

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Friday

April 13, 2007

Eighty-eighth Day

Pursuant to adjournment the Senate was called to order by President Green at 10:08 a.m.

The roll showed eighteen members present. Senators Cowdery, Wagoner were excused from a call of the Senate.

The prayer was offered by the Chaplain, Beverly Smith of the Christian Science Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Heavenly Father,

Thank you for the season of renewal that spring represents. Let each of us marvel at the power of life to burst forth, and for growth to appear where dead-ends seemed to be.

We read in the book of Revelation, "Behold, I make all things new." (Rev. 21:5) Help us to live with the expectation of "newness" today and every day. Old ideas transform with new perspectives, tired relationships rekindle with new appreciation. Old battles are laid aside with new understanding, and old ways of being and doing are enriched with new insights and inspiration. Let us carry this springtime state of mind into our work today.

You see in us the seeds of new growth and a higher grasp of Truth, and Life, and Love. May we find and cherish that promise within ourselves, our neighbors, our state, and our world.

With grateful hearts we thank You for Your love for us,
and praise Your holy name. Amen.

Senator Therriault led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor

HB 102

Message was read stating the Governor signed the following bill on April 6 and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE BILL NO. 102 "An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."

Chapter 7, SLA 2007
Effective Date: 7/5/07

SR 6

Message dated April 5 was read stating the Governor read the following resolution and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE RESOLUTION NO. 6 am Encouraging all states to oppose the decision of the United States Fish and Wildlife Service to list the polar bear as a threatened species.

Senate Resolve No. 4

HCR 3

Message dated April 5 was read stating the Governor read the following resolution and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE CONCURRENT RESOLUTION NO. 3
Relating to proclaiming April of 2007 as Sexual
Assault Awareness Month.

Legislative Resolve No. 3

Messages from the House

Message dated April 11 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 136**

CS FOR HOUSE BILL NO. 136(FIN)(title am) BY THE HOUSE
FINANCE COMMITTEE, entitled:

"An Act relating to the supervision of dental
hygienists by dentists, establishing a restorative
function license endorsement for dental hygienists
and allowing collaborative agreements between
licensed dentists and dental hygienists."

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

HB 182

CS FOR HOUSE BILL NO. 182(JUD) BY THE HOUSE
JUDICIARY COMMITTEE, entitled:

"An Act making the offering of certain promotional
checks an unfair or deceptive act or practice."

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

Concur Messages**SB 45**

Message dated April 11 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 45(JUD) "An Act relating to murder in the first degree" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO.
45(JUD)

Senator Stevens moved that the Senate concur in the House amendment.

The question being: "Shall the Senate concur in the House amendment?" The roll was taken with the following result:

HCS CSSB 45(JUD)

Shall the Senate Concur in the House
Amendment to CSSB 45(JUD)?

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

Yeas: Davis, Dyson, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Thomas, Wielechowski, Wilken

Nays: Bunde, Therriault

Excused: Cowdery, Wagoner

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 45(JUD).

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Communications

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

Procurement Report
A Summary of Executive Branch Activity
Fiscal Years 2005 and 2006
from Annette Kreitzer, Commissioner
Department of Administration
in accordance with AS 36.30.540

Standing Committee Reports

SB 61

The Finance Committee considered SENATE BILL NO. 61 "An Act making appropriations for qualified regional seafood development associations, for investigation and litigation relating to the public employees' retirement system and the teachers' retirement system, and for a special advisory election; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 61(FIN) "An Act transferring funds to the public education fund; making supplemental and other appropriations; amending appropriations; and providing for an effective date."

Signing do pass: Senators Hoffman, Stedman, Cochairs; Senators Elton, Thomas, Dyson, Huggins. Signing no recommendation: Senator Olson.

The bill was referred to the Rules Committee.

SB 91

The Resources Committee considered SENATE BILL NO. 91 "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" and recommended it be replaced with

CS FOR SENATE BILL NO. 91(RES)

Signing do pass: Senator Huggins, Chair; Senators Green, McGuire, Stevens, Stedman, Wagoner. Signing no recommendation: Senator Wielechowski.

