

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Friday

February 2, 2007

Eighteenth Day

Pursuant to adjournment the Senate was called to order by President Green at 10:09 a.m.

The roll showed seventeen members present. Senators Therriault, Wagoner, Wilken were excused from a call of the Senate.

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

Our Heavenly Father,

We thank you for the blessing of living in Alaska and the privilege of serving these marvelous people.

We ask for your guidance and protection for our President and Congress, our Governor, Lieutenant Governor and staff, our service personnel and families, particularly those in harm's way, and all public servants at all levels of government. We ask for wisdom, mercy, insight, and strength for ourselves.

Let us seek to serve with humility; to lift others up and not ourselves; to seek justice and fairness not favor and privilege; to be peacemakers and bridge builders not dividers and wall builders; to lift people up instead of wounding and denigrating.

Forgive us for not standing up against bullying and intimidation, and for not standing up for the powerless.

Lord, give us a keen sense of fairness and ethical conduct. We ask you to use us for the service of the people of this great state today and for your glory.

I pray in the name of the Lord Jesus Christ. Amen.

Senator Cowdery led the Senate in the Pledge of Allegiance.

Certification

Senator Stevens moved and asked unanimous consent that the journals for the sixteenth and seventeenth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

Message dated January 31 was read, stating:

Due to a conflict in scheduling, the House of Representatives respectfully re-invites the Senate to a Joint Session of the Twenty-fifth Alaska Legislature at 11:00 a.m. on Monday, March 19 for the purpose of hearing Senator Ted Stevens' annual message to the Legislature instead of the previous date of April 26, 2007.

Senator Stevens moved and asked unanimous consent that the Senate accept the amended House invitation to meet in Joint Session. Without objection, it was so ordered.

The Secretary was requested to notify the House.

Message dated January 31 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 37**

HOUSE BILL NO. 37(efd add) BY REPRESENTATIVES
GUTTENBERG, KERTTULA, NEUMAN, Lynn, Fairclough,
Holmes, Gara, Harris, Johnson, Thomas, entitled:

"An Act establishing the first Saturday of every
March as Susan Butcher Day; and providing for an
effective date."

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

Communications

The following reports are on file in the Office of the Secretary of the
Senate:

Notification of availability of 2006 Compensation and
Travel Report of Executive Positions
from Annette Kreitzer, Commissioner
Department of Administration
in accordance with AS 37.05.210
available at:
http://fin.admin.state.ak.us/dof/financial_reports/ctep_toc.jsp

Schedule of Compensation for
Alaska Court System Supreme Court Justices
Appellate Court Judges and Administrative Director
Calendar Year 2006
from Stephanie J. Cole, Administrative Director
in accordance with AS 22.20.037(d)

Nonresidents Working in Alaska 2005
from Clark Bishop, Commissioner
Department of Labor and Workforce Development
in accordance with AS 36.10.130
available at: <http://almis.labor.state.ak.us>

Third Annual Report to the Governor of Alaska
and the Alaska Legislature, submitted January 31, 2007
from Terry L. Thurbon, Chief Administrative Law Judge
Office of Administrative Hearings, Department of Administration
in accordance with AS 44.64.020(a)(7)

2006 Annual Report
from Alaska Industrial Development and Export Authority
in accordance with AS 44.88.210

Financial Statements with Summarized Financial Information and
Independent Auditors' Report, June 30, 2006
from Alaska Industrial Development and Export Authority
in accordance with AS 44.88.210

Financial Statements and Schedules with
Independent Auditors' Report, June 30, 2006 and 2005
from Alaska Energy Authority
in accordance with AS 44.83.940

Alaska Marine Highway Fund Annual Financial Report
Fiscal Year Ended June 30, 2006
from John MacKinnon, Acting Commissioner
Department of Transportation and Public Facilities
in accordance with AS 19.65.070(b)

Standing Committee Reports

Reports dated January 31 were read, stating:

In accordance with AS 24.60.130, the Judiciary Committee reviewed
the following with regard to confirmation of appointments by Chief
Justice Dana Fabe:

Select Committee on Legislative Ethics

Ann Rabinowitz
H. Conner Thomas
Gary J. Turner

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

Signing the reports: Senator French, Chair; Senators Huggins, McGuire, Wielechowski, Therriault.

