Bills Previously Heard/Scheduled		
Mar 28	Tuesday	Senate Finance 532	9:00 AM
	-- Meeting Canceled --		
+	Bills Previously Heard/Scheduled		
Mar 29	Wednesday	Senate Finance 532	9:00 AM
+ SB 305	OIL AND GAS PRODUCTION TAX		
	<Pending Referral>		
+	Bills Previously Heard/Scheduled		

SENATE JOURNAL

March 27, 2006

2597

FINANCE (continued)

Mar 30	Thursday	Senate Finance 532	9:00 AM
+= SB 305	OIL AND GAS PRODUCTION TAX		
	<Pending Referral>		
+	Bills Previously Heard/Scheduled		
Mar 31	Friday	Senate Finance 532	9:00 AM
+= SB 305	OIL AND GAS PRODUCTION TAX		
	<Pending Referral>		
+	Bills Previously Heard/Scheduled		
Apr 01	Saturday	Senate Finance 532	10:00 AM
+= SB 305	OIL AND GAS PRODUCTION TAX		
	<Pending Referral>		
+	Bills Previously Heard/Scheduled		

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 27	Monday	Butrovich 205	1:30 PM
+= SB 281	SCHOOL DIST. ENROLLMENT SHARING/CORRESPON		
	<Above Bill Hearing Canceled>		
+	HJR 31	FETAL ALCOHOL SPECTRUM DISORDERS DAY	
+	HCR 5	FLUORIDATION	
+	Bills Previously Heard/Scheduled		
Mar 29	Wednesday	Butrovich 205	1:30 PM
+	Overview Update: Avian Flu		
	Department of Environmental Conservation		
	Department of Fish and Game		
	Department of Health and Social Services		
+	Bills Previously Heard/Scheduled		
Mar 31	Friday	Butrovich 205	1:30 PM
+	Bills Previously Heard/Scheduled		

JUDICIARY

Mar 27	Monday	Butrovich 205	8:30 AM
	No Meeting Scheduled		

JUDICIARY (continued)

Mar 28	Tuesday	Butrovich 205	8:30 AM
+= HB 318	LIMITATION ON EMINENT DOMAIN		
+= HB 408	DEFINITION OF CHILD ABUSE AND NEGLECT		
Mar 29	Wednesday	Butrovich 205	8:30 AM
+ HB 343	HARASSMENT/ASSAULT/STALKING		
+= HB 272	CARD ROOMS & OPERATIONS		
+	Bills Previously Heard/Scheduled		
Mar 30	Thursday	Butrovich 205	8:30 AM
+	Bills Previously Heard/Scheduled		
Mar 31	Friday	Butrovich 205	8:30 AM
	No Meeting Scheduled		

LABOR & COMMERCE

Mar 28	Tuesday	Beltz 211	1:30 PM
+ SB 241	JOINT INSURANCE ARRANGEMENTS		
+ SB 309	CONSTR. TRAINING GRANT; UNEMPLOYMENT COMP.		
+	Confirmation of Governor's Appointees:		
	<Teleconference Listen Only>		
	Board of Barbers and Hairdressers -		
	Cody Downs, Charlette Lushin, Alice Massie		
	Real Estate Appraisers -		
	William Larick		
	Alaska Workers Compensation Board -		
	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 FEE		
+= SB 300	MOTOR VEHICLE NEGATIVE EQUITY		

SENATE JOURNAL

March 27, 2006

2599

JUDICIARY (continued)

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

RESOURCES

Mar 27 = SB 305	Monday OIL AND GAS PRODUCTION TAX -- Testimony <Invitation Only> --	Butrovich 205	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

Mar 28	Tuesday No Meeting Scheduled	Butrovich 205	3:30 PM
---------------	--	----------------------	----------------

Mar 30 + HB 245	Thursday VETERANS' VEHICLE PLATES/FEES/TAXES Bills Previously Heard/Scheduled	Butrovich 205	3:30 PM
---------------------------	--	----------------------	----------------

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
---------------	---------------------------------	------------------	----------------

COMMERCE, COMMUNITY & ECONOMIC DEV (continued)

Apr 04 Tuesday Beltz 211 8:00 AM
Budget Closeout

CORRECTIONS

Mar 28 Tuesday Fahrenkamp 203 4:30 PM
Closeout

COURT SYSTEM

Mar 28 Tuesday Fahrenkamp 203 4:00 PM
Closeout

EDUCATION & EARLY DEVELOPMENT

Mar 29 Wednesday Senate Finance 532 4:30 PM
FY07 Operating Budget Closeout

ENVIRONMENTAL CONSERVATION

Mar 29 Wednesday Senate Finance 532 7:45 AM
Budget Closeout

FISH & GAME

Mar 29 Wednesday Senate Finance 532 1:30 PM
-- Rescheduled from 03/22/06 --
FY 07 Budget Closeout

GOVERNOR

Mar 29 Wednesday Senate Finance 532 4:00 PM
Budget Closeout

HEALTH & SOCIAL SERVICES

Mar 30 Thursday Fahrenkamp 203 4:30 PM
Closeout

SENATE JOURNAL

March 27, 2006

2601

LAW

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

LEGISLATURE

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

REVENUE

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

TRANSPORTATION & PUBLIC FACILITIES

Mar 30	Thursday Closeout	Fahrenkamp 203	4:00 PM
---------------	-----------------------------	-----------------------	----------------

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Mar 29	Wednesday -- Meeting Canceled -- Minutes Audit Requests Executive Session - Preliminary and Final Audits Other Business	House Finance 519	5:00 PM
---------------	--	--------------------------	----------------

Apr 04	Tuesday Audit Requests Executive Session - Preliminary and Final Audits Other Business	House Finance 519	5:30 PM
---------------	---	--------------------------	----------------

LEGISLATIVE COUNCIL

Mar 30	Thursday	House Finance 519	5:00 PM
	FY05 Legislature Audit		
	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.		