SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE

SECOND SESSION

Juneau, Alaska

Thursday

March 16, 2006

Sixty-seventh Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:15 a.m.

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

The prayer was offered by the Chaplain, Senator Huggins. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Our Most Precious Heavenly Father,

We thank Thee for bringing us together. Bless and help the people that are looking toward the destiny of our country and state. We thank Thee for the young people sitting behind us today. They represent the future of our country which is most important.

We ask for Thy blessings in each and every thing we do. We ask for Thy guidance.

In Jesus' name, Amen.

Senator Cowdery led the Senate in the Pledge of Allegiance.

Certification

Senator Gary Stevens moved and asked unanimous consent that the journal for the sixty-sixth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

Message dated March 15 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 489

CS FOR HOUSE BILL NO. 489(RLS) BY THE HOUSE RULES COMMITTEE, entitled:

"An Act relating to the treatment of charity events by the Alaska Public Offices Commission and under the law governing legislative ethics; and providing for an effective date."

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

Standing Committee Reports

SB 306

The Judiciary Committee considered SENATE BILL NO. 306 "An Act requiring an employing unit with a change in ownership, management, or control or similar change to notify the Department of Labor and Workforce Development of the change; relating to the unemployment contribution rate of an employing unit; defining 'business' for purposes of statutes setting unemployment contribution rates; establishing the crime of obtaining an unemployment rate by deception; and providing for an effective date." Signing do pass: Senator Seekins, Chair; Senators Huggins, Therriault. Signing no recommendation: Senator French.

March 16, 2006

The following previously published fiscal information applies: Fiscal Note No. 1, zero, Department of Labor and Workforce Development

The bill was referred to the Rules Committee.

HB 326

The Judiciary Committee considered CS FOR HOUSE BILL NO. 326(JUD) am "An Act relating to the definition of the crime of harassment" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 326(JUD) "An Act relating to the definition of the crime of harassment; and providing for an effective date." (technical title change)

Signing do pass: Senator Seekins, Chair; Senators French, Huggins, Therriault, Guess.

The following previously published fiscal information applies: Fiscal Note No. 1, zero, Alaska Court System Fiscal Note No. 2, zero, Department of Law Fiscal Note No. 3, zero, Department of Public Safety

The bill was referred to the Finance Committee.

HB 410

The Judiciary Committee considered CS FOR HOUSE BILL NO. 410(JUD) "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date." Signing do pass: Senator Seekins, Chair; Senators French, Huggins, Therriault.

The following previously published fiscal information applies: Fiscal Note No. 1, zero, Alaska Court System Fiscal Note No. 2, zero, Office of the Governor

The bill was referred to the Rules Committee.

Consideration of the Calendar

Third Reading of Senate Bills

SB 232

CS FOR SENATE BILL NO. 232(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 232(FIN) "An Act making appropriations, supplemental appropriations, and capital appropriations; amending appropriations and funding sources; making appropriations to capitalize funds; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 232(FIN) Third Reading - Final Passage Effective Date

YEAS: 15 NAYS: 3 EXCUSED: 2 ABSENT: 0

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

Nays: Ellis, French, Guess

Excused: Hoffman, Kookesh

and so, CS FOR SENATE BILL NO. 232(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 effective date clause. Without objection, it was so ordered.

Senator Ellis gave notice of reconsideration.

SB 237

CS FOR SENATE BILL NO. 237(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 237(FIN) "An Act relating to the compensation of justices and judges, and to increasing the number of superior court judges designated for the third and fourth judicial districts; and providing for an effective date" pass the Senate?" The roll was taken with the following result: March 16, 2006

CSSB 237(FIN) Third Reading - Final Passage Effective Date

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

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

Excused: Hoffman, Kookesh

and so, CS FOR SENATE BILL NO. 237(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 effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment with a Senate Letter of Intent.