Senator Stevens moved that Ann Rabinowitz, H. Conner Thomas, and Gary J. Turner be confirmed as public members to the Select Committee on Legislative Ethics.

The question being: "Shall Ann Rabinowitz, H. Conner Thomas, and Gary J. Turner be confirmed as public members to the Select Committee on Legislative Ethics?" The roll was taken with the following result:

Confirm Ann Rabinowitz, H. Conner Thomas,
Gary J. Turner as public members to the
Select Committee on Legislative Ethics?

YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: Therriault, Wagoner, Wilken

and so, Ann Rabinowitz, H. Conner Thomas, and Gary J. Turner were confirmed as public members to the Select Committee on Legislative Ethics.

SB 19

The State Affairs Committee considered SENATE BILL NO. 19 "An Act relating to a public officer's taking official action regarding a matter in which the public officer has a financial interest; and defining 'official action' under the Alaska Executive Branch Ethics Act and related law" and recommended it be replaced with

CS FOR SENATE BILL NO. 19(STA) "An Act relating to a public officer's taking official action regarding, or influencing, a matter in which the public officer has a personal or financial interest; prohibiting certain persons from engaging in activity as lobbyists; and defining 'official action' under the Alaska Executive Branch Ethics Act and related law."

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, zero, Department of Administration

The bill was referred to the Finance Committee.

SB 20

The State Affairs Committee considered SENATE BILL NO. 20 "An Act relating to disclosure to the Alaska Public Offices Commission of information about certain income received as compensation for personal services by legislators, public members of the Select Committee on Legislative Ethics, and legislative directors subject to the Legislative Ethics Act; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 20(STA) "An Act relating to disclosures by legislators, legislative employees, public members of the Select Committee on Legislative Ethics, and legislative directors subject to the Legislative Ethics Act; relating to the applicability of the Legislative Ethics Act; and providing for an effective date."

Signing do pass: Senator McGuire, Chair; Senators French, Stevens, Green, Bunde.

The following fiscal information was published today:

Fiscal Note No. 2, zero, Department of Administration

The bill was referred to the Finance Committee.

SB 39

The Labor and Commerce Committee considered SENATE BILL NO. 39 "An Act relating to the amount of the state's business license fee" and recommended it be replaced with

CS FOR SENATE BILL NO. 39(L&C) "An Act relating to business licenses, to the amount of the state's business license fee, to the penalty for not obtaining a business license, and to business license penalties under certain financial institution, occupational licensing, employment agency, and taxation laws; and providing for an effective date."

Signing do pass: Senator Ellis, Chair; Senators Davis, Stevens, Hoffman. Signing do not pass: Senator Bunde.

The following fiscal information was published today:

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

Fiscal Note No. 2, Department of Commerce, Community and Economic Development

Fiscal Note No. 3, Department of Commerce, Community and Economic Development

Fiscal Note No. 4, Office of the Governor

The bill was referred to the Finance Committee.

SB 41

The Labor and Commerce Committee considered SENATE BILL NO. 41 "An Act repealing the fee imposed on the sale of studded tires" and recommended it be replaced with

CS FOR SENATE BILL NO. 41(L&C) "An Act repealing fees imposed on the sale of new tires, the sale of certain studded tires, and the installation of certain metal studs on tires; and providing for an effective date."

Signing do pass: Senator Ellis, Chair; Senators Davis, Stevens, Hoffman. Signing do not pass: Senator Bunde.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

Fiscal Note No. 2, zero, Department of Transportation and Public Facilities

The bill was referred to the Transportation Committee.

