

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Thursday

February 21, 2008

Thirty-eighth Day

Pursuant to adjournment the Senate was called to order by President Green at 11:04 a.m.

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

The prayer was offered by the Chaplain, Father Michael Spainhoward of St. Nicholas Russian Orthodox Church. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

From Psalm 20 (excerpted from Psalms for Praying
by Nan C. Merrill)

May the One who created you in wholeness meet
your needs when you call!

May the Name of Love be your protection and rise
up in our hearts as a tower of strength!

May all you have given in gratitude and with open
hands be returned to you a hundredfold!

May your heart's desires and all your plans be
fulfilled in due season!

Let us shout for joy as Love triumphs over fear; Let
our thankful hearts sing in loud acclamation to the
Beloved, who answers our heartfelt prayers!

Now I know that Love comes to all who open their
hearts, and dwells therein offering gifts of peace and
harmony.

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 Olson led the Senate in the Pledge of Allegiance.

Certification

Senator Ellis moved and asked unanimous consent that the journal for the thirty-seventh legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

SB 125

Message dated February 21 was read, stating the Speaker appointed the following members to a free conference committee to meet with a like committee from the Senate to consider the following bills:

CS FOR SENATE BILL NO. 125(FIN) "An Act relating to the accounting and payment of contributions under the retirement plans of the Public Employees' Retirement System of Alaska and the Teachers' Retirement System, to calculations of contributions under those retirement plans, and to participation in, and termination of and amendments to participation in, the defined benefit plans of those systems; relating to employer contributions to the health reimbursement arrangement plan; making conforming amendments; and providing for an effective date."

and

HOUSE CS FOR CS FOR SENATE BILL NO. 125(FIN) "An Act relating to the accounting and payment of contributions under the retirement plans of the Public Employees' Retirement System of Alaska and the Teachers' Retirement System, to calculations of contributions under those retirement plans, and to participation in, and termination of and amendments to participation in, the defined benefit plans of those systems; relating to recovery of an award of damages or other recovery by those systems; relating to employer contributions to the health reimbursement arrangement plan; relating to participation in the public employees' defined contribution plan by certain elected officials; making conforming amendments; and providing for an effective date." (Title Change HCR 11)

Representative Chenault, Chair
Representative Hawker
Representative Crawford

Message dated February 20 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions**

HCR 21

HOUSE CONCURRENT RESOLUTION NO. 21 BY REPRESENTATIVES STOLTZE, Samuels, Fairclough, Neuman, Johnson, Wilson, Ramras, Dahlstrom, Lynn, Gruenberg, Holmes, Keller, Buch, Kerttula, Roses,

Supporting the National Crime Victims' Rights Week
of 2008.

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

First Reading and Reference of House Bills

HB 305

CS FOR HOUSE BILL NO. 305(RLS) am BY THE HOUSE RULES COMMITTEE, entitled:

"An Act relating to campaign fund raising during a regular or special legislative session; and providing for an effective date."

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

Standing Committee Reports

SB 232

The State Affairs Committee considered SENATE BILL NO. 232 "An Act authorizing the governor to delegate to the adjutant general the authority to order the organized militia into active state service and authorizing the payment of Alaska National Guard called into active state service to fight wildfires at rates of pay established for certain emergency fire-fighting personnel; and providing for an effective date." Signing do pass: Senator McGuire, Chair; Senators Stevens, Green, Bunde. Signing no recommendation: Senator French.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, indeterminate, Department of Natural Resources

Fiscal Note No. 3, indeterminate, Department of Military and Veterans Affairs

The bill was referred to the Finance Committee.

HB 197

The Judiciary Committee considered HOUSE BILL NO. 197 am "An Act relating to the issuance of shares of professional corporations to a trust, to trusts, to trustees, to the removal of a trustee, to the compensation of a trustee and a person employed by a trustee, to a trustee's accepting or rejecting a trusteeship, to co- trustees, to a vacancy in a trusteeship, to the resignation of a trustee, to delivery of trust property by former trustees, to the reimbursement of trustee expenses, to the certification of a trust, to the suitability of a trustee, to the place of administration of a trust, to a trustee's power to appoint property to another trust, to a change of the percentage of trust property to be considered principal, to the determination of the value

of a trust, and to a settlor's intent when transferring property in trust; amending Rules 54 and 82, Alaska Rules of Civil Procedure; and providing for an effective date." Signing do pass: Senator French, Chair; Senators Wielechowski, Huggins.

The following fiscal information was published today:

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

Fiscal Note No. 4, zero, Department of Law

The bill was referred to the Rules Committee.

