

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Tuesday

April 19, 2005

One Hundredth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 12:34 p.m.

The roll showed twenty members present.

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

Gracious God, Bless Your Holy Spirit into our time together, that we may discern Your will as we consider the decisions that are before us. Let us be open to Your challenge, assured of Your love and empowered to act. Amen.

Senator Stedman led the Senate in the Pledge of Allegiance.

Certification

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

Introduction of Guests

Senator Cowdery introduced a delegation visiting from the Duma of the Russian Federation.

Messages from the House

Message dated April 18 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 16**

CS FOR HOUSE BILL NO. 16(RLS) BY THE HOUSE RULES COMMITTEE, entitled:

"An Act relating to funding for school districts operating secondary school boarding programs, to funding for school districts from which boarding students come, and to the effectiveness of district secondary school boarding programs; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services and Finance Committees.

HB 27

CS FOR HOUSE BILL NO. 27(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to an optional exemption from municipal property taxes on certain residences of law enforcement officers."

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

Recede Messages**HB 66**

Message dated April 19 was read, stating the House failed to concur in the Senate amendment to CS FOR HOUSE BILL NO. 66(FIN) and respectfully requests the Senate to recede from its amendment, namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 66(FIN) "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Chenault, Chair
Representative Meyer
Representative Croft

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

HB 67

Message dated April 19 was read, stating the House failed to concur in the Senate amendment to CS FOR HOUSE BILL NO. 67(FIN)(brf sup maj fld) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date" and respectfully requests the Senate to recede from its amendment, namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 67(FIN) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and 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." (technical title change)

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Chenault, Chair
Representative Meyer
Representative Croft

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

Communications

The following report is on file in the Office of the Secretary of the Senate:

Economic Growth due to BIDCO
from Edgar Blatchford, Commissioner
Department of Commerce, Community and Economic Development
in accordance with AS 10.13.590

Standing Committee Reports

Report dated April 19 was read, stating:

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

Alaska Oil and Gas Conservation Commission

Cathy P. Foerster, Commissioner

There were no stated objections to the confirmation of the named individual by committee members. This does not reflect an intent by any of the members to vote for or against the individual during any further sessions.

Signing the report: Senator Wagoner, Chair Senator Seekins, Vice Chair; Senators Dyson, Stedman, Elton, Guess.

SB 20

The Judiciary Committee considered SENATE BILL NO. 20 "An Act relating to offenses against unborn children" and recommended it be replaced with

CS FOR SENATE BILL NO. 20(JUD)
(forthcoming)

Signing do pass: Senator Seekins, Chair; Senators Therriault, Huggins.
Signing no recommendation: Senator Guess.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Public Safety
Fiscal Note No. 2, indeterminate, Department of Administration
Fiscal Note No. 3, zero, Department of Corrections

The bill was referred to the Finance Committee.

SB 100

The Finance Committee considered SENATE BILL NO. 100 "An Act relating to enhanced 911 surcharges imposed by a municipality" and recommended it be replaced with

CS FOR SENATE BILL NO. 100(FIN)
(forthcoming)

Signing do pass: Senator Green, Cochair; Senators Bunde, Dyson.
Signing amend: Senator Wilken, Cochair. Signing no
recommendation: Senator Stedman.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Public Safety
Fiscal Note No. 2, zero, Department of Commerce,
Community and Economic Development

The bill was referred to the Rules Committee.

SB 142

The Finance Committee considered SENATE BILL NO. 142 "An Act relating to ownership of land, buildings, and other structures by regional school boards; and providing for an effective date" and recommended the adoption of the Labor and Commerce Committee Substitute offered on page 807.

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

The following previously published fiscal information applies:

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

Fiscal Note No. 2, zero, Department of Transportation and Public
Facilities

The bill was referred to the Rules Committee.

