

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Wednesday

February 21, 2007

Thirty-seventh Day

Pursuant to adjournment the Senate was called to order by President Green at 11:01 a.m.

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

The prayer was offered by the Chaplain, Pastor Mike Rose of the Juneau Christian Center. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Heavenly Father,

Thank you for this awesome day, a day that you have created so that we might rejoice in you, and give thanks to you. Lord, help us to follow the truth of Psalm 100 to "Make a joyful shout to the Lord all you lands, to serve the Lord with gladness, to come before your presence with singing. To know that the Lord, He is God. It is He who has made us and not we ourselves. We are Your people the sheep of Your pasture. Enter into His gates with thanksgiving and into His courts with praise. Be thankful unto Him, and bless His name. For the Lord is good: His mercy is everlasting. And His truth endures to all generations."

Lord, I speak a blessing over the Senate, their families, staff and over all who work here. The Lord bless you and keep you; The Lord make his face shine upon you, and be gracious to you; The Lord lift up his countenance upon you, and give you peace. Lord grant your wisdom, understanding and insight to the Senate in all decisions that they make today.

I pray all of this in your matchless name. Amen.

Senator Huggins led the Senate in the Pledge of Allegiance.

Certification

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

Communications

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

2005 Training Program Performance Report
from Clark Bishop, Commissioner
Department of Labor and Workforce Development
in accordance with AS 23.15.580(b)(9) and (f)
available at www.labor.state.ak.us/awib/home.htm

Notification of Availability of the
Alaska Workers' Compensation Appeals Commission
Annual Report, dated February 20, 2007
from Kristin Knudsen, Chair
Department of Labor and Workforce Development
in accordance with AS 23.30.009(c)
available at: www.labor.state.ak.us/WCcomm/home.htm

Standing Committee Reports

Report dated February 20 was read, stating:

In accordance with AS 39.05.080, the State Affairs Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Commissioner - Department of Administration

Annette Kreitzer

Commissioner - Department of Corrections

Joe Schmidt

Commissioner - Department of Public Safety

Walt Monegan

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

Signing the report: Senator McGuire, Chair; Senators Green, French, Stevens.

SB 75

The State Affairs Committee considered SENATE BILL NO. 75 "An Act extending the Council on Domestic Violence and Sexual Assault; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 75(STA)

Signing do pass: Senator McGuire, Chair; Senator French. Signing no recommendation: Senators Stevens, Green.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Public Safety

Fiscal Note No. 2, Department of Public Safety

The bill was referred to the Finance Committee.

**Introduction and Reference of
Senate Resolutions**

SCR 4

SENATE CONCURRENT RESOLUTION NO. 4 BY THE SENATE
HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE,

Relating to public health and a health compact.

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

Introduction and Reference of Senate Bills

SB 11

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 11 BY
SENATOR DAVIS, entitled:

"An Act relating to a dress code for public schools."

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

SB 88

SENATE BILL NO. 88 BY SENATOR MCGUIRE, entitled:

"An Act relating to and increasing the municipal
property tax exemption on residences of certain
seniors and others; and providing for an effective
date."

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

SB 89

SENATE BILL NO. 89 BY SENATORS WIELECHOWSKI,
McGuire, entitled:

"An Act relating to requiring electronic monitoring as a special condition of probation for offenders whose offense was related to a criminal street gang."

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

SB 90

SENATE BILL NO. 90 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the senior care program; and
providing for an effective date."

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

The following fiscal information was published today:

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

Governor's transmittal letter dated February 20:

Dear President Green:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the senior care program.

The bill would extend the sunset date of the existing senior care program from June 30, 2007, to June 30, 2012, to allow continuation of program benefits to needy seniors.

