SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FIFTH LEGISLATURE

SECOND SESSION

Juneau, Alaska

Monday

March 31, 2008

Seventy-seventh 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 Therriault was absent.

The prayer was offered by the Chaplain, David Dierdorff of the Juneau Unitarian Universalist Fellowship. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Amid all the noise in our lives,

we take this moment to sit in silence - to give thanks for another day; to give thanks for all those in our lives who have brought us

warmth and love; to give thanks for the gift of life.

We know we are here but a brief moment in time.

Let us open ourselves, here, now, to the process of becoming more whole - of living more fully; of giving and forgiving more freely; of understanding more completely the meaning of our lives here on this earth.

Based on a prayer written by Reverend Tim Haley

Senator Wagoner led the Senate in the Pledge of Allegiance.

Certification

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

The presence of Senator Therriault was noted.

Messages from the Governor

Executive Proclamation

Under the authority of art. II, sec. 9, and art. III, sec. 17, of the Alaska Constitution, and in the public interest, I call the Twenty-Fifth Legislature of the State of Alaska into its third special session at Juneau, Alaska in the legislative chambers on June 3, 2008 at 5:00 p.m. to consider the following subject:

any action taken by the commissioner of natural resources and the commissioner of revenue under AS 43.90, the Alaska Gasline Inducement Act.

Dated at Juneau, Alaska this 28 day of March, 2008. /s/ Sarah Palin, Governor

Messages from the House

Message dated March 28 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HJR 24

HOUSE JOINT RESOLUTION NO. 24 am BY REPRESENTATIVES COGHILL, Roses,

2473

Opposing any law that would establish a federal insurance regulatory system.

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

First Reading and Reference of House Bills

HB 406

CS FOR HOUSE BILL NO. 406(STA) BY THE HOUSE STATE AFFAIRS COMMITTEE, entitled:

"An Act relating to contracts for the preparation of election ballots."

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

Communications

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

Alaska Forest Resources and Practices Act 2007 Effectiveness Reports dated March 2008 from Chris Maisch, Chair, Board of Forestry in accordance with AS 41.17.047(d)

Standing Committee Reports

SB 183

The Judiciary 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" and recommended it be replaced with

CS FOR SENATE BILL NO. 183(JUD) "An Act repealing the defined contribution retirement plans for teachers and for public employees; providing a

defined benefit retirement plan for teachers and public employees; making conforming amendments; and providing for an effective date."

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

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

The bill was referred to the Finance Committee.

SB 245

The Health, Education and Social Services Committee considered SENATE BILL NO. 245 "An Act establishing the Alaska Health Care Commission and the Alaska health care information office; relating to health care planning and information; repealing the certificate of need program for certain health care facilities and relating to the repeal; annulling certain regulations required for implementation of the certificate of need program for certain health care facilities; and providing for an effective date" and recommended it be replaced with

> CS FOR SENATE BILL NO. 245(HES) "An Act establishing the Alaska Health Care Commission and the Alaska health care information office; relating to health care planning and information; amending the certificate of need requirements to exclude expenditures for diagnostic imaging equipment in certain circumstances; providing for a study of the certificate of need program; and providing for an effective date."

Signing do pass: Senator Davis, Chair; Senator Thomas. Signing do not pass: Senator Cowdery. Signing no recommendation: Senators Elton, Dyson.

The following fiscal information was published today:

- Fiscal Note No. 5, indeterminate, Department of Health and Social Services
- Fiscal Note No. 6, indeterminate, Department of Health and Social Services

Fiscal Note No. 7, Department of Health and Social Services

The following previously published fiscal information applies: Fiscal Note No. 2, Department of Health and Social Services Fiscal Note No. 4, Department of Health and Social Services

The bill was referred to the Finance Committee.

HB 149

The Judiciary Committee considered CS FOR HOUSE BILL NO. 149(RES) "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." Signing no recommendation: Senator French, Chair; Senator Wielechowski. Signing do pass: Senators Therriault, Huggins, McGuire.

The following fiscal information was published today:

Fiscal Note No. 3, zero, Department of Environmental Conservation

Fiscal Note No. 4, zero, Department of Law

The bill was referred to the Rules Committee.

