

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Wednesday

February 14, 2007

Thirtieth Day

Pursuant to adjournment the Senate was called to order by President Green at 12:00 p.m.

The roll showed twelve members present. Senator McGuire was excused from a call of the Senate. Senators Davis, Dyson, Elton, Hoffman, Therriault, Wielechowski, Wilken were absent.

Senator Stevens moved and asked unanimous consent that Senator Elton be excused from a call of the Senate today. Without objection, Senator Elton was excused.

The prayer was offered by the Chaplain, the Reverend Bob Stevens of St. Brendan's Episcopal Church. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

God, our creator, we ask that you be with us this day as we do the work set before us. Help us to deserve the trust that has been given to us by those we represent. Let us understand we are making decisions for people with many different needs and that only through compromise can we succeed.

In the days ahead give us strength and courage to make decisions that are moral, just and right for our great state.

Be with our loved ones, near or far, on this Valentine's Day.

We ask all these things in your name. Amen.

Senator Stedman led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Message dated February 12 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 25

HOUSE BILL NO. 25 BY REPRESENTATIVES SEATON AND WILSON, Hawker, Ramras, Kelly, Guttenberg, Harris, entitled:

"An Act relating to landowners' immunity for allowing use of land without charge for a recreational activity; relating to landowners' liability where landowner conduct involves gross negligence or reckless or intentional misconduct; relating to claims of adverse possession and prescriptive easements, or similar claims; and providing for an effective date."

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

HB 76

CS FOR HOUSE BILL NO. 76(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to the creation of a civil legal services fund."

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

Standing Committee Reports**SB 19**

Forthcoming Finance Committee Substitute (page 221) for 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" was received today:

CS FOR SENATE BILL NO. 19(FIN) "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; relating to restrictions on employment after leaving state service; prohibiting certain persons from engaging in activity as lobbyists; and defining 'official action' under the Alaska Executive Branch Ethics Act and related law."

Special Committee Reports

Report dated February 13 was read, stating:

In accordance with AS 24.55.020, the Ombudsman Selection Committee reviewed the following and recommends the nomination be forwarded to a joint session for consideration:

Ombudsman

Linda Lord-Jenkins

This does not reflect an intent by any of the members to vote for or against the appointment of the individual during any further sessions.

Signing the report: Senator Stevens, Representative Dahlstrom, Cochairs; Senators Cowdery, Dyson; Representative Roses.

**Introduction and Reference of
Senate Resolutions**

SJR 2

SENATE JOINT RESOLUTION NO. 2 BY SENATOR HUGGINS,

Opposing the enactment by the Washington State Legislature of a bill proposing to impose a fee on the processing of shipping containers in the State of Washington because of the negative impact of the fee on the people and the economy of this state.

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

Introduction and Reference of Senate Bills

SB 79

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 79 BY SENATOR BUNDE, entitled:

"An Act making an appropriation for reimbursement to boroughs and cities for granting of property tax exemptions; and providing for an effective date."

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

The presence of Senators Wielechowski, Davis, Dyson was noted.

SB 82

SENATE BILL NO. 82 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act making supplemental appropriations and other appropriations; amending the lapse dates of certain appropriations; and providing for an effective date."

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

A spreadsheet entitled "FY2007 Oil and Gas Supplemental" accompanied the governor's transmittal letter and is on file in the Office of the Secretary of the Senate.

Governor's transmittal letter dated February 13:

Dear President Green:

Under the authority of article III, section 18 of the Alaska Constitution, I am transmitting a bill making appropriations for bringing North Slope natural gas to market and other oil and gas issues. This request also includes extending the lapse date of gas pipeline related appropriations made in previous years.

Sections 1-3 of the bill appropriate funding to the Departments of Law, Natural Resources, and Revenue for their necessary gas pipeline and other oil and gas related work.

Section 4 extends the lapse date of appropriations made in prior years that dealt with state gas pipeline issues.

Building the gas pipeline is critical for our future. We need a project that ensures any viable explorer or producer can access a gas pipeline on reasonable terms and we need a project that can be expanded when there is more gas found. Funding these requests in this supplemental bill will provide the foundation necessary to ensure a gas pipeline is constructed on Alaska's terms.