Citations

Honoring – Village Public Safety Officer Academy Graduates Representative(s) LeDoux Senator(s) Gary Stevens, Ben Stevens, Bunde, Cowdery, Davis,

Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Therriault, Wagoner, Wilken

Honoring – Teck Cominco, Pogo Mine's First Gold Bar Representative(s) Guttenberg, Berkowitz Senator(s) Seekins, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

Honoring – Augie Hiebert

Representative(s) Stoltze

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

Honoring – The South Anchorage High School Hockey Team Representative(s) Lynn Senator(s) Bunde, Ben Stevens, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam – Nora Guinn, First Alaska Native Judge Senator(s) Hoffman, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken Representative(s) Kapsner

In Memoriam – Frank Lewis Charles

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

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

In Memoriam – George Mohr Representative(s) Gruenberg, Anderson Senator(s) Guess, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Hoffman, Huggins, Kookesh, Olson, 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

Reconsideration of Senate Bills

SB 232

Senator Wilken moved and asked unanimous consent that the reconsideration on CS FOR SENATE BILL NO. 232(FIN) be taken up at this time. Without objection, it was so ordered and the bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 232(FIN) "An Act making appropriations, supplemental appropriations, and capital appropriations; amending appropriations and funding sources; making appropriations to capitalize funds; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 232(FIN) Third Reading - On Reconsideration Effective Date

YEAS: 15 NAYS: 3 EXCUSED: 2 ABSENT: 0

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

Nays: Ellis, French, Guess

Excused: Hoffman, Kookesh

and so, CS FOR SENATE BILL NO. 232(FIN) passed the Senate on reconsideration.

Senator Gary 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 referred to the Secretary for engrossment.

Senator Stedman moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 17 to morning plane time, March 20. Without objection, Senator Stedman was excused. Senator French moved and asked unanimous consent to be excused from a call of the Senate to morning plane time on March 20. Without objection, Senator French was excused.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 232

CS FOR SENATE BILL NO. 232(FIN) "An Act making appropriations, supplemental appropriations, and capital appropriations; amending appropriations and funding sources; making appropriations to capitalize funds; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 237

CS FOR SENATE BILL NO. 237(FIN) "An Act relating to the compensation of justices and judges, and to increasing the number of superior court judges designated for the third and fourth judicial districts; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration with a Senate Letter of Intent.

Enrollment

SB 224

SENATE BILL NO. 224 "An Act establishing Older Alaskans' Day" 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 9:24 a.m., March 16, 2006.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 17, 2006. Without objection, the Senate adjourned at 11:59 a.m.

Kirsten Waid Secretary of the Senate

March 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

Mar 17	Friday No Meeting Scheduled	Beltz 211	1:30 PM
Mar 20	Monday No Meeting Scheduled	Beltz 211	1:30 PM
Mar 22 += SB 248	Wednesday ADMINISTRATIVE BOROUGHS	Beltz 211 /BOROUGH GRA	1:30 PM ANTS/
Mar 24	Friday No Meeting Scheduled	Beltz 211	1:30 PM

FINANCE

Mar 16	Thursday	Senate Finance 532	9:00 AM
	Meeting Canceled		
+	Bills Previously Heard/S	scheduled	
Mar 17	Friday	Senate Finance 532	9:00 AM
	Friday SCHOOL PERFORMA		9:00 AM
+ SB 235	SCHOOL PERFORMA		

SENATE JOURNAL

2487

FINANCE (continued)

	Monday DETENTION OF MAT INSURANCE Bills Previously Heard/S		9:00 AM
Mar 21 + SB 261 + SB 271 + SB 308 +			9:00 AM
Mar 22 +	Wednesday Bills Previously Heard/S	Senate Finance 532 Scheduled	9:00 AM
+ SB 284		SONAL INFORMATION LCOHOL-RELATED CRIM NTS	9:00 AM ES
Mar 24 + SB 305 +	Friday OIL AND GAS PRODU <pending referral=""> Bills Previously Heard/S</pending>		9:00 AM
Mar 25 += SB 305 +	Saturday OIL AND GAS PRODU <pending referral=""> Bills Previously Heard/S</pending>		10:00 AM

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 17	Friday No Meeting Scheduled	Butrovich 205	1:30 PM
Mar 20 +	Monday Bills Previously Heard/Sche	Butrovich 205	1:30 PM

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Mar 22	Wednesday	Butrovich 205	1:30 PM	
+	Confirmation Hearings:			
	Board of Marital & Family Therapy			
	State Medical Board			
	Alaska Mental Health Trust Authority			
	Board of Trustees			
	Board of Certified Direc	t-Entry Midwives		
	Board of Nursing			
	Board of Examiners in C	ptometry		
	State Physical Therapy and Occupational			
	Therapy Board			
	Occupational Safety and Health Review			
	Board			
	Professional Teaching Practices			
	Commission			
	Board of Dental Examin	ers		
	Board of Psychologists a	nd Psychological		
	Associate Examiners	-		
	Board of Social Work E	kaminers		
Mor 24	Friday	Butrovich 205	1.30 DM	

