

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Monday

February 6, 2006

Twenty-ninth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:17 a.m.

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

The prayer was offered by the Chaplain, Pastor Jesse Perry of the Northern Light United Church. Senator Bunde moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

For our common good, and in deepest respect for the religious diversity of all Alaskans, I offer this prayer:

O Sacred One,
Light of the world,
Healer and Hope of all the peoples of the earth--

Unite this body of Senators in service to the people of, by,
and for whom they have been assembled.
Equip them with wisdom, humility, and selfless courage.
Inspire them with a vision of peace with justice, and
Let their deliberations be guided by clarity of conscience and
will.

O Strength of the weak,
Servant of all who serve, and
Unity of all that is broken in the world--

Commissioner - Department of Health and Social Services

Karleen Jackson

There were no stated objections to the confirmation of the named individual by committee members. This does not reflect intent by any of the members to vote for or against the individual during any further sessions.

Signing the report: Senator Dyson, Chair, Senators Green, Elton.

SB 177

The Health, Education and Social Services Committee considered SENATE BILL NO. 177 "An Act eliminating the requirement that persons using titles or descriptions of services that incorporate the terms 'psychotherapy,' 'psychotherapeutic,' or 'psychotherapist' be licensed by the Board of Psychologist and Psychological Associate Examiners" and recommended it be replaced with

CS FOR SENATE BILL NO. 177(HES) "An Act eliminating the prohibition on the use by certain licensed professionals of titles or descriptions of services that incorporate the terms 'psychoanalysis,' 'psychoanalyst,' 'psychotherapy,' 'psychotherapeutic,' or 'psychotherapist.'"

Signing do pass: Senator Dyson, Chair; Senator Elton. Signing no recommendation: Senator Green.

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 Labor and Commerce Committee.

SB 207

The Labor and Commerce Committee considered SENATE BILL NO. 207 "An Act relating to the membership on the board of directors of the Alaska Aerospace Development Corporation" and recommended it be replaced with

CS FOR SENATE BILL NO. 207(L&C)

Signing do pass: Senator Bunde, Chair; Senators Seekins, Davis, Ben Stevens. Signing no recommendation: Senator Ellis.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Commerce, Community and Economic Development

The bill was referred to the Finance Committee.

SB 210

Forthcoming fiscal note (page 2056) for SENATE BILL NO. 210 "An Act relating to the manufacture and transportation of alcoholic beverages; relating to forfeitures of property for violations of alcoholic beverage laws; and relating to violations of alcoholic beverage laws" was published today:

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

Introduction and Reference of Senate Bills**SB 268**

SENATE BILL NO. 268 BY THE SENATE RULES COMMITTEE BY REQUEST, entitled:

"An Act relating to geographic cost-of-living adjustments applied to the salary of a justice of the supreme court or a judge of the superior or district court; and providing for an effective date."

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

SB 269

SENATE BILL NO. 269 BY THE SENATE RULES COMMITTEE BY REQUEST, entitled:

"An Act relating to the compensation of justices and judges; and providing for an effective date."

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

Consideration of the Calendar

Second Reading of Senate Bills

SB 54

SENATE BILL NO. 54 "An Act relating to notification to victims of sexual assault; relating to protective orders; and relating to arrests for crimes involving sexual assault, violation of protective orders, or violation of conditions of release" was read the second time.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 1978. Without objection, CS FOR SENATE BILL NO. 54(FIN) "An Act amending protective order statutes for crimes involving stalking to include crimes involving sexual assault and sexual abuse, to provide for other relief ordered by a court, to add the protective orders to a centralized registry, to prevent denial solely for a lapse of time, and to require notification of the court of known civil or criminal actions involving the petitioner or respondent; relating to notifications to victims of sexual assault and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure" was adopted.

Senators Bunde, Huggins, Seekins, Kookesh, Elton, Davis, Stedman, Green, Cowdery, Ben Stevens, Gary Stevens, Olson, Wagoner moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

Senator Gary Stevens 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. 54(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 54(FIN) "An Act amending protective order statutes for crimes involving stalking to include crimes involving sexual assault and sexual abuse, to provide for other relief ordered by a court, to add the protective orders to a centralized registry, to prevent denial solely for a lapse of time, and to require notification of the court of known civil or criminal actions involving the petitioner or respondent; relating to notifications to victims of sexual assault and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure" pass the Senate?" The roll was taken with the following result:

CSSB 54(FIN)

Third Reading - Final Passage

Court Rule

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

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Excused: Guess, Hoffman

and so, CS FOR SENATE BILL NO. 54(FIN) passed the Senate.

