

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Friday

March 18, 2005

Sixty-eighth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:12 a.m.

The roll showed eighteen members present. Senators Kookesh, Therriault were excused from a call of the Senate.

The prayer was offered by the Chaplain, President Garth Hamblin of the Church of Jesus Christ of Latter Day Saints. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Our Father in heaven, we pause this morning, in lives that are full of responsibility and consideration of weighty issues, to express our thanks for our blessings, to express thanks for the freedoms we enjoy in this great country, for the beauty and bounty of life that we enjoy as citizens of the state of Alaska.

In consideration of these blessings, we're also mindful of those that struggle, that face challenges, those leaders of nations who must consider the commotion and perplexities that face them. We pray that Thou would bless them and help them. Bless the leaders of our county. We pray for those that are elected and serve faithfully here that Thou would bless them with wisdom and insight. We're mindful of those that face challenges, those that face issues of even life and death. We pray that Thou would grant wisdom and blessings to all of us.

We again express our thanks for what we have and pray that Thou would help us to be grateful. We pray for these things in the name of Jesus Christ. Amen.

Senator Stedman led the Senate in the Pledge of Allegiance.

Certification

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

Introduction of Chamber Staff

Senator Elton introduced Senate Page Kristyn Johnson of Juneau.

Messages from the Governor

A Declaration of Disaster emergency to cover continued fire suppression costs for fiscal year 2005, dated March 16, 2005, with an accompanying letter was received. The declaration and letter had been copied to the Finance Committee Cochairs.

Messages from the House

HB 115

Message dated March 17 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 115(TRA), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 115(FIN) "An Act relating to charges paid or collected by users or occupants of an airport facility owned or controlled by the state; and providing for an effective date."

SCR 3

Message dated March 17 was read, stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 3
Authorizing a recess by the Senate and the House of
Representatives for a period of more than three days,
those days being March 25, 26, 27, and 28 of 2005.

The resolution was referred to the Secretary for enrollment.

Messages dated March 16 and March 17 were read, stating the House
passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 81

CS FOR HOUSE BILL NO. 81(L&C) BY THE HOUSE LABOR
AND COMMERCE COMMITTEE, entitled:

"An Act establishing an administrative fine and
procedure for construction contractors in certain
circumstances; increasing the amount of a civil
penalty for persons acting in the capacity of
contractors or home inspectors; modifying the
elements of a crime involving contractor registration
and residential contractors; modifying the exemptions
from regulation under AS 08.18 for contractors; and
exempting the administrative hearings for imposing
an administrative fine on construction contractors
from the hearings conducted by the office of
administrative hearings in the Department of
Administration."

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

HB 97

CS FOR HOUSE BILL NO. 97(FIN) BY THE HOUSE FINANCE
COMMITTEE, entitled:

"An Act relating to the authority to take oaths,
affirmations, and acknowledgments in the state, to
notarizations, to verifications, to acknowledgments,

to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date."

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

Concur Messages

SB 98

Message received and dated 11:12 a.m., March 18 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 98(FIN) am "An Act making supplemental appropriations, capital appropriations, and other appropriations; amending appropriations; making appropriations to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO. 98(FIN) am H

President Stevens stated the message will be held on the Secretary's desk.

Communications

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

Alaska Court System Travel for Justices, Judges, and Magistrates & Affidavit Information 2004
Alaska Court System 2004 Time-to-Disposition Reports:
Volumes 1 - 6
from Stephanie Cole, Administrative Director, Alaska Court System
in accordance with AS 22.20.310

Standing Committee Reports**SB 24**

The Health, Education and Social Services Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 24 "An Act relating to reemployment of and benefits for retired teachers and public employees and to teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; repealing secs. 5, 7, and 9, ch. 58, SLA 2001; providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and repealing sec. 13, ch. 58, SLA 2001, which is the delayed effective date for secs. 5, 7, and 9, ch. 58, SLA 2001; and providing for an effective date" and recommended it be replaced with

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 24(HES) "An Act relating to reemployment of and benefits for retired teachers and public employees and to teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; repealing secs. 5, 7, and 9, ch. 58, SLA 2001; providing for an effective date by amending sec. 15, ch. 57, SLA 2001, which is the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and repealing sec. 13, ch. 58, SLA 2001, which is the delayed effective date for secs. 5, 7, and 9, ch. 58, SLA 2001; and providing for an effective date."

