

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Friday

April 20, 2007

Ninety-fifth Day

Pursuant to adjournment the Senate was called to order by President Green at 10:07 a.m.

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

The prayer was offered by the Chaplain, Jesse Kiehl of the Congregation Sukkat Shalom Jewish Community. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

As we enjoy the bright sunshine and warming breeze of the past week, our thoughts turn to spring. And with the turning of the season, we give thanks:

Baruch atah Adonai, eloheinu melech haolam shehechianu, v'kiyemanu, v'higyanu lazman hazeh.

Blessed are you, oh God, sustainer of the universe, who created us, keeps us alive, and enables us to reach this season.

Senator Wilken led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Messages dated April 18 and 19 were read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 2**

HOUSE BILL NO. 2 BY REPRESENTATIVES NEUMAN, Lynn, Harris, Samuels, Stoltze, Foster, Joule, Nelson, Chenault, Dahlstrom, Wilson, Seaton, Johansen, LeDoux, entitled:

"An Act relating to the vocational education account and appropriations from that account; and providing for an effective date."

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

Senator McGuire added her name as a cross sponsor on the bill.

HB 61

CS FOR HOUSE BILL NO. 61(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to tax credits for cash contributions by taxpayers that are accepted for certain educational purposes, including vocational education programs and courses at the secondary school level and to tax credits for cash contributions by tax payers that are accepted by a state-operated vocational technical education and training school; and providing for an effective date."

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

HB 132

HOUSE BILL NO. 132 BY REPRESENTATIVES GATTO, Salmon, Lynn, Neuman, Johansen, Harris, Kerttula, Johnson, Dahlstrom, Stoltze, Kohring, entitled:

"An Act designating the first Tuesday of May as Alaska Agriculture Day."

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

Senator McGuire added her name as a cross sponsor on the bill.

HB 152

CS FOR HOUSE BILL NO. 152(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act establishing a renewable energy project account and a renewable energy fund and describing their uses and purposes."

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

Senator McGuire added her name as a cross sponsor on the bill.

Standing Committee Reports

Report dated April 18 was read, stating:

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

Board of Fisheries

Howard Delo

Larry Edfelt

Claude (Vince) Webster

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 Huggins, Chair; Senators Stedman, Wielechowski, Wagoner, McGuire, Green, Stevens.

SB 104

The Judiciary Committee SENATE BILL NO. 104 "An Act relating to the Alaska Gasline Inducement Act; establishing the Alaska Gasline Inducement Act matching contribution fund; providing for an Alaska Gasline Inducement Act coordinator; making conforming amendments; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 104(JUD)

Signing do pass: Senator French, Chair; Senators Wielechowski, McGuire, Therriault. Signing amend: Senator Huggins.

The following fiscal information was published today:

Fiscal Note No. 6, Department of Natural Resources

Fiscal Note No. 7, Department of Labor and Workforce
Development

The following previously published fiscal information applies:

Fiscal Note No. 2, zero, Department of Natural Resources

Fiscal Note No. 3, Department of Revenue

Fiscal Note No. 4, zero, Department of Commerce, Community
and Economic Development

Fiscal Note No. 5, zero, Department of Administration

The bill was referred to the Finance Committee.

SB 150

The Health, Education and Social Services Committee considered SENATE BILL NO. 150 "An Act relating to an aggravating factor at sentencing for crimes committed at certain shelters and facilities."

Signing do pass: Senator Davis, Chair; Senators Elton, Cowdery.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, zero, Department of Administration

Fiscal Note No. 3, zero, Department of Corrections

Fiscal Note No. 4, zero, Department of Law

The bill was referred to the Judiciary Committee.

HB 171

The State Affairs Committee considered CS FOR HOUSE BILL NO. 171(STA) am "An Act relating to the date and time for convening regular legislative sessions, certain procedures of the legislature, the date for organizing the Legislative Budget and Audit Committee, and deadlines for certain matters or reports to be filed or delivered to the legislature or a legislative committee; prohibiting bonuses for legislative employees; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
171(STA)

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

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Office of the Governor

The bill was referred to the Rules Committee.