The following previously published fiscal information applies:

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

The bill was referred to the Judiciary Committee.

SB 115

The Labor and Commerce Committee considered SENATE BILL NO. 115 "An Act relating to gift certificates and gift cards, and to unclaimed property; and making a violation of certain gift card prohibitions an unlawful trade practice" and recommended the adoption of the State Affairs Committee Substitute offered on page 634. Signing do pass: Senator Ellis, Chair; Senator Davis. Signing no recommendation: Senators Bunde, Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 1, indeterminate, Department of Revenue

The bill was referred to the Finance Committee.

HB 34

The Labor and Commerce Committee considered HOUSE BILL NO. 34 "An Act relating to sales of wine by a winery licensee." Signing do pass: Senator Ellis, Chair; Senators Davis, Stevens. Signing no recommendation: Senator Bunde.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Public Safety

The bill was referred to the Rules Committee.

HB 95

The Finance Committee considered CS FOR HOUSE BILL NO. 95(FIN) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
95(FIN)

Signing do pass: Senators Stedman, Hoffman, Cochairs; Senators Elton, Thomas, Huggins. Signing no recommendation: Senator Olson. Signing amend: Senator Dyson.

The bill was referred to the Rules Committee.

HB 96

The Finance Committee considered CS FOR HOUSE BILL NO. 96(FIN) "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
96(FIN)

Signing do pass: Senators Stedman, Hoffman, Cochairs; Senators Elton, Thomas, Huggins. Signing no recommendation: Senator Olson. Signing amend: Senator Dyson.

The bill was referred to the Rules Committee.

**Introduction and Reference of
Senate Resolutions**

SJR 5

SENATE JOINT RESOLUTION NO. 5 BY SENATOR DAVIS,

Urging the United States Congress to support the
freedom to choose unions.

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

SR 7

SENATE RESOLUTION NO. 7 BY SENATOR OLSON,

Creating and relating to the Senate VPSO Task Force.

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

Introduction and Reference of Senate Bills

SB 136

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 136 BY SENATOR THOMAS, entitled:

"An Act relating to certain municipal service areas that provide road services."

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

SB 153

SENATE BILL NO. 153 BY SENATORS FRENCH, Davis, entitled:

"An Act relating to the use of credited military service by retired peace officers and fire fighters to meet certain requirements for major medical insurance coverage benefits."

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

SB 154

SENATE BILL NO. 154 BY SENATOR ELTON, entitled:

"An Act imposing a fee on homeowner's insurance policies issued or renewed in the state; requiring an insurer issuing or renewing a homeowner's insurance policy to collect the fee; and creating a special account in the general fund, allowing money in the fund to be appropriated to the Department of Public Safety for the Alaska Fire Standards Council, and repealing the Alaska fire services personnel fund."

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

Consideration of the Calendar

Second Reading of House Bills

HB 108

CS FOR HOUSE BILL NO. 108(L&C) "An Act extending the termination date for the Board of Marine Pilots; and providing for an effective date" was read the second time.

Senator 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. 108(L&C) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 108(L&C) "An Act extending the termination date for the Board of Marine Pilots; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 108(L&C)
Third Reading - Final Passage
Effective Date

YEAS: 18 NAYS: 0 EXCUSED: 2 ABSENT: 0

Yeas: Bunde, Davis, Dyson, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wielechowski, Wilken

Excused: Cowdery, Wagoner

and so, CS FOR HOUSE BILL NO. 108(L&C) passed the Senate.

Senator 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 and the bill was signed by the President and Secretary and returned to the House.