Special Committee Reports

SB 125

The following report was received February 21, 2008:

February 20, 2008

Madam President:

Mr. Speaker:

The Conference Committee considering CS FOR SENATE BILL NO. 125(FIN) "An Act relating to the accounting and payment of contributions under the retirement plans of the Public Employees' Retirement System of Alaska and the Teachers' Retirement System, to calculations of contributions under those retirement plans, and to participation in, and termination of and amendments to participation in, the defined benefit plans of those systems; relating to employer contributions to the health reimbursement arrangement plan; making conforming amendments; and providing for an effective date."

and

HOUSE CS FOR CS FOR SENATE BILL NO. 125(FIN) "An Act relating to the accounting and payment of contributions under the retirement plans of the Public Employees' Retirement System of Alaska and the Teachers' Retirement System, to calculations of contributions under those retirement plans, and to participation in, and

termination of and amendments to participation in, the defined benefit plans of those systems; relating to recovery of an award of damages or other recovery by those systems; relating to employer contributions to the health reimbursement arrangement plan; relating to participation in the public employees' defined contribution plan by certain elected officials; making conforming amendments; and providing for an effective date."

has met and failed to reach agreement on the bills, and furthermore feels that an agreement cannot be reached even with limited powers of free conference. Therefore, the Conference Committee on SENATE BILL NO. 125 respectfully requests that this conference committee be discharged and a free conference committee be appointed.

Signing the report: Senators Huggins, Bunde; Representative Meyer, Chair, Representatives Samuels, Kerttula.

A facsimile page dated February 21 was attached with the signature of Senator Hoffman, Chair.

President Green discharged the conference committee and appointed the following members to a free conference committee to meet with the like committee from the House:

Senator Stedman, Chair
Senator Stevens
Senator Wilken

House members appointed February 21 (page 1963).

The Secretary was requested to notify the House.

Unfinished Business

HB 305

President Green added a Judiciary Committee referral to CS FOR HOUSE BILL NO. 305(RLS) am "An Act relating to campaign fund raising during a regular or special legislative session; and providing for an effective date."

The bill was referred to the Judiciary then State Affairs Committees.

SCR 18

Senators Huggins, French moved and asked unanimous consent to be shown as cosponsors on SENATE CONCURRENT RESOLUTION NO. 18 Awarding the Alaska Decoration of Honor to certain members of the military. Without objection, it was so ordered.

SB 290

Senator Olson moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 290 "An Act relating to school construction and major maintenance grant applications; and establishing a single set of priorities and a project funding schedule for school construction and major maintenance grants and bond debt reimbursement funding." Without objection, it was so ordered.

SCR 18

Senator Ellis moved and asked unanimous consent to take up SENATE CONCURRENT RESOLUTION NO. 18 Awarding the Alaska Decoration of Honor to certain members of the military. Without objection, it was so ordered.

SENATE CONCURRENT RESOLUTION NO. 18, which had been held on the Secretary's desk (page 1950) was read the second time and was before the Senate on final passage.

Senator Wielechowski offered Amendment No. 1:

Page 1, line 5:

Delete "for"

Page 3, following line 7:

Insert a new paragraph to read:

"(48) David Q. Douthit;"

Renumber the following paragraphs accordingly.

Senator Wielechowski moved for the adoption of Amendment No. 1. Senator Therriault objected, then withdrew his objection. There being no further objection, Amendment No. 1 was adopted.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 18 am Awarding the Alaska Decoration of Honor to certain members of the military, pass the Senate?" The roll was taken with the following result:

SCR 18 am
Final Passage

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

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

Excused: Cowdery, Hoffman, Kookesh

and so, SENATE CONCURRENT RESOLUTION NO. 18 am passed the Senate and was referred to the Secretary for engrossment.

Senators Ellis, Therriault moved and asked unanimous consent to be excused from a call of the Senate on February 25 to morning plane time. Without objection, Senators Ellis, Therriault were excused.

Announcements

Announcements are at the end of the journal.