This bill also would make two changes to the eligibility requirements for the program. First, the income limitation would be altered. The current income standards are "frozen" by setting eligibility at a specific monetary amount in state law that was equal to 135 percent of the 2005 federal poverty income guidelines. The 2005 limits have caused some seniors to become ineligible for the program because of cost-of-living adjustments that are made to retirement and pension income, such as Social Security benefits, which are not automatically adjusted under the current statutory language. The change made by

the bill would result in income standards that are flexible enough to correspond to changing federal poverty guidelines. Second, the bill would provide that an individual who is receiving a longevity bonus payment would not be eligible for benefits under the senior care program. It is my intent to see the longevity bonus program reinstated in the Fiscal Year 2008 budget for those qualifying seniors who were prematurely cut from the program in the Fiscal Year 2004 budget. However, seniors who qualify for the longevity bonus will have to decide whether to obtain assistance from one or the other program.

The Department of Health and Social Services has found that there is only low-level usage of the prescription drug option, despite extensive outreach efforts encouraging seniors to enroll. Additionally, survey information indicates that many seniors have other health insurance coverage available. Because of these factors, the bill also would eliminate the prescription drug benefit portion of the program.

The senior care program finances important benefits for needy older Alaskans, to help them meet basic necessities, including food and housing. I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Sarah Palin

Governor

SB 91

SENATE BILL NO. 91 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the authority of the Department of Environmental Conservation to require certain monitoring, sampling, and reporting and to require permits for certain discharges of pollutants; relating to criminal penalties for violations of the permit program; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Environmental
Conservation

Governor's transmittal letter dated February 20:

Dear President Green:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the authority of the Department of Environmental Conservation (department) to require certain monitoring, sampling, and reporting and to require permits for certain discharges of pollutants, and to criminal penalties for violations of the permit program.

Under the federal Clean Water Act, discharges of pollutants to surface waters require a permit either from the United States Environmental Protection Agency (EPA), or from a state that has received approval from the EPA to administer the permitting program. Alaska has applied to the EPA for approval of a state permitting program, and the EPA is currently reviewing Alaska's application. Under federal law, the EPA cannot approve a state program unless it is as stringent as the EPA's program. This bill would revise certain provisions of law governing the department's permitting and enforcement authority, in order to align the state's permit requirements with the EPA's. The changes are all designed to help facilitate final approval by the EPA of Alaska's program.

Three of the proposed changes would involve current exclusions from the requirement of getting a discharge permit. The first exclusion is for sewage. Current state law provides that the discharge of sewage into a "sewerage system" does not need a permit. Federal law exempts only discharges of sewage into "publicly owned treatment works." The difference is that the federal exemption is for sewage going to a place where it will receive treatment; while the state exemption is broader and needs to be amended in order to reflect a treatment requirement. The solution offered by this bill would be simply to change the state exemption so that it matches the EPA's: only sewage discharged to a publicly owned treatment works would be exempt from the permit requirement.

The second exclusion would be for discharges that are incidental to certain drilling and trenching activities. Current state law exempts those discharges from the permit requirement if they don't result in a discharge "directly into any surface water." To align state law with the federal permit program, that phrase would be changed by deleting the word "directly" and changing "surface water" to "waters of the United States," a term defined identically in state and federal regulations.

The third and final exclusion is for the discharge of munitions on active ranges. The federal definition of "pollutant" at 40 C.F.R. 122.2 includes munitions, so a permit is required for their discharge to waters of the United States. Yet state law exempts the discharge of munitions from the permit requirement. This bill would limit the state's munitions exemption to discharges that do not enter waters of the United States, again to bring state law into line with federal law.

The bill includes three other provisions. One would give the department the authority to require site sampling and reporting of results analogous to what the EPA exercises under sec. 308 of the Clean Water Act. Another clarifies that the department's permitting authority extends to all "pollutants" listed under federal law. The third provision also follows federal law (33 U.S.C. 1319(c)) by allowing the department to pursue criminal enforcement for negligent violations of any aspect of the state permit program.

This bill is an essential component of the state's effort to receive primacy from the EPA in the permitting of discharges in our state. I support continuing forward with efforts to receive primacy, and I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Sarah Palin

Governor

SB 92

SENATE BILL NO. 92 BY SENATORS FRENCH, McGuire,
entitled:

"An Act relating to ignition interlock requirements; relating to limited driver's license privileges for persons convicted of driving while under the influence of an alcoholic beverage, inhalant, or controlled substance and requiring certain persons to utilize ignition interlock devices to qualify for a limited driver's license; relating to probation for driving while under the influence of an alcoholic beverage, inhalant, or controlled substance, and refusal to submit to a chemical test; and providing for an effective date."