Senator Gary Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the Court Rule change. Without objection, it was so ordered.

Senator French gave notice of reconsideration.

SB 55

SENATE BILL NO. 55 "An Act instructing the commissioner of natural resources to issue a patent for the remaining interest in certain state land to the owner of the agricultural rights to that land" was read the second time.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 1940. Without objection, CS FOR SENATE BILL NO. 55(FIN) was adopted.

Senators Bunde, Seekins moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

Senator Gary Stevens 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. 55(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 55(FIN) "An Act instructing the commissioner of natural resources to issue a patent for the remaining interest in certain state land to the owner of the agricultural rights to that land" pass the Senate?" The roll was taken with the following result:

CSSB 55(FIN)

Third Reading - Final Passage

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

Yeas: Bunde, Cowdery, Davis, Dyson, Elton, French, Green, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis

Excused: Guess, Hoffman

and so, CS FOR SENATE BILL NO. 55(FIN) passed the Senate.

Senator Ellis gave notice of reconsideration.

SB 85

SENATE BILL NO. 85 "An Act repealing the ban on the use of certain off-road vehicles within five miles of the right-of-way of the James Dalton Highway; and providing for an effective date" was read the second time.

The following fiscal information was published today:

Fiscal Note No. 4, zero, Department of Transportation and Public Facilities

Fiscal Note No. 5, zero, Department of Military and Veterans Affairs

Fiscal Note No. 6, zero, Department of Public Safety

President Stevens stated SENATE BILL NO. 85 will be on the February 8 calendar.

SB 236

SENATE BILL NO. 236 "An Act relating to the dividend paid to the state by the Alaska Housing Finance Corporation; and providing for an effective date" was read the second time.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2057. Without objection, CS FOR SENATE BILL NO. 236(FIN) "An Act relating to subsidiary corporations of the Alaska Housing Finance Corporation and to the dividend paid to the state by the Alaska Housing Finance Corporation; and providing for an effective date" was adopted.

President Stevens stated CS FOR SENATE BILL NO. 236(FIN) will be on the February 8 calendar.

Citations

Honoring – Black History Month 2006, Celebrating Community: African American Fraternal Social and Civic Organizations
Senator(s) Davis, Ben Stevens, Bunde, Cowdery, Dyson, Ellis, Elton, French, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

Honoring – Kenai Central High School Football Team, 2005 Small-Schools State Champions
Representative(s) Olson
Senator(s) Wagoner, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wilken

In Memoriam – Jan Fredericks
Representative(s) Samuels
Senator(s) Cowdery, Ben Stevens, Bunde, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam – Phillip Kamkoff

Representative(s) Foster

Senator(s) Olson, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

Senator Gary 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 Stedman moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, February 24 to afternoon plane time, February 27. Without objection, Senator Stedman was excused.

HB 81

The reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 81(JUD) "An Act establishing an administrative fine and procedure for construction contractors in certain circumstances; increasing the amount of a civil penalty for persons acting in the capacity of contractors or home inspectors; modifying the elements of a crime involving contractor registration and residential contractors; modifying the exemptions from regulation under AS 08.18 for contractors; and exempting the administrative hearings for imposing an administrative fine on construction contractors from the hearings conducted by the office of administrative hearings in the Department of Administration" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Concur Messages

SB 164

Senator Gary Stevens moved and asked unanimous consent that the concur message, on HOUSE CS FOR CS FOR SENATE BILL NO. 164(RLS) "An Act relating to the salmon product development tax credit; providing for an effective date by amending an effective date in

sec. 7, ch. 57, SLA 2003; and providing for an effective date" which had been held on the Secretary's desk (page 2054), be brought up at this time. Without objection, it was so ordered.

Senator Gary 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 164(RLS)

Shall the Senate Concur in the House

Amendment to CSSB 164(FIN)? Effective Date

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

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Excused: Guess, Hoffman

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 164(RLS).

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

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Announcements

Announcements are at the end of the journal.

Engrossment**HB 81**

SENATE CS FOR CS FOR HOUSE BILL NO. 81(JUD) "An Act establishing an administrative fine and procedure for construction contractors in certain circumstances; increasing the amount of a civil penalty for persons acting in the capacity of contractors or home inspectors; modifying the elements of a crime involving contractor registration and residential contractors; modifying the exemptions from regulation under AS 08.18 for contractors; and exempting the administrative hearings for imposing an administrative fine on construction contractors from the hearings conducted by the office of administrative hearings in the Department of Administration" was engrossed, signed by the President and Secretary and returned to the House for consideration.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:45 a.m., February 8, 2006. Without objection, the Senate adjourned at 12:01 p.m.