Engrossment

SCR 18

SENATE CONCURRENT RESOLUTION NO. 18 am Awarding the Alaska Decoration of Honor to certain members of the military, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Ellis moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., February 25, 2008. Without objection, the Senate adjourned at 11:31 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 21 Thursday Beltz 211 3:30 PM
No Meeting Scheduled

Feb 26 Tuesday Beltz 211 3:30 PM
No Meeting Scheduled

Feb 28 Thursday Beltz 211 3:30 PM
+ SB 254 AK REGIONAL ECONOMIC ASSISTANCE PROGRAM
Bills Previously Heard/Scheduled

FINANCE

Feb 21 Thursday Senate Finance 532 9:00 AM
+ SB 201 PUBLIC FINANCE WEBSITE
+ SB 122 MUNICIPAL PROPERTY TAX EXEMPTION
+ SB 204 MUNI TAX EXEMPTION: COMBAT DEATHS
+ HB 67 MUNICIPAL PROPERTY TAX EXEMPTIONS
+ Bills Previously Heard/Scheduled

Feb 22 Friday Senate Finance 532 9:00 AM
+ SB 230 FILM OFFICE/ FILM PRODUCTION TAX CREDIT
+ SB 249 CAPSTONE AVIONICS FUND/LOANS
+ HB 61 TAX CREDIT FOR CONTRIBUTIONS TO VOC ED
+ HB 226 REPEAL TERMINATION OF STEP PROGRAM
+ Bills Previously Heard/Scheduled

FINANCE (continued)

Feb 25	Monday	Senate Finance 532	9:00 AM
+	SB 223	G.O. BONDS FOR CRIME LAB	
+	SB 224	G.O. BONDS FOR TRANSPORTATION PROJECTS	
+	SB 236	TRANSPORTATION FUND	
+		Bills Previously Heard/Scheduled	
Feb 26	Tuesday	Senate Finance 532	9:00 AM
		No Meeting Scheduled	
Feb 27	Wednesday	Senate Finance 532	9:00 AM
+=	HB 273	EDUCATION FUNDING	
+	HB 321	SALMON PRODUCT DEVELOPMENT TAX CREDIT	
+	SB 216	PURPLE HEART TRAIL	
+		Bills Previously Heard/Scheduled	
Feb 28	Thursday	Senate Finance 532	9:00 AM
+		Bills Previously Heard/Scheduled	
Feb 29	Friday	Senate Finance 532	9:00 AM
+=	HB 13	RETIREMENT SYSTEM LIABILITY/BONDS/CORP.	
+	SB 229	TANANA VALLEY FOREST/MINTO FLATS REFUGE	
+		Bills Previously Heard/Scheduled	

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 21	Thursday	Senate Finance 532	3:00 PM
		-- Location Change --	
		Joint with House HESS and Special Committee on Education	
		Civic Education Taskforce Final Report	
Feb 22	Friday	Butrovich 205	1:30 PM
		Bills Previously Heard/Scheduled	
Feb 25	Monday	Butrovich 205	1:30 PM
+	SB 267	DOCUMENT PRENATAL ALCOHOL EXPOSURE	
+	SB 243	COMMISSION ON AGING	
		Bills Previously Heard/Scheduled	

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Feb 27 Wednesday Butrovich 205 1:30 PM
 Bills Previously Heard/Scheduled

Feb 29 Friday Butrovich 205 1:30 PM
 + SB 191 PUBLIC EDUCATION OF HOMELESS STUDENTS
 Bills Previously Heard/Scheduled

JUDICIARY

Feb 22 Friday Beltz 211 1:30 PM
 -- MEETING CANCELED --
 + SB 234 CRIMINAL LAW/PROCEDURE: OMNIBUS BILL
 + Bills Previously Heard/Scheduled

Feb 25 Monday Beltz 211 1:30 PM
 + Presentation: Tony Palmer, TransCanada
 Withdrawn Partners Liability Issues
 -- Testimony <Invitation Only> --

Feb 27 Wednesday Beltz 211 1:30 PM
 + SB 185 SEX OFFENDER/CHILD KIDNAPPER REGISTRATION
 + SB 202 PROHIBIT STATE SPENDING FOR REAL ID ACT
 + SB 273 CRUELTY TO ANIMALS
 + Bills Previously Heard/Scheduled

Feb 29 Friday Beltz 211 1:30 PM
 += SB 234 CRIMINAL LAW/PROCEDURE: OMNIBUS BILL
 + SB 164 USED MOTOR VEHICLE SALES
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Feb 21 Thursday Beltz 211 1:30 PM
 + HB 196 HANDLING MATTERS AFTER A PERSON'S DEATH
 + HJR 16 OPPOSING MILK TAX
 Bills Previously Heard/Scheduled
 += SB 153 PEACE OFFICERS/FIRE FIGHTER RETIREMENT
 += SB 209 EXTEND ALASKA COMMISSION ON AGING

LABOR & COMMERCE (continued)

