

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Thursday

May 3, 2007

One Hundred Eighth Day

Pursuant to adjournment the Senate was called to order by President Green at 11:07 a.m.

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

The prayer was offered by the Chaplain, Pastor Jim Hardenbrook of the Nampa Church of the Brethren. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

*When I look at the night sky and see the work of your fingers -
the moon and the stars you have set in place -
Who are we that you should think of us,
mere humans that you should care for us?
Psalm 8:3-4*

I call upon You, gracious God, for a great outpouring of Your grace upon our land - upon our divided nation. On this National Day of Prayer we need to hear the agonizing words of President Lincoln who, when calling the Union to a "national day of prayer, fasting and humiliation" wrote, "perhaps this awful war has visited us because we have become too proud to pray."

Humble the proud and the arrogant.
Forgive and purge sin from our lives.
Convict our faith communities of hypocrisy and materialism.

Remind us we are servants, very dependent on loved ones, on each other and especially on You, dear God - the One who not only put the stars and moon in place but the One who gives us the air we breathe.

I thank you for these people in whom the people of Alaska have placed their trust. Give them a productive floor session. Amen.

Senator Elton led the Senate in the Pledge of Allegiance.

Certification

Senator Stevens moved and asked unanimous consent that the journal for the one hundred seventh legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

HB 108

Message was read stating the Governor signed the following bill on May 1 and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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."

Chapter 9, SLA 2007
Effective Date: 5/2/07

Messages from the House

Messages dated May 2 were read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 67**

CS FOR HOUSE BILL NO. 67(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to a mandatory exemption from municipal property taxes for certain college property, to a mandatory exemption from municipal property taxes for residences of certain widows or widowers, and to optional exemptions from municipal property taxes for property of certain fraternal organizations and for certain residences of law enforcement officers; and providing for an effective date."

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

HB 87

CS FOR HOUSE BILL NO. 87(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date."

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

Senators Therriault, Dyson added their names cross sponsors on the bill.

HB 184

CS FOR HOUSE BILL NO. 184(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to a commemorative troops license plate and to license plates available to disabled veterans; relating to mandatory motor vehicle insurance, license suspensions, mandatory

impoundments of vehicles used in certain offenses, and notices relating to motor vehicles and driver's licenses; relating to registration of vehicles for disabled persons; and providing for an effective date."

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

HB 228

CS FOR HOUSE BILL NO. 228(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to fees for certain medical treatment and service under the Alaska Workers' Compensation Act; and providing for an effective date."

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

HB 233

CS FOR HOUSE BILL NO. 233(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to giving notice of unclaimed net margin distributions made by electric and telephone cooperatives."

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

Concur Messages**SB 123**

Senator Gary Stevens moved and asked unanimous consent that the concur message on HOUSE CS FOR CS FOR SENATE BILL NO. 123(FIN) "An Act relating to the public employees' and teachers' defined benefit retirement plans; relating to the public employees' and teachers' defined contribution retirement plans; relating to the judicial retirement system; relating to the health reimbursement arrangement plan for certain teachers and public employees; relating to the

supplemental employee benefit program; relating to the public employees' deferred compensation program; relating to group insurance for public employees and retirees; making conforming amendments; and providing for an effective date" which had been held on the Secretary's desk (page 1018), be brought up at this time. Without objection, it was so ordered.

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 123(FIN)

Shall the Senate Concur in the House

Amendment to CSSB 123(FIN)? Effective Dates

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

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

Excused: Davis

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 123(FIN) "An Act relating to the public employees' and teachers' defined benefit retirement plans; relating to the public employees' and teachers' defined contribution retirement plans; relating to the judicial retirement system; relating to the health reimbursement arrangement plan for certain teachers and public employees; relating to the supplemental employee benefit program; relating to the public employees' deferred compensation program; relating to group insurance for public employees and retirees; making conforming amendments; and providing for an effective date."

Senator Stevens moved and asked unanimous consent that the vote on concurrence be considered the vote on the effective date clauses. Without objection, it was so ordered.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Standing Committee Reports

SB 125

The Finance Committee considered SENATE BILL NO. 125 "An Act relating to the accounting and payment of contributions under the defined benefit plan of the Public Employees' Retirement System of Alaska, to calculations of contributions under that defined benefit plan, and to participation in, and termination of and amendments to participation in, that defined benefit plan; making conforming amendments; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 125(FIN) "An Act relating to the accounting and payment of contributions under the retirement plans of the Public Employees' Retirement System of Alaska and the Teachers' Retirement System, to calculations of contributions under those retirement plans, and to participation in, and termination of and amendments to participation in, the defined benefit plans of those systems; relating to employer contributions to the health reimbursement arrangement plan; making conforming amendments; and providing for an effective date."

In accordance with AS 24.08.036 a PERS Analysis was attached to the Finance Committee report.