I appreciate your consideration of this supplemental request.

Sincerely,

/s/

Sarah Palin
Governor

SB 83

SENATE BILL NO. 83 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act making supplemental appropriations, capital appropriations, and other appropriations; amending certain appropriations; ratifying certain expenditures; making appropriations to capitalize funds; and providing for an effective date."

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

A spreadsheet entitled "FY2007 Regular Supplemental Requests" accompanied the governor's transmittal letter and is on file in the Office of the Secretary of the Senate.

Governor's transmittal letter dated February 13:

Dear President Green:

Under the authority of article III, section 18 of the Alaska Constitution, I am transmitting to you today a supplemental appropriation bill for Fiscal Year 2007 that totals \$51.4 million in general funds. This reflects necessary program cost increases for the remainder of Fiscal Year 2007. For your consideration, there is a separate section in the appropriation bill for issues that are time sensitive. These requests total \$8.5 million in general funds, and could be shifted to the early supplemental bill, SB 61, at your discretion.

The remaining items in the supplemental bill total \$42.9 million in general funds. The largest item in the "regular" portion of the measure is \$17.7 million in general funds for capitalizing the disaster relief fund for costs associated with the Hooper Bay fire, Southcentral flood, Southern storm and damage to the Kivalina sea wall. This bill also has \$21.3 million in general funds for the Alaska Marine Highway System, including \$10.7 million to eliminate the negative balance in the marine highway fund. This is due in large part to the undercollection of revenues to support the amounts appropriated from that fund for the operation of the system.

I appreciate your consideration of this supplemental request.

Sincerely,

/s/

Sarah Palin
Governor

SB 84

SENATE BILL NO. 84 BY SENATORS OLSON, Elton, entitled:

"An Act relating to the burning capability of cigarettes being sold or offered for sale, or possessed for sale; relating to compliance certifications by tobacco product manufacturers, a directory of tobacco product manufacturers, the affixing of stamps to cigarette packages, and cigarette tax stamps; and providing for an effective date."

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

The presence of Senator Wilken was noted.

Consideration of the Calendar

Citations

Honoring – James Eldridge

Senator(s) Bunde, Green, 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 citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

Unfinished Business**Reconsideration of Senate Bills****HB 69**

Senator Stevens requested that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 69(JUD) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 69(JUD) "An Act relating to executive clemency" pass the Senate?" The roll was taken with the following result:

SCS CSHB 69(JUD)

Third Reading - On Reconsideration

YEAS: 16 NAYS: 0 EXCUSED: 2 ABSENT: 2

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

Excused: Elton, McGuire

Absent: Hoffman, Therriault

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 69(JUD) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

The presence of Senator Therriault was noted.

Unfinished Business (continued)

President Green made the following appointments:

Energy Council

Senator Huggins, Executive Committee

Senator Stedman, Executive Committee

Senator Hoffman, Energy Committee

Senator Wagoner, Energy Committee and the CLEER Board

Senator Davis, Energy Committee

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate from plane time, February 16 through morning plane time, February 20. Without objection, Senator Wagoner was excused.

The presence of Senator Hoffman was noted.

Senator Therriault moved and asked unanimous consent to be excused from a call of the Senate on February 19. Without objection, Senator Therriault was excused.

Senator Cowdery moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, February 16 through afternoon plane time, February 18. Without objection, Senator Cowdery was excused.

Senator Wielechowski moved and asked unanimous consent to be excused from a call of the Senate on February 16. Without objection, Senator Wielechowski was excused.

Senator Olson moved and asked unanimous consent to be excused from a call of the Senate on February 16 from morning plane time. Without objection, Senator Olson was excused.

Senator Huggins moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, February 15 through evening plane time, February 18. Without objection, Senator Huggins was excused.

SB 1

Senator Davis moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 1 "An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date." Without objection, it was so ordered.

SB 73

Senators Davis, Wilken, Dyson, Wielechowski, Therriault, Thomas moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 73 "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." Without objection, it was so ordered.

