

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Friday

February 1, 2008

Eighteenth Day

Pursuant to adjournment the Senate was called to order by President Green at 11:05 a.m.

The roll showed fourteen members present. Senators Cowdery, Hoffman, Wagoner, Wilken were excused from a call of the Senate. Senators Huggins, Therriault were absent.

Senator Ellis moved and asked unanimous consent that Senators Huggins, Therriault be excused from a call of the Senate due to illness. Without objection, Senators Huggins, Therriault were excused.

The prayer was offered by the Chaplain, Father Thomas Weise of the Cathedral of the Nativity. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

From Psalm 129 (excerpted from *Psalms for Praying* by Nan C. Merrill)

Lift up your hearts to the Most High!
Let the earth ring with songs of praise!
Be glad, O people of the Light!
Let your life be impregnated by Love's gifts.
Discover in the Great Silence the mystery of who you are, and be true to your self. For wherever you dwell, there is beauty; Infinite Love is everywhere.
Know that the beauty hidden within your soul, is seen by the eyes of your heart.
Let the still small voice of the Beloved guide you by day and comfort you by night;
Then you will be blessed and, in turn, you will be a blessing to the world.

Gracious God, you created us and placed us within families to learn how to love and be loved. We praise you for your goodness, we thank you for your gifts. Bless our State with your love. Raise up in Alaska good and holy families, loving husbands and wives, devoted parents and children. Raise up from our families and friends dedicated and generous leaders who will serve as models in our communities. Amen.

Senator Bunde led the Senate in the Pledge of Allegiance.

Certification

Senator Ellis 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 Governor

Letter dated and received January 30 was read, stating in accordance with AS 39.05.080, I submit the following names for legislative confirmation of appointment to the boards and commissions set out below:

Alaska State Board of Public Accountancy

Max E. Mertz - Juneau

Appointed: 8/3/2004

Reappointed: 1/28/2008 Term Expires: 3/1/2012

Alcohol Beverage Control Board

Joseph DelDonno - Anchorage

Appointed: 1/28/2008 Term Expires: 3/1/2011

Robert Klein - Anchorage

Appointed: 1/29/2008 Term Expires: 3/1/2011

State Board of Registration for Architects, Engineers, and Land Surveyors

Daniel E. Walsh - Fairbanks

Appointed: 12/12/2005

Reappointed: 1/28/2008 Term Expires: 3/1/2012

Clifford E. Baker - Kenai

Appointed: 3/24/2004

Reappointed: 1/29/2008 Term Expires: 3/1/2012

George Davidson - Juneau

Appointed: 1/29/2008 Term Expires: 3/1/2012

Frank Abegg - Fairbanks

Appointed: 1/29/2008 Term Expires: 3/1/2012

Board of Barbers and Hairdressers

Vern Hurlbert - Anchorage

Appointed: 1/28/2008 Term Expires: 3/1/2012

Lorenda Britten - Fairbanks

Appointed: 1/29/2008 Term Expires: 3/1/2012

Kelley Sherman - Wasilla

Appointed: 1/29/2008 Term Expires: 3/1/2012

Board of Chiropractic Examiners

James Heston - Homer

Appointed: 1/29/2008 Term Expires: 3/1/2012

Board of Marine Pilots

Robert J. Arts - Anchorage

Appointed: 10/31/2002 Reappointed: 3/24/2004

Reappointed: 1/29/2008 Term Expires: 3/1/2012

Occupational Safety and Health Review Board

Timothy O. Sharp - Fairbanks

Appointed: 10/12/1995

Reappointed: 6/23/1999 Reappointed: 1/23/2006

Reappointed: 1/29/2008 Term Expires: 3/1/2012

James Montgomery, Jr. - Kenai

Appointed: 1/29/2008 Term Expires: 3/1/2012

Personnel Board

Debra E. English - Anchorage

Appointed: 1/8/2004

Reappointed: 1/29/2008 Term Expires: 3/1/2014

Real Estate Commission

Christina E. Swires - Anchorage

Appointed: 1/28/2008 Term Expires: 3/1/2012

Regulatory Commission of Alaska

Robert M. "Bob" Pickett - Wasilla

Appointed: 1/28/2008 Term Expires: 3/1/2014

Board of Veterinary Examiners

Martin Buser - Big Lake

Appointed: 3/1/2007

Reappointed: 1/29/2008 Term Expires: 3/1/2012

Dr. Timothy L. Bowser - Soldotna

Appointed: 2/19/2003

Reappointed: 1/29/2008 Term Expires: 3/1/2012

Dr. Cynthia A. Trout - Anchorage

Appointed: 3/23/2005

Reappointed: 1/29/2008 Term Expires: 3/1/2012

Workers' Compensation Appeals Commission

David Richards - Eagle River

Appointed: 1/28/2008 Term Expires: 3/1/2013

Alaska Workers' Compensation Board

David Kester - Anchorage

Appointed: 4/12/2004

Reappointed: 1/29/2008 Term Expires: 3/1/2011

Jeffrey P. Pruss - Fairbanks

Appointed: 1/23/2006

Reappointed: 1/29/2008 Term Expires: 3/1/2011

David B. Robinson - Wasilla

Appointed: 10/1/2005

Reappointed: 1/29/2008 Term Expires: 3/1/2011

Damian J. Thomas - Fairbanks

Appointed: 1/23/2006

Reappointed: 1/29/2008 Term Expires: 3/1/2011

Debra G. Norum - Fairbanks

Appointed: 1/23/2006

Reappointed: 1/29/2008 Term Expires: 3/1/2011

Don L. Gray - Anchorage

Appointed: 12/26/2007 Term Expires: 3/1/2010

Howard A. Hansen - Wasilla

Appointed: 12/26/2007 Term Expires: 3/1/2009

Michael J. Notar - Juneau

Appointed: 12/26/2007 Term Expires: 3/1/2010

Douglas L. Orcutt - Anchorage

Appointed: 12/26/2007 Term Expires: 3/1/2010

Marc D. Stemp - Bethel

Appointed: 12/26/2007 Term Expires: 3/1/2010

The appointments were referred to the Labor and Commerce Committee.

Board of Governors of the Alaska Bar

Carl Ekstrom - Anchorage

Appointed: 1/29/2008 Term Expires: 3/1/2011

Commission on Judicial Conduct

Thomas G. Nave - Juneau

Appointed: 3/24/2004

Reappointed: 1/28/2008 Term Expires: 3/1/2012

Joseph W. Miller - Fairbanks

Appointed: 1/28/2008 Term Expires: 3/1/2012

Robert Sheldon - Anchorage

Appointed: 1/29/2008 Term Expires: 3/1/2012

Alaska Public Offices Commission

Kathleen Frederick - Juneau

Appointed: 1/29/2008 Term Expires: 3/1/2013

Violent Crimes Compensation Board

LeRoy J. Barker - Anchorage

Appointed: 2/19/2003 Reappointed: 3/23/2005

Reappointed: 1/28/2008 Term Expires: 3/1/2011

The appointments were referred to the Judiciary Committee.

Big Game Commercial Services Board

Brenda Rebne - Cantwell

Appointed: 1/28/2008 Term Expires: 3/1/2012

Alaska Commercial Fisheries Entry Commission

Frank M. Homan - Juneau

Appointed: 9/2/2003

Reappointed: 10/30/2007 Term Expires: 3/1/2011

Board of Game

Ted H. Spraker - Soldotna

Appointed: 1/21/2003 Reappointed: 4/11/2005

Reappointed: 1/28/2008 Term Expires: 3/1/2011

Lewis D. "Lew" Bradley - Palmer

Appointed: 1/28/2008 Term Expires: 3/1/2011

Teresa Sager-Albaugh - Tok

Appointed: 1/28/2008 Term Expires: 3/1/2011

The appointments were referred to the Resources Committee.