Kirsten Waid
Secretary of the Senate

February 2006

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

Feb 06	Monday	Beltz 211	1:30 PM
	No Meeting Scheduled		
Feb 08	Wednesday	Beltz 211	1:30 PM
	-- Rescheduled from 01/30/06 --		
+ SB 193	DEFERRAL OF MUNICIPAL PROPERTY TAXES		
Feb 10	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		

FINANCE

Feb 06	Monday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		
Feb 07	Tuesday	Senate Finance 532	9:00 AM
+ SB 264	FAST TRACK SUPPLEMENTAL APPROPS		
+	Bills Previously Heard/Scheduled		
Feb 08	Wednesday	Senate Finance 532	9:00 AM
+ SB 233	APPROPRIATIONS FOR CAPITAL PROJECTS		
+	Bills Previously Heard/Scheduled		

FINANCE
(continued)

Feb 09	Thursday	Senate Finance 532	9:00 AM
+= SB 218	CRIMINAL SENTENCING AND POLYGRAPHS		
+ SB 188	BULK FUEL REVOLVING LOAN FUND CAP		
+ HB 243	SWAN LAKE-TYEE LAKE INTERTIE		
+	Bills Previously Heard/Scheduled		
Feb 10	Friday	Senate Finance 532	9:00 AM
+	Bills Previously Heard/Scheduled		
Feb 16	Thursday	Senate Finance 532	9:00 AM
+	Presentation by Lewin Group: Long Term Forecast of Medicaid Enrollment and Spending in Alaska, 2005-2025		

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 06	Monday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Feb 08	Wednesday	Butrovich 205	1:30 PM
+ SB 251	POSTSEC. STUDENT MENINGITIS IMMUNIZATION		
+ SB 252	DEFINITION OF CHILD ABUSE AND NEGLECT		
+= SB 235	SCHOOL PERFORMANCE BONUSES		
+	Bills Previously Heard/Scheduled		
Feb 10	Friday	Butrovich 205	1:30 PM
	Bills Previously Heard/Scheduled		

JUDICIARY

Feb 07	Tuesday	Butrovich 205	8:30 AM
+	Confirmations: Public Defender - Quinlan Steiner Select Committee on Legislative Ethics - Dennis "Skip" Cook Herman G. Walker Lindsey Holmes		

JUDICIARY
(continued)

Feb 08 Wednesday Butrovich 205 8:30 AM
 += SB 10 PARENTAL LIABILITY FOR CHILD'S DAMAGE
 += SB 237 ADDITIONAL JUDGES FOR THIRD DISTRICT
 += HB 41 ASSAULT ON SCHOOL EMPLOYEES/BUS DRIVERS
 + Bills Previously Heard/Scheduled

Feb 09 Thursday Butrovich 205 8:30 AM
 + SB 209 UNDERAGE MILITARY ON LICENSED PREMISES
 + SB 240 DRUG OFFENSES: NEIGHBORS AS CRIME VICTIMS
 + HB 107 HUNTING/FISHING INTERFERENCE
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Feb 07 Tuesday Beltz 211 1:30 PM
 + SB 244 NO DISCRIMINATION AGAINST ACUPUNCTURIST
 + SB 260 EXTEND TASK FORCE ON WORKERS' COMP
 Bills Previously Heard/Scheduled
 += SB 136 UNEMPLOYMENT COMPENSATION BENEFITS

Feb 09 Thursday Juneau Lio Conf Rm 1:30 PM
 -- Location Change --
 -- Teleconference <Listen Only> --
 -- Teleconference <Invitation Only> --
 Confirmation Hearings
 Commissioner - Dept. of Commerce,
 Community and Economic Development
 William Noll
 Alaska State Board of Public Accountancy
 Johnny Floyd - Anchorage
 Daniel J. Rozema - Anchorage
 Elaine R. Williamson - Fairbanks
 Alcohol Beverage Control Board
 Shirley A. Gifford - Soldotna
 State Board of Registration for
 Architects, Engineers and Land Surveyors
 Terry Gorlick - Anchorage
 Burdett B. Lent - Wasilla
 Daniel E. Walsh - Fairbanks

LABOR & COMMERCE

(continued)

