SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FIFTH LEGISLATURE

SECOND SESSION

Juneau, Alaska

Wednesday

March 19, 2008

Sixty-fifth Day

Pursuant to adjournment the Senate was called to order by President Green at 11:09 a.m.

The roll showed twenty members present.

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

Dear Lord:

Thank you for the power of prayer. Thank you that I can bring these requests before you in confidence that you hear and want to help us in our needs. We are told in your word that we have a high priest, Jesus Christ, who is touched by the feeling of our infirmities. He knows when we hurt, he knows when we have pain, he knows when we have joy. Thank you that he is making intercession for us to you Father. Thank you that we have an advocate.

Lord, I want to pray in behalf of the members of this Senate as they once again go into another session. Help them as it no doubt gets difficult to be away from their families. None of us stands alone, we rely greatly on our loved ones around us. Help these Senators to be given a special measure of your grace, during their separation from the ones they love. Help their loved ones as well in their absence. Strengthen them, enable them to carry on the tasks at home until once again these families are brought together.

With the great volume of work to be done, and the limited time to accomplish it, I pray that you would help the schedule today to go smoothly, and that much business would be accomplished. Again Lord, I pray that all decisions that come out of this gathering would be ones of fairness, justice and equity.

Thank you that I can lift this prayer before you today. In your beloved Son's name,

Amen.

Senator Huggins led the Senate in the Pledge of Allegiance.

Certification

Senator Ellis moved and asked unanimous consent that the journal for the sixty-fourth legislative day and Senate and House Joint Journal Supplement No. 15 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

SJR 11

Message dated March 18 was read, stating the House passed and returned:

SENATE JOINT RESOLUTION NO. 11 Supporting federal funding for veterans' health care and urging the United States Congress to ensure adequate funding for veterans' health care.

The resolution was referred to the Secretary for enrollment.

Message dated March 18 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HCR 13

CS FOR HOUSE CONCURRENT RESOLUTION NO. 13(FIN) BY THE HOUSE FINANCE COMMITTEE,

Establishing and relating to the Education Funding District Cost Factor Commission.

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

HJR 29

HOUSE JOINT RESOLUTION NO. 29 BY REPRESENTATIVES HAWKER BY REQUEST OF THE JOINT LEGISLATIVE EDUCATION FUNDING TASK FORCE, Chenault, Olson, Johnson, Lynn, Guttenberg,

Urging the President of the United States and the United States Congress to fulfill the federal obligation to provide adequate funding for special education in public schools.

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

HJR 38

CS FOR HOUSE JOINT RESOLUTION NO. 38(STA) BY THE HOUSE STATE AFFAIRS COMMITTEE,

Recognizing the State of Israel on the 60th anniversary of its founding.

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

First Reading and Reference of House Bills

HB 338

CS FOR HOUSE BILL NO. 338(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the bulk fuel bridge loan fund and program, power project fund, and the bulk fuel revolving loan fund; authorizing the Alaska Energy Authority to borrow money from the power project fund for the bulk fuel revolving loan fund and to repay money borrowed; and providing for an effective date."

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

HB 373

HOUSE BILL NO. 373 BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act extending specified public school bond debt reimbursement; and providing for an effective date."

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

Standing Committee Reports

SB 183

The State Affairs Committee considered SENATE BILL NO. 183 "An Act repealing the defined contribution retirement plans for teachers and for public employees; making conforming amendments; and providing for an effective date." Signing do pass: Senator McGuire, Chair; Senator French. Signing do not pass: Senators Green, Bunde. Signing no recommendation: Senator Stevens.

The following previously published fiscal information applies: Fiscal Note No. 1, Department of Administration

The bill was referred to the Judiciary Committee.

SB 228

The Community and Regional Affairs Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 228 "An Act relating to and permitting certain uses and occupancies of real property that do not comply with changes made to municipal land use ordinances." Signing do pass: Senator Olson; Chair. Signing no recommendation: Senators Stevens, Kookesh. Signing amend: Senators Thomas, Wagoner.

The following fiscal information was published today: Fiscal Note No. 1, zero, Department of Commerce, Community and Economic Development

The bill was referred to the State Affairs Committee.

SB 259

The State Affairs Committee considered SENATE BILL NO. 259 "An Act repealing certain provisions relating to applications for medical assistance coverage; making certain provisions of ch. 96, SLA 2006, retroactive; providing for an effective date by repealing an effective date section in ch. 96, SLA 2006; providing for an effective date for certain sections of ch. 96, SLA 2006; and providing for an effective date." Signing no recommendation: Senator McGuire, Chair; Senators French, Stevens. Signing do pass: Senator Green.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

SB 260

The State Affairs Committee considered SENATE BILL NO. 260 "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 260(STA)

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

The following fiscal information was published today: Fiscal Note No. 1, zero, Legislative Agency

The bill was referred to the Finance Committee.