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

The following fiscal information was published today:

Fiscal Note No. 2, Department of Administration

The bill was referred to the Rules Committee.

HB 215

The Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 215(HES) "An Act relating to the establishment of a task force to review the Council on Domestic Violence and Sexual Assault." Signing do pass: Senator Davis, Chair; Senators Thomas, Cowdery, Dyson. Signing no recommendation: Senator Elton.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Health and Social Services
- Fiscal Note No. 2, zero, Department of Law
- Fiscal Note No. 5, zero, Legislative Agency
- Fiscal Note No. 6, House Finance Committee
- Fiscal Note No. 7, Department of Public Safety

The bill was referred to the Finance Committee.

SJR 6

Forthcoming Resources Committee Substitute (page 1023) for SENATE JOINT RESOLUTION NO. 6 Urging the United States Congress to defeat House Resolution 39, titled "To preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans" was received today:

CS FOR SENATE JOINT RESOLUTION NO. 6(RES) Urging the United States Congress to defeat H.R. 39, titled "To preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans."

Special Committee Reports

Report dated May 2 was read, stating:

In accordance with AS 24.65.020, the Victims' Advocate Selection Committee reviewed the following and recommends the nomination be forwarded to a joint session for consideration:

Victims' Advocate

D. Victor Kester

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

Signing the report: Senator Huggins, Chair; Senators Dyson, Olson. Representatives Hawker, Nelson.

Introduction and Reference of Senate Bills

SB 170

SENATE BILL NO. 170 BY SENATOR MCGUIRE, entitled:

"An Act requiring that health care insurers provide insurance coverage for well-baby exams."

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

SB 171

SENATE BILL NO. 171 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the withdrawal of a candidate from a judicial retention election and the removal of such a candidate's name from the general election ballot; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Office of the Governor

Governor's transmittal letter dated May 2:

Dear President Green:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to judicial retention election candidates.

The state elections code currently does not contain a process for a candidate for judicial retention to withdraw from candidacy. This bill would amend the state elections code to provide such a process.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Sarah Palin

Governor

Consideration of the Calendar

Citations

Honoring – George Rogers' 90th Birthday

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

Honoring – Betty H. Walters, Superintendent of the Kodiak Island Borough School District

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

Representative(s) LeDoux

Honoring – Peter Swanson, Principal of the McNeil Canyon School in Homer

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

Representative(s) Seaton

Honoring – Academic Pentathlon Team, 1st Place – Bethel Regional High School

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

Representative(s) Nelson

Honoring – Carol Comeau

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

Honoring – 30th Anniversary of the Start Up of the Trans-Alaska Pipeline

Representative(s) Harris

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

Honoring – Barbara Dedman Kalen of Skagway

Representative(s) Thomas

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

Honoring – Dwayne G. Davies

Representative(s) Thomas

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

Honoring – 2007 Flint Hills Volunteer Award Recipients, Caleb Thompson, Virginia Damron, Deanna Brandon, and Fairbanks Court-Appointed Special Advocates

Representative(s) Kawasaki, Coghill

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

Honoring – Ashley Nicole April

Representative(s) Cissna

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

Honoring – Major Michael L. Haller

Representative(s) Roses

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

Honoring – 2007 Gastineau Apartment Fire Heroes

Representative(s) Doll, Kerttula

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

Honoring – The Youth Restoration Corps & The Resurrection Creek Restoration Partnership

Representative(s) Gara

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

Honoring – West High's Thespian Troupe #700 and Theatre Department and the Cast of "Moby Dick: The Musical"

Representative(s) Holmes

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

Honoring – Donald M. Cosgrove, Hanshew Middle School Band Director

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 – Gary Beller, Alaska High School Hall of Fame Class of 2007

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 – First Baptist Church of Eagle River 50th Anniversary

Representative(s) Fairclough, Stoltze

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

Honoring – Big Brothers Big Sisters of Southeast Alaska

Representative(s) Kerttula, Doll, Johansen Thomas, Wilson

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

In Memoriam – Burke Riley

Representative(s) Kerttula, Doll

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

In Memoriam – Senator Michael J. Colletta

Representative(s) Kerttula, Doll

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

In Memoriam – Margaret Leibowitz

Representative(s) Kerttula, Doll

Senator(s) Elton, Green, Bunde, Cowdery, Davis, Dyson, Ellis, 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**HB 175**

Senator McGuire, Chair, moved and asked unanimous consent that the State Affairs Committee referral be waived on CS FOR HOUSE BILL NO. 175(JUD) am "An Act relating to the prohibition of the exercise of the power of eminent domain against a recreational structure for the purposes of developing a recreational facility or project; and relating to access to fishing waterways." Without objection, the bill was referred to the Judiciary then Finance Committees.

Senator Wilken moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, May 18 through morning plane time, May 23. Without objection, Senator Wilken was excused.

