

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Tuesday

April 8, 2008

Eighty-fifth Day

Pursuant to adjournment the Senate was called to order by President Green at 12:28 p.m.

The roll showed nineteen members present. Senator Bunde was excused from a call of the Senate.

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

Heavenly Father,

We thank you for this opportunity where we can gather in a warm place, a place that is governed by laws. Especially this morning we thank you for the opportunities and the resources you put within our state. Let us be wise stewards of them.

Lord, as the latest revelation has been made to us this morning, we pray that we, as representatives of the people, will make decisions based on what is best for us in the long run – those generations that are to come after us. Watch over us now; may the mantle of blessing be placed on each of the Senators here and on the staff, who are so influential.

In your precious name,

Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

HB 233

Message dated April 7 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 233(L&C), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO.
233(L&C) "An Act relating to giving notice of
unclaimed net margin distributions made by electric
and telephone cooperatives."

Messages dated April 7 and 8 were read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HCR 28

HOUSE CONCURRENT RESOLUTION NO. 28 BY THE HOUSE
JUDICIARY COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning Senate Bill No. 211, relating to an
aggravating factor at sentencing for crimes directed at
a victim because of the victim's homelessness.

was read the first time and held on the Secretary's desk.

First Reading and Reference of House Bills**HB 257**

CS FOR HOUSE BILL NO. 257(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act directing the Department of Natural Resources to administer and supervise promotional and marketing work for aquatic farm products; relating to fisheries enhancement loans; and providing for an effective date."

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

HB 314

CS FOR HOUSE BILL NO. 314(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act providing for and relating to the issuance of general obligation bonds for the purpose of paying the cost of state transportation projects; and providing for an effective date."

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

HB 366

HOUSE BILL NO. 366 am BY REPRESENTATIVES CRAWFORD, Gardner, Gruenberg, Kerttula, Doll, Lynn, entitled:

"An Act relating to an exemption from public disclosure of certain appropriations from the dividend fund; relating to execution upon permanent fund dividends by civilian process servers using electronic procedures; amending Rule 89, Alaska Rules of Civil Procedure; and providing for an effective date."

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

Concur Messages**SB 211**

Message dated April 7 was read, stating the House passed and returned for consideration SENATE BILL NO. 211 "An Act relating to an aggravating factor at sentencing for crimes directed at a victim because of the victim's homelessness" with the following amendment:

HOUSE CS FOR SENATE BILL NO. 211(JUD)
"An Act relating to an aggravating factor at
sentencing concerning the knowledge of the
defendant regarding the vulnerability or incapability
of resistance of the victim due to homelessness."
(Title change HCR 28)

Senator Ellis moved that the Senate concur in the House amendment.

The question being: "Shall the Senate concur in the House amendment?" The roll was taken with the following result:

HCS SB 211(JUD)
Shall the Senate Concur in the
House Amendment to SB 211?

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

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

Excused: Bunde

Absent: French, Stedman

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR SENATE BILL NO. 211(JUD) "An Act relating to an aggravating factor at sentencing concerning the knowledge of the defendant regarding the vulnerability or incapability of resistance of the victim due to homelessness."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

HCR 28

Senator Ellis moved to take up HOUSE CONCURRENT RESOLUTION NO. 28, which had been held on the Secretary's desk (page 2710). Without objection, the resolution was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 28 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 211, relating to an aggravating factor at sentencing for crimes directed at a victim because of the victim's homelessness, pass the Senate?" The roll was taken with the following result:

HCR 28

Final Passage

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Bunde

and so, HOUSE CONCURRENT RESOLUTION NO. 28 passed the Senate, was signed by the President and Secretary and returned to the House.

Standing Committee Reports

Report dated April 8 was read, stating:

In accordance with AS 39.05.080, the State Affairs Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration:

State Commission for Human Rights

Mark S. Fish

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

Signing the report: Senator McGuire, Chair; Senators Stevens, French.