Introduction and Reference of Senate Bills**SB 159**

SENATE BILL NO. 159 BY SENATORS FRENCH, Elton, entitled:

"An Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole and relating to fees for the marked license or card; relating to the information contained on driver's licenses; requiring the surrender and cancellation of driver's licenses and identification cards under certain circumstances; and providing for an effective date."

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

Consideration of the Calendar

Second Reading of House Bills

HB 168

HOUSE BILL NO. 168 "An Act authorizing two exchanges of land between the Alaska Railroad Corporation and the Department of Transportation and Public Facilities; 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.

HOUSE BILL NO. 168 was read the third time.

The question being: "Shall HOUSE BILL NO. 168 "An Act authorizing two exchanges of land between the Alaska Railroad Corporation and the Department of Transportation and Public Facilities; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 168

Third Reading - Final Passage

Effective Date

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

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

Excused: Therriault

and so, HOUSE BILL NO. 168 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.

Second Reading of House Resolutions

HCR 5

HOUSE CONCURRENT RESOLUTION NO. 5 Supporting the 2007 National Crime Victims' Rights Week, was read the second time and was before the Senate on final passage.

Senators Elton, Wielechowski, McGuire, Wilken, Olson, Thomas, Dyson, Davis, French, Wagoner, Bunde, Ellis, Stedman moved and asked unanimous consent to be shown as cross sponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 5 Supporting the 2007 National Crime Victims' Rights Week, pass the Senate?" The roll was taken with the following result:

HCR 5

Second Reading - Final Passage

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

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

Excused: Therriault

and so, HOUSE CONCURRENT RESOLUTION NO. 5 passed the Senate, was signed by the President and Secretary and returned to the House.

Reconsideration of House Bills

HB 95

Senator Hoffman requested that the reconsideration on SENATE CS FOR 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" be taken up. The bill was before the Senate on reconsideration.

Senator Olson moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 6. Without objection, the bill was returned to second reading.

Senator Olson offered Amendment No. 6:

Page 21, line 8, following "will":

Insert "not"

Senator Olson moved for the adoption of Amendment No. 6. Objections were heard, then withdrawn. There being no further objection, Amendment No. 6 was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 95(FIN) am S was automatically in third reading on reconsideration.

Senator Dyson moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 7. Without objection, the bill was returned to second reading.

Senator Dyson offered Amendment No. 7:

Page 11, after Line 10 add the following intent language:

"A school district may not receive state education aid for K-12 support appropriated under Section 1 of this Act and distributed by the Department of Education and Early Development under AS 14.17 if the school district

(1) has a policy refusing to allow recruiters for any branch of the United States military, Reserve Officers' Training Corps, Central Intelligence Agency, or Federal Bureau of Investigation to contact students on a school campus if the school district allows college, vocational school, or other job recruiters on a campus to contact students;

(2) refuses to allow the Boy Scouts of America to use school facilities for meetings or contact with students if the school makes the facility available to other non-school groups in the community; or

(3) has a policy of refusing to have an in-school Reserve Officers' Training Corps program or a Junior Reserve Officers' Training Corps program."

Senator Dyson moved for the adoption of Amendment No. 7. Without objection, Amendment No. 7 was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 95(FIN) am S was automatically in third reading on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 95(FIN) am S "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" pass the Senate?" The roll was taken with the following result:

SCS CSHB 95(FIN) am S
Third Reading - On Reconsideration
Effective Dates

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

Yeas: Bunde, Cowdery, Davis, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Thomas, Wagoner, Wielechowski

Nays: Dyson, Wilken

Excused: Therriault

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 95(FIN) am S passed the Senate on reconsideration.

Senator Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clauses. Senator Wilken objected, then withdrew his objection. There being no further objection, it was so ordered.

Senator Stevens moved for the adoption of the constitutional budget reserve fund section.

The question being: "Shall the constitutional budget reserve fund section (Article IX, Section 17(c) Constitution of the State of Alaska) be adopted?" The roll was taken with the following result:

SCS CSHB 95(FIN) am S
Adopt Constitutional Budget
Reserve Fund Section?

YEAS: 15 NAYS: 4 EXCUSED: 1 ABSENT: 0

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

Nays: Bunde, Dyson, Wagoner, Wilken

Excused: Therriault

and so, the constitutional budget reserve fund section was adopted, and the bill was referred to the Secretary for engrossment.

