

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

**Juneau, Alaska**

**Tuesday**

**May 24, 2005**

**Fourteenth Day**

The Senate was called to order by President Stevens at 10:19 p.m.

The roll showed eighteen members present. Senators Bunde, Davis were absent.

Senator Gary Stevens moved and asked unanimous consent that Senators Bunde, Davis be excused from a call of the Senate today to evening plane time, May 25. Without objection, Senators Bunde, Davis were excused.

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

Dear Lord,

Please renew our spirits today and let us be optimistic and hopeful. Allow healing and tranquility to seep into us and clear our minds and hearts of bitterness. Today is a new day; let us rejoice in it. Amen.

Senator Ellis led the Senate in the Pledge of Allegiance.

**Certification**

Senator Gary Stevens moved and asked unanimous consent that the journals for the eleventh through thirteenth legislative days of the First Special Session be approved as certified by the Secretary. Without objection, it was so ordered.

President Stevens recognized Representative Stoltze and Representative Salmon. Representatives Stoltze and Salmon informed the Senate that the House had completed its work on the items under the Governor's call to the First Special Session.

**Messages from the Governor****Executive Supplemental Proclamation**

Under the authority of art. II, sec. 9, and art. III, sec. 17, of the Alaska Constitution, and in the public interest, I am amending my May 9 and May 11, 2005, proclamations calling the Twenty-Fourth Legislature of the State of Alaska into its first special session in Juneau, Alaska, on May 11, 2005, as follows:

I am supplementing the call with the addition of the following subject:

State aid for part of the payments made by municipalities for the retirement of principal and interest on outstanding bonds, notes, or other indebtedness authorized by the qualified voters of the municipality to pay the costs of school construction.

This proclamation supplements my proclamations of May 9 and May 11, 2005.

Dated at Juneau, Alaska this 23<sup>rd</sup> day of May 2005.

/s/

Frank H. Murkowski, Governor

**Messages from the House****SB 130**

Message dated May 22 was read, stating the House has adopted the report of the Free Conference Committee considering CS FOR SENATE BILL NO. 130(FIN) am and HOUSE CS FOR CS FOR SENATE BILL NO. 130(JUD) am H, thus adopting:

FREE CONFERENCE CS FOR SENATE BILL NO. 130(efd pfld H)  
"An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date."

**SB 141**

Message dated May 23 was read, stating the House has adopted the report of the 2d Free Conference Committee considering CS FOR SENATE BILL NO. 141(FIN) and HOUSE CS FOR CS FOR SENATE BILL NO. 141(FIN) am H, thus adopting:

FREE CONFERENCE CS FOR SENATE BILL NO. 141(2d FCC)  
"An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2006; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees' Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement systems to the jurisdiction of the office of administrative hearings; providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined benefit plans to transfer into the public employees' retirement system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date."

The Senate adopted FREE CONFERENCE CS FOR SENATE BILL NO. 141(2d FCC) on May 21 (page 1717).

The bill was referred to the Secretary for engrossment and enrollment.

### **Special Committee Reports**

#### **SB 73**

May 23, 2005

Mr. President

Mr. Speaker

The Conference Committee considering CS FOR SENATE BILL NO. 73(FIN) am “An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the insurance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date.”

and

CS FOR SENATE BILL NO. 73(FIN) am H “An Act relating to reimbursement of municipal bonds for school construction; relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; authorizing financing for certain public transportation projects; giving notice of and approving the entry into, and the issuance of revenue obligations that provide participation in, lease-financing agreements for those transportation projects; and providing for an effective date.”

Respectfully requests limited powers of free conference on the following specific point:

Section 2 and Section 3 in CS for Senate Bill No. 73(FIN) am H relating to school bond debt reimbursement.

Signing the report: Senator Wilken, Chair, Senators Huggins, Guess; Representative Meyer, Chair, Representatives Kelly, Gruenberg

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

The Secretary was requested to notify the House.

**SB 73**

The following report was received and distributed at 7:19 p.m., May 24, 2005:

May 24, 2005

Mr. President:

Mr. Speaker:

The Conference Committee with limited powers of free conference considered CS FOR SENATE BILL NO. 73(FIN) am and CS FOR SENATE BILL NO. 73(FIN) am H and recommends

CONFERENCE CS FOR SENATE BILL NO. 73 "An Act relating to reimbursement of municipal bonds for school construction; relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

be adopted.

The following fiscal information was published today:

Fiscal Note No. 5, indeterminate, Department of Education and Early Development

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Revenue

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

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

Signing the report: Senator Wilken, Chair, Senators Huggins, Guess;  
Representative Meyer, Chair, Representatives Kelly, Gruenberg

President Stevens stated CONFERENCE CS FOR SENATE BILL  
NO. 73 would be held on the Secretary's desk.

**HB 1**

The following report was received and distributed at 8:44 p.m., May  
23, 2005:

May 23, 2005

Mr. President:

Mr. Speaker:

The Conference Committee considered CS FOR HOUSE BILL NO. 1  
(HES) and SENATE CS FOR CS FOR HOUSE BILL NO. 1(FIN) and  
recommends

CONFERENCE CS FOR HOUSE BILL NO. 1 "An Act relating to the  
base student allocation used in the formula for state funding of public  
education; and providing for an effective date."

be adopted.

Signing the report: Senator Wilken, Chair, Senators Green, Hoffman;  
Representative Meyer, Chair, Representatives Chenault, Gara

President Stevens stated CONFERENCE CS FOR HOUSE BILL NO.  
1 would be held on the Secretary's desk.