SB 45

The State Affairs Committee considered SENATE BILL NO. 45 "An Act relating to murder in the first degree" and recommended it be replaced with

CS FOR SENATE BILL NO. 45(STA)

Signing do pass: Senator McGuire, Chair; Senators Stevens, Green, Bunde. Signing amend: Senator French.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Corrections

Fiscal Note No. 2, zero, Department of Law

Fiscal Note No. 3, zero, Alaska Court System

Fiscal Note No. 4, zero, Department of Administration

Fiscal Note No. 5, zero, Department of Administration

The bill was referred to the Judiciary Committee.

Introduction and Reference of Senate Bills

SB 71

SENATE BILL NO. 71 BY SENATORS FRENCH, Ellis, entitled:

"An Act relating to voluntary land trades, purchases, and leases to enhance public access to certain streams for fishing, hunting, and recreational activities."

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

SB 72

SENATE BILL NO. 72 BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE, entitled:

"An Act relating to the community revenue sharing program; and providing for an effective date."

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

SB 73

SENATE BILL NO. 73 BY SENATOR ELLIS, entitled:

"An Act amending the functions and powers of the Alaska Commission on Postsecondary Education; and relating to the repayment provisions for medical education and postsecondary degree program participants."

was read the first time and referred to the Senate Special Committee on Education, Health, Education and Social Services and Finance Committees.

Consideration of the Calendar**Second Reading of Senate Bills****SB 46**

SENATE BILL NO. 46 "An Act relating to the Alaska coastal management program; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003, as amended by sec. 21, ch. 31, SLA 2005; and providing for an effective date" was read the second time.

Senator Huggins, Chair, moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 132. Without objection, CS FOR SENATE BILL NO. 46(RES) was adopted.

Senator 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. 46(RES) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 46(RES) "An Act relating to the Alaska coastal management program; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003, as amended by sec. 21, ch. 31, SLA 2005; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 46(RES)

Third Reading - Final Passage

Effective Date

YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: Therriault, Wagoner, Wilken

and so, CS FOR SENATE BILL NO. 46(RES) passed the Senate.

Senator 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 Dyson gave notice of reconsideration.

Citations

Honoring – Charles Akers

Representative(s) Gatto

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

In Memoriam – Corporal Brendan Jon Smart

Representative(s) Dahlstrom, Doogan

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

In Memoriam – Earl John Clabo

Representative(s) Gatto

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

Senator Stedman moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, February 2 through morning plane time, February 5. Without objection, Senator Stedman was excused.

Senator Hoffman moved and asked unanimous consent to amend a prior excusal from a call of the Senate (page 134) to afternoon plane time on February 5. Without objection, Senator Hoffman's excusal was amended.

Senator Dyson moved and asked unanimous consent to amend a prior excusal from a call of the Senate (page 134) to evening plane time on February 12. Without objection, Senator Dyson's excusal was amended.

Senator Bunde moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, February 9 through evening plane time, February 12. Without objection, Senator Bunde was excused.

Senator French moved and asked unanimous consent to be excused from a call of the Senate on February 5 to morning plane time. Without objection, Senator French was excused.

Senator Kookesh moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, February 9 through evening plane time, February 10. Without objection, Senator Kookesh was excused.

Senator McGuire moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, February 9 through evening plane time, February 14. Without objection, Senator McGuire was excused.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., February 5, 2007. Without objection, the Senate adjourned at 10:32 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

Feb 06	Tuesday	Beltz 211	3:30 PM
	No Meeting Scheduled		

Feb 08	Thursday	Beltz 211	3:30 PM
	No Meeting Scheduled		

FINANCE

Feb 02	Friday	Senate Finance 532	9:00 AM
+	PERS/TRS Overview & Update Dept of Administration		

Feb 05	Monday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		

Feb 06	Tuesday	Senate Finance 532	9:00 AM
+	Joint w/ (S) Health, Education & Social Services Medicaid Program Review Presentation: Pacific Health Policy Group -- Testimony <Invitation Only> -- Full Report will be available online by 8:00 am, February 6th http://www.legis.state.ak.us/teldocs.asp		

FINANCE (continued)

