

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

**FIRST SESSION**

**Juneau, Alaska**

**Wednesday**

**February 9, 2005**

**Thirty-first Day**

Pursuant to adjournment the Senate was called to order by President Stevens at 11:06 a.m.

The roll showed seventeen members present. Senators Guess, Kookesh, Wagoner were excused from a call of the Senate.

The prayer was offered by the Chaplain, Major Larry Fankhauser of The Salvation Army. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Lord: I would ask Your blessing on each senator gathered here today.

I would pray that You would deliver us from being so overcome by minor things we lose sight of the main point. That You would teach us how to listen to the prompting of Your Spirit, and by doing so, save us from being tossed to and fro from indecision.

And Lord, I would take this moment to remember the families of those in Iran and Afghanistan.

Amen.

Senator Davis led the Senate in the Pledge of Allegiance.

**Certification**

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

**Communications**

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

Annual Loan Fund Report  
Alaska Drinking Water and Clean Water Funds  
from Kurt Fredriksson, Acting Commissioner  
Department of Environmental Conservation  
in accordance with AS 37.05.035

**Standing Committee Reports****SB 25**

The Labor and Commerce Committee considered SENATE BILL NO. 25 "An Act relating to labeling and identification of genetically modified fish and fish products." Signing no recommendation: Senator Bunde, Chair. Signing do pass: Senators Ellis, Davis, Seekins, Ben Stevens.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Environmental  
Conservation  
Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Resources Committee.

**SB 63**

The Transportation Committee considered SENATE BILL NO. 63 "An Act relating to road signs encouraging the use of safety belts" and recommended it be replaced with

## CS FOR SENATE BILL NO. 63(TRA)

Signing do pass: Senator Huggins, Chair; Senators French, Kookesh, Therriault, Cowdery.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Transportation and Public Facilities

The bill was referred to the Finance Committee.

**SB 65**

The Judiciary Committee considered SENATE BILL NO. 65 "An Act relating to certain weapons offenses involving minors; to aggravating factors in sentencing for certain offenses committed against a school employee; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 65(JUD) "An Act relating to certain weapons offenses involving minors; relating to aggravating factors in sentencing for certain offenses committed on school grounds, on a school bus, at a school-sponsored event, or in the administrative offices of a school district; and providing for an effective date."

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

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

The bill was referred to the Finance Committee.

**SJR 4**

The Judiciary Committee considered SENATE JOINT RESOLUTION NO. 4 Proposing amendments to the Constitution of the State of Alaska relating to the budget reserve fund and to uses of money in the general fund available for appropriation at the end of each fiscal year;

and providing for an effective date for the amendments. Signing do pass: Senator Seekins, Chair. Signing no recommendation: Senators French, Therriault, Huggins.

The following fiscal information was published today:  
Fiscal Note No. 1, Office of the Governor

The resolution was referred to the Finance Committee.

**SJR 5**

The Resources Committee considered SENATE JOINT RESOLUTION NO. 5 Urging the United States Congress to reauthorize the Methane Hydrate Research and Development Act. Signing do pass: Senator Seekins, Vice Chair; Senators Elton, Ben Stevens, Dyson, Stedman.

The following fiscal information was published today:  
Fiscal Note No. 1, zero, Department of Natural Resources

The resolution was referred to the Rules Committee.

**Introduction and Reference of Senate Bills****SB 97**

SENATE BILL NO. 97 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act making supplemental, capital, and other appropriations, and reappropriations; amending appropriations; making appropriations to capitalize funds; making an appropriation under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

was read the first time and referred to the Finance Committee.

A spreadsheet from the Office of the Governor, Office of Management and Budget, was submitted. The spreadsheet also applies to SB 62 and SB 98.

Governor's transmittal letter dated February 7:

Dear President Stevens:

I am transmitting to you today two supplemental appropriation bills for Fiscal Year 2005. Issues requiring attention on an expedited basis are in a separate "fast track" bill. The enclosed bill, however, includes supplemental needs with less immediate timing requirements.

We are submitting a combined package (both "fast track" and regular) that, along with the previously transmitted Division of Elections supplemental bill, totals \$141.3 million in general funds. This reflects necessary program cost increases, along with several priority initiatives.