Board of Education and Early Development

Philip E. Schneider - Anchorage

Appointed: 1/28/2008 Term Expires: 3/1/2013

Geraldine C. "Geri" Benshoof - North Pole

Appointed: 1/28/2008 Term Expires: 3/1/2013

Board of Marital and Family Therapy

Rev. John Downing - Eagle River

Appointed: 1/28/2008 Term Expires: 3/1/2012

State Medical Board

Michael J. Tauriainen - Soldotna

Appointed: 5/28/2003 Reappointed: 1/16/2004

Reappointed: 1/28/2008 Term Expires: 3/1/2012

Dr. Jean Tsigonis - Fairbanks

Appointed: 11/15/2006

Reappointed: 1/28/2008 Term Expires: 3/1/2012

Dr. William W. Resinger - Palmer

Appointed: 9/21/2007 Term Expires: 3/1/2010

Dr. Lawrence W. "Larry" Stinson, Jr. - Anchorage

Appointed: 1/28/2008 Term Expires: 3/1/2012

Dr. John Cullen - Valdez

Appointed: 1/29/2008 Term Expires: 3/1/2012

Alaska Mental Health Trust Authority Board of Trustees

Paula P. Easley - Anchorage

Appointed: 3/28/2006

Reappointed: 1/28/2008 Term Expires: 3/1/2013

Larry G. Norene - Anchorage

Appointed: 1/28/2008 Term Expires: 3/1/2013

Timothy A. Schuerch - Anchorage

Appointed: 1/28/2008 Term Expires: 3/1/2013

Board of Certified Direct-Entry Midwives

Dr. Peggy A. Downing - Palmer

Appointed: 5/31/2007 Term Expires: 3/1/2011

Holly M. Steiner - Wasilla

Appointed: 6/3/2005

Reappointed: 1/28/2008 Term Expires: 3/1/2012

Cheryl A. Corrick - Fairbanks

Appointed: 1/28/2008 Term Expires: 3/1/2012

Board of Nursing

Agnes M. "Aggie" Jack - Kotzebue

Appointed: 6/12/2007 Term Expires: 3/1/2011

Denise Ekstrom - Anchorage

Appointed: 1/28/2008 Term Expires: 3/1/2012

Board of Examiners in Optometry

Dr. Jill Matheson - Juneau

Appointed: 4/30/2004

Reappointed: 1/28/2008 Term Expires: 3/1/2012

Board of Pharmacy

Robert Young - Sitka

Appointed: 3/1/2008 Term Expires: 3/1/2012

Kathe Boucha - Anchorage

Appointed: 3/1/2008 Term Expires: 3/1/2012

State Physical Therapy and Occupational Therapy Board

Dr. Julius S. Brecht - Anchorage

Appointed: 10/18/2005

Reappointed: 1/29/2008 Term Expires: 3/1/2012

Gary W. Burleson - Anchorage

Appointed: 4/14/2005

Reappointed: 1/29/2008 Term Expires: 3/1/2012

Joyce Barnett - Anchorage

Appointed: 1/29/2008 Term Expires: 3/1/2012

Kathleen Lind - Anchorage

Appointed: 1/29/2008 Term Expires: 3/1/2012

Board of Professional Counselors

James R. "Randy" Morton - Nome

Appointed: 4/14/2005

Reappointed: 1/28/2008 Term Expires: 3/1/2012

Professional Teaching Practices Commission

Richard Lum - Eagle River

Appointed: 1/29/2008 Term Expires: 3/1/2011

George Troxel - Palmer

Appointed: 1/29/2008 Term Expires: 3/1/2011

Board of Psychologist and Psychological Associate Examiners

Camille O. "Cam" Carlson - Fairbanks

Appointed: 3/9/2005

Reappointed: 1/28/2008 Term Expires: 3/1/2012

Lisa C. Turner - Kenai

Appointed: 3/8/2006

Reappointed: 1/28/2008 Term Expires: 3/1/2012

Dr. John R. DeRuyter - Fairbanks

Appointed: 6/6/2007 Term Expires: 3/1/2011

The appointments were referred to the Health, Education and Social Services Committee.