Feb 07	Wednesday	Senate Finance 532	9:00 AM
+ SB 19	EXEC. BRANCH ETHICS:INTERESTS & ACTIONS		
+ SB 20	LEGISLATIVE DISCLOSURES		
 Feb 08	 Thursday	 Senate Finance 532	 9:00 AM
	No Meeting Scheduled		
 Feb 09	 Friday	 Senate Finance 532	 9:00 AM
+	Education Foundation Formula Overview		
	Dept of Education		
	Bills Previously Heard/Scheduled		

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 02	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
 Feb 05	 Monday	 Butrovich 205	 1:30 PM
	Governor's Council on Disabilities and		
	Special Education:		
	Promising Practices in Autism and Early		
	Intervention Services		
 Feb 06	 Tuesday	 Senate Finance 532	 9:00 AM
	-- Note Day, Time & Location --		
+	Joint w/ (S) Finance		
	Medicaid Program Review Presentation:		
	Pacific Health Policy Group		
	-- Testimony <Invitation Only> --		
	Full Report will be available online by		
	8:00 am, February 6th		
	http://www.legis.state.ak.us/teldocs.asp		
 Feb 07	 Wednesday	 Butrovich 205	 1:30 PM
+ SB 40	LONGEVITY BONUS REAPPLICATIONS		
 Feb 09	 Friday	 Butrovich 205	 1:30 PM
	No Meeting Scheduled		

JUDICIARY

Feb 02 Friday Beltz 211 1:30 PM
No Meeting Scheduled

Feb 05 Monday Beltz 211 1:30 PM
+ HB 69 NOTIFY CRIME VICTIM OF EXECUTIVE CLEMENCY
+ SB 45 PEACE OFFICER CONVICTED OF MURDER
+ SB 69 CIVIL LEGAL SERVICES FUND
Bills Previously Heard/Scheduled
+= SB 5 FAILURE TO REPORT CRIMES

Feb 07 Wednesday Capitol 120 1:00 PM
-- Teleconference <Listen Only> --
-- Note Time and Location --
+ Joint w/ (H) Judiciary
Overviews:
Department of Law
Department of Corrections

Feb 08 Thursday Butrovich 205 3:30 PM
-- Note Time and Location --
+ SB 64 DISCLOSURES & ETHICS
+ Bills Previously Heard/Scheduled

LABOR & COMMERCE

Feb 06 Tuesday Beltz 211 1:30 PM
+ SB 59 BROADCASTING PROMOTING CHARITABLE GAMING

Feb 08 Thursday Beltz 211 1:30 PM
+ SB 68 MOTOR VEHICLE INSURANCE
Bills Previously Heard/Scheduled
+= SB 59 BROADCASTING PROMOTING CHARITABLE GAMING

RESOURCES

Feb 02 Friday Butrovich 205 3:30 PM
No Meeting Scheduled

RESOURCES (continued)

Feb 05	Monday	Butrovich 205	3:30 PM
+	Presentation: RCA: Natural Gas Contracts: Approval Process, Pricing Terms & Consumer Impact -- Testimony <Invitation Only> --		
Feb 07	Wednesday	Butrovich 205	3:30 PM
+	Presentation: Alaska Natural Gas Development Authority: Alaska Gas Market System; MOU Between ANGDA & AK Gasline Port Authority -- Testimony <Invitation Only> --		
Feb 09	Friday	Butrovich 205	3:30 PM
+	Presentation: Upstream Stakeholders: Producers & Shippers: Sighting the Horizon -- Testimony <Invitation Only> --		

STATE AFFAIRS

Feb 06	Tuesday	Beltz 211	9:00 AM
	No Meeting Scheduled		
Feb 08	Thursday	Beltz 211	9:00 AM
	No Meeting Scheduled		

TRANSPORTATION

Feb 06	Tuesday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Feb 08	Thursday	Senate Finance 532	1:00 PM
	Joint w/ (H) Transportation Overview of the Alaska Marine Highway System		
Feb 13	Tuesday	Senate Finance 532	1:00 PM
	Joint w/(H) Transportation Overview of the Department of Transportation Highway System		