SB 78

The reconsideration on CS FOR SENATE BILL NO. 78(JUD) "An Act relating to the installation of window tinting in automobiles" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Announcements

Rule 23(d) of the Alaska State Legislature Uniform Rules is currently in effect.

Announcements are at the end of the journal.

Engrossment**SB 78**

CS FOR SENATE BILL NO. 78(JUD) "An Act relating to the installation of window tinting in automobiles" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., May 4, 2007. Without objection, the Senate adjourned at 11:34 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

May 03 Thursday Beltz 211 3:30 PM
No Meeting Scheduled

May 08 Tuesday Beltz 211 3:30 PM
+ HB 67 MUNICIPAL PROPERTY TAX EXEMPTIONS
Bills Previously Heard/Scheduled

FINANCE

May 03 Thursday Senate Finance 532 9:00 AM
+= SB 104 NATURAL GAS PIPELINE PROJECT
Invited Testimony from Industry on Issues
Addressed - David Keane, VP Policy and
Corporate Affairs, BG North America
Invited Testimony from Legislative
Consultant Dan Dickinson, CPA, CMA, LB&A
Consultant
Bills Previously Heard/Scheduled

May 03 Thursday Senate Finance 532 1:30 PM
+= SB 104 NATURAL GAS PIPELINE PROJECT
<Bill Hearing Canceled>
+ SB 72 COMMUNITY REVENUE SHARING
+ HB 121 WORKERS' COMPENSATION RECORDS
+ Bills Previously Heard/Scheduled

+ Bills Previously Heard/Scheduled

JUDICIARY (continued)

May 07	Monday	Beltz 211	1:30 PM
+	Presentations:		
	Spencer Hosie: Duty to Produce		
	Rick Harper & W.H. Sparger: Pipeline Economics		
+	Bills Previously Heard/Scheduled		
May 07	Monday	Beltz 211	5:30 PM
+	Bills Previously Heard/Scheduled		
May 08	Tuesday	Beltz 211	3:30 PM
+	Bills Previously Heard/Scheduled		

LABOR & COMMERCE

May 03	Thursday	Beltz 211	1:30 PM
+	SB 94	SERVICES FOR THE BLIND	
+	HB 170	INSURANCE	
+		Bills Previously Heard/Scheduled	
+=	SB 117	WORKERS' COMP: DISEASE PRESUMPTION	
+=	SB 99	POLICE STANDARDS COUNCIL MEMBERSHIP	
+=	HB 136	DENTAL HYGIENISTS	

RESOURCES

May 04	Friday	Butrovich 205	3:30 PM
	-- MEETING CANCELED --		
+	Bills Previously Heard/Scheduled		

STATE AFFAIRS

May 03	Thursday	Beltz 211	9:00 AM
	-- MEETING CANCELED --		
+	HB 132	AGRICULTURE DAY	
+	HB 75	DRIVERS LICENSE: ALCOHOL AWARENESS/MINOR	
+=	HB 8	J. KEVIN LAMM TRAINING FACILITY	
+	HB 92	JURISDICTION OF OMBUDSMAN: VICTIMS RTS	
+		Bills Previously Heard/Scheduled	

STATE AFFAIRS (continued)

May 08	Tuesday	Beltz 211	9:00 AM
+ HB 8	J. KEVIN LAMM TRAINING FACILITY		
+ SB 40	LONGEVITY BONUS REAPPLICATIONS		
+ SB 143	APPROP: TOURISM MARKETING		
+ SB 144	TOURISM CONTRACT MATCHING FUNDS		
+	Bills Previously Heard/Scheduled		
May 09	Wednesday	Beltz 211	9:00 AM
+ SB 162	VOTING BY MAIL		
+ SJR 9	CONST. AM: BENEFITS & MARRIAGE		
+ HB 92	JURISDICTION OF OMBUDSMAN: VICTIMS RTS		
+	Bills Previously Heard/Scheduled		
May 10	Thursday	Beltz 211	9:00 AM
+ SB 171	JUDICIAL RETENTION CANDIDACY WITHDRAWAL		
+ HB 132	AGRICULTURE DAY		
+ HB 159	STILLBIRTH CERTIFICATE		
+ HB 75	DRIVERS LICENSE: ALCOHOL AWARENESS/MINOR		
+ HB 184	MOTOR VEHICLES-LICENSE/INSURANCE/IMPOUND		
+	Bills Previously Heard/Scheduled		
May 12	Saturday	Beltz 211	1:00 PM
+	Bills Previously Heard/Scheduled		

TRANSPORTATION

May 03	Thursday	Butrovich 205	1:30 PM
= HJR 18	OPPOSE FED AVIATION FUEL TAX INCREASE		
	Bills Previously Heard/Scheduled		
May 08	Tuesday	Butrovich 205	2:00 PM
	Bills Previously Heard/Scheduled		
May 10	Thursday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

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