SB 147

Forthcoming Finance Committee Substitute (page 1015) for SENATE BILL NO. 147 "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 received today:

CS FOR SENATE BILL NO. 147(FIN)

SB 156

The Health, Education and Social Services Committee considered SENATE BILL NO. 156 "An Act relating to notification to teachers of layoff or nonretention." Signing do pass: Senator Dyson, Chair; Senators Wilken, Green. Signing no recommendation: Senator Elton.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

HB 197

The Resources Committee considered CS FOR HOUSE BILL NO. 197(RLS) "An Act exempting certain natural gas exploration and production facilities from oil discharge prevention and contingency plans and proof of financial responsibility, and amending the powers and duties of the Alaska Oil and Gas Conservation Commission with

respect to those plans; and providing for an effective date." Signing do pass: Senator Wagoner, Chair; Senators Dyson, Seekins, Stedman, Ben Stevens. Signing no recommendation: Senators Elton, Guess.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Environmental
Conservation

The bill was referred to the Finance Committee.

Introduction and Reference of Senate Bills

SB 180

SENATE BILL NO. 180 BY SENATOR THERRIAULT, entitled:

"An Act relating to breaches of security involving personal information, consumer report security freezes, protection of social security numbers, disposal of records, and the accuracy of reports on credit history, score, and ranking."

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

SB 181

SENATE BILL NO. 181 BY SENATOR DAVIS, entitled:

"An Act relating to offenses or juvenile delinquency acts involving the victim's race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin; relating to sentencing, informal adjustment, and adjudication for those offenses and acts; relating to diversity tolerance programs; relating to a civil cause of action for certain acts involving discriminatory harassment; and providing for an effective date."

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

SB 182

SENATE BILL NO. 182 BY SENATOR HUGGINS, entitled:

"An Act authorizing the Department of Military and Veterans' Affairs to establish and maintain Alaskan veterans' cemeteries; and establishing the Alaska veterans' cemetery fund in the general fund."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 103**

SENATE BILL NO. 103 "An Act relating to regulation of underground injection under the federal Safe Drinking Water Act; and providing for an effective date" was read the second time.

Senator Wagoner moved and asked unanimous consent that the Resources Committee Letter of Intent offered on page 531 be adopted as a Senate Letter of Intent. Without objection, the Senate Letter of Intent was adopted.

President Stevens stated SENATE BILL NO. 103 will be on the April 20 calendar.

SB 132

SENATE BILL NO. 132 "An Act relating to complaints filed with, investigations, hearings, and orders of, and the interest rate on awards of the State Commission for Human Rights; making conforming amendments; and providing for an effective date" was read the second time.

President Stevens stated SENATE BILL NO. 132 will be on the April 20 calendar.

SB 140

SENATE BILL NO. 140 "An Act relating to spyware and unsolicited Internet advertising" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 961. Without objection, CS FOR SENATE BILL NO. 140(JUD) 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. 140(JUD) was read the third time.

Senators Elton, Ellis, Kookesh, Wagoner, Dyson, Gary Stevens, Olson, Stedman, Bunde, Ben Stevens, Cowdery, Seekins moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE BILL NO. 140(JUD) "An Act relating to spyware and unsolicited Internet advertising" pass the Senate?" The roll was taken with the following result:

CSSB 140(JUD)

Third Reading - Final Passage

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. 140(JUD) passed the Senate and was referred to the Secretary for engrossment.

SB 158

SENATE BILL NO. 158 "An Act prohibiting the imposition of municipal sales and use taxes on state construction contracts and certain subcontracts; and providing for an effective date" was read the second time.

President Stevens stated SENATE BILL NO. 158 will be on the April 20 calendar.

Third Reading of Senate Bills

SB 16

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 16(TRA) was read the third time.

Senators Wilken, Green, Cowdery, Huggins, Dyson, Ben Stevens moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 16(TRA) "An Act relating to the powers and duties of the Department of Transportation and Public Facilities; repealing the requirement for a long-range program for highway construction and maintenance; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSSSB 16(TRA)

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 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 16(TRA) 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.

Senator Ellis gave notice of reconsideration.

Third Reading of Senate Resolutions**SJR 14**

SENATE JOINT RESOLUTION NO. 14 was read the third time.

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

The question being: "Shall SENATE JOINT RESOLUTION NO. 14 Urging the United States Congress to amend the tax code to permanently repeal the federal estate and generation-skipping transfer tax, pass the Senate?" The roll was taken with the following result:

SJR 14

Third Reading - Final Passage

YEAS: 14 NAYS: 6 EXCUSED: 0 ABSENT: 0

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

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

and so, SENATE JOINT RESOLUTION NO. 14 passed the Senate.