Signing no recommendation: Senator Dyson, Chair; Senators Wilken, Olson. Signing do pass: Senator Elton. Signing amend: Senator Green.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the State Affairs Committee.

SB 102

The Community and Regional Affairs Committee considered SENATE BILL NO. 102 "An Act relating to district coastal management programs; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 102(CRA) "An Act relating to an extension for review and approval of revisions to the Alaska coastal management program; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003; and providing for an effective date."

Signing no recommendation: Senator Gary Stevens, Chair; Senators Wagoner, Stedman. Signing do pass: Senator Ellis.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Natural Resources

Fiscal Note No. 2, zero, Department of Commerce, Community, and Economic Development

Fiscal Note No. 3, zero, Department of Fish and Game

Fiscal Note No. 4, zero, Department of Environmental Conservation

President Stevens added a Finance Committee referral to the bill.

The bill was referred to the Resources, then Finance Committees.

SB 112

The Community and Regional Affairs Committee considered SENATE BILL NO. 112 "An Act imposing a tax on residents of regional educational attendance areas; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 112(CRA) "An Act imposing a tax on residents of regional educational attendance areas and relating to permanent fund dividend applications; and providing for an effective date."

Signing no recommendation: Senator Gary Stevens, Chair; Senators Stedman, Ellis. Signing do pass: Senator Wagoner.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

The bill was referred to the Finance Committee.

SB 124

The Labor and Commerce Committee considered SENATE BILL NO. 124 "An Act relating to requirements to obtain and maintain a fisheries business license; relating to security required of fish processors and primary fish buyers; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 124(L&C)

Signing do pass: Senator Bunde, Chair; Senators Davis, Seekins.
Signing no recommendation: Senator Ellis.

The following previously published fiscal information applies:

- Fiscal Note No. 1, Department of Revenue
- Fiscal Note No. 2, zero, Department of Commerce, Community, and Economic Development
- Fiscal Note No. 3, zero, Department of Fish and Game
- Fiscal Note No. 4, zero, Department of Labor and Workforce Development
- Fiscal Note No. 5, zero, Department of Labor and Workforce Development

The bill was referred to the Finance Committee.

HB 102

The Labor and Commerce Committee considered HOUSE BILL NO. 102 am "An Act relating to the licensure of foreign medical graduates and to applications for a license to practice medicine; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senator Seekins. Signing no recommendation: Senator Ellis.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Commerce, Community, and Economic Development

The bill was referred to the Finance Committee.

Introduction and Reference of Senate Bills**SB 146**

SENATE BILL NO. 146 BY SENATORS SEEKINS, Therriault, entitled:

"An Act relating to indemnity agreements between public entities in the state."

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

SB 147

SENATE BILL NO. 147 BY SENATOR SEEKINS, entitled:

"An Act providing for a sport fishing facility surcharge on sport fishing licenses; providing for the construction and renovation of state sport fishing facilities and for other projects beneficial to the sport fish resources of the state as a public enterprise; and authorizing the issuance of revenue bonds to finance those projects."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 63**

SENATE BILL NO. 63 "An Act relating to road signs encouraging the use of safety belts" was read the second time.

Senator Gary 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 BILL NO. 63 was read the third time.