Reports dated April 8 were read, stating:

In accordance with AS 39.05.080, the State Affairs Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

State Commission for Human Rights

Grace Merkes

Robert B. Sawyer, Jr.

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

Signing the reports: Senator McGuire, Chair; Senators Stevens, French, Green.

SB 8

The Finance Committee considered SENATE BILL NO. 8 "An Act relating to a mental health patient's right to choose the gender of hospital staff providing intimate care to the mental health patient and to the duties of hospital staff in caring for patients receiving mental health treatment" and recommended it be replaced with

CS FOR SENATE BILL NO. 8(FIN)

Signing no recommendation: Senators Hoffman, Stedman, Cochairs; Senator Olson. Signing do pass: Senators Elton, Thomas, Dyson.

The following fiscal information was published today:

Fiscal Note No. 3, zero, Department of Corrections

Fiscal Note No. 4, zero, Department of Health and Social Services

The bill was referred to the Rules Committee.

SB 212

The Finance Committee considered SENATE BILL NO. 212 "An Act relating to eligibility requirements for medical assistance for certain children and pregnant women; and providing for an effective date."

Signing no recommendation: Senators Hoffman, Stedman, Cochairs; Senator Olson. Signing do pass: Senators Elton, Thomas. Signing amend: Senator Dyson.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Health and Social Services

Fiscal Note No. 2, Department of Health and Social Services

Fiscal Note No. 3, Department of Health and Social Services

The bill was referred to the Rules Committee.

HB 25

The Judiciary Committee considered HOUSE BILL NO. 25 "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" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 25(JUD) "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; relating to public recreational use easements to allow use of land for recreational activity and prohibiting fees for recording those easements; and providing for an effective date."

(Title change SCR 27)

and further recommended the adoption of the following Judiciary Letter of Intent:

Letter of Intent

It is the intent of the legislature that the public be provided with this sample language for drafting an easement to the public.

A public recreational easement under AS 34.17.100 may be in a form substantially similar to the following:

The grantor, (here insert the name or names and place of residence), grants a public recreational use easement to the public under AS.37.14.100 in the following described real estate (here insert description), located in the State of Alaska, for the purpose of making the described real estate available to the public for recreational use. Dated this ____ day of ___, 20__.

A public recreational use easement under AS 34.17.100 may include other terms relating to the easement, including terms of restriction, condition, reservation, duration, or termination of the easement.

A deed substantially in the form set above, where otherwise legally executed and recorded, is considered sufficient to create a public recreational use easement to the public at large under AS 37.14.100.

Signing do pass: Senator French, Chair; Senators Wielechowski, Huggins, McGuire.

The following fiscal information was published today:

Fiscal Note No. 2, zero, Department of Administration

The bill was referred to the Rules Committee.

HB 166

The Finance Committee considered CS FOR HOUSE BILL NO. 166(FIN) "An Act relating to contributions from permanent fund dividends to community foundations, to certain educational organizations, and to certain other charitable organizations; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 166(FIN) "An Act relating to contributions from permanent fund dividends to community foundations, to certain educational organizations, and to certain other charitable organizations; relating to the execution upon permanent fund dividends; amending Rule 89, Alaska Rules of Civil Procedure; and providing for an effective date."
(Title change SCR 29)

Signing no recommendation: Senators Hoffman, Stedman, Cochairs; Senator Olson. Signing do pass: Senators Elton, Thomas, Dyson.

The following fiscal information was published today:
Fiscal Note No. 3, Department of Revenue

The bill was referred to the Rules Committee.

HB 196

The Judiciary Committee considered CS FOR HOUSE BILL NO. 196(JUD) "An Act relating to the handling of matters after a person's death" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 196(JUD) "An Act relating to the handling of matters after a person's death, to the Uniform Anatomical Gift Act, to anatomical gifts, to donations to the anatomical gift awareness fund, to a registry of anatomical gifts, and to organizations that handle the procurement, distribution, or storage of all or a part of an individual's body."
(Title change SCR 28)

Signing no recommendation: Senator French, Chair. Signing do pass: Senators Therriault, Huggins, McGuire.

