

**SENATE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-FOURTH LEGISLATURE**  
**FIRST SESSION**

**Juneau, Alaska**

**Tuesday**

**March 22, 2005**

**Seventy-second Day**

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

The roll showed seventeen members present. Senators Green, Guess, Therriault were absent.

The prayer was offered by the Chaplain, Martha Murray of the Juneau Unitarian Universalist Fellowship. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

The prayer of our souls is a petition for persistence;  
not for the one good deed, or single thought, but deed  
on deed, and thought on thought, until day calling  
unto day shall make a life worth living.  
(W.E.B. Du Bois)

Senator Olson led the Senate in the Pledge of Allegiance.

**Certification**

Senator Gary Stevens moved and asked unanimous consent that the journal for the seventy-first legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

The presence of Senators Green, Guess, Therriault was noted.

**Messages from the Governor**

Letter dated March 21 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**

Carla J. Bassler - Anchorage

Appointed: 3/14/2005      Term Expires: 3/1/2009

Kenneth L. Mayer - Kenai

Appointed: 3/14/2005      Term Expires: 3/1/2009

Christy Morse - Anchorage

Appointed: 3/14/2005      Term Expires: 3/1/2009

**State Board of Registration for Architects, Engineers, & Land Surveyors**

Richard C. Heieren - Fairbanks

Appointed: 3/9/2005      Term Expires: 3/1/2009

Harley H. Hightower - Anchorage

Appointed: 3/9/2005      Term Expires: 3/1/2009

Mark G. Morris - Juneau

Appointed: 3/9/2005      Term Expires: 3/1/2009

**Board of Barbers and Hairdressers**

Alice B. Massie - Wasilla

Appointed: 2/14/2005      Term Expires: 3/1/2006

**Labor Relations Agency**

Gary A. Atwood - Fairbanks

Appointed: 3/9/2005      Term Expires: 3/1/2007

Aaron T. Isaacs, Jr. - Klawock

Appointed: 1/18/2002      Reappointed: 3/9/2005

Term Expires: 3/1/2008

Colleen E. Scanlon - Ketchikan  
Appointed: 4/28/2003 Reappointed: 3/9/2005  
Term Expires: 3/1/2008

The appointments were referred to the Labor and Commerce Committee.

**Board of Governors of the Alaska Bar**

Joseph N. Faulhaber - Fairbanks  
Appointed: 7/29/2003 Reappointed: 3/9/2005  
Term Expires: 3/1/2008

The appointment was referred to the Judiciary Committee.

**Board of Nursing**

Terri S. Olson - Anchorage  
Appointed: 3/9/2005 Term Expires: 3/1/2009

**Professional Teaching Practices Commission**

Bonnie C. Gaborik - North Pole  
Appointed: 3/9/2005 Term Expires: 3/1/2006

**Board of Psychologist and Psychological Associate Examiners**

Camille O. Carlson - Fairbanks  
Appointed: 3/9/2005 Term Expires: 3/1/2008

Destiny Sargeant - Juneau  
Appointed: 3/9/2005 Term Expires: 3/1/2008

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

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

**Messages from the House**

**SB 42**

Message dated March 21 was read, stating the House passed and returned:

SENATE BILL NO. 42 "An Act extending the reporting date for and the termination date of the Task Force on Naturopathic Scope of Practice; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

**SB 98**

Message dated March 21 was read, stating the House has failed to recede from its amendments to CS FOR SENATE BILL NO. 98(FIN) am, namely:

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

The Speaker has appointed the following members to a Conference Committee to meet with the like committee from the Senate to consider the bills:

Representative Chenault, Chair  
Representative Meyer  
Representative Croft

Senate members appointed March 21:

Senator Wilken, Chair  
Senator Green  
Senator Hoffman

Message dated March 21 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 155**

CS FOR HOUSE BILL NO. 155(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to funding for youth courts; and relating to separately accounting for fines imposed on and collected from defendants."

was read the first time and referred to the Judiciary and Finance Committees.