FINANCE SUBCOMMITTEES**CORRECTIONS**

Feb 07	Wednesday	Beltz 211	8:00 AM
	Overview		

COURT SYSTEM

Feb 07	Wednesday	Beltz 211	4:00 PM
	Overview		

ENVIRONMENTAL CONSERVATION

Feb 09	Friday	Beltz 211	12:00 PM
	Overview		

HEALTH & SOCIAL SERVICES

Feb 08	Thursday	Fahrenkamp 203	8:00 AM
	Department Budget Overview		

Feb 22	Thursday	Fahrenkamp 203	8:00 AM
	Department Budget Detail		

Mar 08	Thursday	Fahrenkamp 203	8:00 AM
	Department Budget Detail		

Mar 22	Thursday	Fahrenkamp 203	8:00 AM
	Department Budget Detail		

Apr 05	Thursday	Fahrenkamp 203	8:00 AM
	Department Budget Close-Out		

PUBLIC SAFETY

Feb 05	Monday -- Meeting Canceled -- Department Budget Overview	Beltz 211	8:00 AM
Feb 19	Monday Department Budget Overview	Beltz 211	8:00 AM
Mar 05	Monday Department Budget Detail	Beltz 211	8:00 AM
Mar 19	Monday Department Budget Detail	Beltz 211	8:00 AM
Apr 02	Monday Department Budget Close-Out	Beltz 211	8:00 AM

SPECIAL COMMITTEES**SPECIAL COMMITTEE ON EDUCATION**

Feb 02	Friday No Meeting Scheduled	Butrovich 205	8:00 AM
Feb 07	Wednesday Confirmation Hearing for the University of Alaska Board of Regents: Timothy C Brady Fuller Cowell Patricia A Jacobson Kirk Wickersham	Butrovich 205	8:00 AM
Feb 09 SB 1	Friday INCREASE AMT OF BASE STUDENT ALLOCATION	Butrovich 205	8:00 AM

JOINT COMMITTEES**ARMED SERVICES COMMITTEE**

Feb 14 **Wednesday** **Senate Finance 532** **10:00 AM**
Presentation by Admiral Timothy J Keating
Commander, North American Aerospace
Defense Command; Commander, United
States Northern Command

LEGISLATIVE BUDGET & AUDIT

Feb 08 **Thursday** **House Finance 519** **8:30 AM**
Committee Organization
Status of Contracts
Committee Procedures
Request for Audit

VICTIM'S ADVOCATE SELECTION COMMITTEE

Feb 07 **Wednesday** **Beltz 211** **12:00 PM**
Organizational Meeting
-- No Public Testimony --

OTHER MEETINGS**CHILDREN'S CAUCUS**

Feb 06 **Tuesday** **Butrovich 205** **12:00 PM**
+ Governor's Council on Disabilities and
Special Education: Autism and Early
Intervention

Feb 14 **Wednesday** **Butrovich 205** **12:00 PM**
+ -- Note Day Change --
Alaska Children's Justice Act Task
Force: Updates & Trends in Child
Maltreatment Issues

JOINT LEGISLATIVE HEALTH CAUCUS

Feb 21	Wednesday "Filling the Need: Mid-Level Health Providers"	Butrovich 205	12:00 PM
Mar 21	Wednesday "Filling the Need: Complimentary Medicine Workforce"	Butrovich 205	12:00 PM
Apr 18	Wednesday "Filling the Need: Other Forms of Health Care"	Butrovich 205	12:00 PM
May 02	Wednesday "Week of the Uninsured: Alaska's Workforce"	Butrovich 205	12:00 PM

JOINT SESSION

Feb 22	Thursday Annual Address by the Honorable Lisa Murkowski, U.S. Senator	House Chamber	11:00 AM
Feb 28	Wednesday Chief Justice Dana Fabe's Annual State of the Judiciary Message	House Chamber	11:00 AM
Mar 19	Monday Annual Address by the Honorable Ted Stevens, U.S. Senator	House Chamber	11:00 AM