State Commission for Human Rights

Grace Merkes - Sterling

Appointed: 2/19/2003

Reappointed: 1/28/2008 Term Expires: 3/1/2013

Robert B. Sawyer, Jr. - Fairbanks

Appointed: 2/19/2003

Reappointed: 1/29/2008 Term Expires: 3/1/2013

Mark S. Fish - Anchorage

Appointed: 6/11/2007 Term Expires: 3/1/2012

The appointments were referred to the State Affairs Committee.

The resumes for these appointments have been submitted to the Offices of the Senate Secretary and the Chief Clerk.

Messages from the House

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

First Reading and Reference of House Bills**HB 317**

HOUSE BILL NO. 317 BY REPRESENTATIVES COGHILL, Chenault, Johnson, Buch, Kerttula, Ramras, Gatto, Lynn, Kelly, Dahlstrom, Meyer, Harris, Cissna, Crawford, Doll, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Joule, Kawasaki, Keller, LeDoux, Nelson, Neuman, Olson, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson, entitled:

"An Act eliminating the limit on compassionate gifts that a legislator or legislative employee may solicit, accept, or receive under the Legislative Ethics Act; and providing for an effective date."

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

Senators Elton, Wielechowski, McGuire, Stedman, Olson, Ellis, Bunde, Thomas, Dyson, French, Davis, Kookesh, Stevens, Green moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

Communications

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

Report to the Legislature dated January 30, 2008
from the Legislative Regulatory Commission of Alaska Task Force
in accordance with Legislative Resolve No. 11, 2007

Annual Loan Fund Report 2008
Alaska Drinking Water and Clean Water Loan Funds
from Larry Hartig, Commissioner
Department of Environmental Conservation
in accordance with AS 37.05.035

The following Budget and Audit Report was received from Pat Davidson, Legislative Auditor, in accordance with AS 24.20.311 and is on file in the Office of the Secretary of the Senate:

Department of Environmental Conservation, Division of Water
Village Safe Water Program dated December 5, 2007

Standing Committee Reports

HB 7

The Judiciary Committee considered CS FOR HOUSE BILL NO. 7(FIN) am "An Act relating to false caller identification." Signing do pass: Senator Huggins, Vice Chair; Senators Therriault, Wielechowski, McGuire.

The following fiscal information was published today:

Fiscal Note No. 8, indeterminate, Department of Public Safety
Fiscal Note No. 9, zero, Department of Corrections
Fiscal Note No. 10, zero, Department of Administration
Fiscal Note No. 11, zero, Department of Law
Fiscal Note No. 12, zero, Department of Administration

The bill was referred to the Finance Committee.

HB 37

The State Affairs Committee considered HOUSE BILL NO. 37(efd add) "An Act establishing the first Saturday of every March as Susan Butcher Day; and providing for an effective date." Signing do pass: Senator McGuire, Chair; Senators French, Bunde. Signing no recommendation: Senator Stevens.

The following fiscal information was published today:

Fiscal Note No. 2, zero, Department of Administration

The bill was referred to the Rules Committee.

SCR 13

The Resources Committee considered SENATE CONCURRENT RESOLUTION NO. 13 Urging the governor to direct the attorney general to file an amicus curiae brief with the United States Supreme Court in the case of Parker v. District of Columbia, supporting the individual right to keep and bear arms under the Second Amendment to the United States Constitution, and recommended it be replaced with

CS FOR SENATE CONCURRENT RESOLUTION
NO. 13(RES) Urging the governor to direct the
attorney general to file an amicus curiae brief with
the United States Supreme Court in the case of
District of Columbia v. Heller, supporting the
individual right to keep and bear arms under the
Second Amendment to the United States
Constitution.

Signing do pass: Senator Huggins, Chair; Senators Green, McGuire, Stevens, Stedman, Wielechowski.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate Resources Committee

The resolution is on today's calendar.

Introduction and Reference of Senate Bills**SB 258**

SENATE BILL NO. 258 BY THE SENATE LABOR AND
COMMERCE COMMITTEE BY REQUEST, entitled:

"An Act establishing requirements and limitations
related to the payment of sick leave by certain
employers; and providing for an effective date."