SB 80

Senator Hoffman moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 80 "An Act relating to allowable lease expenditures for the purpose of determining the production tax value of oil and gas for the purposes of the oil and gas production tax; and providing for an effective date." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Engrossment**HB 69**

SENATE CS FOR CS FOR HOUSE BILL NO. 69(JUD) "An Act relating to executive clemency" was engrossed, signed by the President and Secretary and returned to the House for consideration.

Adjournment

Senator Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., February 16, 2007. Without objection, the Senate adjourned at 12:22 p.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 15 Thursday Beltz 211 3:30 PM
 + SB 16 EXTEND REGULATORY COMMISSION OF ALASKA
 Bills Previously Heard/Scheduled

FINANCE

Feb 14 Wednesday Senate Finance 532 9:00 AM
 + Presentation by Alaska Mental Health
 Trust Authority, Jeff Jessee, CEO
 -- Testimony <Invitation Only> --

Feb 15 Thursday Senate Finance 532 9:00 AM
 + PERS/TRS Funding Status & Review
 Dept of Administration
 -- Testimony <Invitation Only> --

Feb 16 Friday Senate Finance 532 9:00 AM
 No Meeting Scheduled

Mar 01 Thursday Senate Finance 532 9:00 AM
 + Joint w/ (H) Finance
 Alaska Permanent Fund Corporation
 Presentation; APFC Board of Directors
 -- Testimony <Invitation Only> --

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 14 **Wednesday** **Butrovich 205** **1:30 PM**
 SCR 2 BRAIN INJURY AWARENESS MONTH: MARCH 2007
 Advisory Board on Alcoholism & Drug Abuse
 Alaska Mental Health Board
 Presentation: Bring the Kids Home Initiative

Feb 16 **Friday** **Butrovich 205** **1:30 PM**
 No Meeting Scheduled

JUDICIARY

Feb 14 **Wednesday** **Capitol 120** **1:30 PM**
 -- Time Change --
 + Joint w/ (H) Judiciary
 Overviews: Alaska Rural Justice
 Commission & Law Enforcement Commission
 Sex Offender Management in Alaska
 - The Following Presentations Canceled -
 Teresa Foster, Esq. - Office of Special
 Prosecutions and Appeals
 John Bodick, Esq. - Assistant Attorney
 General
 -- Teleconference <Listen Only> --

Feb 15 **Thursday** **Butrovich 205** **3:30 PM**
 -- Meeting Canceled --
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Feb 15 **Thursday** **Beltz 211** **1:30 PM**
 + Overview Hearing: Workforce Development

RESOURCES

Feb 14 Wednesday Butrovich 205 3:30 PM
 + Presentation:
 After the Pipeline Shutdown: Update on Corrosion
 Dept of Natural Resources
 Dept of Environmental Conservation
 Dept of Law
 BP
 -- Testimony <Invitation Only> --
 + HB 37 ESTABLISHING SUSAN BUTCHER DAY

Feb 16 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

STATE AFFAIRS

Feb 15 Thursday Beltz 211 9:00 AM
 No Meeting Scheduled

TRANSPORTATION

Feb 15 Thursday Butrovich 205 1:30 PM
 SB 41 REPEAL STUDDERED TIRE FEE
 = SB 15 BOARD OF MARINE PILOTS
 = SB 49 COMMEMORATIVE PLATES: STATEHOOD ANIV.

FINANCE SUBCOMMITTEES**COMMERCE, COMMUNITY & ECONOMIC DEV**

Feb 15 Thursday Fahrenkamp 203 12:00 PM
 Budget Overview - Commissioner Notti

COURT SYSTEM

Feb 22 Thursday Fahrenkamp 203 3:30 PM
 + Court System Budget and Overview of the
 Commission on Judicial Conduct

FINANCE SUBCOMMITTEES (continued)**EDUCATION & EARLY DEVELOPMENT**

Mar 07	Wednesday FY'08 Proposed Budget	Butrovich 205	8:00 AM
Mar 16	Friday FY'08 Proposed Budget	Butrovich 205	8:00 AM
Mar 21	Wednesday FY'08 Proposed Budget	Butrovich 205	8:00 AM