HB 126

CS FOR HOUSE BILL NO. 126(JUD)(title am) "An Act relating to access to criminal justice information for certain employees of the Department of Administration; relating to the procedure for changes to certificates, registration, titles, licenses, permits, and other forms relating to driving and motor vehicles; relating to requirements for, cancellations of, renewals of, reinstatements of, expirations of, disqualifications of, withdrawals of, suspensions or revocations of, and exemptions from commercial and other driver's licenses, permits, or privileges to drive; relating to records concerning motor vehicles and their drivers; relating to penalties for violating commercial driver licensing requirements; relating to the driver's license compact; and providing for an effective date" was read the second time.

President Green stated CS FOR HOUSE BILL NO. 126(JUD)(title am) will be on the April 16 calendar.

Citations

Honoring – Angoon Intermediate Gold Medal Basketball Team
Senator(s) Kookesh, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken
Representative(s) Thomas

Honoring – Kake Thunderbirds Boys Basketball Team
Representative(s) Thomas
Senator(s) Kookesh, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, 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 Bunde moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, April 26 through morning plane time, April 30. Without objection, Senator Bunde was excused.

Senator Davis moved and asked unanimous consent to be excused from a call of the Senate from the evening of May 3 through May 6. Without objection, Senator Davis was excused.

SB 150

Senators Elton, Wielechowski, Ellis moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 150 "An Act relating to an aggravating factor at sentencing for crimes committed at certain shelters and facilities." Without objection, it was so ordered.

SB 117

Senators Davis, Wielechowski moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 117 "An Act relating to the presumption of coverage for a workers' compensation claim for disability as a result of certain diseases for certain occupations." Without objection, it was so ordered.

SB 102

Senator Wielechowski moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 102 "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." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 16, 2007. Without objection, the Senate adjourned at 10:52 a.m.

Kirsten Waid
Secretary of the Senate

Apr 13	Friday	Senate Finance 532	5:00 PM
	-- MEETING CANCELED --		
+= HB 95	APPROP: OPERATING BUDGET/LOANS/FUNDS		
+= HB 96	APPROP: MENTAL HEALTH BUDGET		
	Committee Amendments		

FINANCE (continued)**Apr 14 Saturday Senate Finance 532 9:00 AM**

-- MEETING CANCELED --
 += HB 95 APPROP: OPERATING BUDGET/LOANS/FUNDS
 += HB 96 APPROP: MENTAL HEALTH BUDGET
 Committee Amendments
 + Bills Previously Heard/Scheduled

Apr 16 Monday Senate Finance 532 9:00 AM

+ Presentation: Bill & Melinda Gates Foundation:
 Sound Families Initiative
 David Wertheimer, Sen. Program Officer
 Jeff Jessee, CEO, AK Mental Health Trust
 += SB 89 ELECTRONIC MONITORING OF GANG PROBATIONER
 + SB 69 CIVIL LEGAL SERVICES FUND
 + Bills Previously Heard/Scheduled

Apr 17 Tuesday Senate Finance 532 9:00 AM

+ SB 100 SUBSTANCE ABUSE/MENTAL HEALTH PROGRAMS
 + SB 76 TUITION FOR CERTAIN CHILDREN
 + SB 137 LAND TRANSFERS ALASKA RR & DOTPF
 + HB 168 LAND TRANSFERS ALASKA RR & DOTPF
 <Pending Referral>
 + Bills Previously Heard/Scheduled

Apr 18 Wednesday Senate Finance 532 9:00 AM

+ SB 53 BUDGET: CAPITAL, SUPP. & OTHER APPROPS
 Administration Presentations
 -- Testimony <Invitation Only> --
 + Bills Previously Heard/Scheduled

Apr 18 Wednesday Senate Finance 532 1:00 PM

+= SB 53 BUDGET: CAPITAL, SUPP. & OTHER APPROPS
 Administration Presentations
 -- Testimony <Invitation Only> --
 + Bills Previously Heard/Scheduled

Apr 19 Thursday Senate Finance 532 9:00 AM

+= SB 53 BUDGET: CAPITAL, SUPP. & OTHER APPROPS
 Administration Presentations
 -- Testimony <Invitation Only> --
 + Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 20 Friday Senate Finance 532 9:00 AM
 += SB 53 BUDGET: CAPITAL, SUPP. & OTHER APPROPS
 + Bills Previously Heard/Scheduled