SB 285

The Finance Committee considered SENATE BILL NO. 285 "An Act relating to the power and duties of the Department of Education and Early Development for improving instructional practices in school districts; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 285(FIN)

and further recommended the adoption of a Finance Committee Letter of Intent:

It is the intent of the Legislature that the Department of Education and Early Development (DEED) provide state oversight of public education, and that state oversight promote local control of public education where local control has resulted in effective instructional practices.

It is the intent of the Legislature that the DEED intervene in a school district when the department has evidence that intervention by the department can result in improvement in instructional practices in the school district, consistent with the accountability system established in AS 14.03.123, the secondary student competency examination in AS 14.03.075, and the decision of the Alaska Superior Court in Moore v. State, No. 3AN-04-9756 CI (Alaska Super. 2007).

It is the intent of the Legislature that if intervention actions being taken by DEED involve the hiring of district or school coaches, to the extent practicable, only Alaskan professionals with significant experience working in Alaska's educational system and instructional practices be utilized.

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

The following previously published fiscal information applies: Fiscal Note No. 1, Department of Education and Early Development

The bill was referred to the Rules Committee.

SB 297

The Labor and Commerce Committee considered SENATE BILL NO. 297 "An Act relating to the compensation for certain public officials, officers, and employees not covered by collective bargaining agreements; relating to pay increments for longevity in state service; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 297(L&C) "An Act relating to certain public officials, officers, and employees not covered by collective bargaining agreements; and providing for an effective date."

Signing do pass: Senator Ellis, Chair; Senator Davis. Signing do not pass: Senators Bunde, Stevens. Signing no recommendation: Senator Hoffman.

The following fiscal information was published today: Fiscal Note No. 2, Alaska Court System Fiscal Note No. 3. Office of the Governor

The bill was referred to the Finance Committee.

SB 304

The Community and Regional Affairs Committee considered SENATE BILL NO. 304 "An Act authorizing an Alaska regional development organization to use the Alaska Commercial Fisheries Entry Commission as an informational resource." Signing do pass: Senator Olson, Chair; Senator Thomas. Signing no recommendation: Senators Kookesh, Wagoner.

The following fiscal information was published today: Fiscal Note No. 1, zero, Department of Fish and Game

The bill was referred to the Rules Committee.

HB 65

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 65(FIN) "An Act relating to breaches of security involving personal information, credit report and credit score security freezes, protection of social security numbers, care of records, disposal of records, identity theft, credit cards, and debit cards, and to the jurisdiction of the office of administrative hearings; amending Rules 60 and 82, Alaska Rules of Civil Procedure; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 65(L&C)

Signing do pass: Senator Ellis, Chair; Senators Bunde, Davis, Stevens.

The following fiscal information was published today: Fiscal Note No. 5, Department of Administration

The following previously published fiscal information applies: Fiscal Note No. 3, indeterminate, Office of the Governor

The bill was referred to the Judiciary Committee.

HB 88

The State Affairs Committee considered CS FOR HOUSE BILL NO. 88(FIN) "An Act relating to televisions, monitors, portable computers, and similar devices in motor vehicles; relating to the definition of physical injury for the Alaska Uniform Vehicle Code; and providing for an effective date." Signing no recommendation: Senator McGuire, Chair; Senators Stevens, Green. Signing amend: Senator French.

The following fiscal information was published today: Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Judiciary Committee.

Consideration of the Calendar

Second Reading of Senate Bills

SB 164

SENATE BILL NO. 164 "An Act relating to disclosures required for the sale of a used motor vehicle, including a trailer, by a motor vehicle dealer" was read the second time.

Senator French, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 2194. Without objection, CS FOR SENATE BILL NO. 164(JUD) was adopted.

Senator Ellis moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 164(JUD) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 164(JUD) "An Act relating to disclosures required for the sale of a used motor vehicle, including a trailer, by a motor vehicle dealer" pass the Senate?" The roll was taken with the following result:

CSSB 164(JUD)

Third Reading - Final Passage

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

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

and so, CS FOR SENATE BILL NO. 164(JUD) passed the Senate and was referred to the Secretary for engrossment.