The following fiscal information was published today:
Fiscal Note No. 7, zero, Alaska Court System

The following previously published fiscal information applies:

Fiscal Note No. 5, zero, Department of Law

Fiscal Note No. 6, zero, Department of Health and Social Services

The bill was referred to the Rules Committee.

HB 305

The Judiciary Committee considered 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" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
305(JUD)

Signing do pass: Senator French, Chair; Senator McGuire. Signing no recommendation: Senators Therriault, Huggins.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the State Affairs Committee.

HB 331

The Judiciary Committee considered CS FOR HOUSE BILL NO. 331(L&C) "An Act relating to motor vehicle insurance, license suspensions, and notices relating to motor vehicles and notices relating to driver's licenses." Signing do pass: Senator French, Chair. Signing no recommendation: Senators Therriault, Huggins, McGuire.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Rules Committee.

HB 332

The Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 332(FIN)(title am) "An Act defining an elementary school to include certain pre-elementary programs and

relating to counting pre-elementary students in a school's average daily membership." Signing do pass: Senator Davis, Chair; Senator Elton. Signing no recommendation: Senators Dyson, Cowdery.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Education and Early Development

The bill was referred to the Finance Committee.

HB 354

The Judiciary Committee considered CS FOR HOUSE BILL NO. 354(JUD) "An Act relating to adoptions, to subsidies for a hard-to-place child, to criminal sanctions for unlawful disclosure of confidential information pertaining to a child, to child support orders in child-in-need-of-aid and delinquency proceedings, and to civil actions on behalf of children in need of aid who are injured or die while in state custody; and providing for an effective date." Signing do pass: Senator French, Chair; Senators Therriault, Wielechowski, Huggins.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, zero, Department of Administration

Fiscal Note No. 3, zero, Department of Health and Social Services

Fiscal Note No. 4, zero, Department of Law

The bill was referred to the Rules Committee.

HB 414

The State Affairs Committee considered HOUSE BILL NO. 414 "An Act relating to the crime victim compensation fund." Signing do pass: Senator McGuire, Chair; Senators French, Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the Rules Committee.

HJR 28

The Judiciary Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 28(FIN) Proposing amendments to the Constitution of the State of Alaska relating to the budget reserve fund, and to appropriations to and transfers from the fund; and dedicating a portion of the petroleum production tax to the fund. Signing no recommendation: Senator French, Chair; Senator Therriault. Signing do pass: Senators Huggins, McGuire.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, Office of the Governor

Fiscal Note No. 4, Department of Revenue

Fiscal Note No. 5, Department of Revenue

The resolution was referred to the Finance Committee.

HJR 40

The State Affairs Committee considered HOUSE JOINT RESOLUTION NO. 40 am Relating to defending the state from electromagnetic pulse attacks. Signing do pass: Senator McGuire, Chair; Senators French, Green. Signing no recommendation: Senator Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Rules Committee

The resolution was referred to the Rules Committee.

**Introduction and Reference of
Senate Resolutions****SCR 27**

SENATE CONCURRENT RESOLUTION NO. 27 BY THE
SENATE JUDICIARY COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 25, 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.

was read the first time and held on the Secretary's desk.

SCR 28

SENATE CONCURRENT RESOLUTION NO. 28 BY THE
SENATE JUDICIARY COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 196, relating to the
handling of matters after a person's death.

was read the first time and held on the Secretary's desk.

SCR 29

SENATE CONCURRENT RESOLUTION NO. 29 BY THE
SENATE FINANCE COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 166, relating to
contributions from permanent fund dividends to
community foundations, to certain educational
organizations, and to certain other charitable
organizations.

was read the first time and held on the Secretary's desk.

