

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE

FIRST SESSION

Juneau, Alaska Wednesday February 28, 2007
Forty-fourth Day

Pursuant to adjournment the Senate was called to order by President Green at 10:45 a.m.

The roll showed sixteen members present. Senator Kookesh was excused from a call of the Senate. Senators Davis, Hoffman, McGuire were absent.

The prayer was offered by the Chaplain, Pastor Tom Matthews of the Douglas Island Bible Church. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Recognizing there is a great variety of religious diversity in our midst here, I would ask you to join me in a time of prayer, as we ask the Lord to bless another day of your deliberations.

Dear Lord,

As we look outside on a day like today, how can we but join in with the hymn writer who penned the words so many years ago. . ."then sings my soul, my Savior God to thee, how great thou art!" The majesty of your mountains, the might of your rolling seas, the intricacy of your creation, truly makes my heart want to sing your praises! What better place than this, right here in Alaska, can we see the power of your creation!

Lord, I bring this body of legislators before you today to ask again for your guidance and direction in the many decisions that need to be made. There is a limited period of time for them to do their work in, and many important matters to discuss. I pray for wisdom, for discretion, for the discernment they will need as they address various bills that are put before them.

I also recognize Lord that the majority of those here today had to leave behind a family while they moved here to do this job. I would pray for protection and well-being for the wives, husbands and children of those in this body.

Thank you for a nation Lord that gives us the freedom to lift our prayers before you. May you always protect this great land of opportunity you have given us.

I lift this prayer in the name of your beloved Son,
Jesus Christ. Amen.

Senator Stedman led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Message dated February 26 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 108**

CS FOR HOUSE BILL NO. 108(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act extending the termination date for the Board of Marine Pilots; and providing for an effective date."

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

Standing Committee Reports**SJR 1**

The Health, Education and Social Services Committee considered SENATE JOINT RESOLUTION NO. 1 Relating to reauthorization of federal funding for children's health insurance; and encouraging the Governor to support additional funding for and access to children's health insurance. Signing do pass: Senator Davis, Chair; Senators Elton, Thomas, Cowdery, Dyson.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate Health, Education and Social Services Committee

The resolution was referred to the Finance Committee.

Introduction and Reference of Senate Bills**SB 98**

SENATE BILL NO. 98 BY SENATOR DAVIS, entitled:

"An Act relating to dental hygienists."

was read the first time and referred to the Health, Education and Social Services and Labor and Commerce Committees.

SB 99

SENATE BILL NO. 99 BY SENATOR FRENCH, entitled:

"An Act relating to the composition of the Alaska Police Standards Council; and providing for an effective date."

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

SB 100

SENATE BILL NO. 100 BY SENATOR ELLIS, entitled:

"An Act relating to substance abuse and mental health disorder prevention and treatment programs; and relating to long-term secure treatment programs for persons with substance abuse or co-occurring substance abuse and mental health disorders."

was read the first time and referred to the Health, Education and Social Services, State Affairs and Finance Committees.

SB 101

SENATE BILL NO. 101 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to private professional conservators and private and public guardians."

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

The presence of Senator McGuire was noted.

Recess

Senator Stevens moved and asked unanimous consent that the Senate stand in recess to the Joint Session. Without objection, the Senate recessed at 10:51 a.m.

After Recess**Joint Session in the House**

Speaker Harris called the House to order and in accordance with Uniform Rule 51 turned the gavel over to President Green, who called the Joint Session to order at 11:07 a.m.

The presence of Senators Davis, Hoffman was noted.

The purpose of the Joint Session was to hear an address by the Honorable Chief Justice Dana Fabe.

Senator Stevens moved and asked unanimous consent that the roll call of the Senate be waived and all members be shown as present. Without objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that the roll call of the House be waived and all members be shown as present. Without objection, it was so ordered.

President Green appointed Representative LeDoux and Senator Thomas to escort Chief Justice Fabe to the Joint Session.

The Senate Sergeant at Arms, Gary Stambaugh, announced Chief Justice Dana Fabe's entrance to the House Chamber.

The Honorable Chief Justice Fabe was escorted to the rostrum and welcomed by President Green.

