

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Friday

March 2, 2007

Forty-sixth Day

Pursuant to adjournment the Senate was called to order by President pro tempore Stevens at 10:05 a.m.

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

Senator Huggins, Acting Majority Leader, moved and asked unanimous consent that Senator Green be excused from a call of the Senate from today through morning plane time, March 5. Without objection, Senator Green was excused.

Senator Huggins, Acting Majority Leader, moved and asked unanimous consent that Senator McGuire be excused from a call of the Senate today. Without objection, Senator McGuire was excused.

The prayer was offered by the Chaplain, Pastor Tom Matthews of the Douglas Island Bible Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Respecting the religious differences in our midst here today, I would ask you to join me as I open this session with prayer.

Dear Lord,

I come before you today in the name of Jesus Christ, thanking you for the hope that is found in Him. Thank you for His perfect sacrifice which provides for us the opportunity to come before you in prayer.

Thank you, for a country and state that allows prayers to be a part of the opening of deliberations each day. May we never part from recognition of the hand of the Almighty in the affairs of our land. I believe this has made our country what it is today. Thank you for your guidance in our lives.

I pray for our Senators once again Lord in their various responsibilities. Help them to be good representatives of their various districts, recognizing the will of the people in the decisions that need to be made.

Thank you for the protection you gave us here in Juneau as we dealt with the blizzard yesterday. I would pray for those who might be traveling home or to other duties throughout this weekend, that you would grant them safety and traveling mercies.

I lift this prayer before you in recognition of your love, asking for your blessings on this body. Amen.

Senator Thomas led the Senate in the Pledge of Allegiance.

Certification

Senator Huggins, Acting Majority Leader, moved and asked unanimous consent that the journals for the forty-fourth and forty-fifth legislative days and House and Senate Joint Journal Supplement No. 3 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

SCR 2

Message dated February 28 was read, stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 2
Relating to establishing March 2007 as brain injury
awareness month.

The resolution was referred to the Secretary for enrollment.

HB 120

Message dated March 1 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 120(FIN), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO.
120(FIN) "An Act extending the Council on
Domestic Violence and Sexual Assault; and
providing for an effective date."

Message dated March 1 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions**

HCR 3

HOUSE CONCURRENT RESOLUTION NO. 3 BY
REPRESENTATIVES MEYER, Fairclough, Stoltze, Neuman, Doll,
Lynn, Kerttula, Samuels, Johansen, Gardner,

Relating to proclaiming April of 2007 as Sexual
Assault Awareness Month.

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

First Reading and Reference of House Bills

HB 102

HOUSE BILL NO. 102 BY REPRESENTATIVES COGHILL,
Dahlstrom, Ramras, Lynn, entitled:

"An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."

was read the first time and referred to the Transportation Committee.

Communications

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

Preliminary Report to the Legislature dated March 1, 2007
from Representative Samuels and Representative Joule
Alaska Climate Impact Assessment Commission
in accordance with Legislative Resolve No. 49, 2006

Standing Committee Reports

Report dated February 28 was read, stating:

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

Attorney General – Department of Law

Talis Colberg

There were no stated objections to the named individual. This does not reflect an intent by any of the members to vote for or against the individual during any further sessions.

Signing the report: Senator French, Chair; Senators Huggins, McGuire, Wielechowski, Therriault.

SB 16

The Community and Regional Affairs Committee considered SENATE BILL NO. 16 "An Act extending the termination date for the Regulatory Commission of Alaska; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 16(CRA) "An Act amending the powers and duties of the legislative audit division regarding the Regulatory Commission of Alaska; amending annual report requirements for the Regulatory Commission of Alaska; extending the termination date for the Regulatory Commission of Alaska; and providing for an effective date."

Signing do pass: Senator Olson, Chair, Senators Thomas, Wagoner, Stevens, Kookesh.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Commerce, Community and Economic Development

The bill was referred to the State Affairs Committee.

SB 40

The Health, Education and Social Services Committee considered SENATE BILL NO. 40 "An Act relating to reapplications for the Alaska longevity bonus program; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 40(HES)

Signing do pass: Senator Davis, Chair; Senators Thomas, Cowdery.
Signing no recommendation: Senator Dyson.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Health and Social Services
Fiscal Note No. 2, Department of Health and Social Services
Fiscal Note No. 3, Department of Health and Social Services

The bill was referred to the State Affairs Committee.