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

Senator Stevens moved and asked unanimous consent that the Senate return to Messages from the House. There being no objection, the Senate returned to:

Messages from the House

Message dated February 21 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HJR 8

CS FOR HOUSE JOINT RESOLUTION NO. 8(L&C) am BY THE HOUSE LABOR AND COMMERCE COMMITTEE,

Opposing the enactment by the Washington State Legislature of a bill proposing to impose a fee on the processing of shipping containers in the State of Washington because of the negative impact of the fee on the people and the economy of this state.

was read the first time and referred to the Labor and Commerce Committee.

Consideration of the Calendar**Citations**

Honoring – Collin Larson

Representative(s) Edgmon

Senator(s) Hoffman, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Senator 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 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

Honoring – Lieutenant Colonel Leo Gray

Senator(s) Davis, Green, Bunde, Cowdery, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Honoring – Black History Month

Senator(s) Davis, Green, Bunde, Cowdery, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Honoring – Alaska Parent Teacher Association for 50 Years of Advocacy on Behalf of Alaska's Children

Representative(s) Meyer

Senator(s) Cowdery, Green, Bunde, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Honoring – Alaska Sports Hall of Fame

Representative(s) Harris

Senator(s) Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Senator 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 Ellis moved and asked unanimous consent to be excused from a call of the Senate on February 23. Without objection, Senator Ellis was excused.

Senator Dyson moved and asked unanimous consent to amend a previous excusal from a call of the Senate (page 134) to be excused from morning plane time, March 6 through evening plane time, March 11. Without objection, Senator Dyson's excusal was amended.

Senator Wielechowski moved and asked unanimous consent to be excused from a call of the Senate from afternoon, on February 23. Without objection, Senator Wielechowski was excused.

Senator Stevens moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, February 21 through morning plane time, February 26. Without objection, Senator Stevens was excused.

SB 43

Senator McGuire moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 43 "An Act relating to contributions from permanent fund dividends to community foundations, to certain educational organizations, and to certain other charitable organizations that provide a positive youth development program, workforce development, aid to the arts, or aid and services to the elderly, low-income individuals, individuals in emergency situations, disabled individuals, or individuals with mental illness; and providing for an effective date." Without objection, it was so ordered.

SB 75

Senator McGuire moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 75 "An Act extending the Council on Domestic Violence and Sexual Assault; and providing for an effective date." Without objection, it was so ordered.

HB 18

Senators Wilken, Davis, Wagoner, Dyson, Ellis, Therriault, Stevens, Wielechowski, McGuire moved and asked unanimous consent to be shown as cross sponsors on CS FOR HOUSE BILL NO. 18(HES) "An Act amending the functions and powers of the Alaska Commission on Postsecondary Education; and relating to the repayment provisions for medical education and postsecondary degree program participants." Without objection, it was so ordered.

SB 86

President Green added a Health, Education and Social Services Committee referral to SENATE BILL NO. 86 "An Act repealing the minimum expenditure for instruction requirements for public schools."

The added referral follows the Senate Special Committee on Education and precedes the Finance Committee.

President Green made the following appointments:

Homeland Security and Emergency Management Subcommittee of the Joint Armed Services Committee

Senator Green
Senator Huggins
Senator Wielechowski

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:45 a.m., February 22, 2007. Without objection, the Senate adjourned at 11:41 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

Feb 22	Thursday	Beltz 211	3:30 PM
+	Joint w/ (H) Community & Regional Affairs		
	Confirmation Hearing: Emil Notti		
	Commissioner - Dept of Commerce,		
	Community & Economic Development		
	(Senate CRA immediately following a five		
	minute recess)		
+= SB 72	COMMUNITY REVENUE SHARING		
	Bills Previously Heard/Scheduled		