Senator French gave notice of reconsideration.

Citations

Honoring – Ed Strabel

Representative(s) Gatto, Stoltze, Kohring, Neuman

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

Honoring – Alaska National Guard Family Program

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 – Carole Edwards

Representative(s) Kerttula, Weyhrauch

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

In Memoriam – Eugenia Ann Wassell Ohls

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

Senator Wilken moved and asked unanimous consent to be excused from a call of the Senate from 7:00 a.m., September 18 to 7:00 a.m., October 10 and from 7:00 a.m., October 23 to 7:00 p.m., November 27. Without objection, Senator Wilken was excused.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 140

CS FOR SENATE BILL NO. 140(JUD) "An Act relating to spyware and unsolicited Internet advertising" was engrossed, signed by the President and Secretary and transmitted 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., April 20, 2005. Without objection, the Senate adjourned at 1:04 p.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 20 Wednesday Beltz 211 1:30 PM
 + SB 171 NPR-A COMMUNITY GRANT PROGRAM
 + HB 229 REINSTATEMENT OF NATIVE CORPORATIONS

Apr 22 Friday Beltz 211 1:30 PM
 + HB 184 MUNICIPAL FIREARM ORDINANCES
 Bills Previously Heard/Scheduled

FINANCE

Apr 19 Tuesday Senate Finance 532 9:00 AM
 + SB 142 REGIONAL SCHOOL BD LAND/BLDG OWNERSHIP
 + SB 160 STATE PROCUREMENT ELECTRONIC TOOLS
 + Bills Previously Heard/Scheduled
 += SB 131 WAGE & HOUR ACT: EXEC/PROF/ADMIN/SALES
 += SB 70 CRIMES INVOLVING CONTROLLED SUBSTANCES
 += SB 100 ENHANCED 911 SURCHARGES
 += SB 112 TAX ON REAA RESIDENTS

Apr 20 Wednesday Senate Finance 532 9:00 AM
 + Bills Previously Heard/Scheduled

Apr 21 Thursday Senate Finance 532 9:00 AM
 + Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 22 Friday Senate Finance 532 9:00 AM
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 20 Wednesday Butrovich 205 1:30 PM
 + HB 185 POSTSECONDARY STUDENT IMMUNIZATION
 + SB 162 REPORT STUDENT HEALTH/DISCIPLINE/SAFETY
 + SB 177 PRACTICE OF PSYCHOLOGY
 + Bills Previously Heard/Scheduled

Apr 22 Friday Butrovich 205 2:30 PM
 -- Time Change --
 + Confirmation Hearings:
 University of Alaska Board of Regents
 Board of Martial & Family Therapy
 Board of Nursing
 Professional Teaching Practices
 Commission
 Board of Education & Early Development
 Board of Psychologists & Psychological
 Associate Examiners
 + Bills Previously Heard/Scheduled

JUDICIARY

Apr 19 Tuesday Butrovich 205 8:30 AM
 += SB 20 OFFENSES AGAINST UNBORN CHILDREN
 += SB 106 SALE OF METHAMPHETAMINE AND PRECURSORS
 += SB 74 CRIMES INVOLVING MARIJUANA/OTHER DRUGS
 + Bills Previously Heard/Scheduled

Apr 20 Wednesday Butrovich 205 8:30 AM
 + SB 125 LICENSING MEDICAL OR CARE FACILITIES
 + HB 136 DRUNK DRIVING TREATMENT PROGRAM
 + Bills Previously Heard/Scheduled

JUDICIARY (continued)

Apr 21 Thursday Butrovich 205 8:30 AM
 + HB 131 ACCESS DEVICE & I.D. DOCUMENT CRIMES
 + HB 132 CRIMES AGAINST ELDERLY
 + Bills Previously Heard/Scheduled