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

Consideration of the Calendar**Second Reading of House Bills****HB 151**

CS FOR HOUSE BILL NO. 151(JUD) "An Act requiring an indemnification, defense, and hold harmless provision in construction-related professional services contracts of state agencies, quasi-public agencies, municipalities, and political subdivisions" was read the second time.

Senator French, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 1700. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 151(JUD) was adopted.

President Green stated SENATE CS FOR CS FOR HOUSE BILL NO. 151(JUD) will be on the February 4 calendar.

Second Reading of Senate Resolutions**SCR 13**

SENATE CONCURRENT RESOLUTION NO. 13 Urging the governor to direct the attorney general to file an amicus curiae brief with the United States Supreme Court in the case of Parker v. District of Columbia, supporting the individual right to keep and bear arms under the Second Amendment to the United States Constitution, was read the second time.

Senator Stevens moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 1746. Senator Bunde objected, then withdrew his objection. There being no further objection, CS FOR SENATE CONCURRENT RESOLUTION NO. 13(RES) Urging the governor to direct the attorney general to file an amicus curiae brief with the United States Supreme Court in the case of District of Columbia v. Heller, supporting the individual right to keep and bear arms under the Second Amendment to the United States Constitution, was adopted and was before the Senate on final passage.

The question being: "Shall CS FOR SENATE CONCURRENT RESOLUTION NO. 13(RES) Urging the governor to direct the attorney general to file an amicus curiae brief with the United States Supreme Court in the case of District of Columbia v. Heller, supporting the individual right to keep and bear arms under the Second Amendment to the United States Constitution, pass the Senate?" The roll was taken with the following result:

CSSCR 13(RES)

Final Passage

YEAS: 14 NAYS: 0 EXCUSED: 6 ABSENT: 0

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

Excused: Cowdery, Hoffman, Huggins, Therriault, Wagoner, Wilken

and so, CS FOR SENATE CONCURRENT RESOLUTION NO. 13(RES) passed the Senate and was referred to the Secretary for engrossment.

Citations

Senator Ellis moved and asked unanimous consent that the following citations be made a special order of business. Without objection, it was so ordered.

Special Order of Business

Honoring – Carter G. Woodson, 2008 Black History Month

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

In Memoriam – Virginia Rose Hotch

Representative(s) Thomas, Kerttula

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

Senator Ellis 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 Bunde moved and asked unanimous consent to amend a prior excusal (page 1723) in order to be excused from a call of the Senate from April 3 through April 8. Without objection, Senator Bunde was excused.

Senator Thomas moved and asked unanimous consent to amend a prior excusal (page 1664) in order to be excused from a call of the Senate from afternoon plane time, February 22 through evening plane time, February 24. Without objection, Senator Thomas was excused.

HB 37

Senators Thomas, Kookesh, Dyson, Elton, Ellis, McGuire, French, Davis moved and asked unanimous consent to be shown as cross sponsors on HOUSE BILL NO. 37(efd add) "An Act establishing the first Saturday of every March as Susan Butcher Day; and providing for an effective date." Without objection, it was so ordered.

Announcements

HB 317

Senator McGuire, Chair, moved and asked unanimous consent that Uniform Rule 23 be waived on HOUSE BILL NO. 317 "An Act eliminating the limit on compassionate gifts that a legislator or legislative employee may solicit, accept, or receive under the Legislative Ethics Act; and providing for an effective date" for the State Affairs Committee meeting on February 7. Without objection, it was so ordered.

Announcements are at the end of the journal.

Engrossment**SCR 13**

CS FOR SENATE CONCURRENT RESOLUTION NO. 13(RES)
Urging the governor to direct the attorney general to file an amicus curiae brief with the United States Supreme Court in the case of District of Columbia v. Heller, supporting the individual right to keep and bear arms under the Second Amendment to the United States Constitution, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment**SB 139**

HOUSE CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 139(JUD) "An Act modifying the criteria used to limit liability for certain airfield owners or operators" 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 2:09 p.m., February 1, 2008.

Adjournment

Senator Ellis moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., February 4, 2008. Without objection, the Senate adjourned at 11:45 a.m.

Kirsten Waid
Secretary of the Senate

Announcements

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