Feb 23	Saturday	Beltz 211	1:30 PM
	-- MEETING CANCELED --		
	Bills Previously Heard/Scheduled		
Feb 26	Tuesday	Beltz 211	1:30 PM
+ SB 160	MANDATORY UNIVERSAL HEALTH CARE		
	Bills Previously Heard/Scheduled		
+ SB 149	REDISTRIBUTION OF USED EYEGLASSES		
Feb 28	Thursday	Beltz 211	1:30 PM
+ SB 113	NURSING MOTHERS IN WORKPLACE		
+ SB 258	PAID SICK LEAVE		
	Bills Previously Heard/Scheduled		
+ SB 160	MANDATORY UNIVERSAL HEALTH CARE		
Mar 01	Saturday	Beltz 211	1:30 PM
+	Bills Previously Heard/Scheduled		

RESOURCES

Feb 22	Friday	Butrovich 205	3:30 PM
	-- MEETING CANCELED --		
+	Bills Previously Heard/Scheduled		
Feb 25	Monday	Butrovich 205	3:30 PM
+	Presentation: AGIA Applicant		
	Alaska Natural Gas Development Authority		
+	Bills Previously Heard/Scheduled		
+ HB 315	EXTEND BIG GAME COMMERCIAL SERVICES BOARD		
	-- Testimony <Invitation Only> --		
Feb 27	Wednesday	Butrovich 205	3:30 PM
+ SB 214	HUNTING BY MEMBERS OF THE MILITARY		
+	Bills Previously Heard/Scheduled		
+ SB 246	SUSITNA HYDRO WORKING GROUP; REPORT		
	-- Testimony <Invitation Only> --		

RESOURCES (continued)

Feb 29 Friday Butrovich 205 3:30 PM
 + Presentation: Process & Requirements for
 Large Mine Permit Applications in Alaska
 + Bills Previously Heard/Scheduled

Mar 01 Saturday Butrovich 205 11:00 AM
 + SJR 17 OFFSHORE OIL & GAS REVENUE
 -- Testimony <Time Limit May Be Set> --
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Feb 21 Thursday Beltz 211 9:00 AM
 + SB 232 NAT'L GUARD: COMMAND/ACTIVE SERVICE/PAY
 + HB 15 BOARD OF FISHERIES CONFLICTS OF INTEREST
 + HB 260 STATE OFFICERS COMPENSATION COMMISSION
 + Bills Previously Heard/Scheduled

Feb 26 Tuesday Beltz 211 9:00 AM
 += HB 260 STATE OFFICERS COMPENSATION COMMISSION
 + SB 181 ANATOMICAL GIFTS
 + SJR 12 CRUISE SHIP PORT TIMES: JONES ACT
 + Bills Previously Heard/Scheduled

Feb 28 Thursday Beltz 211 9:00 AM
 + SB 218 CHILD SAFETY SEATS & SEAT BELTS
 + SB 276 STATE CONSTRUCT'N PROJECT LABOR AGREEMENT
 + SB 208 SEX OFFENSES: 'WITHOUT CONSENT' DEFINED
 + Bills Previously Heard/Scheduled

TRANSPORTATION

Feb 21 Thursday Butrovich 205 1:00 PM
 -- MEETING CANCELED --
 + SB 265 SEX OFFENDERS, KIDNAPPERS DRIVERS LICENSE
 + Bills Previously Heard/Scheduled

TRANSPORTATION (continued)

Feb 26	Tuesday	Butrovich 205	1:00 PM
+	Financial Oversight Hearing on the Juneau Road Project		

Feb 28	Thursday	Butrovich 205	1:00 PM
+= SB 190	MINORS TRAVELING ALONE BY AIR		
+= SB 189	APPROP.: BRIDGES, SERVICE ROADS, TRAILS		
+= SB 265	SEX OFFENDERS, KIDNAPPERS DRIVERS LICENSE		
+	Bills Previously Heard/Scheduled		

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Mar 10	Monday	Senate Finance 532	4:00 PM
+	-- MEETING CANCELED -- Budget Close-out		

Mar 11	Tuesday	Senate Finance 532	3:30 PM
+	Budget Close-out		

EDUCATION & EARLY DEVELOPMENT

Feb 29	Friday	Butrovich 205	8:00 AM
	FY09 Budget Overview		

Mar 07	Friday	Butrovich 205	8:00 AM
	-- MEETING CANCELED -- FY09 Budget Overview		

Mar 12	Wednesday	Butrovich 205	12:00 PM
	FY09 Budget Overview		

FISH & GAME

Feb 25	Monday	Senate Finance 532	3:00 PM
	Fish & Game Budget Meeting		

FINANCE SUBCOMMITTEES (continued)**GOVERNOR**

Mar 12	Wednesday Close-out Meeting	Senate Finance 532	3:00 PM
---------------	---------------------------------------	---------------------------	----------------