Mar 24FridayButrovich 2051:30 PM+Bills Previously Heard/Scheduled

JUDICIARY

Mar 16	Thursday	Butrovich 205	8:30 AM
+ HB 410	REVISOR'S BILL		
+ HB 326	USE OF LEWD MATERIAL	AS HARASSMENT	
+	Bills Previously Heard/Schedu	ıled	
Mar 17	Friday No Meeting Scheduled	Butrovich 205	8:30 AM
Mar 20	Monday No Meeting Scheduled	Butrovich 205	8:30 AM
Mar 21 += HB 318	Tuesday LIMITATION ON EMINENT		8:30 AM

+ SB 189 REQUIREMENTS FOR DRIVER'S LICENSE/I.D.

SENATE JOURNAL

March 16, 2006

2489

JUDICIARY (continued)

	Wednesday CONTROLLED SUBSTAN DEFINITION OF CHILD A <pending referral=""> Bills Previously Heard/Sche</pending>	BUSE AND NEGLECT	8:30 AM
Mar 23 + HB 272 +	Thursday CARD ROOMS & OPERA Bills Previously Heard/Sche		8:30 AM
Mar 24	Friday No Meeting Scheduled	Butrovich 205	8:30 AM
	LABOR & COM	MMERCE	
+ SB 300 += SB 272	Location Change Industry Net Return to Gene Presentation by Department Community, and Economic	TIVE EQUITY duled b: LATE FEE nate Finance 532 ral Fund - of Commerce,	1:30 PM 1:30 PM
Mar 23 +	Department of Revenue <teleconference listen="" only<br="">Bills Previously Heard/Sche Including But Not Limited to</teleconference>	y> duled b: nate Finance 532 e iew of State rocess nly> duled	2:30 PM

RESOURCES

Mar 16	Thursday Meeting Canceled	Butrovich 205	3:30 PM
= SB 305	OIL AND GAS PRODUCTIC Testimony <invitation only<="" th=""><th></th><th></th></invitation>		
Mar 17 = SB 305	Friday OIL AND GAS PRODUCTIO Testimony <invitation only<br="">Administration Comments on Committee Substitute</invitation>	/>	3:30 PM
Mar 18 = SB 305	Saturday OIL AND GAS PRODUCTIC Testimony <invitation only<br="">Major Producers Comments o Committee Substitute</invitation>		10:00 AM
Mar 19 = SB 305	Sunday OIL AND GAS PRODUCTIO Testimony <invitation only<br="">Stakeholders: Explorers & Ind Comments on Draft Committe</invitation>	ependents	1:00 PM
Mar 20 = SB 305	Monday OIL AND GAS PRODUCTIO	Butrovich 205 DN TAX	3:30 PM
Mar 21 = SB 305	Tuesday OIL AND GAS PRODUCTIO Testimony <invitation only<="" th=""><th></th><th>3:30 PM</th></invitation>		3:30 PM
Mar 22 = SB 305	Wednesday OIL AND GAS PRODUCTIC Testimony <invitation only<="" th=""><th></th><th>3:30 PM</th></invitation>		3:30 PM
Mar 24	Friday No Meeting Scheduled	Butrovich 205	3:30 PM

2491

STATE AFFAIRS

Mar 16	Thursday Meeting Canceled	Beltz 211	3:30 PM
+ SCR 22	JT. LEG. OVERSIGHT CMT Bills Previously Heard/Sched		СТ
Mar 21	Tuesday No Meeting Scheduled	Butrovich 205	3:30 PM
Mar 23 SCR 21	Thursday VIETNAM WAR MEMORIA Bills Previously Heard/Sched 	uled	3:30 PM
Mar 16 + SB 308	Thursday ALASKA RAILROAD REV Bills Previously Heard/Sched		1:30 PM
Mar 21	Tuesday No Meeting Scheduled	Butrovich 205	1:30 PM
Mar 23	Thursday No Meeting Scheduled	Butrovich 205	1:30 PM

Meeting Schedulea

FINANCE SUBCOMMITTEES

ADMINISTRATION

Mar 17	Friday	Butrovich 205	7:30 AM	
+	FY07 Operating Budget			

COMMERCE, COMMUNITY & ECONOMIC DEV

Mar 21	Tuesday	Beltz 211	8:00 AM
	Budget Detail		

Mar 28	Tuesday Budget Detail	Beltz 211	8:00 AM
Apr 04	Tuesday Budget Closeout	Beltz 211	8:00 AM

COMMERCE, COMMUNITY & ECONOMIC DEV (continued)