Apr 22 Friday Butrovich 205 8:30 AM
 + HB 85 PRESCRIBED MEDICATION FOR STUDENTS
 + HB 88 CRIM LAW:MINORS, SCHOOLS, DRUGS,SENTENCES
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 19 Tuesday Beltz 211 1:30 PM
 + SB 168 PROPERTY/CASUALTY INSURANCE REGULATION
 + SB 169 WORKERS' COMPENSATION RECORDS
 + SB 165 CARD ROOMS & OPERATIONS
 Confirmation Hearings:
 Board of Veterinary Examiners
 Timothy L. Bowser, D.V.M. - Soldotna
 Cynthia Ann Trout, D.V.M. - Anchorage
 Alfred Agree - Trapper Creek
 Alaska State Board of Public Accountancy
 Carla J. Bassler - Anchorage
 Kenneth L. Mayer - Kenai
 Christy Morse - Anchorage
 State Board of Registration for
 Architects, Engineers & Land Surveyors
 Richard C. Heieren - Fairbanks
 Harley H. Hightower - Anchorage
 Mark G. Morris - Juneau
 Board of Barbers and Hairdressers
 Alice B. Massie - Wasilla
 Labor Relations Agency
 Gary A. Atwood - Fairbanks
 Aaron T. Isaacs, Jr. - Klawock
 Colleen E. Scanlon - Ketchikan
 Bills Previously Heard/Scheduled
 Including But Not Limited to:

LABOR & COMMERCE (continued)

Apr 21 Thursday Beltz 211 1:30 PM
 += SB 168 PROPERTY/CASUALTY INSURANCE REGULATION
 <Above Bill Hearing Canceled>
 + HB 35 EXTEND BD ARCHITECTS/ENGINEERS/SURVEYORS
 + SJR 15 BAN LAWSUITS AGAINST FIREARMS INDUSTRY
 Bills Previously Heard/Scheduled
 Including But Not Limited to:

RESOURCES

Apr 20 Wednesday Tba 3:30 PM
 Joint w/Legislative Budget & Audit
 Presentation by Spencer Hosie

Apr 22 Friday Butrovich 205 3:30 PM
 + HJR 5 NO MILK TAX
 + HJR 16 OPPOSE UN LAND DESIGNATIONS IN ALASKA
 + HB 75 HUNTING, FISHING, TRAPPING
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 19 Tuesday Beltz 211 3:30 PM
 + Confirmation Hearings:
 State Commission for Human Rights
 M. Chris Hayes
 Barbara J.(Tamie) Miller
 Randy H. Eledge
 Lester C. Lunceford
 + SB 172 INITIATIVE/REFERENDUM BALLOT SUMMARY
 Bills Previously Heard/Scheduled

Apr 21 Thursday Beltz 211 3:30 PM
 + HB 127 PFD:PEACE CORPS/OLYMPIAN/SANCTIONS
 + HB 214 ANATOMICAL GIFTS & REGISTRY
 + HB 178 SPECIAL REQUEST LICENSE PLATES
 Bills Previously Heard/Scheduled

TRANSPORTATION

- Apr 19 Tuesday Butrovich 205 1:45 PM**
 -- Time Change from 1:30 pm to 1:45 pm --
 + SB 174 EXEMPT UHAULS FROM VEHICLE RENTAL TAX
 Bills Previously Heard/Scheduled
- Apr 21 Thursday Butrovich 205 1:30 PM**
 + Bills Previously Heard/Scheduled
-

JOINT COMMITTEES**ADMINISTRATIVE REGULATION REVIEW**

- Apr 20 Wednesday Fahrenkamp 203 1:00 PM**
 Hearing on DEC Proposed Changes to the
 Alaska Food Codes
-

LEGISLATIVE BUDGET & AUDIT

- Apr 20 Wednesday House Finance 519 3:30 PM**
 Joint/(S) Resources
 Presentation by Spencer Hosie regarding the obligation of
 oil/gas lessees to develop & market their gas according to
 state terms
 -- Testimony <Invitation Only> --
-

LEGISLATIVE COUNCIL

- Apr 21 Thursday House Finance 519 8:30 AM**
 Agenda To Be Announced
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VICTIMS' ADVOCATE SELECTION COMMITTEE

- Apr 21 Thursday Butrovich 205 3:00 PM**
 Joint Victims' Advocate Selection
 Committee Meeting