Chief Justice Dana Fabe delivered her address. This address appears in House and Senate Joint Journal Supplement No. 3.

The Chief Justice received a standing ovation and was escorted from the chamber by Senator Thomas and Representative LeDoux.

Senator Stevens moved and asked unanimous consent that the Joint Session stand in adjournment. Without objection, President Green adjourned the Joint Session at 11:38 a.m.

After Recess**In the Senate**

The Senate reconvened at 11:44 a.m.

Consideration of the Calendar**Second Reading of Senate Bills****SB 45**

SENATE BILL NO. 45 "An Act relating to murder in the first degree" was read the second time.

Senator French, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 222. Without objection, CS FOR SENATE BILL NO. 45(JUD) 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. 45(JUD) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 45(JUD) "An Act relating to murder in the first degree" pass the Senate?" The roll was taken with the following result:

CSSB 45(JUD)

Third Reading - Final Passage

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

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

Excused: Kookesh

Absent: Bunde, Therriault

and so, CS FOR SENATE BILL NO. 45(JUD) passed the Senate.

SB 49

SENATE BILL NO. 49 "An Act relating to commemorative license plates celebrating Alaska's 50th anniversary as a state; and providing for an effective date" was read the second time.

Senator McGuire, Chair, moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 86. Without objection, CS FOR SENATE BILL NO. 49(STA) 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. 49(STA) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 49(STA) "An Act relating to commemorative license plates celebrating Alaska's 50th anniversary as a state; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 49(STA)

Third Reading - Final Passage

Effective Dates

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

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

Excused: Kookesh

Absent: Bunde, Therriault

and so, CS FOR SENATE BILL NO. 49(STA) 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 clauses. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Second Reading of House Bills**HB 120**

CS FOR HOUSE BILL NO. 120(FIN) "An Act extending the Council on Domestic Violence and Sexual Assault; and providing for an effective date" was read the second time.

Senator Stedman, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 370. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 120(FIN) 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.

SENATE CS FOR CS FOR HOUSE BILL NO. 120(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 120(FIN) "An Act extending the Council on Domestic Violence and Sexual Assault; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 120(FIN)

Third Reading - Final Passage

Effective Date

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Kookesh

Absent: Therriault

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 120(FIN) 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 and the bill was referred to the Secretary for engrossment.

Citations

Honoring – Allen R. Storey

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

Honoring – Jack B. Wilbur, Jr.

Representative(s) Kelly

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

In Memoriam – Edgar Earnhart

Representative(s) Samuels

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

In Memoriam – Karl W. Kroon

Representative(s) Kohring

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 Therriault moved and asked unanimous consent to be excused from a call of the Senate on March 2. Without objection, Senator Therriault was excused.

Senator Wilken moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 8 through evening plane time, March 11; and from afternoon plane time, March 15 through evening plane time, March 18. Without objection, Senator Wilken was excused.

Senator Stedman moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, March 16 through morning plane time, March 19. Without objection, Senator Stedman was excused.

Senator McGuire moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, March 7 through evening plane time, March 11. Without objection, Senator McGuire was excused.

Senator Bunde moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 9 through morning plane time, March 12; and from afternoon plane time, March 16 through plane time, March 19. Without objection, Senator Bunde was excused.

Senator Cowdery moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 2 through evening plane time, March 4. Without objection, Senator Cowdery was excused.

Senator Wagoner moved and asked unanimous consent to amend a prior excusal (page 203) and be excused from a call of the Senate from afternoon plane time, March 6 through evening plane time, March 12. Without objection, the excusal was amended.

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

SB 45

Senator Bunde gave notice of reconsideration on CS FOR SENATE BILL NO. 45(JUD) "An Act relating to murder in the first degree."

Announcements

Announcements are at the end of the journal.

Engrossment**SB 49**

CS FOR SENATE BILL NO. 49(STA) "An Act relating to commemorative license plates celebrating Alaska's 50th anniversary as a state; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HB 120

SENATE CS FOR CS FOR HOUSE BILL NO. 120(FIN) "An Act extending the Council on Domestic Violence and Sexual Assault; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

Engrossment and Enrollment**SR 4**

SENATE RESOLUTION NO. 4 Establishing March 3, 2007, as Susan Butcher Day, was engrossed and enrolled, signed by the President and Secretary and the engrossed and enrolled copies transmitted to the Office of the Governor at 12:08 p.m., February 27, 2007.