Introduction and Reference of Senate Bills

SB 102

SENATE BILL NO. 102 BY SENATOR HUGGINS BY REQUEST,
entitled:

"An Act relating to mortgage lenders, mortgage brokers, mortgage originators, state agents who collect program administration fees, and other persons who engage in activities relating to mortgage lending; relating to mortgage loan activities; relating to an originator fund; relating to fees for mortgage loan transactions; and providing for an effective date."

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

SB 103

SENATE BILL NO. 103 BY THE SENATE RESOURCES COMMITTEE, entitled:

"An Act authorizing the transfer of land from the Alaska Railroad Corporation to Eklutna, Inc.; and providing for an effective date."

was read the first time and referred to the Resources Committee.

Consideration of the Calendar**Second Reading of Senate Bills****SB 19**

SENATE BILL NO. 19 "An Act relating to a public officer's taking official action regarding a matter in which the public officer has a financial interest; and defining 'official action' under the Alaska Executive Branch Ethics Act and related law" was read the second time.

Senator Stedman, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 241. Senator Therriault objected, then withdrew his objection. There being no further objection, CS FOR SENATE BILL NO. 19(FIN) "An Act relating to a public officer's taking official action regarding, or influencing, a matter in which the public officer has a personal or

financial interest; relating to restrictions on employment after leaving state service; prohibiting certain persons from engaging in activity as lobbyists; and defining 'official action' under the Alaska Executive Branch Ethics Act and related law" was adopted.

Senator French offered Amendment No. 1:

Page 2, following line 26:

Insert a new section to read:

"* **Sec. 3.** AS 39.52.110 is amended by adding a new subsection to read:

(d) Stock or other ownership interest in a business is presumed to be insignificant if the value of the stock or other ownership interest is less than \$5,000."

Renumber the following bill sections accordingly.

Page 4, lines 7 - 8:

Delete all material and insert:

"APPLICABILITY. Sections 4, 5, and 7 of this Act apply to a person who leaves state service on or after the effective date of secs. 4 and 5 of this Act."

Senator French moved for the adoption of Amendment No. 1. Senator Therriault objected.

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

CSSB 19(FIN)

Second Reading

Amendment No. 1

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

Yeas: Cowdery, Davis, Dyson, Ellis, Elton, French, Huggins, Kookesh, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Excused: Green, McGuire

Absent: Bunde, Hoffman

and so, Amendment No. 1 was adopted.

CS FOR SENATE BILL NO. 19(FIN) am will be on the March 5 calendar.

SB 20

SENATE BILL NO. 20 "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 Legislative Ethics Act; and providing for an effective date" was read the second time.

Senator French moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 148. Senator Therriault objected, then withdrew his objection. There being no further objection, CS FOR SENATE BILL NO. 20(STA) "An Act relating to disclosures by legislators, legislative employees, public members of the Select Committee on Legislative Ethics, and legislative directors subject to the Legislative Ethics Act; relating to the applicability of the Legislative Ethics Act; and providing for an effective date" was adopted.

CS FOR SENATE BILL NO. 20(STA) will be on the March 5 calendar.

Citations

Honoring – Miss Ethyl Peasgood on her 100th Birthday

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

Honoring – The Juneau Raptor Center's 20th Anniversary

Representative(s) Doll

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

In Memoriam – Gordon Wright

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

Senator Huggins, Acting Majority Leader, 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 Davis moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 15 through afternoon plane time, March 18. Without objection, Senator Davis was excused.

Senator Wilken moved and asked unanimous consent to amend a prior excusal (page 399) and be excused from a call of the Senate from afternoon plane time, March 7 through evening plane time, March 11. Without objection, the excusal was amended.

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate on March 16 and on March 30. Without objection, Senator Hoffman was excused.

Senator Cowdery moved and asked unanimous consent to withdraw a prior excusal from a call of the Senate (page 400). Without objection, the excusal was withdrawn.

Senator French moved and asked unanimous consent to be excused from a call of the Senate on March 5, to morning plane time. Without objection, Senator French was excused.

SB 96

Senators Thomas, French, Wielechowski, Davis, Elton moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 96 "An Act establishing a renewable energy fund and describing its uses and purposes." Without objection, it was so ordered.

SB 59

President pro tempore Stevens added a Finance Committee referral to SENATE BILL NO. 59 "An Act relating to the use of broadcasting to promote charitable raffles and lotteries."

Without objection, the bill was referred to the Finance Committee.