**Communications**

The following reports, dated March 9, from the Commissioner of the Department of Administration were received in accordance with AS 23.40.215:

Amended monetary terms for the collective bargaining agreement reached with the Inlandboatman's Union of the Pacific

Monetary terms for the collective bargaining agreement reached with the Public Safety Employees Association representing regularly commissioned public safety officers

Monetary terms for the collective bargaining agreement reached with the Masters, Mates and Pilots

Monetary terms for the collective bargaining agreement reached with the Marine Engineers' Beneficial Association

President Stevens referred the reports to the Finance Committee.

**Standing Committee Reports****SB 128**

The Community and Regional Affairs Committee considered SENATE BILL NO. 128 "An Act relating to consideration by the Local Boundary Commission of a requested borough incorporation."

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

The following fiscal information was published today:

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

The bill was referred to the Judiciary Committee.

**SB 144**

The Resources Committee considered SENATE BILL NO. 144 "An Act relating to regulations, definitions, and permits under the emission control permit program; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 144(RES)

Signing do pass: Senator Wagoner, Chair; Senators Dyson, Ben Stevens, Stedman, Seekins. Signing no recommendation: Senator Guess.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Environmental  
Conservation

The bill was referred to the Finance Committee.

**SJR 10**

The Judiciary Committee considered SENATE JOINT RESOLUTION NO. 10 Supporting the federal marriage amendment. Signing do pass: Senator Seekins, Chair; Senators Therriault, Huggins. Signing no recommendation: Senators French, Guess.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Office of the Governor

The resolution was referred to the Rules Committee.

**Special Committee Reports****SB 98**

March 22, 2005

Mr. President:

Mr. Speaker:

The Conference Committee considering CS FOR SENATE BILL NO. 98(FIN) am and HOUSE CS FOR CS FOR SENATE BILL NO. 98(FIN) am H "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" respectfully requests limited powers of free conference on the following specific points:

Section 2(a) - "The sum of \$6,450,000 is appropriated from the general fund to the Department of Commerce, Community, and Economic Development, division of community advocacy, for grants from the small municipality energy assistance program, for the fiscal year ending June 30, 2005, to the following cities and boroughs in the amounts stated. The grant awarded to each city or borough must be first used to repay any indebtedness of the city or borough to the bulk fuel revolving loan fund (AS 42.45.250). The amount of a grant remaining after repayment of any indebtedness of the city or borough to the bulk fuel revolving loan fund may be used by the city or borough for the purchase of fuel, utilities or insurance. The amount of the grant awarded to a city or borough is based upon 2003 population, with cities and boroughs with up to 99 residents receiving \$22,395.83, cities and boroughs with 100 - 600 residents receiving \$44,791.67, and cities and boroughs with 601 - 2,499 residents receiving approximately \$67,187."

Signing the report: Senator Wilken, Chair, Senators Green, Hoffman; Representatives Chenault, Meyer, Croft.

President Stevens granted the Senate members limited powers of free conference as requested.

The Secretary was requested to notify the House.

### **Consideration of the Calendar**

#### **Second Reading of Senate Bills**

##### **SB 51**

SENATE BILL NO. 51 "An Act relating to contracts for the provision of state public assistance to certain recipients in the state; providing for regional public assistance plans and programs in the state; relating to grants for Alaska Native family assistance programs; relating to assignment of child support by Alaska Native family assistance recipients; relating to paternity determinations and genetic testing involving recipients of assistance under Alaska Native family assistance programs; 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 Committee Substitute offered on page 434. Without objection, CS FOR SENATE BILL NO. 51(FIN) was adopted.

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.

CS FOR SENATE BILL NO. 51(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 51(FIN) "An Act relating to contracts for the provision of state public assistance to certain recipients in the state; providing for regional public assistance plans and programs in the state; relating to grants for Alaska Native family assistance programs; relating to assignment of child support by



Alaska Native family assistance recipients; relating to paternity determinations and genetic testing involving recipients of assistance under Alaska Native family assistance programs; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 51(FIN)

Third Reading - Final Passage

Effective Date

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

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

and so, CS FOR SENATE BILL NO. 51(FIN) passed the Senate.

Senator Gary Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

### **Reconsideration of House Bills**

#### **HB 1**

Senator Wilken requested that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 1(FIN) be taken up. The bill was before the Senate on reconsideration.