HB 260

The Finance Committee considered CS FOR HOUSE BILL NO. 260(STA) "An Act relating to a State Officers Compensation Commission and establishing how legislators, the governor, the lieutenant governor, and executive department heads shall be compensated; providing for an effective date by repealing the effective dates of certain sections of ch. 124, SLA 1986; and providing for an effective date." Signing do pass: Senators Hoffman, Stedman, Cochairs; Senators Elton, Thomas, Dyson. Signing no recommendation: Senator Olson.

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

The bill was referred to the Rules Committee.

HB 338

The Finance Committee considered CS FOR HOUSE BILL NO. 338(FIN) "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" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 338(FIN)

Signing do pass: Senators Hoffman, Stedman, Cochairs; Senators Elton, Thomas, Huggins, Olson.

The following previously published fiscal information applies: Fiscal Note No. 1, zero, Department of Commerce, Community and Economic Development Fiscal Note No. 2, Department of Commerce, Community and Economic Development

The bill was referred to the Rules Committee.

Introduction and Reference of Senate Resolutions

SCR 21

SENATE CONCURRENT RESOLUTION NO. 21 BY THE SENATE RESOURCES COMMITTEE,

Establishing the Cook Inlet Salmon Task Force as a joint legislative task force.

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

SR 8

SENATE RESOLUTION NO. 8 BY THE SENATE RESOURCES COMMITTEE,

Supporting the Kensington Gold Mine project; and commending the United States Forest Service for its environmental change analysis.

was read the first time and held on the Secretary's desk.

Consideration of the Calendar

Second Reading of Senate Bills

SB 305

SENATE BILL NO. 305 "An Act relating to recorking, sealing, or packaging of wine served with a meal and removal of recorked, sealed, or packaged wine from licensed premises" 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. 305 was read the third time.

The question being: "Shall SENATE BILL NO. 305 "An Act relating to recorking, sealing, or packaging of wine served with a meal and removal of recorked, sealed, or packaged wine from licensed premises" pass the Senate?" The roll was taken with the following result:

SB 305 Third Reading - Final Passage

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

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

Nays: Wilken

and so, SENATE BILL NO. 305 passed the Senate and was referred to the Secretary for engrossment.

Second Reading of House Bills

HB 267

CS FOR HOUSE BILL NO. 267(RES) "An Act relating to authorizing the state to join with other states entering into the Wildlife Violator Compact; excluding commercial fishing and big game commercial hunting services from the provisions of the compact; and directing the initiation of civil actions to revoke appropriate licenses in this state based on a licensee's violation of or failure to comply with the terms of a wildlife resource citation issued in another state that is a party to the compact" was read the second time.

Senator Ellis 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. 267(RES) was read the third time.

Senators Wilken, Therriault, Stevens, Wagoner, Stedman moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR HOUSE BILL NO. 267(RES) "An Act relating to authorizing the state to join with other states entering into the Wildlife Violator Compact; excluding commercial fishing and big game commercial hunting services from the provisions of the compact; and directing the initiation of civil actions to revoke appropriate licenses in this state based on a licensee's violation of or failure to comply with the terms of a wildlife resource citation issued in another state that is a party to the compact" pass the Senate?" The roll was taken with the following result:

March 31, 2008

CSHB 267(RES) 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 HOUSE BILL NO. 267(RES) passed the Senate.

Senator Bunde gave notice of reconsideration.

HB 315

HOUSE BILL NO. 315 "An Act extending the termination date of the Big Game Commercial Services Board; and providing for an effective date" was read the second time.

Senator Ellis 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. 315 was read the third time.

The question being: "Shall HOUSE BILL NO. 315 "An Act extending the termination date of the Big Game Commercial Services Board; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 315 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, HOUSE BILL NO. 315 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 signed by the President and Secretary and returned to the House.

Second Reading of House Resolutions

HJR 29

HOUSE JOINT RESOLUTION NO. 29 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 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. 29 was read the third time.

The question being: "Shall HOUSE JOINT RESOLUTION NO. 29 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, pass the Senate?" The roll was taken with the following result:

HJR 29

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. 29 passed the Senate, was signed by the President and Secretary and returned to the House.

Senators McGuire, Elton, Wielechowski, Ellis, Bunde, Thomas, Stevens, Green moved and asked unanimous consent to be shown as cross sponsors on the resolution. Without objection, it was so ordered.

March 31, 2008

HJR 34

HOUSE JOINT RESOLUTION NO. 34 Urging the United States Congress to reauthorize the Debbie Smith DNA backlog grant program, 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. 34 was read the third time.