Feb 09 Thursday Juneau Lio Conf Rm 1:30 PM
 (Meeting Continued From Previous Page)

Board of Chiropractic Examiners
 Dr. Gregory M. Culbert - Eagle River
 Dr. Rosemary E. Zimmerman - Girdwood
 Alaska Labor Relations Agency
 Matthew R. McSorley - Anchorage
 Board of Certified Real Estate Appraisers
 Steve McSwain - Anchorage
 Richard (Butch) D. Olmstead - Ketchikan
 Real Estate Commission
 Timothy J. Worthen - Anchorage
 Workers Compensation Appeals Commission
 John Giuchici - Fairbanks
 Kristin Knudsen - Anchorage
 Jim E. Robison - Eagle River
 Marc D. Stemp - Bethel
 Philip E. Ulmer - Eagle River
 Alaska Workers' Compensation Board
 Raymond (Scott) S. Bridges - Eagle River
 Stephen T. Hagedorn - Anchorage
 Linda F. Hutchings - Soldotna
 David (Dave) B. Robinson - Wasilla

RESOURCES

Feb 06 Monday Butrovich 205 3:30 PM
 += SB 166 WILDLIFE CONSERVATION TAG
 + HB 37 PUBLIC ACCESS TO FISHING STREAMS

Feb 08 Wednesday Senate Finance 532 12:00 PM
 Joint w/(H) Resources
 Presentations:
 Alaska Mining Association

RESOURCES

(continued)

Feb 08	Wednesday	Senate Finance 532	3:30 PM
	Joint w/(H) Resources Alaska Minerals Industry: Alaska Minerals Commission Report & Recommendations Division of Mining, Land and Water Presentation		
Feb 10	Friday	Butrovich 205	3:30 PM
	No Meeting Scheduled		

STATE AFFAIRS

Feb 07	Tuesday	Beltz 211	3:30 PM
	-- Rescheduled from 02/02/06 -- Confirmation Hearing: Scott Nordstrand, Commissioner Department of Administration + Bills Previously Heard/Scheduled		
Feb 09	Thursday	Beltz 211	3:30 PM
	+ Bills Previously Heard/Scheduled		

TRANSPORTATION

Feb 07	Tuesday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Feb 09	Thursday	Butrovich 205	1:30 PM
	+ SB 261 REGULATION OF HWYS; TRAFFIC OFFENSES		
Feb 14	Tuesday	Butrovich 205	1:30 PM
	Bills Previously Heard/Scheduled		
Feb 16	Thursday	Butrovich 205	1:30 PM
	+ Presentation - Context Sensitive Design "Thinking Beyond the Pavement" Bills Previously Heard/Scheduled		

FINANCE SUBCOMMITTEES**HEALTH & SOCIAL SERVICES**

Feb 15 **Wednesday** **Senate Finance 532** **5:00 PM**
 Presentation by Lewin Group entitled:
 Long Term Forecast of Medicaid
 Enrollment and Spending in Alaska:
 2005-2025

SPECIAL COMMITTEES**COMMITTEE ON UNIVERSITY OVERSIGHT**

Feb 07 **Tuesday** **Senate Finance 532** **11:00 AM**
 -- Location Change --
 -- Teleconference <Listen Only> --
 Overview - University of Alaska
 President Mark Hamilton
 Wendy Redman

JOINT COMMITTEES**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

Feb 07 **Tuesday** **Butrovich 205** **10:30 AM**
 +
 Public Comment
 Status of Ethics Legislation: SB 187
 Advisory Opinion 06-01
 Committee Rules of Procedure

OTHER MEETINGS**CHILDREN'S CAUCUS**

Feb 07 **Tuesday** **Butrovich 205** **12:00 PM**
 +
 Health Teen Relationships with
 Dr. Stan Weed, PhD, Institute for
 Research and Evaluation and
 Carol Kidwell, Program Director, Let's
 Talk Health Relationships

CHILDREN'S CAUCUS

(continued)

Feb 14	Tuesday	Butrovich 205	12:00 PM
+	Alaska Children's Justice Act Task Force: Reviewing Practice, Policy, and Laws on Child Abuse		

JOINT SESSION

Feb 08	Wednesday	House Chamber	11:00 AM
	Chief Justice Bryner's Annual State of the Judiciary Message		
Feb 21	Tuesday	House Chamber	2:00 PM
	Address by the Honorable Lisa Murkowski, U.S.Senator		
Mar 22	Wednesday	House Chamber	11:00 AM
	Address by the Honorable Ted Stevens, U.S.Senator		