Consideration of the Calendar**Second Reading of Senate Bills****SB 231**

SENATE BILL NO. 231 "An Act relating to the Alaska housing trust
fund and to the Alaska Council on the Homeless; and providing for an
effective date" was read the second time.

Senator Davis, Chair, moved and asked unanimous consent for the adoption of the Health, Education and Social Services Committee Substitute offered on page 1786. Without objection, CS FOR SENATE BILL NO. 231(HES) was adopted.

Senator Ellis 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. 231(HES) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 231(HES) "An Act relating to the Alaska housing trust fund and to the Alaska Council on the Homeless; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 231(HES)

Third Reading - Final Passage

Effective Date

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Bunde

and so, CS FOR SENATE BILL NO. 231(HES) passed the Senate.

Senator Ellis 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.

Second Reading of House Bills

HB 165

HOUSE BILL NO. 165 "An Act relating to providing field accommodations for big game hunters" was read the second time.

Senator Stevens, Chair, moved and asked unanimous consent for the adoption of the Rules Senate Committee Substitute offered on page 2693. Without objection, SENATE CS FOR HOUSE BILL NO. 165(RLS) "An Act relating to discipline of big game hunting guides and transporters and to providing field accommodations for big game hunters" (Title Change SCR 26) was adopted.

Senator Ellis 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 HOUSE BILL NO. 165(RLS) was read the third time.

The question being: "Shall SENATE CS FOR HOUSE BILL NO. 165(RLS) "An Act relating to discipline of big game hunting guides and transporters and to providing field accommodations for big game hunters" pass the Senate?" The roll was taken with the following result:

SCS HB 165(RLS)

Third Reading - Final Passage

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Bunde

and so, SENATE CS FOR HOUSE BILL NO. 165(RLS) passed the Senate and was referred to the Secretary for engrossment.

SCR 26

Senator Ellis moved to take up SENATE CONCURRENT RESOLUTION NO. 26, which had been held on the Secretary's desk (page 2694). Without objection, the resolution was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 26 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 165, relating to providing field accommodations for big game hunters, pass the Senate?" The roll was taken with the following result:

SCR 26

Final Passage

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Bunde

and so, SENATE CONCURRENT RESOLUTION NO. 26 passed the Senate and was referred to the Secretary for engrossment.

Recess

Senator Ellis moved and asked unanimous consent that the Senate stand in recess to 1:30 p.m. Without objection, the Senate recessed at 12:59 p.m.

After Recess

The Senate reconvened at 1:56 p.m.

The presence of Senator Bunde was noted.

SCR 21

Senator Ellis moved and asked unanimous consent the reconsideration on SENATE CONCURRENT RESOLUTION NO. 21 Establishing the Cook Inlet Salmon Task Force as a joint legislative task force, be held to the bottom of the calendar. Without objection, it was so ordered.

Second Reading of House Bills**HB 357**

CS FOR HOUSE BILL NO. 357(L&C) "An Act requiring errors and omissions insurance for real estate licensees; renaming the real estate surety fund as the real estate recovery fund and relating to that fund, and redefining the procedures and criteria used by the Real Estate Commission to make an award from the fund to a person suffering a loss caused by certain misconduct of real estate licensees; requiring a real estate licensee to maintain an office in the state; and providing for an effective date" was read the second time.

Senator Ellis moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 357(L&C) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 357(L&C) "An Act requiring errors and omissions insurance for real estate licensees; renaming the real estate surety fund as the real estate recovery fund and relating to that fund, and redefining the procedures and criteria used by the Real Estate Commission to make an award from the fund to a person suffering a loss caused by certain misconduct of real estate licensees; requiring a real estate licensee to maintain an office in the state; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 357(L&C)

Third Reading - Final Passage

Effective Dates

YEAS: 18 NAYS: 0 EXCUSED: 0 ABSENT: 2

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

Absent: Hoffman, Stedman

and so, CS FOR HOUSE BILL NO. 357(L&C) passed the Senate.

