

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Monday

April 4, 2005

Eighty-fifth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:15 a.m.

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

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

Our Heavenly Father, this morning as we gather together to do the people's business, we ask for wisdom and guidance to prevail.

Lord, we think about the people that are out there, throughout the world, who are in far worse conditions than we are. Lord, we think about those people that are mourning the passing of the Pope and remember the influence he's had throughout the globe. Lord, we pray for those people that are hurting in other parts of the world, either from oppressive political systems or from disasters related to nature. Watch over us Lord.

May wisdom prevail, and may we have our spiritual compasses oriented towards You.

In Your Name.

Amen.

Senator Elton led the Senate in the Pledge of Allegiance.

Certification

Senator Gary Stevens moved and asked unanimous consent that the journals for the eighty-second through eighty-fourth legislative days, Senate Journal Supplement No. 2, and House and Senate Joint Journal Supplement No. 6 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor**HB 158**

Message dated and received April 1 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE BILL NO. 158 "An Act relating to the public school account and renaming the public school account as the public education fund; and providing for an effective date."

Chapter 4, SLA 2005
Effective Date: 04/02/2005

HB 115

Message dated and received April 1 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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."

Chapter 5, SLA 2005
Effective Date: 04/02/2005

Messages from the House

Message dated April 1 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 116**

CS FOR HOUSE BILL NO. 116(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to the liability of certain persons for certain violations of alcoholic beverages laws."

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

HB 127

CS FOR HOUSE BILL NO. 127(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to service in the peace corps and members of the United States Olympic Team as allowable absences from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

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

Standing Committee Reports**SB 74**

The Health, Education and Social Services Committee considered SENATE BILL NO. 74 "An Act making findings relating to marijuana use and possession; relating to marijuana and misconduct involving a controlled substance; and providing an effective date." Signing do pass: Senator Dyson, Chair; Senator Wilken. Signing do not pass: Senator Elton. Signing no recommendation: Senator Olson.

The following fiscal information was published today:

Fiscal Note No. 5, indeterminate, Alaska Court System

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Public Safety

Fiscal Note No. 2, Department of Administration

Fiscal Note No. 3, zero, Department of Law

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

The bill was referred to the Judiciary Committee.

SB 93

The Finance Committee considered SENATE BILL NO. 93 "An Act relating to commercial fishing permit and vessel license fees; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 93(FIN)

Signing do pass: Senators Wilken, Green, Cochairs; Senators Bunde, Stedman. Signing no recommendation: Senators Hoffman, Olson.

The following fiscal information was published today:

Fiscal Note No. 2, Department of Fish and Game

The bill was referred to the Rules Committee.

SB 117

The Judiciary Committee considered SENATE BILL NO. 117 "An Act relating to the admissibility into evidence of the prior recorded statement of a crime victim less than 16 years of age; and adding Rule 413, Alaska Rules of Evidence, and amending Rules 402 and 403, Alaska Rules of Evidence" and recommended it be replaced with

CS FOR SENATE BILL NO. 117(JUD) "An Act relating to the admissibility into evidence of the prior recorded statement of a crime victim less than 16 years of age; and amending Rule 801, Alaska Rules of Evidence."

Signing do pass: Senator Seekins, Chair; Senators Guess, Therriault, Huggins.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, zero, Alaska Court System

Fiscal Note No. 3, zero, Department of Law

Fiscal Note No. 4, zero, Department of Public Safety

The bill was referred to the Finance Committee.

SB 130

Forthcoming fiscal notes (page 755) for the Labor and Commerce Committee Substitute for SENATE BILL NO. 130 "An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; establishing a Workers' Compensation Appeals Commission; providing for workers' compensation hearing officers in workers' compensation proceedings; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or

without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; relating to the second injury fund; making conforming amendments; providing for a study and report by the medical services review committee; and providing for an effective date" were published today:

Fiscal Note No. 5, zero, Alaska Court System

Fiscal Note No. 6, Department of Labor and Workforce
Development

Introduction and Reference of Senate Bills

SB 161

SENATE BILL NO. 161 BY THE SENATE STATE AFFAIRS
COMMITTEE, entitled:

"An Act relating to a borough sales tax exemption for
a source that is taxed by a city in that borough."

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

Consideration of the Calendar

Second Reading of Senate Resolutions

SJR 10

SENATE JOINT RESOLUTION NO. 10 Supporting the federal
marriage amendment, was read the second time.

President Stevens stated SENATE JOINT RESOLUTION NO. 10 will
be on the April 6 calendar.

SJR 12

SENATE JOINT RESOLUTION NO. 12 Requesting the United States Senate to move quickly to confirm all nominations by President George W. Bush to the United States Supreme Court, was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 706. Without objection, CS FOR SENATE JOINT RESOLUTION NO. 12(JUD) Requesting the United States Senate to move quickly to a majority floor vote of the United States Senate on all nominations by President George W. Bush to the United States Supreme Court, was adopted.