There always are circumstances beyond state government's management control such as fire costs, response to disasters, and large self-insurance losses. In addition, funding is included for my initiative to fight substance abuse. This bill totals \$43.6 million in general funds.

In some instances, we have been able to cover shortfalls in one area by excess appropriations in another. One example is that based on current estimates of general funds needed for the foundation formula, \$14.1 million can be transferred to cover other supplemental needs. Another \$2.2 million is available for reallocation from adult public assistance and the general relief program.

The administration's goal is to do all we can to limit future supplemental requests. To that end, we look forward to working with you on the funding levels for the Fiscal Year 2006 operating budget.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor

**SB 98**

SENATE BILL NO. 98 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

"An Act making supplemental appropriations, capital appropriations, other appropriations, and reappropriations; amending appropriations; making appropriations to capitalize funds; and providing for an effective date."

was read the first time and referred to the Finance Committee.

A spreadsheet from the Office of the Governor, Office of Management and Budget, was submitted. The spreadsheet also applies to SB 62 and SB 97.

Governor's transmittal letter dated February 7:

Dear President Stevens:

Today I am transmitting two supplemental appropriation bills for Fiscal Year 2005. This bill, sometimes referred to as the "fast track" supplemental bill, includes items that have particularly tight time requirements that are not accommodated by the usual passage of supplemental appropriations later in the spring.

The "fast track" supplemental totals \$97 million in general funds. Our management goal was to include requests for circumstances that were not within the departments' control or were unanticipated when the FY 2005 budget was finalized, such as the small community energy assistance program, gasoline costs, and Medicaid increases.

In addition, we are requesting federal funds of \$99 million primarily for Medicaid and transportation projects that are ready to go to bid for the upcoming construction season.

I request that you put this bill on a "fast track" for final action in early March.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor

**SB 99**

SENATE BILL NO. 99 BY SENATORS ELLIS, Davis, French, entitled:

"An Act making an appropriation for construction of an integrated science complex at the University of Alaska; and providing for an effective date."

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

**Consideration of the Calendar****Third Reading of Senate Bills****SB 62**

SENATE BILL NO. 62 was read the third time.

The question being: "Shall SENATE BILL NO. 62 "An Act making a supplemental appropriation for increased operating costs of the division of elections; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 62

Third Reading - Final Passage

Effective Date

**YEAS: 16 NAYS: 0 EXCUSED: 3 ABSENT: 1**

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

Excused: Guess, Kookesh, Wagoner

Absent: Therriault

and so, SENATE BILL NO. 62 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.

**Second Reading of Senate Resolutions****SJR 2**

SENATE JOINT RESOLUTION NO. 2 Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production was read the second time.

Senator Gary Stevens moved and asked unanimous consent that the resolution be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE JOINT RESOLUTION NO. 2 was read the third time.

The question being: "Shall SENATE JOINT RESOLUTION NO. 2 Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production, pass the Senate?" The roll was taken with the following result:

**SJR 2**

Third Reading - Final Passage

**YEAS: 15 NAYS: 1 EXCUSED: 3 ABSENT: 1**

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

Nays: Elton

Excused: Guess, Kookesh, Wagoner

Absent: Therriault

and so, SENATE JOINT RESOLUTION NO. 2 passed the Senate and was referred to the Secretary for engrossment.

**Unfinished Business**

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate on February 14 and March 9, 10 and 11. Without objection, Senator Hoffman was excused.



Senator Wilken moved and asked unanimous consent to be excused from the Senate, not subject to a call, from afternoon plane time, February 17 through evening plane time, February 21. Without objection, Senator Wilken was excused.

### **Announcements**

Announcements are at the end of the journal.

### **Engrossment**

#### **SJR 2**

SENATE JOINT RESOLUTION NO. 2 Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production, 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., February 10, 2005. Without objection, the Senate adjourned at 11:42 a.m.