Senator Wilken moved and asked unanimous consent to be shown as a cross sponsor on the bill. Without objection, it was so ordered.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 1(FIN) "An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 1(FIN)

Third Reading - On Reconsideration

**YEAS: 12 NAYS: 8 EXCUSED: 0 ABSENT: 0**

Yeas: Bunde, Cowdery, Dyson, Green, Huggins, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Davis, Ellis, Elton, French, Guess, Hoffman, Kookesh, Olson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 1(FIN) passed the Senate on reconsideration.

Senator Gary Stevens moved for the adoption of the effective date clauses.

The question being: "Shall the effective date clauses be adopted?" The roll was taken with the following result:

SCS CSHB 1(FIN)

Effective Date Clauses

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

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

and so, the effective date clauses were adopted and the bill was referred to the Secretary for engrossment.

### **Announcements**

Announcements are at the end of the journal.

### **Engrossment**

#### **SB 51**

CS FOR SENATE BILL NO. 51(FIN) "An Act relating to contracts for the provision of state public assistance to certain recipients in the state; providing for regional public assistance plans and programs in

the state; relating to grants for Alaska Native family assistance programs; relating to assignment of child support by Alaska Native family assistance recipients; relating to paternity determinations and genetic testing involving recipients of assistance under Alaska Native family assistance programs; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**HB 1**

SENATE CS FOR CS FOR HOUSE BILL NO. 1(FIN) "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 engrossed, signed by the President and Secretary and returned to the House for consideration.

**Adjournment**

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 23, 2005. Without objection, the Senate adjourned at 12:05 p.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**

<b>Mar 23</b>	<b>Wednesday</b>	<b>Beltz 211</b>	<b>1:30 PM</b>
	-- Meeting Canceled --		
	Bills Previously Heard/Scheduled		
<b>Mar 25</b>	<b>Friday</b>	<b>Beltz 211</b>	<b>1:30 PM</b>
	No Meeting Scheduled		

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**FINANCE**

<b>Mar 22</b>	<b>Tuesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
+ SB 141	PUBLIC EMPLOYEE/TEACHER RETIREMENT		
	-- Invited Testimony on Above Bill --		
+	Bills Previously Heard/Scheduled		
<b>Mar 23</b>	<b>Wednesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
+ SB 46	APPROP: CAPITAL BUDGET		
	Natural Resources, Public Safety, Revenue		
+	Bills Previously Heard/Scheduled		
<b>Mar 24</b>	<b>Thursday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
	No Meeting Scheduled		
<b>Mar 25</b>	<b>Friday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
	No Meeting Scheduled		

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Mar 23      Wednesday                      Butrovich 205              1:30 PM**

-- Time Changed from 2 pm to 1:30 pm --

+ SB 74    CRIMES INVOLVING MARIJUANA/OTHER DRUGS  
+            Bills Previously Heard/Scheduled

**Mar 25      Friday                                  Butrovich 205              1:30 PM**

No Meeting Scheduled

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**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

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**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  
              Including But Not Limited to:  
= SB 130   WORKERS' COMPENSATION  
= SB 140   BAN INTERNET SPYWARE

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**RESOURCES**

**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

**Mar 30      Wednesday                      Senate Finance 532              2:30 PM**  
 Joint w/(H) Resources  
 Nenana Basin Gas & Oil Project  
 <Please Note Time & Location>

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**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

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**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

**TRANSPORTATION (continued)**

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

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**JOINT COMMITTEES****CONFERENCE COMMITTEE FOR SB 98**

<b>Mar 22</b>	<b>Tuesday</b>	<b>Senate Finance 532</b>	<b>8:30 AM</b>
SB 98	FAST TRACK SUPPLEMENTAL APPROPs/CBRF		

  

<b>Mar 22</b>	<b>Tuesday</b>	<b>Senate Finance 532</b>	<b>12:15 PM</b>
SB 98	FAST TRACK SUPPLEMENTAL APPROPs/CBRF		

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**LEGISLATIVE BUDGET & AUDIT**

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

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**OTHER MEETINGS****CHILDREN'S CAUCUS**

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

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**JOINT LEGISLATIVE HEALTH CAUCUS**

<b>Mar 23</b>	<b>Wednesday</b>	<b>Butrovich 205</b>	<b>12:00 PM</b>
	"911: It's Your Life! "Inner Workings of Emergency Medical Services		

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**JOINT SESSION**

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