FISH & GAME

Feb 27	Tuesday Budget Overview	Senate Finance 532	8:00 AM
Mar 01	Thursday Budget Detail	Senate Finance 532	3:00 PM
Mar 13	Tuesday Budget Detail	Senate Finance 532	8:00 AM

HEALTH & SOCIAL SERVICES

Feb 22	Thursday -- Agenda Change -- Division of Senior & Disability Services Division of Public Health	Fahrenkamp 203	8:00 AM
Mar 08	Thursday Department Budget Detail	Fahrenkamp 203	8:00 AM
Mar 22	Thursday Department Budget Detail	Fahrenkamp 203	8:00 AM
Apr 05	Thursday Department Budget Close-Out	Fahrenkamp 203	8:00 AM

FINANCE SUBCOMMITTEES (continued)**LABOR & WORKFORCE DEVELOPMENT**

Feb 20	Tuesday Department Overview - Commissioner Bishop	Fahrenkamp 203	12:00 PM
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LAW

Feb 27	Tuesday Budget Overview	Fahrenkamp 203	1:30 PM
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Mar 06	Tuesday Budget Detail	Fahrenkamp 203	1:30 PM
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Mar 13	Tuesday Budget Detail	Fahrenkamp 203	1:30 PM
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Mar 20	Tuesday Budget Detail	Fahrenkamp 203	1:30 PM
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MILITARY AND VETERANS AFFAIRS

Mar 14	Wednesday Overview by Major General Craig Campbell FY'08 Proposed Budget	Beltz 211	12:00 PM
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NATURAL RESOURCES

Mar 06	Tuesday FY'08 Proposed Budget	Fahrenkamp 203	4:00 PM
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Mar 13	Tuesday FY'08 Proposed Budget	Fahrenkamp 203	4:00 PM
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Mar 20	Tuesday FY'08 Proposed Budget	Fahrenkamp 203	4:00 PM
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FINANCE SUBCOMMITTEES (continued)**PUBLIC SAFETY**

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

REVENUE

Mar 01	Thursday Budget Overview	Fahrenkamp 203	1:30 PM
Mar 08	Thursday Budget Detail	Fahrenkamp 203	1:30 PM
Mar 15	Thursday Budget Detail	Fahrenkamp 203	1:30 PM
Mar 22	Thursday Budget Detail	Fahrenkamp 203	1:30 PM

TRANSPORTATION & PUBLIC FACILITIES

Feb 15	Thursday Department Budget Overview	Beltz 211	8:00 AM
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UNIVERSITY OF ALASKA

Mar 01	Thursday Budget Overview	Senate Finance 532	7:30 AM
Mar 08	Thursday Budget Detail	Senate Finance 532	7:30 AM

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FINANCE SUBCOMMITTEES (continued)

UNIVERSITY OF ALASKA (continued)

Mar 15	Thursday Budget Detail	Senate Finance 532	7:30 AM
Mar 22	Thursday Budget Detail	Senate Finance 532	7:30 AM

SPECIAL COMMITTEES

SPECIAL COMMITTEE ON EDUCATION

Feb 14 SB 73	Wednesday WWAMI MEDICAL SCHOOL	Butrovich 205	8:00 AM
Feb 16	Friday -- Meeting Canceled -- Consideration: Requirement of 70% of Funds to be Spent on Instruction	Butrovich 205	8:00 AM
Feb 21	Wednesday Consideration: Requirement for 70% of Funds to be Spent on Instruction	Butrovich 205	8:00 AM
Feb 23	Friday No Meeting Scheduled	Butrovich 205	8:00 AM

JOINT COMMITTEES

ARMED SERVICES COMMITTEE

Feb 14	Wednesday Presentations by: Lt. General Douglas M. Fraser Transforming Alaska's Military Lt. General Henry A. Obering Missile Defense Overview Major General Craig Campbell Transformation of Alaska National Guard	Senate Finance 532	10:00 AM
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OTHER MEETINGS**CHILDREN'S CAUCUS**

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

JOINT SESSION

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