Kirsten Waid  
Secretary of the Senate

February 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>Feb 09</b>	<b>Wednesday</b>	<b>Beltz 211</b>	<b>1:30 PM</b>
+ SB 86	STATE/MUNI LIABILITY FOR ATTORNEY FEES		
	Bills Previously Heard/Scheduled		
<b>Feb 11</b>	<b>Friday</b>	<b>Beltz 211</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>Feb 14</b>	<b>Monday</b>	<b>Senate Finance 532</b>	<b>1:30 PM</b>
+	USCG/DEC SITUATION REPORT & OVERVIEW		
	M/V SELENDANG AYU GROUNDING		
	USCG Admiral Jim Olson		
	DEC: Kurt Fredriksson, Acting Commissioner		

**FINANCE**

<b>Feb 09</b>	<b>Wednesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
	No Meeting Scheduled		
<b>Feb 10</b>	<b>Thursday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
	No Meeting Scheduled		
<b>Feb 11</b>	<b>Friday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
	No Meeting Scheduled		

**HEALTH, EDUCATION & SOCIAL SERVICES**

**Feb 09      Wednesday                      Butrovich 205              1:30 PM**  
 + SB 75 PUBLIC HEALTH DISASTERS/EMERGENCIES  
 + SB 73 STATE VIROLOGY LABORATORY  
 + Bills Previously Heard/Scheduled  
 += SB 84 CHILD PROTECTION CONFIDENTIALITY  
 += SB 51 PUBLIC ASSISTANCE PROGRAMS

**Feb 11      Friday                                      Butrovich 205              1:30 PM**  
 No Meeting Scheduled

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**JUDICIARY**

**Feb 09      Wednesday                      Butrovich 205              8:30 AM**  
 + Bills Previously Heard/Scheduled

**Feb 10      Thursday                                  Butrovich 205              8:30 AM**  
 + Bills Previously Heard/Scheduled

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**LABOR & COMMERCE**

**Feb 10      Thursday                                  Beltz 211                      1:30 PM**  
 -- Meeting Canceled --  
 Bills Previously Heard/Scheduled

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**RESOURCES**

**Feb 09      Wednesday                      Butrovich 205              3:30 PM**  
 No Meeting Scheduled

**Feb 11      Friday    Kenai                          1:30 PM**  
 + Joint w/(H) Resource  
 MTG HELD @ KENAI CHALLENGER CENTER  
 Presentation by Cook Inlet O&G Industry  
 -- Testimony by Invitation Only --

## STATE AFFAIRS

**Feb 10**      **Thursday**                      **Beltz 211**              **3:30 PM**  
 +              Department of Administration -  
 OVERVIEW: IMPACT OF HOUSE BILL 242 (2001)  
 +              Bills Previously Heard/Scheduled

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## TRANSPORTATION

**Feb 10**      **Thursday**                      **Butrovich 205**              **1:30 PM**  
 Overview by:  
 Dept. Transportation & Public Facilities  
 Bills Previously Heard/Scheduled

**Feb 26**      **Saturday**                      **Wasilla Lio Office**              **10:00 AM**  
 +              Knik Arm Bridge & Toll Authority -  
 Knik Arm Crossing Project, Presentation  
 by the Knik Arm Bridge and Toll Authority  
 Overview and Updates on the Project  
 Question and Answer Session Following  
 Presentation  
 10:00 a.m. - 11:30 a.m.

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## JOINT COMMITTEES

## ARMED SERVICES COMMITTEE

**Feb 15**      **Tuesday**                      **Senate Finance 532**              **9:00 AM**  
 Briefings by General Chandler  
 and General Christensen

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## LEGISLATIVE BUDGET &amp; AUDIT

**Feb 11**      **Friday**                      **Senate Finance 532**              **8:00 AM**  
 -- Teleconference Available --  
 Informal Work Session:  
 Issues before the Federal Energy  
 Regulatory Commission  
 \*Testimony by Invitation Only

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**OTHER MEETINGS****JOINT SESSION**

<b>Feb 23</b>	<b>Wednesday</b> State of the Judiciary Chief Justice Alexander O. Bryner	<b>House Chamber</b>	<b>11:00 AM</b>
<b>Feb 24</b>	<b>Thursday</b> Address by U.S. Senator Ted Stevens	<b>House Chamber</b>	<b>11:00 AM</b>
<b>Mar 30</b>	<b>Wednesday</b> Address by U.S. Senator Lisa Murkowski	<b>House Chamber</b>	<b>11:00 AM</b>