Senators Bunde, Stedman, Wilken, Cowdery, Guess, Gary Stevens, Davis, French, Huggins, Dyson, Wagoner, Seekins, Elton, Olson, Green, Hoffman moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall SENATE BILL NO. 63 "An Act relating to road signs encouraging the use of safety belts" pass the Senate?" The roll was taken with the following result:

SB 63

Third Reading - Final Passage

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

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Huggins, Olson, Seekins, Stedman, Stevens B, Stevens G, Wagoner, Wilken

Excused: Kookesh, Therriault

and so, SENATE BILL NO. 63 passed the Senate and was referred to the Secretary for engrossment.

Second Reading of House Bills

HB 1

CS FOR HOUSE BILL NO. 1(HES) "An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date" was read the second time.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 599. Objections were heard.

Senator Green moved and asked unanimous consent to withdraw her motion. Without objection, it was so ordered.

President Stevens stated CS FOR HOUSE BILL NO. 1(HES) will be held in second reading to the March 21 calendar. Without objection, it was so ordered.

Citations

Honoring – Ruby Dunlap, 100th Birthday Celebration
Senator(s) Davis, Ben Stevens, Bunde, Cowdery, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

Honoring – Kenai Firefighter Association
Representative(s) Olson, Chenault
Senator(s) Wagoner, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wilken

Honoring – Thomas Boedeker
Representative(s) Olson
Senator(s) Wagoner, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wilken

In Memoriam – Arthur “Art” Jackson
Senator(s) Davis, Ben Stevens, Bunde, Cowdery, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

Senator Gary 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

Senators French, Ellis moved and asked unanimous consent to be excused from a call of the Senate on March 21, to morning plane time. Without objection, Senators French, Ellis were excused.

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate on March 24. Without objection, Senator Hoffman was excused.

SB 105

The reconsideration on CS FOR SENATE BILL NO. 105(L&C) "An Act relating to the retrospective application and applicability of the overtime compensation exemption for flight crew members; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 63**

SENATE BILL NO. 63 "An Act relating to road signs encouraging the use of safety belts" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 105

CS FOR SENATE BILL NO. 105(L&C) "An Act relating to the retrospective application and applicability of the overtime compensation exemption for flight crew members; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment**SCR 2**

SENATE CONCURRENT RESOLUTION NO. 2 Proclaiming 2005 as Rotary International Year, 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 10:45 a.m., March 17, 2005.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 21, 2005. Without objection, the Senate adjourned at 11:40 a.m.

Kirsten Waid
Secretary of the Senate

March 2005

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 18	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		
Mar 21	Monday	Beltz 211	1:30 PM
+ SB 128	BOROUGH INCORPORATION Bills Previously Heard/Scheduled		
Mar 23	Wednesday	Beltz 211	1:30 PM
	Bills Previously Heard/Scheduled		
Mar 25	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		

FINANCE

Mar 18	Friday	Senate Finance 532	9:00 AM
+ SB 46	APPROP: CAPITAL BUDGET Agency Order To Be Announced -- Testimony <Invitation Only> -- Bills Previously Heard/Scheduled		
Mar 21	Monday	Senate Finance 532	9:00 AM
+ SB 141	PUBLIC EMPLOYEE/TEACHER RETIREMENT -- Public Testimony on Above Bill -- Bills Previously Heard/Scheduled		
Mar 22	Tuesday	Senate Finance 532	9:00 AM
+ SB 141	PUBLIC EMPLOYEE/TEACHER RETIREMENT -- Invited Testimony on Above Bill -- Bills Previously Heard/Scheduled		

FINANCE (continued)

Mar 23 **Wednesday** **Senate Finance 532** **9:00 AM**
 += SB 46 APPROP: CAPITAL BUDGET
 Natural Resources, Public Safety, Revenue
 + Bills Previously Heard/Scheduled

Mar 24 **Thursday** **Senate Finance 532** **9:00 AM**
 No Meeting Scheduled

Mar 25 **Friday** **Senate Finance 532** **9:00 AM**
 No Meeting Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 18 **Friday** **Butrovich 205** **1:30 PM**
 No Meeting Scheduled