HEALTH & SOCIAL SERVICES

Feb 28 +	Thursday Department Budget - Questions & Answers -- Testimony <Invitation Only> --	Fahrenkamp 203	8:00 AM
--------------------	---	-----------------------	----------------

Mar 06 +	Thursday Department Budget Close-out -- Testimony <Invitation Only> --	Senate Finance 532	12:30 PM
--------------------	---	---------------------------	-----------------

LAW

Feb 26	Tuesday Budget Detail	Fahrenkamp 203	1:30 PM
---------------	---------------------------------	-----------------------	----------------

Mar 04	Tuesday Budget Detail	Fahrenkamp 203	1:30 PM
---------------	---------------------------------	-----------------------	----------------

Mar 11	Tuesday Close-out	Fahrenkamp 203	1:30 PM
---------------	-----------------------------	-----------------------	----------------

LEGISLATURE

Mar 12	Wednesday Close-out Meeting	Senate Finance 532	3:30 PM
---------------	---------------------------------------	---------------------------	----------------

MILITARY AND VETERANS AFFAIRS

Feb 29	Friday FY09 Budget Close-out	Fahrenkamp 203	12:30 PM
---------------	--	-----------------------	-----------------

FINANCE SUBCOMMITTEES (continued)**MILITARY AND VETERANS AFFAIRS (continued)**

Mar 05	Wednesday	Fahrenkamp 203	1:00 PM
	-- MEETING CANCELED --		
	FY09 DMVA Budget Close-out		

NATURAL RESOURCES

Feb 26	Tuesday	Fahrenkamp 203	4:00 PM
	FY09 Budget Overview		

Mar 04	Tuesday	Fahrenkamp 203	4:00 PM
	-- MEETING CANCELED --		
	FY09 Budget Close-out		

Mar 11	Tuesday	Fahrenkamp 203	4:00 PM
	FY09 Budget Overview		

PUBLIC SAFETY

Mar 04	Tuesday	Fahrenkamp 203	8:00 AM
+	Department Budget Close-out		
	-- Testimony <Invitation Only> --		

REVENUE

Feb 21	Thursday	Fahrenkamp 203	1:30 PM
	Budget Overview: Department of Revenue		

Feb 28	Thursday	Fahrenkamp 203	1:30 PM
	Budget Detail		

Mar 06	Thursday	Fahrenkamp 203	1:30 PM
	Budget Detail		

Mar 13	Thursday	Fahrenkamp 203	1:30 PM
	Close-out		

FINANCE SUBCOMMITTEES (continued)**UNIVERSITY OF ALASKA**

Feb 21	Thursday	Senate Finance 532	7:30 AM
	Budget Overview: University of Alaska		

SPECIAL COMMITTEES**SPECIAL COMMITTEE ON EDUCATION**

Feb 22	Friday	Butrovich 205	8:00 AM
	No Meeting Scheduled		

Feb 23	Saturday	Butrovich 205	10:00 AM
	No Meeting Scheduled		

Feb 27	Wednesday	Butrovich 205	8:00 AM
+ SB 285	STATE INTERVENTION IN SCHOOL DISTRICT		
	Bills Previously Heard/Scheduled		

Feb 29	Friday	Butrovich 205	8:00 AM
+	Bills Previously Heard/Scheduled		

Mar 01	Saturday	Butrovich 205	10:00 AM
+	Bills Previously Heard/Scheduled		

Mar 08	Saturday	Butrovich 205	1:30 PM
+	Workshop on Charter Schools		

CONFERENCE COMMITTEES**CONFERENCE COMMITTEE ON SB 59**

Feb 29	Friday	Beltz 211	9:30 AM
SB 59	GAMING: BROADCASTING/CABBAGE CLASSICS		

OTHER MEETINGS**JOINT LEGISLATIVE HEALTH CAUCUS**

Mar 05	Wednesday Maximizing Access Measuring Success: Improving Health Indicators	Butrovich 205	12:00 PM
Mar 19	Wednesday -- MEETING CANCELED -- Measuring Success: Improving Health Indicators	Butrovich 205	12:00 PM
Apr 02	Wednesday High Quality, Low Cost -----	Butrovich 205	12:00 PM

JOINT SESSION

Mar 18	Tuesday -- Date Change -- Annual Address by the Honorable Lisa Murkowski, U.S. Senator	House Chamber	11:00 AM
---------------	--	----------------------	-----------------