**HB 66**

The following report was received and distributed at 2:59 a.m., May  
24, 2005:

May 24, 2005

1731

May 23, 2005

Mr. President:

Mr. Speaker:

The Conference Committee with limited powers of free conference considered CS FOR HOUSE BILL NO. 66(FIN) and SENATE CS FOR CS FOR HOUSE BILL NO. 66(FIN) and recommends

CONFERENCE CS FOR HOUSE BILL NO. 66 "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."

be adopted.

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

President Stevens stated CONFERENCE CS FOR HOUSE BILL NO. 66 would be held on the Secretary's desk.

**HB 67**

The following report was received and distributed at 2:59 a.m., May 24, 2005:

May 23, 2005

Mr. President:

Mr. Speaker:

The Conference Committee with limited powers of free conference considered CS FOR HOUSE BILL NO. 67(FIN)(brf sup maj fld) and SENATE CS FOR CS FOR HOUSE BILL NO. 67(FIN) and recommends

CONFERENCE CS FOR HOUSE BILL NO. 67 "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."

be adopted.

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

President Stevens stated CONFERENCE CS FOR HOUSE BILL NO. 67 would be held on the Secretary's desk.

**SB 130**

Senator Gary Stevens moved that the Senate adopt the Conference Committee Report on FREE CONFERENCE CS FOR SENATE BILL NO. 130, which had been held on the Secretary's desk (page 1712).

The question being: "Shall the Senate adopt the Conference Committee Report on FREE CONFERENCE CS FOR SENATE BILL NO. 130 "An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date"?" The roll was taken with the following result:

FCCS SB 130

Shall the Senate Adopt the Conference  
Committee Report?

**YEAS: 11 NAYS: 7 EXCUSED: 2 ABSENT: 0**

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

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

Excused: Bunde, Davis

and so, the report was adopted.

Senator Gary Stevens moved for the adoption of the Court Rule change.

The question being: "Shall the Court Rule change be adopted?" The roll was taken with the following result:



FCCS SB 130

Adopt Court Rule Change?

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

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

Excused: Bunde, Davis

and so, the Court Rule change was adopted.

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:

FCCS SB 130

Effective Date Clauses

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

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

Excused: Bunde, Davis

and so, the effective date clauses were adopted.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for engrossment and enrollment.

**SB 73**

Senator Gary Stevens moved that the Senate adopt the Conference Committee Report on CONFERENCE CS FOR SENATE BILL NO. 73, which had been held on the Secretary's desk (page 1730).

The question being: "Shall the Senate adopt the Conference Committee Report on CONFERENCE CS FOR SENATE BILL NO. 73 "An Act relating to reimbursement of municipal bonds for school construction; relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date"?" The roll was taken with the following result:

CCS SB 73

Shall the Senate adopt the Conference  
Committee Report?                      Effective Date

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

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

Excused: Bunde, Davis

and so, the report was adopted.

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.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for engrossment and enrollment.

#### **HB 66**

Senator Gary Stevens moved that the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 66 which had been held on the Secretary's desk (page 1731).

The question being: "Shall the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 66 "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"?" The roll was taken with the following result:

CCS HB 66

Shall the Senate adopt the Conference  
Committee Report?      Effective Date

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

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

Excused: Bunde, Davis

and so, the report was adopted.

Senator Gary Stevens moved and asked unanimous consent that the vote on the adoption of the conference committee report be considered the vote on the effective date clause. Without objection, it was so ordered.

The Secretary was requested to notify the House.

**HB 67**

Senator Gary Stevens moved that the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 67, which had been held on the Secretary's desk (page 1732).

The question being: "Shall the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 67 "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"?" The roll was taken with the following result:

CCS HB 67

Shall the Senate adopt the Conference Committee  
Report?      Effective Dates

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

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

Excused: Bunde, Davis

and so, the report was adopted.

Senator Gary Stevens moved and asked unanimous consent that the vote on the adoption of the conference committee report be considered the vote on the effective date clauses. Without objection, it was so ordered.

Senator Gary Stevens moved for the adoption of the constitutional budget reserve fund sections.

The question being: "Shall the constitutional budget reserve fund sections (Article IX, Section 17(c) Constitution of the State of Alaska) be adopted?" The roll was taken with the following result:

CCS HB 67

Budget Reserve Fund Sections

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

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

Excused: Bunde, Davis

and so, the constitutional budget reserve fund sections were adopted, and the bill was signed by the President and Secretary and returned to the House.

#### **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 10:00 a.m., May 25, 2005. Without objection, the Senate adjourned at 10:57 p.m.

Kirsten Waid  
Secretary of the Senate

July 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

**TRANSPORTATION**

<b>Jun 09</b>	<b>Thursday</b>	<b>Anch Lio Conf Rm</b>	<b>10:00 AM</b>
+	Joint w/(H) Transportation Force Account Projects Briefing - Pat Davidson, Leg. Auditor Privatization of Transportation Services British Columbia Public Testimony - General Contractors, Builders and Others Force Account Projects Presentation - DOT/PF		

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**JOINT COMMITTEES****CONFERENCE COMMITTEE ON HB 1**

<b>May 24</b>	<b>Tuesday</b>	<b>House Finance 519</b>	<b>TBA</b>
=	HB 1	-- Meeting Canceled -- INCREASE AMT OF BASE STUDENT ALLOCATION	

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**CONFERENCE COMMITTEE ON HB 66 & HB 67**

<b>May 24</b>	<b>Tuesday</b>	<b>House Finance 519</b>	<b>TBA</b>
=	HB 66	-- Meeting Canceled -- APPROP: MENTAL HEALTH BUDGET	
=	HB 67	APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF	

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**CONFERENCE COMMITTEE ON SB 73**

<b>May 24</b>	<b>Tuesday</b>	<b>Senate Finance 532</b>	<b>3:30 PM</b>
= SB 73	STATE VIROLOGY LABORATORY		

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