Senator Ellis 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 signed by the President and Secretary and returned to the House.

HB 379

HOUSE BILL NO. 379 "An Act relating to educational requirements for licensure as a certified public accountant" was read the second time.

Senator Ellis moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE BILL NO. 379 was read the third time.

The question being: "Shall HOUSE BILL NO. 379 "An Act relating to educational requirements for licensure as a certified public accountant" pass the Senate?" The roll was taken with the following result:

HB 379

Third Reading - Final Passage

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

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

Nays: Wilken

Absent: Hoffman, Stedman

and so, HOUSE BILL NO. 379 passed the Senate.

Senator Therriault gave notice of reconsideration.

Third Reading of Senate Bills**SB 226**

SENATE BILL NO. 226 was read the third time.

The question being: "Shall SENATE BILL NO. 226 "An Act relating to litigation brought by a vexatious litigant; amending Rules 3, 4, 12, and 41, Alaska Rules of Civil Procedure; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 226

Third Reading - Final Passage

Effective Date Court Rules

YEAS: 18 NAYS: 0 EXCUSED: 0 ABSENT: 2

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

Absent: Hoffman, Stedman

and so, SENATE BILL NO. 226 passed the Senate.

Senator Ellis 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 Ellis moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the Court Rule changes. Without objection, it was so ordered.

Senator Elton gave notice of reconsideration.

House Bills in Third Reading

HB 149

CS FOR HOUSE BILL NO. 149(RES) was before the Senate in third reading.

The question being: "Shall CS FOR HOUSE BILL NO. 149(RES) "An Act relating to the authority of the Department of Environmental Conservation to require certain monitoring, sampling, and reporting and to require permits for certain discharges of pollutants; relating to criminal penalties for violations of the permit program; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 149(RES)

Third Reading - Final Passage

Effective Date

YEAS: 15 NAYS: 3 EXCUSED: 0 ABSENT: 2

Yeas: Bunde, Cowdery, Davis, Dyson, Green, Huggins, Kookesh, McGuire, Olson, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Nays: Ellis, Elton, French

Absent: Hoffman, Stedman

and so, CS FOR HOUSE BILL NO. 149(RES) passed the Senate.

Senator Ellis 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 McGuire gave notice of reconsideration (page 2730).

Citations

Honoring – Alaska Forest Association

Representative(s) Johansen

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

Honoring – Chugiak Girls Flag Football 2007 Cook Inlet Conference Champions

Representative(s) Stoltze, Fairclough, Dahlstrom

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

In Memoriam – Sarah Wellington

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

Representative(s) Thomas

In Memoriam – Melvin Allen Gamble Kaa.ooshti

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

Representative(s) Thomas

In Memoriam – Kelly Nausid

Representative(s) Johansen

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

In Memoriam – Wilma Ione Tibbles

Representative(s) Johansen

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

In Memoriam – Helen Ruth Finney

Representative(s) Johansen, Thomas

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

In Memoriam – C.L. "Chuck" Cloudy

Representative(s) Johansen, Thomas

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

In Memoriam – Delores "Dolly" Whaley

Representative(s) Stoltze, Fairclough, Dahlstrom

Senator(s) Huggins, Dyson, Green, Bunde, Cowdery, Davis, Ellis, Elton, Hoffman, Kookesh, 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.

Reconsideration of House Bills**HB 149**

Senator McGuire gave notice of reconsideration on CS FOR HOUSE BILL NO. 149(RES) "An Act relating to the authority of the Department of Environmental Conservation to require certain monitoring, sampling, and reporting and to require permits for certain discharges of pollutants; relating to criminal penalties for violations of the permit program; and providing for an effective date" and moved and asked unanimous consent that it be taken up at this time.

Senator Elton objected.

The question being: "Shall the reconsideration be taken up the same day?" The roll was taken with the following result:

CSHB 149(RES)

Take up Reconsideration Same Day?