FINANCE

Feb 21	Wednesday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		
Feb 22	Thursday	Senate Finance 532	9:00 AM
+ SB 61	SUPPLEMENTAL APPROPRIATIONS		
+ SB 82	SUPPLEMENTAL APPROPRIATIONS: OIL & GAS		
+ SB 83	SUPPLEMENTAL APPROPRIATIONS		
Feb 23	Friday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		
Mar 01	Thursday	Senate Finance 532	9:00 AM
+	Joint w/ (H) Finance		
	Alaska Permanent Fund Corporation		
	Presentation; APFC Board of Directors		
	-- Testimony <Invitation Only> --		

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 21 Wednesday Butrovich 205 1:30 PM

+ SB 81 EXTEND BOARD OF MIDWIVES
 Bills Previously Heard/Scheduled
 = SB 4 SENIOR CARE PROGRAM
 + Overview: Foundation Formula

Feb 23 Friday Butrovich 205 1:30 PM

No Meeting Scheduled

JUDICIARY

Feb 21 Wednesday Beltz 211 1:30 PM

+ SB 69 CIVIL LEGAL SERVICES FUND
 + HB 76 CIVIL LEGAL SERVICES FUND
 += SB 5 FAILURE TO REPORT CRIMES

Feb 22 Thursday Butrovich 205 3:30 PM

No Meeting Scheduled

LABOR & COMMERCE

Feb 22 Thursday Beltz 211 1:30 PM

+ SJR 2 WASHINGTON CONTAINER FEE
 + HJR 8 WASHINGTON CONTAINER FEE
 + Briefing: Identity Theft Issues

RESOURCES

Feb 21 Wednesday Butrovich 205 3:30 PM

+ SB 80 OIL & GAS PRODUCTION TAX: EXPENDITURES

Feb 23 Friday Butrovich 205 3:30 PM

+ Bills Previously Heard/Scheduled
 + Presentations Previously Heard/Scheduled

STATE AFFAIRS

Feb 22	Thursday	Beltz 211	9:00 AM
+ SB 7	FELONS' RIGHT TO VOTE		
+ SB 35	APPROP: FUNDS		
+ SB 36	SENTENCING FOR ALCOHOL-RELATED CRIMES		
+	Bills Previously Heard/Scheduled		

TRANSPORTATION

Feb 22	Thursday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Feb 26	Monday	Senate Finance 532	3:00 PM
	Department Budget Overview		
Mar 05	Monday	Senate Finance 532	3:00 PM
	Department Budget Detail		
Mar 12	Monday	Senate Finance 532	3:00 PM
	Department Budget Detail		
Mar 19	Monday	Senate Finance 532	3:00 PM
	Department Budget Detail		

COURT SYSTEM

Feb 22	Thursday	Fahrenkamp 203	3:30 PM
+	Court System Budget and Overview of the Commission on Judicial Conduct		

FINANCE SUBCOMMITTEES (continued)**EDUCATION & EARLY DEVELOPMENT**

Mar 07	Wednesday -- Meeting Canceled -- FY'08 Proposed Budget	Butrovich 205	8:00 AM
Mar 14	Wednesday Postsecondary Education Commission FY'08 Proposed Budget Overview	Butrovich 205	8:00 AM
Mar 16	Friday Dept of Education & Early Development FY'08 Proposed Budget	Butrovich 205	8:00 AM
Mar 21	Wednesday Dept of Education & Early Development FY'08 Proposed Budget	Butrovich 205	8:00 AM

FISH & GAME

Feb 27	Tuesday Budget Overview	Senate Finance 532	8:00 AM
Mar 01	Thursday Budget Detail	Senate Finance 532	3:00 PM
Mar 13	Tuesday Budget Detail	Senate Finance 532	8:00 AM

HEALTH & SOCIAL SERVICES

Feb 22	Thursday -- Agenda Change -- Division of Senior & Disability Services Division of Public Health	Fahrenkamp 203	8:00 AM
Mar 08	Thursday Department Budget Detail	Fahrenkamp 203	8:00 AM

FINANCE SUBCOMMITTEES (continued)**HEALTH & SOCIAL SERVICES (continued)**

Mar 22	Thursday Department Budget Detail	Fahrenkamp 203	8:00 AM
Apr 05	Thursday Department Budget Close-Out	Fahrenkamp 203	8:00 AM