Senators Therriault, Bunde, Wagoner, Thomas, Dyson, French, Davis, McGuire, Wilken, Elton, Ellis, Green, Wielechowski 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. 34 Urging the United States Congress to reauthorize the Debbie Smith DNA backlog grant program, pass the Senate?" The roll was taken with the following result:

HJR 34 Third Reading - Final Passage

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

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

Absent: Stedman

and so, HOUSE JOINT RESOLUTION NO. 34 passed the Senate, was signed by the President and Secretary and returned to the House.

HCR 25

HOUSE CONCURRENT RESOLUTION NO. 25 was read the second time and was before the Senate on final passage.

The following fiscal information was published today: Fiscal Note No. 1, zero, Senate Rules Committee The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 25 Relating to proclaiming April of 2008 to be Sexual Assault Awareness Month, pass the Senate?" The roll was taken with the following result:

HCR 25

Second Reading - Final Passage

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

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

Absent: Stedman

and so, HOUSE CONCURRENT RESOLUTION NO. 25 passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

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

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

Honoring – Dale Forest Wanner Representative(s) Roses Senator(s) Wielechowski, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wilken

March 31, 2008

Honoring – Doug Mertz Representative(s) Kerttula, Doll Senator(s) Elton, Green, Cowdery, Davis, Ellis, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Thomas, Wielechowski

In Memoriam – Keith Heffner Representative(s) Harris Senator(s) Therriault, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Thomas, Wagoner, Wielechowski, Wilken

In Memoriam – Fred A. Pope Representative(s) Coghill Senator(s) Therriault, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Thomas, Wagoner, Wielechowski, Wilken

Senator Ellis 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 Kookesh moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, June 27 through evening plane time, June 29. Without objection, Senator Kookesh was excused.

HB 166

Senators McGuire, Elton, Ellis, French moved and asked unanimous consent to be shown as cross sponsors on CS FOR HOUSE BILL NO. 166(FIN) "An Act relating to contributions from permanent fund dividends to community foundations, to certain educational organizations, and to certain other charitable organizations; and providing for an effective date." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 305

SENATE BILL NO. 305 "An Act relating to recorking, sealing, or packaging of wine served with a meal and removal of recorked, sealed, or packaged wine from licensed premises" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Ellis moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 1, 2008. Without objection, the Senate adjourned at 11:47 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

Apr 01	Tuesday MEETING CANCELED Bills Previously Heard/Scheduled	Beltz 211	3:30 PM
Apr 03	Thursdow	Roltz 211	3.30 DM

Apr 03	Thursday	Beltz 211	3:30 PM
	Bills Previously Heard/Scheduled		

FINANCE

+ HB 45		ARD FIGHT WILDLAND F	9:00 AM IRE
+= HB 61		Senate Finance 532 NTRIBUTIONS TO VOC EI DN: COMBAT DEATHS Scheduled	9:00 AM)
Apr 03 +	Thursday Bills Previously Heard/S	Senate Finance 532 Scheduled	9:00 AM
Apr 04 +	Friday Bills Previously Heard/S		9:00 AM

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 02	Wednesday Bills Previously Hear	Butrovich 205 d/Scheduled	1:30 PM
Apr 04	Friday Bills Previously Hear	Butrovich 205	1:30 PM

JUDICIARY

Apr 02	Wednesday	Beltz 211	1:30 PM
+ HB 307	DOMESTIC VIOLENCE OFFI	ENSES	
+ HB 359	PROBATION AND MINOR C	ONSUMING	
+	Bills Previously Heard/Schedul	ed	
Apr 04	Friday	Beltz 211	1:30 PM
Apr 04 + HJR 28	Friday CONST. AM:BUDGET RES.F		
-	· ·	UND/OIL& GAS T	
+ HJR 28	CONST. AM:BUDGET RES.F	UND/OIL& GAS T	
+ HJR 28	CONST. AM:BUDGET RES.F Bills Previously Heard/Schedul	UND/OIL& GAS T	

+ HB 305 CAMPAIGN FUND RAISING DURING SESSIONS
+ Bills Previously Heard/Scheduled