President Stevens stated CS FOR SENATE JOINT RESOLUTION NO. 12(JUD) will be on the April 6 calendar.

Citations

Honoring – The Borealis Bullseyes Junior Olympic Rifle Team

Representative(s) Meyer

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

Honoring – Alaskan Athletes of the 2005 Special Olympics World Winter Games

Representative(s) Lynn

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

Honoring – Dr. Peter Wilkniss, Polar Scientist

Representative(s) Berkowitz

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

Honoring – Bill Stockwell

Representative(s) Gara

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

In Memoriam – George Alan Pikus

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

Representative(s) LeDoux

In Memoriam – Elva R. Scott

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

In Memoriam – W.I. “Bob” Palmer

Representative(s) Weyhrauch, Kerttula

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

In Memoriam – Harold Oluf Fossum

Representative(s) Weyhrauch, Kerttula

Senator(s) Elton, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, 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.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 5, 2005. Without objection, the Senate adjourned at 11:37 a.m.

Kirsten Waid
Secretary of the Senate

April 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**Apr 04 Monday Beltz 211 1:30 PM**

+ = HB 108 WATER & SEWER UTILITIES OF POLIT. SUBDIV.

+ = SB 114 SERVICE AREAS IN SECOND CLASS BOROUGHES

Bills Previously Heard/Scheduled

+ = SB 86 STATE/MUNI LIABILITY FOR ATTORNEY FEES

Apr 06 Wednesday Beltz 211 1:30 PM

+ SB 158 MUNI TAX ON STATE CONSTRUCTION CONTRACTS

+ Bills Previously Heard/Scheduled

Apr 08 Friday Beltz 211 1:30 PM

Bills Previously Heard/Scheduled

FINANCE**Apr 04 Monday Senate Finance 532 9:00 AM**

+ = SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT

+ = SB 93 FISHING PERMIT AND VESSEL LICENSE FEES

+ SB 155 APPROP: SCHOOLS/UNIV/VIROLOGY LAB/MUSEUM

+ SB 112 TAX ON REAA RESIDENTS

+ Bills Previously Heard/Scheduled

Apr 05 Tuesday Senate Finance 532 9:00 AM

+ = SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT

+ = SB 100 ENHANCED 911 SURCHARGES

+ SB 88 POLICY ON GENERAL FUND REVENUE SHORTFALL

+ SB 151 DECOUPLING FROM FED TAX DEDUCTION

+ SB 70 CRIMES INVOLVING CONTROLLED SUBSTANCES

+ Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 06 Wednesday Senate Finance 532 9:00 AM

- + HCR 2 IN-STATE NATURAL GAS NEEDS
- + SB 144 EMISSION CONTROL PROGRAM PERMITS/REGS
- + SB 110 POLLUTION DISCHARGE & WASTE TRMT/DISPOSAL
- + SB 103 OIL & GAS: REG. OF UNDERGROUND INJECTION
- + Bills Previously Heard/Scheduled

Apr 07 Thursday Senate Finance 532 9:00 AM

- + SB 46 APPROP: CAPITAL BUDGET
- Revenue, Courts, DEC, DOT/PF
- + Bills Previously Heard/Scheduled

Apr 08 Friday Senate Finance 532 9:00 AM

- + SB 71 NONUNION PUBLIC EMPLOYEE SALARY & BENEFIT
- + SB 130 WORKERS' COMPENSATION
- <Pending Referral>
- + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 04 Monday Butrovich 205 1:30 PM

- + HB 85 PRESCRIBED MEDICATION FOR STUDENTS
- + SB 10 PARENTAL LIABILITY FOR CHILD'S DAMAGE
- + Bills Previously Heard/Scheduled

Apr 06 Wednesday Butrovich 205 1:30 PM

- + SB 125 LICENSING MEDICAL OR CARE FACILITIES
- + SB 150 ALASKA CHILDREN'S TRUST FUND GRANTS
- + Bills Previously Heard/Scheduled

Apr 08 Friday Butrovich 205 1:30 PM

No Meeting Scheduled

JUDICIARY

Apr 04 Monday Butrovich 205 8:30 AM

- + SB 117 RECORDED STATEMENTS OF CHILD VICTIMS
- + SB 20 OFFENSES AGAINST UNBORN CHILDREN

JUDICIARY (continued)

Apr 05 Tuesday Butrovich 205 8:30 AM
 + SB 130 WORKERS' COMPENSATION
 + SB 137 EVICTING INSTITUTIONAL PROPERTY USERS
 + Bills Previously Heard/Scheduled

Apr 06 Wednesday Butrovich 205 8:30 AM
 + SB 128 BOROUGH INCORPORATION
 + SB 135 ASSAULT & CUSTODIAL INTERFERENCE
 + Bills Previously Heard/Scheduled