Apr 21 Saturday Senate Finance 532 9:00 AM
 += SB 53 BUDGET: CAPITAL, SUPP. & OTHER APPROPS
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 13 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

Apr 16 Monday Beltz 211 1:30 PM
 -- Location Change --
 += SB 28 LIMIT OVERTIME FOR REGISTERED NURSES
 + Presentation: Sound Families Initiative

Apr 18 Wednesday Beltz 211 1:30 PM
 -- Location Change --
 + SB 150 CRIMES AT DOMESTIC VIOLENCE SHELTERS
 + SB 8 MENTAL HEALTH PATIENT RIGHTS:STAFF GENDER

Apr 20 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

JUDICIARY

Apr 13 Friday Butrovich 205 1:30 PM
 -- Location Change --
 += SB 104 NATURAL GAS PIPELINE PROJECT
 -- Invited Testimony --

Apr 13 Friday Butrovich 205 5:30 PM
 += SB 104 NATURAL GAS PIPELINE PROJECT
 -- Invited Testimony --

Apr 14 Saturday Butrovich 205 10:00 AM
 += SB 104 NATURAL GAS PIPELINE PROJECT
 -- Testimony from Industry --

JUDICIARY (continued)

Apr 15 Sunday Butrovich 205 11:00 AM
 -- MEETING CANCELED --
 += SB 104 NATURAL GAS PIPELINE PROJECT

Apr 16 Monday Butrovich 205 1:30 PM
 += SB 104 NATURAL GAS PIPELINE PROJECT
 -- Testimony <Invitation Only> --

Apr 17 Tuesday Fahrenkamp 203 3:30 PM
 -- Location Change --
 += SB 104 NATURAL GAS PIPELINE PROJECT
 <Teleconference Listen Only>

Apr 18 Wednesday Butrovich 205 1:30 PM
 += SB 104 NATURAL GAS PIPELINE PROJECT
 <Teleconference Listen Only>

Apr 18 Wednesday Butrovich 205 5:30 PM
 -- Location Change --
 += SB 104 NATURAL GAS PIPELINE PROJECT
 <Teleconference Listen Only>

Apr 19 Thursday Butrovich 205 3:30 PM
 -- Location Change --
 += SB 104 NATURAL GAS PIPELINE PROJECT

Apr 20 Friday Beltz 211 1:30 PM
 += SB 78 MOTOR VEHICLE WINDOW TINTING
 += SCR 3 POINT THOMSON UNIT APPEAL
 += SB 132 ASSESSMENT REVIEW BOARD APPEALS
 += SB 18 PROPERTY FORECLOSURES AND EXECUTIONS
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 17 Tuesday Beltz 211 1:30 PM
 + SB 102 MORTGAGE LENDING
 + HB 118 PROHIBIT ALLOWING MINORS TO HAVE ALCOHOL
 Bills Previously Heard/Scheduled

LABOR & COMMERCE (continued)

Apr 19 Thursday Beltz 211 1:30 PM
 + SB 107 NATUROPATHS
 + SB 140 LEAVE FOR BONE MARROW DONATIONS
 Bills Previously Heard/Scheduled
 Including But Not Limited to:
 += SB 102 MORTGAGE LENDING
 += HB 118 PROHIBIT ALLOWING MINORS TO HAVE ALCOHOL

RESOURCES

Apr 13 Friday Butrovich 205 3:30 PM
 + SB 96 ESTABLISHING A RENEWABLE ENERGY FUND
 -- Testimony <Time Limit May Be Set> --
 += SB 109 OIL & GAS CONSERVATION COMMISSION
 -- Testimony <Time Limit May Be Set> --
 + Bills Previously Heard/Scheduled

Apr 16 Monday Butrovich 205 3:30 PM
 + Presentation: Enstar
 George Schreiber-Pres/CEO of SEMCO
 Curtis Thayer-Director External Affairs
 + Presentation: Southcentral Rail Corridor
 & Natural Resources
 Pat Gamble-ARRC, Pres/CEO
 + Bills Previously Heard/Scheduled