President pro tempore Stevens announced President Green made the following appointment:

Joint Armed Services Committee

Dean Owen

President pro tempore Stevens announced President Green made the following clarification to the appointments made February 16 (page 268):

Bond Reimbursement and Grant Review Committee

Senator Hoffman, primary member

Senator Therriault, alternate member

President pro tempore Stevens announced President Green made the following appointments to the Council of State Governments:

Council of State Governments**Governing Board**

Senator Stevens

Intergovernmental Affairs Committee

Senator Stedman

International Committee

Senator Cowdery

Committee on Suggested State Legislation

Senator Thomas

Ryan Makinster, legislative staff member

Education Policy Task Force

Senator Davis

Energy and Environment Task Force

Senator Stevens, Cochair

Senator Huggins

Health Policy Task Force

Senator Wielechowski

Public Safety and Justice Task Force

Senator McGuire

Senator Elton

Senator Kookesh

SB 45

The reconsideration on CS FOR SENATE BILL NO. 45(JUD) "An Act relating to murder in the first degree" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 45**

CS FOR SENATE BILL NO. 45(JUD) "An Act relating to murder in the first degree" was engrossed.

Adjournment

Senator Huggins, Acting Majority Leader, moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 5, 2007. Without objection, the Senate adjourned at 10:47 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

Mar 06	Tuesday	Beltz 211	3:30 PM
+ HB 34	SALES BY WINERY LICENSEE		
	Bills Previously Heard/Scheduled		
Mar 08	Thursday	Beltz 211	3:30 PM
	No Meeting Scheduled		

FINANCE

Mar 02	Friday	Senate Finance 532	8:30 AM
	-- Time Change --		
+	Bills Previously Heard/Scheduled		
+ SB 83	SUPPLEMENTAL APPROPRIATIONS		
Mar 05	Monday	Senate Finance 532	9:00 AM
+ SB 82	SUPPLEMENTAL APPROPRIATIONS: OIL & GAS		
+	Bills Previously Heard/Scheduled		
Mar 06	Tuesday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		
Mar 07	Wednesday	Senate Finance 532	9:00 AM
+	Bills Previously Heard/Scheduled		

FINANCE (continued)

Mar 08 Thursday Senate Finance 532 9:00 AM
No Meeting Scheduled

Mar 09 Friday Senate Finance 532 9:00 AM
No Meeting Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 02 Friday Butrovich 205 1:30 PM
No Meeting Scheduled

Mar 05 Monday Butrovich 205 1:30 PM
+ SB 62 TASK FORCE ON HEALTH CARE INFECTIONS
+ SB 76 TUITION FOR CERTAIN CHILDREN

Mar 07 Wednesday Butrovich 205 1:30 PM
Presentation: Brain Injury Service
Delivery Needs
+ SB 90 SENIOR CARE

Mar 09 Friday Butrovich 205 1:30 PM
No Meeting Scheduled

JUDICIARY

Mar 05 Monday Beltz 211 1:30 PM
-- Teleconference --
SB 7 FELONS' RIGHT TO VOTE
SB 89 ELECTRONIC MONITORING OF GANG PROBATIONER
SB 36 SENTENCING FOR ALCOHOL-RELATED CRIMES
Bills Previously Heard/Scheduled

Mar 07 Wednesday Senate Finance 532 1:30 PM
-- Teleconference <Listen Only> --
Joint w/(H) Judiciary
Therapeutic Courts

JUDICIARY (continued)

Mar 08 Thursday Butrovich 205 3:30 PM
 No Meeting Scheduled

LABOR & COMMERCE

Mar 06 Tuesday Beltz 211 1:30 PM
 + SB 93 PROFESSIONAL COUNSELORS
 Bills Previously Heard/Scheduled
 += SB 84 TESTING & PACKAGING OF CIGARETTES
 = SB 68 MOTOR VEHICLE INSURANCE

Mar 08 Thursday Beltz 211 1:30 PM
 + SB 101 GUARDIANSHIP AND CONSERVATORS
 + SB 97 ALASKA NATIVE ART IDENTIFICATION SEALS
 Bills Previously Heard/Scheduled

RESOURCES

Mar 02 Friday Butrovich 205 3:30 PM
 + HB 25 RECREATIONAL LAND USE LIABILITY/ADV. POSS
 + Confirmation Hearings:
 Department Commissioners:
 Tom Irwin, Larry Hartig, Denby Lloyd
 Big Game Commercial Services Board:
 Richard A Roher, Leif Wilson
 Board of Game:
 Robert Bell, Ben Grussendorf
 Alaska Oil & Gas Conservation Commission:
 Cathy P Foerster
 Bills Previously Heard/Scheduled
 Presentations Previously Heard/Scheduled