LABOR & COMMERCE

+ HB 295	Tuesday CLINICAL LABORATORY SCIE RECORDED OR FILED DOCUM CPA EDUCATION REQUIREME Bills Previously Heard/Scheduled	ENTS	1:30 PM Ionals
Apr 03 + HB 331 + SB 280	Thursday MOTOR VEHICLES:LICENSES/ MEDICAID/ INS FOR CANCER Bills Previously Heard/Scheduled		
Apr 05	Saturday NOTE: Time Change Bills Previously Heard/Scheduled	Beltz 211	10:00 AM

2487

RESOURCES

Apr 02 +	Wednesday Confirmation Hearing: Board <continued 03="" 08="" 28="" from=""> Bills Previously Heard/Sched Testimony <time limit="" m<="" th=""><th>luled</th><th>3:30 PM</th></time></continued>	luled	3:30 PM
Apr 04 +	Friday Alberta's Oil Sands Developm the Province: Operations & ' to Market: Dept of Energy & Testimony <invitation onl<br="">Bills Previously Heard/Scheo Testimony <time limit="" m<="" td=""><th>Transmission Enbridge, Inc y> luled</th><td>3:30 PM</td></time></invitation>	Transmission Enbridge, Inc y> luled	3:30 PM
Apr 05 +	Saturday Bills Previously Heard/Schec Testimony <time limit="" m<="" td=""><th></th><td>11:00 AM</td></time>		11:00 AM
Apr 06 +	Sunday Bills Previously Heard/Schec Testimony <time limit="" m<="" td=""><th>lay Be Set></th><td>12:00 PM</td></time>	lay Be Set>	12:00 PM

STATE AFFAIRS

Ap	r 01	Tuesday	Beltz 211	9:00 AM
+	SB 227	DIVEST INVESTMENTS IN SUD	AN	
+	SB 228	MUNICIPAL LAND USE REGUL	ATION	
+	HB 196	HANDLING MATTERS AFTER A	A PERSON'S DEA	АТН
+	SB 198	ELECTION VIOLATIONS: STAT	OF LIMITATIO	NS
+=	HB 92	JURISDICTION OF OMBUDSMA	N: VICTIMS RT	S
+	HB 351	CONCEALED HANDGUN PERM	IT: FINGERPRIN	NTS
+		Bills Previously Heard/Scheduled		
Ap	r 03	Thursday	Beltz 211	9:00 AM
+	HJR 19	OPPOSE FEDERAL ID REQUIRE	MENTS	
+	HB 193	POLICE STANDARDS COUNCIL	MEMBERSHIP	
+	HJR 32	BROADCASTING INDUSTRY		
+	HJR 38	ISRAEL 60TH ANNIVERSARY		
+	LID 252	LEAVE FOR ORCAN/DONE MAT		OMG
	HB 232	LEAVE FOR ORGAN/BONE MA	KKUW DUNATI	UNS

TRANSPORTATION

Ap	r 01	Tuesday	Butrovich 205	2:00 PM
=	SB 298	MARINE TRANSPORT	TATION: BOARD & DIVISI	ON

Apr 03Thursday
Bills Previously Heard/ScheduledButrovich 2052:00 PM

SPECIAL COMMITTEES

SPECIAL COMMITTEE ON EDUCATION

Apr 02	Wednesday No Meeting Scheduled	Butrovich 205	8:00 AM
Apr 04	Friday No Meeting Scheduled	Butrovich 205	8:00 AM
Apr 05	Saturday No Meeting Scheduled	Butrovich 205	10:00 AM

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

Apr 05	Saturday	Fahrenkamp 203	10:30 AM	
Report on HB 33 (CH 91 SLA 05)				
	Regulations Regard	ng Driver's License		
	Requirement: Social	Security Card		
	Regulation's and Sta	tutes: Regarding		
	k			
	Implementation of S	SB 145 (CH 64 SLA 07)		

LEGISLATIVE BUDGET & AUDIT

Apr 08	Tuesday	House Finance 519	5:00 PM
	Audit Requests		
	Other Committee Bus	siness	

OTHER MEETINGS

JOINT LEGISLATIVE HEALTH CAUCUS

Apr 02	Wednesday	Butrovich 205	12:00 PM
	High Quality, Low Cost		

SENATE OPEN CAUCUS

- Apr 01Tuesday
Work Session on HJR 28 and Long Term
Fiscal PlanningSenate Finance 5325:00 PMApr 03ThursdaySenate Finance 5325:00 PM
- Apr 03 Thursday Senate Finance 532 5:00 PM Work Session on HJR 28 and Long Term Fiscal Planning