Apr 07 Thursday Butrovich 205 8:30 AM
 + SB 140 BAN INTERNET SPYWARE
 + SB 132 HUMAN RIGHTS COMMISSION
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 05 Tuesday Beltz 211 1:30 PM
 + SB 160 STATE PROCUREMENT ELECTRONIC TOOLS
 + Senate Bill:
 ENTEND BOARD OF OPTICIANS
 <Pending Introduction & Referral>
 Bills Previously Heard/Scheduled
 Including But Not Limited to:
 += SB 139 EXTENSIONS OF OCCUPATIONAL BDS/AGENCIES
 += SJR 11 REPEAL TELECOMMUNICATIONS TAX
 += SB 142 REGIONAL SCHOOL BD LAND/BLDG OWNERSHIP

Apr 07 Thursday Beltz 211 1:30 PM
 + SB 145 LOANS FOR COMMERCIAL FISHING TENDERS
 + HB 81 CONTRACTOR LICENSE ENFORCEMENT
 + Bills Previously Heard/Scheduled
 Including But Not Limited to:
 += SB 108 INSURANCE
 += SB 131 WAGE & HOUR ACT: EXEC/PROF/ADMIN/SALES

RESOURCES

Apr 04 Monday Butrovich 205 3:30 PM

- + SB 126 AQUATIC FARMING
- + SJR 16 STATES' RIGHT TO REGULATE HUNTING/FISHING
- + HJR 15 OPEN OCEAN AQUACULTURE

Apr 06 Wednesday Butrovich 205 3:30 PM

- + SB 102 COASTAL MANAGEMENT PROGRAMS
- Testimony <Invitation Only> --

Apr 08 Friday Butrovich 205 3:30 PM

- + SB 85 OFF-ROAD VEHICLE USE ON DALTON HIGHWAY
- + SB 96 UNIVERSITY LAND GRANT/STATE FOREST
- Testimony <Invitation Only> --

STATE AFFAIRS

Apr 05 Tuesday Beltz 211 3:30 PM

Confirmation Hearing:
Brigadier General Tony Hart
Bills Previously Heard/Scheduled

Apr 07 Thursday Beltz 211 3:30 PM

- + SB 154 JUVENILE DELINQUENCY PROCEEDINGS
- Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 05 Tuesday Butrovich 205 1:30 PM

- + Joint w/(H) Transportation
- Port of Tacoma - Briefing
- + Federal Aviation Administration
- Weather Camera Program - Briefing
- Bills Previously Heard/Scheduled

TRANSPORTATION (continued)

Apr 07 Thursday Butrovich 205 1:30 PM
+ SB 153 INTERNATIONAL AIRPORTS REVENUE BONDS
+ DOT/PF - Briefing of Projects:
 Wasilla Bypass
 McCarthy Road
 Mid Region (SE) Access aka Bradfield/
 Gravina Island Bridge
 North Pole Rich Hwy/Dawson Interchange
 Fairbanks University Ave/Giest Road
 Intersection
 Bills Previously Heard/Scheduled

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Apr 05 Tuesday Butrovich 205 7:00 AM
 FY06 Budget Review:
 Administration

COMMERCE, COMMUNITY & ECONOMIC DEV

Apr 05 Tuesday Senate Finance 532 8:00 AM
 Budget Close Out:
 Commerce, Community & Economic Dev

COURT SYSTEM

Apr 07 Thursday Senate Finance 532 3:20 PM
 Budget Close Out:
 Court System

EDUCATION & EARLY DEVELOPMENT

Apr 06 Wednesday Senate Finance 532 4:30 PM
 Budget Close Out:
 Education & Early Development

ENVIRONMENTAL CONSERVATION

Apr 07 Thursday Senate Finance 532 8:00 AM
Budget Close Out:
Environmental Conservation

FISH & GAME

Apr 04 Monday Fahrenkamp 203 1:30 PM
Budget Close Out:
Fish & Game

GOVERNOR

Apr 05 Tuesday Senate Finance 532 4:30 PM
Budget Close Out:
Office of the Governor

LABOR & WORKFORCE DEVELOPMENT

Apr 07 Thursday Beltz 211 8:15 AM
Budget Close Out:
Labor & Workforce Development

LAW

Apr 07 Thursday Fahrenkamp 203 4:00 PM
Budget Close Out:
Law

LEGISLATURE

Apr 05 Tuesday Senate Finance 532 4:00 PM
Budget Close Out:
Legislature

NATURAL RESOURCES

Apr 05 Tuesday Beltz 211 8:15 AM
Budget Close Out:
Natural Resources

REVENUE

Apr 07 Thursday Fahrenkamp 203 1:30 PM
Budget Close Out:
Revenue

OTHER MEETINGS**JOINT LEGISLATIVE HEALTH CAUCUS**

Apr 06 Wednesday Fahrenkamp 203 12:00 PM
"Hi-Tech Health: How Technology Improves
Our Health"
A Healthy Lunch Will Be Served