Citations

Honoring – Lance Trasky
Representative(s) Gara
Senator(s) Ellis, Green, Bunde, Cowdery, Davis, Dyson, Elton, Hoffman, 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.

Unfinished Business

Senator Wielechowski moved and asked unanimous consent to be excused from a call of the Senate on the afternoon of April 20; and on April 23 to morning plane time. Without objection, Senator Wielechowski was excused.

Senator Wilken moved and asked unanimous consent to extend a prior excusal from a call of the Senate (page 660) through afternoon plane time, April 25. Without objection, Senator Wilken was excused.

Senators Ellis, French moved and asked unanimous consent to be excused from a call of the Senate on April 23 to morning plane time. Without objection, Senators Ellis, French were excused.

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

Senator Stevens moved and asked unanimous consent that President Green be excused from a call of the Senate on April 23 to plane time. Without objection, Senator Green was excused.

SB 157

Senator McGuire, Chair, moved and asked unanimous consent that the State Affairs Committee referral be waived on SENATE BILL NO. 157 "An Act relating to human trafficking and prostitution." Without objection, the bill was referred to the Judiciary Committee.

SB 153

Senator McGuire moved and asked unanimous consent to be shown as a cosponsor on the SENATE BILL NO. 153 "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." Without objection, it was so ordered.

HJR 11

Senator McGuire moved and asked unanimous consent to be shown as a cross sponsor on CS FOR HOUSE JOINT RESOLUTION NO. 11(STA)(title am) Relating to the increased authority granted to the President of the United States to federalize the National Guard of the individual states without the consent of the governors; and urging the United States Congress to take action to honor the sovereignty of the individual states to regulate and command the National Guard of the states. Without objection, it was so ordered.

SR 7

Senator McGuire, Chair, moved and asked unanimous consent that the State Affairs Committee referral be waived on SENATE RESOLUTION NO. 7 Creating and relating to the Senate VPSO Task Force. Without objection, the resolution was referred to the Finance Committee.

Announcements

Announcements are at the end of the journal.

Engrossment**HB 95**

SENATE CS FOR CS FOR HOUSE BILL NO. 95(FIN) am S "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" was engrossed, signed by the President and Secretary and returned to the House for consideration.

Adjournment

Senator Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 23, 2007. Without objection, the Senate adjourned at 10:33 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

Apr 24 Tuesday Beltz 211 3:30 PM
 + SB 145 MUNIS IMPOUND/FORFEIT MOTOR VEHICLE
 + Bills Previously Heard/Scheduled

Apr 26 Thursday Beltz 211 3:30 PM
 + Bills Previously Heard/Scheduled

FINANCE

Apr 20 Friday Senate Finance 532 9:00 AM
 -- Recessed to 1:30 pm --
 += 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

Apr 23 Monday Senate Finance 532 9:00 AM
 + SB 104 NATURAL GAS PIPELINE PROJECT
 + SB 84 TESTING & PACKAGING OF CIGARETTES
 + Bills Previously Heard/Scheduled

Apr 23 Monday Senate Finance 532 2:00 PM
 + Bills Previously Heard/Scheduled

Apr 24 Tuesday Senate Finance 532 9:00 AM
 + Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 24	Tuesday	Senate Finance 532	3:00 PM
+	Bills Previously Heard/Scheduled		
Apr 25	Wednesday	Senate Finance 532	9:00 AM
+	Bills Previously Heard/Scheduled		
Apr 25	Wednesday	Senate Finance 532	2:00 PM
+	Bills Previously Heard/Scheduled		
Apr 26	Thursday	Senate Finance 532	9:00 AM
+	Bills Previously Heard/Scheduled		
Apr 26	Thursday	Senate Finance 532	1:30 PM
+	Bills Previously Heard/Scheduled		
Apr 27	Friday	Senate Finance 532	9:00 AM
+	Bills Previously Heard/Scheduled		
Apr 27	Friday	Senate Finance 532	1:30 PM
+	Bills Previously Heard/Scheduled		
Apr 28	Saturday	Senate Finance 532	9:00 AM
+	Bills Previously Heard/Scheduled		
Apr 28	Saturday	Senate Finance 532	1:30 PM
+	Bills Previously Heard/Scheduled		