Apr 18 Wednesday Butrovich 205 3:30 PM
 + SB 44 APPROP: FIRE ISLAND WIND FARM
 Testimony: Time limit may be set
 + SB 80 OIL & GAS PRODUCTION TAX: EXPENDITURES
 + Governor's Appts: Board of Fisheries
 Howard Delo-Big Lake
 Larry Edfelt-Auke Bay
 Claude (Vince) Webster-King Salmon
 + Bills Previously Heard/Scheduled

Apr 20 Friday Butrovich 205 3:30 PM
 + SB 111 KODIAK NARROW CAPE PUBLIC USE AREA
 + HB 186 SPORT FISHING GUIDE RECORDS
 + SJR 4 NATURAL GAS FOR STATE RESIDENTS
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 17 Tuesday Beltz 211 9:00 AM

+ HB 171 ACCOMMODATE 90-DAY SESSION
 + SB 95 COMPETITIVE BIDDING FOR BALLOT PREP
 += HJR 11 STATE'S CONTROL OF NATIONAL GUARD
 + Bills Previously Heard/Scheduled

Apr 19 Thursday Beltz 211 9:00 AM

+ SB 134 FUNDING SHORTFALL POLICY
 + HB 8 J. KEVIN LAMM TRAINING FACILITY
 + HB 210 QUALIFICATIONS OF THE ADJUTANT GENERAL
 + Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 17 Tuesday Butrovich 205 1:30 PM

No Meeting Scheduled

Apr 19 Thursday Butrovich 205 1:30 PM

No Meeting Scheduled

SPECIAL COMMITTEES

SPECIAL COMMITTEE ON EDUCATION

Apr 13 Friday Butrovich 205 8:00 AM

-- MEETING CANCELED --

SCR 5 CIVICS EDUC/ CITIZENS ADVISORY TASK FORCE

Apr 18 Wednesday Butrovich 205 8:00 AM

SB 14 RAISE COMP. SCHOOL ATTENDANCE AGE

Apr 20 Friday Butrovich 205 8:00 AM

= SCR 5 CIVICS EDUC/ CITIZENS ADVISORY TASK FORCE
 Presentation: Floyd Dryden Middle School

JOINT COMMITTEES**AK CLIMATE IMPACT ASSESSMENT COMMISSION**

Apr 13 Friday Anch Lio Conf Rm 8:30 AM
 + -- Testimony <Invitation Only> --
 8:30 am to 12:00 pm
 + -- Open Public Testimony --
 1:00 pm to 3:00 pm

SELECT COMMITTEE ON LEGISLATIVE ETHICS

Apr 17 Tuesday Butrovich 205 10:00 AM
 -- Teleconference --
 Full Committee: Open Session
 Election of Committee Chairs
 Public Comment
 Chair/Staff Report
 Budget
 Legislation

Apr 17 Tuesday Butrovich 205 3:00 PM
 Senate Subcommittee: Executive Session
 Public Comment
 Executive Session
 Public Session

OTHER MEETINGS**CHILDREN'S CAUCUS**

Apr 24 Tuesday Butrovich 205 12:00 PM
 + Presentation by The Alaska Trafficking in
 Persons Task Force - Dealing with Child
 Prostitution in Alaska

JOINT LEGISLATIVE HEALTH CAUCUS

Apr 18 Wednesday Butrovich 205 12:00 PM
 "Filling the Need: Other Forms of Health Care"

OTHER MEETINGS (continued)**JOINT LEGISLATIVE HEALTH CAUCUS (continued)**

May 02	Wednesday	Butrovich 205	12:00 PM
	"Week of the Uninsured: Alaska's Workforce"		

MISCELLANEOUS MEETINGS

Apr 13	Friday	Speaker's Chamber	12:00 PM
	Presentation on Russia by Masha Mozgovaya		