Adjournment

Senator Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., March 2, 2007. Without objection, the Senate adjourned at 11:58 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

Mar 01 Thursday Beltz 211 4:00 PM
 += SB 16 EXTEND REGULATORY COMMISSION OF ALASKA
 Bills Previously Heard/Scheduled

FINANCE

Feb 28 Wednesday Senate Finance 532 9:00 AM
 -- MEETING CANCELED --
 + Bills Previously Heard/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> --

Mar 02 Friday Senate Finance 532 9:00 AM
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 28 Wednesday Butrovich 205 1:30 PM
 + Strengthening Families Initiatives
 = SB 40 LONGEVITY BONUS REAPPLICATIONS
 Bills Previously Heard/Scheduled

Mar 02 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

JUDICIARY

Feb 28	Wednesday	Beltz 211	1:30 PM
	-- Teleconference <Listen Only> --		
+	Confirmation Hearing : Talis Colberg Attorney General - Department of Law		
 Mar 01	 Thursday	 Butrovich 205	 3:30 PM
+	Bills Previously Heard/Scheduled		

LABOR & COMMERCE

Mar 01	Thursday	Beltz 211	1:30 PM
+	Confirmation of Governor's Appointees: Alcoholic Beverage Control Board - Shirley A Gifford Alaska Workers' Compensation Appeals Commission - Stephan T Hagedorn Alaska Workers' Compensation Board - Mark A Crutchfield Gloria O'Neill Janet L Waldron William K Williams		

RESOURCES

Feb 28	Wednesday	Senate Finance 532	12:00 PM
	-- Time Change --		
	Joint w/ (H) Resources		
+	Mining Industry Briefing - Council of Alaska Producers		
	-- Testimony <Invitation Only> --		
	Bills Previously Heard/Scheduled		
 Feb 28	 Wednesday	 Butrovich 205	 3:30 PM
 += SB 80	 OIL & GAS PRODUCTION TAX: EXPENDITURES		
	Bills Previously Heard/Scheduled		

RESOURCES (continued)

Mar 02 Friday Butrovich 205 3:30 PM
 + HB 25 RECREATIONAL LAND USE LIABILITY/ADV. POSS
 + Confirmation Hearings:
 Department Commissioners:
 Tom Irwin, Larry Hartig, Denby Lloyd
 Big Game Commercial Services Board:
 Richard A Roher, Leif Wilson
 Board of Game:
 Robert Bell, Ben Grussendorf
 Alaska Oil & Gas Conservation Commission:
 Cathy P Foerster
 Bills Previously Heard/Scheduled
 Presentations Previously Heard/Scheduled

STATE AFFAIRS

Mar 01 Thursday Beltz 211 9:00 AM
 + Overview: Impacts of the 90-Day Session

TRANSPORTATION

Mar 01 Thursday Butrovich 205 1:30 PM
 No Meeting Scheduled

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Mar 05 Monday Senate Finance 532 3:00 PM
 Department Budget Detail

Mar 12 Monday Senate Finance 532 3:00 PM
 Department Budget Detail

Mar 19 Monday Senate Finance 532 3:00 PM
 Department Budget Detail

FINANCE SUBCOMMITTEES (continued)**COURT SYSTEM**

Mar 01	Thursday	Fahrenkamp 203	5:00 PM
	-- MEETING CANCELED --		
+	Budget Closeout		

EDUCATION & EARLY DEVELOPMENT

Mar 07	Wednesday	Butrovich 205	8:00 AM
	-- Meeting Canceled --		
	FY'08 Proposed Budget		

Mar 14	Wednesday	Butrovich 205	8:00 AM
	Postsecondary Education Commission		
	FY'08 Proposed Budget Overview		

Mar 16	Friday	Butrovich 205	8:00 AM
	Dept of Education & Early Development		
	FY'08 Proposed Budget		