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 20	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Apr 23	Monday	Butrovich 205	1:30 PM
+ HB 136	DENTAL HYGIENISTS		
+ SB 8	MENTAL HEALTH PATIENT RIGHTS:STAFF GENDER		
Apr 25	Wednesday	Butrovich 205	1:30 PM
+ SB 119	SCHOOL LIBRARY GRANTS		
+ SR 3	REQUEST REMOVAL OF REGENT HAYES		
Apr 27	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

+	SB 118	PLASTIC BAG FEE; ESTABLISH LITTER FUND
+	HB 121	WORKERS' COMPENSATION RECORDS
+		Bills Previously Heard/Scheduled

RESOURCES**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
<Above Bill Hearing Canceled>
- + Bills Previously Heard/Scheduled
- = SB 80 OIL & GAS PRODUCTION TAX: EXPENDITURES

Apr 23 Monday Butrovich 205 3:30 PM

- += HB 186 SPORT FISHING GUIDE RECORDS
-- Testimony <Time Limit May Be Set> --
- + HB 26 GEODUCK AQUATIC FARMING EXEMPTION
-- Testimony <Time Limit May Be Set> --
- + Bills Previously Heard/Scheduled

Apr 25 Wednesday Butrovich 205 3:30 PM

- += SJR 4 NATURAL GAS FOR STATE RESIDENTS
-- Testimony <Time Limit May be Set> --
- += SB 96 ESTABLISHING A RENEWABLE ENERGY FUND
-- Testimony <Time Limit May be Set> --
- += HB 152 ESTABLISH RENEWABLE ENERGY FUND/ACCOUNT
-- Testimony <Time Limit May be Set> --
- + Bills Previously Heard/Scheduled

Apr 27 Friday Butrovich 205 3:30 PM

- + SB 57 MARINE PARKS ADDITIONS/HUNTING ALLOWED
-- Testimony <Time Limit May be Set> --
- + SB 71 PUBLIC ACCESS TO FISHING STREAMS
-- Testimony <Time Limit May be Set> --
- + Bills Previously Heard/Scheduled

STATE AFFAIRS**Apr 24 Tuesday Beltz 211 9:00 AM**

- + HB 109 DISCLOSURES & ETHICS/BRIBERY/RETIREMENT
- += SB 95 COMPETITIVE BIDDING FOR BALLOT PREP
- += SB 134 FUNDING SHORTFALL POLICY
- + Bills Previously Heard/Scheduled

STATE AFFAIRS (continued)

Apr 26 Thursday Beltz 211 9:00 AM
 += HB 109 DISCLOSURES & ETHICS/BRIBERY/RETIREMENT
 + SB 131 NAMING PACILLO PARKING GARAGE
 += HB 210 QUALIFICATIONS OF THE ADJUTANT GENERAL
 += HB 8 J. KEVIN LAMM TRAINING FACILITY
 + Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 24 Tuesday Butrovich 205 1:30 PM
 SB 158 SHIRLEY DEMIENTIEFF MEMORIAL BRIDGE
 SB 136 MUNICIPAL ROAD SERVICE AREAS

Apr 26 Thursday Butrovich 205 1:30 PM
 = SB 139 LIABILITY FOR AIRPORTS AND AIRSTRIPS
 = HB 126 FORMS/DOCUMENTS/RIGHTS RELATED TO DRIVING

SPECIAL COMMITTEES**SPECIAL COMMITTEE ON EDUCATION**

Apr 20 Friday Butrovich 205 8:00 AM
 = SCR 5 CIVICS EDUC/ CITIZENS ADVISORY TASK FORCE
 Presentation: Floyd Dryden Middle School

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Apr 26 Thursday House Finance 519 8:00 AM
 Contracts and Other Committee Business

LEGISLATIVE COUNCIL

Apr 26 Thursday Senate Finance 532 5:00 PM
 Block 39
 IT Subcommittee Recommendations
 Goldstein Lease Renewal
 FY 06 Legislature Audit

JOINT COMMITTEES (continued)**VICTIM'S ADVOCATE SELECTION COMMITTEE**

Apr 21	Saturday	Terry Miller 104	11:00 AM
	-- Time Change --		
	Executive 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

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

JOINT SESSION

May 14	Monday	House Chamber	11:00 AM
	Confirmation of Governor's Appointees		