Mar 21 **Monday** **Butrovich 205** **1:30 PM**
 + SB 74 CRIMES INVOLVING MARIJUANA/OTHER DRUGS

Mar 23 **Wednesday** **Butrovich 205** **2:00 PM**
 -- Time Change --
 += SB 74 CRIMES INVOLVING MARIJUANA/OTHER DRUGS
 + Bills Previously Heard/Scheduled

Mar 25 **Friday** **Butrovich 205** **1:30 PM**
 No Meeting Scheduled

JUDICIARY

Mar 22 **Tuesday** **Butrovich 205** **8:30 AM**
 + SB 70 CRIMES INVOLVING CONTROLLED SUBSTANCES
 + Bills Previously Heard/Scheduled

Mar 23 **Wednesday** **Butrovich 205** **8:30 AM**
 + SB 126 AQUATIC FARMING
 + SB 129 WRONGFUL FILING OF LIS PENDENS
 + Bills Previously Heard/Scheduled

Mar 24 **Thursday** **Butrovich 205** **8:30 AM**
 + SJR 12 URGE CONFIRM US SUPREME COURT NOMINEES
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 22 Tuesday Beltz 211 1:30 PM

- + SB 137 EVICTING INSTITUTIONAL PROPERTY USERS
- + SB 140 BAN INTERNET SPYWARE
Bills Previously Heard/Scheduled
- += SB 130 WORKERS' COMPENSATION

Mar 24 Thursday Beltz 211 1:30 PM

- += SB 2 LIEN REQUIREMENTS
Bills Previously Heard/Scheduled

RESOURCES

Mar 18 Friday Butrovich 205 3:30 PM

- + SB 50 OIL SEVERANCE TAX
-- Testimony <Invitation Only> --

Mar 21 Monday Butrovich 205 3:30 PM

- + SB 85 OFF-ROAD VEHICLE USE ON DALTON HIGHWAY
- + SB 144 EMISSION CONTROL PROGRAM PERMITS/REGS

Mar 23 Wednesday Butrovich 205 3:30 PM

- Bills Previously Heard/Scheduled
- += SB 113 GULF OF ALASKA GROUND FISH FISHERY
-- Testimony <Invitation Only> --

Mar 25 Friday Butrovich 205 3:30 PM

No Meeting Scheduled

STATE AFFAIRS

Mar 22 Tuesday Beltz 211 3:30 PM

- += SJR 8 CONST. AM: PERMANENT FUND P.O.M.V.
- + SJR 14 REPEAL FEDERAL ESTATE TAX
- + SB 24 REEMPLOYMENT OF RETIREES
- + SB 143 STATE INFO SYSTEM PLAN: LEGISLATURE
- + HB 90 STATE TREASURY WARRANTS
- + HB 97 OATHS; NOTARIES PUBLIC; STATE SEAL
Bills Previously Heard/Scheduled

Mar 24 Thursday Beltz 211 3:30 PM

No Meeting Scheduled

TRANSPORTATION

Mar 22 Tuesday Butrovich 205 1:30 PM
 + SB 16 POWERS/DUTIES DOTPF/TRANSPORTATION PLAN
 + SB 133 AVIATION ADVISORY BOARD
 Bills Previously Heard/Scheduled

Mar 24 Thursday Butrovich 205 1:30 PM
 No Meeting Scheduled

Apr 05 Tuesday Butrovich 205 1:30 PM
 + Joint w/(H) Transportation
 Port of Tacoma - Briefing
 Federal Aviation Administration
 Weather Camera Program - Briefing

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Mar 30 Wednesday House Finance 519 5:00 PM
 + Executive Session
 Other Committee Business
 -- Testimony <Invitation Only> --

OTHER MEETINGS**CHILDREN'S CAUCUS**

Mar 22 Tuesday Butrovich 205 12:00 PM
 + Boys and Girls Clubs of Alaska

JOINT SESSION

Mar 30 Wednesday House Chamber 11:00 AM
 Address by U.S. Senator Lisa Murkowski