Mar 05 Monday Butrovich 205 3:30 PM
 No Meeting Scheduled

Mar 07 Wednesday Butrovich 205 3:30 PM
 No Meeting Scheduled

Mar 09 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

SENATE JOURNAL

March 2, 2007

427

STATE AFFAIRS

Mar 06	Tuesday	Beltz 211	9:00 AM
	No Meeting Scheduled		

Mar 08	Thursday	Beltz 211	9:00 AM
	No Meeting Scheduled		

TRANSPORTATION

Mar 06	Tuesday	Butrovich 205	1:30 PM
SB 78	MOTOR VEHICLE WINDOW TINTING		

Mar 08	Thursday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

FINANCE SUBCOMMITTEES

ADMINISTRATION

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		

CORRECTIONS

Mar 06	Tuesday	Beltz 211	12:00 PM
+	Corrections Budget		
	Presentation of Governor's Budget		
	Amendments		

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

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

ENVIRONMENTAL CONSERVATION

Mar 13	Tuesday	Butrovich 205	3:00 PM
+	DEC Budget Discussion of Governor's Budget Amendments		

FISH & GAME

Mar 13	Tuesday	Senate Finance 532	8:00 AM
	Budget Detail		

HEALTH & SOCIAL SERVICES

Mar 08	Thursday	Fahrenkamp 203	8:00 AM
	Department Budget Detail		
Mar 22	Thursday	Fahrenkamp 203	8:00 AM
	Department Budget Detail		
Apr 05	Thursday	Fahrenkamp 203	8:00 AM
	Department Budget Close-Out		

FINANCE SUBCOMMITTEES (continued)**LAW**

Mar 06	Tuesday -- MEETING CANCELED -- 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
---------------	---	------------------	-----------------

NATURAL RESOURCES

Mar 06	Tuesday -- MEETING CANCELED -- 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
Mar 22	Thursday 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 08	Thursday -- MEETING CANCELED -- 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**

Mar 15	Thursday	Beltz 211	8:00 AM
	DOT/PF Budget		

Mar 29	Thursday	Beltz 211	8:00 AM
	DOT/PF Budget		

UNIVERSITY OF ALASKA

Mar 08	Thursday	Senate Finance 532	7:30 AM
	-- MEETING CANCELED -- Budget Detail		

Mar 15	Thursday	Senate Finance 532	7:30 AM
	Budget Detail		

Mar 22	Thursday	Senate Finance 532	7:30 AM
	Budget Detail		

SPECIAL COMMITTEES**SPECIAL COMMITTEE ON EDUCATION**

Mar 02	Friday	Butrovich 205	8:00 AM
	-- MEETING CANCELED -- Overview: Truancy and Dropouts		
SB 31	TRUANCY		

Mar 07	Wednesday	Butrovich 205	8:00 AM
	Overview: Truancy and Dropouts		
= SB 31	TRUANCY		

Mar 09	Friday	Butrovich 205	8:00 AM
	Truancy and Dropouts Bills Previously Heard/Scheduled		

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Mar 15	Thursday	House Finance 519	8:00 AM
	Status of Contracts		
	Procurement Request		
	Executive Session		

LEGISLATIVE COUNCIL

Mar 05	Monday	Senate Finance 532	5:00 PM
	Sanctioning of Charitable Events		
	OVR Lease Renewal Approval		
	Transfer FY'07 Legislative Funds Approval		
	Legislative Affairs Agency FY'08 Budget		
	Office of the Ombudsman FY'08 Budget		
	Legislative Employee Parking Policy		
	Scottish Rite Temple Conceptual Plans		
	Block 39 Discussion		
	Washington State Freight Container Tax		

SELECT COMMITTEE ON LEGISLATIVE ETHICS

Mar 06	Tuesday	Butrovich 205	10:15 AM
	-- Time Change --		
	-- Teleconference --		
+	Full Committee: Open Session		
	Approval of Agenda/Minutes		
	Election of Committee Chairs		
	Public Comment		
	Chair/Staff Reports		
	Budget: Update on FY'07/Request for FY'08		
	Legislation: Update on Ethics Legislation		
	Other Business		

Mar 06	Tuesday	Butrovich 205	3:30 PM
	Senate Subcommittee: Executive Session		
	Public Comment		
	Executive Session		
	Public Session		

OTHER MEETINGS**JOINT LEGISLATIVE HEALTH CAUCUS**

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

Mar 19	Monday	House Chamber	11:00 AM
	Annual Address by the Honorable Ted Stevens, U.S. Senator		