CORRECTIONS

Mar 16	Thursday Budget Review	Fahrenkamp 203	4:30 PM
Mar 28	Tuesday Closeout	Fahrenkamp 203	4:30 PM

COURT SYSTEM

Mar 16	Thursday Budget Review	Fahrenkamp 203	4:00 PM		
Mar 28	Tuesday Closeout	Fahrenkamp 203	4:00 PM		

EDUCATION & EARLY DEVELOPMENT

Mar 22	Wednesday	Senate Finance 532	4:30 PM			
	FY07 Operating Budget					
	Continued Discussion					

ENVIRONMENTAL CONSERVATION

Mar 16	Thursday	Senate Finance 532	8:00 AM
	Agency Overview	Follow-up	

2493

FISH & GAME

Mar 22	Wednesday FY 07 Budget Closeout	Senate Finance 532	1:30 PM	
	HEALTH & SO	CIAL SERVICES		
Mar 23	Thursday Budget Review	Fahrenkamp 203	4:00 PM	
Mar 30	Thursday Closeout	Fahrenkamp 203	4:30 PM	
		RCE DEVELOPMENT	,	
Mar 16	Thursday Budget Priorities	Fahrenkamp 203	8:00 AM	
Mar 23	Thursday FY 07 Budget Closeout	Fahrenkamp 203	8:00 AM	
LAW				
Mar 16	Thursday	Senate Finance 532	4:30 PM	
	Meeting Canceled Budget Detail			

Mar 23	Thursday Budget Detail	Senate Finance 532	4:30 PM
Mar 30	Thursday Budget Closeout	Senate Finance 532	4:30 PM

NATURAL RESOURCES

Mar 21	Tuesday	Senate Finance 532	8:00 AM
	FY 07 Budget Closeout		

PUBLIC SAFETY

Mar 16 +	Thursday Meeting Canceled FY07 Operating Budget	Butrovich 205	12:00 PM
Mar 23 +	Thursday FY07 Operating Budget	Butrovich 205	12:00 PM

REVENUE

Mar 16	Thursday Meeting Canceled Budget Detail	Senate Finance 532	1:30 PM
Mar 23	Thursday Budget Detail	Senate Finance 532	1:30 PM
Mar 30	Thursday Budget Closeout	Senate Finance 532	1:30 PM

TRANSPORTATION & PUBLIC FACILITIES

Mar 21	Tuesday Budget Review	Fahrenkamp 203	4:00 PM
Mar 30	Thursday Closeout	Fahrenkamp 203	4:00 PM

UNIVERSITY OF ALASKA

Mar 22	Wednesday	Senate Finance 532	9:00 AM
	FY 07 Operating Budget	Detail	

2495

SPECIAL COMMITTEES

COMMITTEE ON UNIVERSITY OVERSIGHT

Mar 20	Monday Teleconference <liste< th=""><th>Senate Finance 532 en Only></th><th>5:00 PM</th></liste<>	Senate Finance 532 en Only>	5:00 PM
+	Presentations by:	5	
	National Center for Pub	lic Policy and	
	Higher Education		
	National Center on High	ner Education	
	Managements Systems		
Mar 21	Tuesday	Senate Finance 532	5:00 PM
	Teleconference <liste< th=""><th>en Only></th><th></th></liste<>	en Only>	
+	Presentations by:		
	National Center for Public Policy and		
	Higher Education		
	Western Interstate Com	mission on Higher	
	Education	-	

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Mar 29	Wednesday	House Finance 519	5:00 PM	
	Minutes			
	Audit Requests			
	Executive Session -			
	Preliminary and Final Audits			
	Other Business			

LEGISLATIVE COUNCIL

Mar 16	Thursday	Terry Miller 104	5:00 PM
	Statute Publishing RFP Subcommittee		
	Executive Session		

LEGISLATIVE COUNCIL (continued)

Mar 23	Thursday	House Finance 519	5:00 PM	
	Fairbanks Office Space RFP			
	Lease Renewals			
	Late Per Diem Request			
	Ombudsman FY07 Budget Request			
	Anchorage Office Space Lease			
Mar 30	Thursday	House Finance 519	5:00 PM	
	FY05 Legislature Audit			
	Alaska Statehood Celebration Commission			
	Capitol Security			

OTHER MEETINGS

JOINT SESSION

Mar 22	Wednesday	House Chamber	11:00 AM
	Address by the Honorable		
	Ted Stevens, U.S. Senator		