YEAS: 14 NAYS: 4 EXCUSED: 0 ABSENT: 2

Yeas: Bunde, Cowdery, Davis, Dyson, Green, Huggins, Kookesh, McGuire, Olson, Stevens, Therriault, Wagoner, Wielechowski, Wilken

Nays: Ellis, Elton, French, Thomas

Absent: Hoffman, Stedman

and so, CS FOR HOUSE BILL NO. 149(RES) was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR HOUSE BILL NO. 149(RES) "An Act relating to the authority of the Department of Environmental Conservation to require certain monitoring, sampling, and reporting and to require permits for certain discharges of pollutants; relating to criminal penalties for violations of the permit program; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 149(RES)

Third Reading - On Reconsideration

Effective Date

YEAS: 15 NAYS: 3 EXCUSED: 0 ABSENT: 2

Yeas: Bunde, Cowdery, Davis, Dyson, Green, Huggins, Kookesh, McGuire, Olson, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Nays: Ellis, Elton, French

Absent: Hoffman, Stedman

and so, CS FOR HOUSE BILL NO. 149(RES) passed the Senate on reconsideration.

Senator Ellis moved and asked unanimous consent that the vote on reconsideration be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

Recess

Senator Ellis moved and asked unanimous consent that the Senate stand in recess to 2:50 p.m. Without objection, the Senate recessed at 2:23 p.m.

After Recess

The Senate reconvened at 3:56 p.m.

Unfinished Business

SCR 21

Senator Ellis moved and asked unanimous consent that the time for reconsideration on SENATE CONCURRENT RESOLUTION NO. 21 Establishing the Cook Inlet Salmon Task Force as a joint legislative task force, be extended to April 9. Without objection, it was so ordered.

Senator Huggins moved and asked unanimous consent to be excused from a call of the Senate from June 4 through June 8; and from June 20 through June 30. Without objection, Senator Huggins was excused.

Senator Kookesh moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, May 29 through evening plane time, May 31. Without objection, Senator Kookesh was excused.

Announcements

Announcements are at the end of the journal.

Rule 23(d) of the Alaska State Legislature Uniform Rules is currently in effect.

Engrossment

SB 231

CS FOR SENATE BILL NO. 231(HES) "An Act relating to the Alaska housing trust fund and to the Alaska Council on the Homeless; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HB 165

SENATE CS FOR HOUSE BILL NO. 165(RLS) "An Act relating to discipline of big game hunting guides and transporters and to providing field accommodations for big game hunters" was engrossed, signed by the President and Secretary and returned to the House for consideration.

SCR 26

SENATE CONCURRENT RESOLUTION NO. 26 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 165, relating to providing field accommodations for big game hunters, 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 10:45 a.m., April 9, 2008. Without objection, the Senate adjourned at 3:58 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

FINANCE

Apr 08 Tuesday Senate Finance 532 9:00 AM

- + SB 212 MEDICAL ASSISTANCE ELIGIBILITY
- + SB 8 MENTAL HEALTH PATIENT RIGHTS:STAFF GENDER
- + HB 2 VOCATIONAL EDUC ACCOUNT
- + HB 147 TOURISM CONTRACT: STATE FUNDS AND MATCH
- + HB 166 CONTRIBUTIONS FROM PERM. FUND DIVIDENDS
- + HB 289 EMPLOYMENT TAX EXEMPTION: SPILL RESPONSE
- + HB 307 ASSAULTS: REPEAT OFFENDERS
- + HB 406 CONTRACTS FOR PREPARATION OF BALLOTS
- + Bills Previously Heard/Scheduled

Apr 08 Tuesday Senate Finance 532 4:00 PM

- Immediately Following Session --
- + Bills Previously Heard/Scheduled
- + HB 289 EMPLOYMENT TAX EXEMPTION: SPILL RESPONSE
- + HB 307 ASSAULTS: REPEAT OFFENDERS
- + HB 406 CONTRACTS FOR PREPARATION OF BALLOTS