LAW

Feb 27	Tuesday Budget Overview	Fahrenkamp 203	1:30 PM
Mar 06	Tuesday Budget Detail	Fahrenkamp 203	1:30 PM
Mar 13	Tuesday Budget Detail	Fahrenkamp 203	1:30 PM
Mar 20	Tuesday Budget Detail	Fahrenkamp 203	1:30 PM

MILITARY AND VETERANS AFFAIRS

Mar 14	Wednesday Overview by Major General Craig Campbell FY'08 Proposed Budget	Beltz 211	12:00 PM
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NATURAL RESOURCES

Mar 06	Tuesday FY'08 Proposed Budget	Fahrenkamp 203	4:00 PM
Mar 13	Tuesday FY'08 Proposed Budget	Fahrenkamp 203	4:00 PM
Mar 20	Tuesday FY'08 Proposed Budget	Fahrenkamp 203	4:00 PM

FINANCE SUBCOMMITTEES (continued)**PUBLIC SAFETY**

Mar 05	Monday -- Meeting Canceled -- Department Budget Detail	Beltz 211	8:00 AM
Mar 06 +	Tuesday Department Budget Detail	Beltz 211	8:00 AM
Mar 19	Monday -- Meeting Canceled -- Department Budget Detail	Beltz 211	8:00 AM
Mar 20 +	Tuesday Department Budget Detail	Beltz 211	8:00 AM
Apr 02	Monday -- Meeting Canceled -- Department Budget Close-Out	Beltz 211	8:00 AM
Apr 03 +	Tuesday Department Budget Close-Out	Beltz 211	8:00 AM

REVENUE

Mar 01	Thursday Budget Overview	Fahrenkamp 203	1:30 PM
Mar 08	Thursday Budget Detail	Fahrenkamp 203	1:30 PM
Mar 15	Thursday Budget Detail	Fahrenkamp 203	1:30 PM
Mar 22	Thursday Budget Detail	Fahrenkamp 203	1:30 PM

FINANCE SUBCOMMITTEES (continued)**TRANSPORTATION & PUBLIC FACILITIES**

Feb 22	Thursday -- Meeting Canceled -- DOT/PF Budget	Beltz 211	8:00 AM
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UNIVERSITY OF ALASKA

Mar 01	Thursday Budget Overview	Senate Finance 532	7:30 AM
Mar 08	Thursday Budget Detail	Senate Finance 532	7:30 AM
Mar 15	Thursday Budget Detail	Senate Finance 532	7:30 AM
Mar 22	Thursday Budget Detail	Senate Finance 532	7:30 AM

SPECIAL COMMITTEES**SPECIAL COMMITTEE ON EDUCATION**

Feb 21	Wednesday Consideration: Requirement for 70% of Funds to be Spent on Instruction <Above Item Removed from Agenda> HB 18 POSTSECONDARY MEDICAL & OTHER EDUC. PROG. Bills Previously Heard/Scheduled = SB 73 WWAMI MEDICAL SCHOOL	Butrovich 205	8:00 AM
Feb 23	Friday No Meeting Scheduled	Butrovich 205	8:00 AM

OTHER MEETINGS**JOINT LEGISLATIVE HEALTH CAUCUS**

Feb 21	Wednesday	Butrovich 205	12:00 PM
	"Filling the Need: Mid-Level Health Providers"		
Mar 21	Wednesday	Butrovich 205	12:00 PM
	"Filling the Need: Complimentary Medicine Workforce"		
Apr 18	Wednesday	Butrovich 205	12:00 PM
	"Filling the Need: Other Forms of Health Care"		
May 02	Wednesday	Butrovich 205	12:00 PM
	"Week of the Uninsured: Alaska's Workforce"		

JOINT SESSION

Feb 22	Thursday	House Chamber	11:00 AM
	Annual Address by the Honorable Lisa Murkowski, U.S. Senator		
Feb 28	Wednesday	House Chamber	11:00 AM
	Chief Justice Dana Fabe's Annual State of the Judiciary Message		
Mar 19	Monday	House Chamber	11:00 AM
	Annual Address by the Honorable Ted Stevens, U.S. Senator		