SB 243

SENATE BILL NO. 243 "An Act relating to the duties and powers of the Alaska Commission on Aging and the Department of Health and Social Services" was read the second time.

Senator Davis, Chair, moved and asked unanimous consent for the adoption of the Health, Education and Social Services Committee Substitute offered on page 2004. Without objection, CS FOR SENATE BILL NO. 243(HES) was adopted.

Senator Ellis moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 243(HES) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 243(HES) "An Act relating to the duties and powers of the Alaska Commission on Aging and the Department of Health and Social Services" pass the Senate?" The roll was taken with the following result:

CSSB 243(HES)

Third Reading - Final Passage

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

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

and so, CS FOR SENATE BILL NO. 243(HES) passed the Senate and was referred to the Secretary for engrossment.

SB 254

SENATE BILL NO. 254 "An Act extending the termination date of the Alaska regional economic assistance program; and providing for an effective date" was read the second time.

Senator Ellis moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE BILL NO. 254 was read the third time.

The question being: "Shall SENATE BILL NO. 254 "An Act extending the termination date of the Alaska regional economic assistance program; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 254

Third Reading - Final Passage

Effective Date

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

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

and so, SENATE BILL NO. 254 passed the Senate.

Senator Ellis 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 referred to the Secretary for engrossment.

Second Reading of House Resolutions

HJR 16

HOUSE JOINT RESOLUTION NO. 16 Opposing imposition of a milk tax on Alaskans, was read the second time.

Senator Ellis moved and asked unanimous consent that the resolution be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE JOINT RESOLUTION NO. 16 was read the third time.

Senators Therriault, Dyson, Green, Huggins, Wielechowski, Olson 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 JOINT RESOLUTION NO. 16 Opposing imposition of a milk tax on Alaskans, pass the Senate?" The roll was taken with the following result:

HJR 16

Third Reading - Final Passage

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

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

and so, HOUSE JOINT RESOLUTION NO. 16 passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

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

Senator Ellis 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 Wilken moved and asked unanimous consent to amend a prior excusal (page 2148) in order to be excused from a call of the Senate from afternoon plane time, March 20 through morning plane time, March 24. Without objection, Senator Wilken was excused.

Senator Olson moved and asked unanimous consent to be excused from a call of the Senate from plane time, March 20 through morning plane time, March 24. Without objection, Senator Olson was excused.

Senator Therriault moved and asked unanimous consent to be excused from a call of the Senate from morning, March 21 through morning, March 24. Without objection, Senator Therriault was excused.

Senator Ellis moved and asked unanimous consent to be excused from a call of the Senate on March 24 to morning plane time. Without objection, Senator Ellis was excused.

SB 265

Senator Dyson moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 265 "An Act relating to drivers' licenses and identification cards issued to sex offenders and child kidnappers." Without objection, it was so ordered.

HB 330

Senator Huggins, Chair, moved and asked unanimous consent that the Resources Committee referral be waived on CS FOR HOUSE BILL NO. 330(RES) "An Act relating to noxious weed, invasive plant and agricultural pest management and education; and providing for an effective date." Without objection, the bill was referred to the Finance Committee.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 164

CS FOR SENATE BILL NO. 164(JUD) "An Act relating to disclosures required for the sale of a used motor vehicle, including a trailer, by a motor vehicle dealer" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 243

CS FOR SENATE BILL NO. 243(HES) "An Act relating to the duties and powers of the Alaska Commission on Aging and the Department of Health and Social Services" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 254

SENATE BILL NO. 254 "An Act extending the termination date of the Alaska regional economic assistance program; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment

SB 256

HOUSE CS FOR CS FOR SENATE BILL NO. 256(FIN) am H "An Act making supplemental appropriations, capital appropriations, reappropriations, and other appropriations; making an appropriation to the senior benefits payment program; amending certain appropriations; ratifying certain expenditures; making appropriations to capitalize funds; and providing for an effective date" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 12:10 p.m., March 19, 2008.