Mar 21	Wednesday	Butrovich 205	8:00 AM
	Dept of Education & Early Development		
	FY'08 Proposed Budget		

FISH & GAME

Mar 01	Thursday	Senate Finance 532	3:00 PM
	Budget Detail		

Mar 13	Tuesday	Senate Finance 532	8:00 AM
	Budget Detail		

HEALTH & SOCIAL SERVICES

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

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

FINANCE SUBCOMMITTEES (continued)**HEALTH & SOCIAL SERVICES(continued)**

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

LAW

Mar 06	Tuesday -- MEETING CANCELED -- Budget Detail	Fahrenkamp 203	1:30 PM
---------------	---	-----------------------	----------------

Mar 13	Tuesday Budget Detail	Fahrenkamp 203	1:30 PM
---------------	---------------------------------	-----------------------	----------------

Mar 20	Tuesday Budget Detail	Fahrenkamp 203	1:30 PM
---------------	---------------------------------	-----------------------	----------------

MILITARY AND VETERANS AFFAIRS

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

NATURAL RESOURCES

Mar 06	Tuesday -- MEETING CANCELED -- FY'08 Proposed Budget	Fahrenkamp 203	4:00 PM
---------------	---	-----------------------	----------------

Mar 13	Tuesday FY'08 Proposed Budget	Fahrenkamp 203	4:00 PM
---------------	---	-----------------------	----------------

Mar 20	Tuesday FY'08 Proposed Budget	Fahrenkamp 203	4:00 PM
---------------	---	-----------------------	----------------

Mar 22	Thursday FY'08 Proposed Budget	Fahrenkamp 203	4:00 PM
---------------	--	-----------------------	----------------

FINANCE SUBCOMMITTEES (continued)**PUBLIC SAFETY**

Mar 05	Monday -- Meeting Canceled -- Department Budget Detail	Beltz 211	8:00 AM
Mar 06 +	Tuesday Department Budget Detail	Beltz 211	8:00 AM
Mar 19	Monday -- Meeting Canceled -- Department Budget Detail	Beltz 211	8:00 AM
Mar 20 +	Tuesday Department Budget Detail	Beltz 211	8:00 AM
Apr 02	Monday -- Meeting Canceled -- Department Budget Close-Out	Beltz 211	8:00 AM
Apr 03 +	Tuesday Department Budget Close-Out	Beltz 211	8:00 AM

REVENUE

Mar 01	Thursday Budget Overview	Fahrenkamp 203	1:30 PM
Mar 08	Thursday -- MEETING CANCELED -- 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

FINANCE SUBCOMMITTEES (continued)**TRANSPORTATION & PUBLIC FACILITIES**

Mar 15	Thursday DOT/PF Budget	Beltz 211	8:00 AM
Mar 29	Thursday DOT/PF Budget	Beltz 211	8:00 AM

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
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 28	Wednesday Consideration: Repeal of requirement that 70% of education funds to be spent on instruction.	Butrovich 205	8:00 AM
Mar 02	Friday Overview: Truancy and Dropouts SB 31 TRUANCY	Butrovich 205	8:00 AM

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Mar 15	Thursday Status of Contracts Procurement Request Executive Session	House Finance 519	8:00 AM
---------------	--	--------------------------	----------------

JOINT COMMITTEES (continued)**LEGISLATIVE COUNCIL**

Mar 05	Monday Agenda TBA	Senate Finance 532	5:00 PM
---------------	-----------------------------	---------------------------	----------------

SELECT COMMITTEE ON LEGISLATIVE ETHICS

Mar 06	Tuesday -- Teleconference -- + Full Committee: Open Session Approval of Agenda/Minutes Election of Committee Chairs Public Comment Chair/Staff Reports Budget: Update on FY'07/Request for FY'08 Legislation: Update on Ethics Legislation Other Business	Butrovich 205	8:30 AM
---------------	---	----------------------	----------------

Mar 06	Tuesday Senate Subcommittee: Executive Session Public Comment Executive Session Public Session	Butrovich 205	3:30 PM
---------------	---	----------------------	----------------

OTHER MEETINGS**JOINT LEGISLATIVE HEALTH CAUCUS**

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 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