Apr 09 Wednesday Senate Finance 532 9:00 AM

- + HB 152 ESTABLISH RENEWABLE ENERGY FUND/ACCOUNT
- + HB 252 LEAVE FOR ORGAN/BONE MARROW DONATIONS
- + HB 294 MARINE TRANSPORTATION: BOARD & DIVISION
- + HB 296 EXTENDING BOARD OF PAROLE
- + HB 334 EXTENDING COUNCIL ON DOMESTIC VIOLENCE
- + HB 359 PROBATION AND MINOR CONSUMING
- + HB 400 MITIGATING FACTOR: CARE FOR DRUG OVERDOSE
- + HB 413 EXTENDING THE REAL ESTATE COMMISSION
- + HB 417 NONUNION PUBLIC EMPLOYEE SALARY & BENEFIT
- + HB 419 STATE LEASE-PURCHASE AGREEMENTS
- + HCR 13 EDUCATION FUNDING/COST FACTOR COMMISSION
- + Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 09 Wednesday Senate Finance 532 1:30 PM
 + Bills Previously Heard/Scheduled

JUDICIARY

Apr 09 Wednesday Beltz 211 1:30 PM
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 08 Tuesday Beltz 211 4:00 PM
 -- Immediately Following Session --
 + HB 383 DENTIST LICENSE EXAM EXCEPTION
 Bills Previously Heard/Scheduled
 + HB 297 PRACTICE OF VETERINARY MEDICINE
 + HJR 24 OPPOSING FEDERAL INSURANCE REGULATION

RESOURCES

Apr 09 Wednesday Butrovich 205 3:30 PM
 + Bills Previously Heard/Scheduled
 -- Testimony <Time Limit May Be Set> --

STATE AFFAIRS

Apr 08 Tuesday Beltz 211 9:00 AM
 -- Recessed to 4/09/08 --
 Confirmation Hearing:
 State Commission for Human Rights
 + HB 305 CAMPAIGN FUND RAISING DURING SESSIONS
 + HB 414 CRIME VICTIM COMPENSATION FUND
 + HB 368 ETHICS: LEGISLATIVE & GOV/LT GOV
 + HJR 40 ELECTROMAGNETIC PULSE ATTACK DEFENSE
 + Bills Previously Heard/Scheduled

STATE AFFAIRS (continued)

Apr 09 Wednesday Beltz 211 9:00 AM
 -- Rescheduled from 04/08/08 --
 += HB 368 ETHICS: LEGISLATIVE & GOV/LT GOV
 += HB 305 CAMPAIGN FUND RAISING DURING SESSIONS
 + HB 366 PFD: EXECUTION /DISCLOSURE OF APPROPS
 + Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 08 Tuesday Butrovich 205 1:00 PM
 -- MEETING CANCELED --
 Bills Previously Heard/Scheduled

Apr 10 Thursday Butrovich 205 1:00 PM
 No Meeting Scheduled

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Apr 08 Tuesday House Finance 519 5:00 PM
 -- MEETING CANCELED --
 Audit Requests
 Other Committee Business

LEGISLATIVE COUNCIL

Apr 10 Thursday Capitol 106 5:00 PM
 Sanctioning of a Charitable Event:
 Kenai River Classic
 Travel & Moving Policy Update Approval
 Alaska Statute Publication Contract
 RFP for Anchorage Office Space
 2008 Technology Refresh Approval

CONFERENCE COMMITTEES**CONFERENCE COMMITTEE ON HB 310 & HB 312**

Apr 09 Wednesday Senate Finance 532 4:00 PM
= HB 310 APPROP: OPERATING BUDGET/LOANS/FUNDS
= HB 312 APPROP: MENTAL HEALTH BUDGET

Apr 10 Thursday Senate Finance 532 4:00 PM
= HB 310 APPROP: OPERATING BUDGET/LOANS/FUNDS
= HB 312 APPROP: MENTAL HEALTH BUDGET