Adjournment

Senator Ellis moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 21, 2008. Without objection, the Senate adjourned at 11:42 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 20 +	Thursday MEETING CANCEL Bills Previously Heard/S		3:30 PM			
FINANCE						
+ SB 265 + += HB 310	Wednesday Senate Finance 532 Recessed to 1:00 pm STATE INTERVENTION IN SCHOOL DISTRICT SEX OFFENDERS & CHILD KIDNAPPERS Bills Previously Heard/Scheduled APPROP: OPERATING BUDGET/LOANS/FUNDS APPROP: MENTAL HEALTH BUDGET Amendments		9:00 AM			
Mar 20	Thursday No Meeting Scheduled	Senate Finance 532	9:00 AM			
Mar 21 += SB 28 += SB 201 +			9:00 AM			
Mar 22 +	Saturday Bills Previously Heard/S		10:00 AM			

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 19	Wednesday	Butrovich 205	1:45 PM
	Time Change		
+= SB 206	CHILDREN'S TRUST GRA	NT FOR ENDOWMENT	
+= SB 210	APPROP: ALASKA COMM	IUNITY FOUNDATION	
+	Bills Previously Heard/Sched	luled	
+= SB 107	NATUROPATHS		
+= SJR 18	CHILD PRODUCT SAFETY	ľ	

Mar 21 Friday Butrovich 205 1:30 PM

No Meeting Scheduled

JUDICIARY

Mar 19 Wednesday Beltz 211 1:30 PM

+= SB 234 CRIMINAL LAW/PROCEDURE: OMNIBUS BILL

Bills Previously Heard/Scheduled

Mar 21 Friday Beltz 211 1:30 PM

+ HJR 34 FEDERAL FUNDING FOR DNA TESTING

+= HB 163 PROPERTY FORECLOSURES AND EXECUTIONS

+ Confirmation Hearing:
 Alaska Public Offices Commission

Rescheduled from 03/14/08>

Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 20 Thursday Beltz 211 1:30 PM + HB 320 SEARCH & RESCUE: CERTIFICATION/WORK.COMP Bills Previously Heard/Scheduled

Mar 22 Saturday Beltz 211 10:00 AM

-- NOTE: Meeting Time --Bills Previously Heard/Scheduled

RESOURCES

	Wednesday BOARD OF FISHERIES: ME EXXON PLAINTIFFS; H.R. 2 Confirmation Hearing: AK Commercial Fisheries Ent Bills Previously Heard/Schedu Testimony < Time Limit Ma	2419, SEC. 12801 ry Commission lled	3:30 PM	
Mar 21 + += SB 237 + SB 301		SALMON FISHERIES HERY iled	3:30 PM	
Mar 22 +	Saturday Butrovich 205 MEETING CANCELED Bills Previously Heard/Scheduled Testimony <time be="" limit="" may="" set=""> STATE AFFAIRS</time>			
Mar 19 + SB 183 + SB 259 + SB 260 +	EFFECTIVE DATE: MEDICA	AL ASSISTANCE LA		
Mar 20 + SB 198 + SB 203 + SCR 12 + SB 199 + SB 213 +	LEGISLATIVE ETHICS: VO AMEND UNIFORM RULES: CAMPAIGN FINANCE COM	TING & CONFLICTS ABSTAIN FROM VO IPLAINTS SION POWERS	S	

TRANSPORTATION

Mar 20 Thursday Butrovich 205 2:00 PM

-- MEETING CANCELED -- -- Time Change --

SB 298 MARINE TRANSPORTATION: BOARD & DIVISION

SPECIAL COMMITTEES

SPECIAL COMMITTEE ON EDUCATION

Mar 19	Wednesday	Butrovich 205	8:00 AM
	MEETING CANCELED	-	

+ Bills Previously Heard/Scheduled

Mar 21 Friday Butrovich 205 8:00 AM

+ Bills Previously Heard/Scheduled

Mar 22 Saturday Butrovich 205 10:00 AM

+ Bills Previously Heard/Scheduled

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Mar 25 Tuesday House Finance 519 8:30 AM

Final Audits -

FY08 Statewide Single Audit

Dept. of Admin., AK Data Enterprise

Reporting System Preliminary Audits -

Dept. of Natural Resources,

Matanuska Maid

Dept. Environmental Conservation, Div. of Spill Prevention & Response

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LEGISLATIVE COUNCIL

Mar 20 Thursday Senate Finance 532 5:00 PM

Charitable Event Approval - Alaska Youth Choir Touring Dinner/Fundraiser

FY07 Legislature Audit

Cutting Edge Development, Inc. Contract

Amendment

Coldfoot Environmental Services, Inc.

Contract Approval

Goldstein Improvement Co. Lease Renewal

Approval

Childcare Subcommittee

90 Day Session Subcommittee

Litigation Update by Jim Foster

OTHER MEETINGS

JOINT LEGISLATIVE HEALTH CAUCUS

Mar 19 Wednesday Butrovich 205 12:00 PM

-- MEETING CANCELED --

Measuring Success: Improving Health Indicators

Apr 02 Wednesday Butrovich 205 12:00 PM

High Quality, Low Cost