

SENATE JOURNAL
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TWENTY-FOURTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Friday

February 18, 2005

Fortieth Day

Pursuant to adjournment the Senate was called to order by President pro tempore Green at 10:06 a.m.

The roll showed fourteen members present. Senators Davis, Dyson, Guess, Ben Stevens, Wilken were excused from a call of the Senate. Senator Therriault was absent.

The prayer was offered by the Chaplain, Pastor Tom Matthews of the Douglas Island Bible Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Good Morning Ladies and Gentlemen. I do acknowledge the differences that are represented here today. With respect for those differences, I would ask you to join me in prayer.

Dear Most Holy Lord, We humbly come before Your presence this day. Thank You that we can know our prayers are not falling on deaf ears. You care about what happens here today. Thank You that You are not just an observer, but that scripture tells us that You are active in the affairs of man.

Your word also tells us if we seek You with all our heart, we will find You. I seek You today Lord. I ask for this group, for You to bless this day of deliberations. Guide them in their discussions. Help them to make decisions that represent justice and fairness. Much responsibility has

been given to them. Help them to seek Your direction as they represent their various constituents across this great state.

In the name of Jesus Christ I lift this prayer today. Amen.

Senator Gary Stevens led the Senate in the Pledge of Allegiance.

Certification

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

The presence of Senator Therriault was noted.

Messages from the House

Message dated February 16 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 42

HOUSE BILL NO. 42 BY REPRESENTATIVES ELKINS, Foster, Kelly, Holm, Chenault, Stoltze, Hawker, Croft, Meyer, Anderson, Berkowitz, Cissna, Coghill, Crawford, Dahlstrom, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Joule, Kapsner, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Thomas, Weyhrauch, Wilson,

"An Act naming the Joe Williams, Sr., Coastal Trail."

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

Standing Committee Reports**SB 79**

The Health, Education and Social Services Committee considered SENATE BILL NO. 79 "An Act relating to coverage for adult dental services under Medicaid; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 79(HES)

Signing do pass: Senator Dyson, Chair; Senator Elton. Signing no recommendation: Senators Wilken, Olson.

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Health and Social Services

The bill was referred to the Finance Committee.

SB 82

The Health, Education and Social Services Committee considered SENATE BILL NO. 82 "An Act relating to child protection, including forensic interviews and transportation of children; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 82(HES)

Signing do pass: Senator Dyson, Chair. Signing no recommendation: Senators Elton, Wilken. Signing amend: Senators Green, Olson.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Health and Social Services

The bill was referred to the Judiciary Committee.

SB 85

The Transportation Committee considered SENATE BILL NO. 85 "An Act repealing the ban on the use of certain off-road vehicles within five miles of the right-of-way of the James Dalton Highway; and providing for an effective date." Signing do pass: Senator Huggins, Chair; Senators Cowdery, Therriault. Signing do not pass: Senator French.

The following fiscal information was published today:

- Fiscal Note No. 1, zero, Department of Transportation and Public Facilities
- Fiscal Note No. 2, zero, Department of Public Safety
- Fiscal Note No. 3, zero, Department of Military and Veterans' Affairs

The bill was referred to the Resources Committee.

SB 87

The State Affairs Committee considered SENATE BILL NO. 87 "An Act relating to motor vehicle safety belt violations." Signing no recommendation: Senator Therriault, Chair; Senator Huggins. Signing do pass: Senators Elton, Wagoner.

The following fiscal information was published today:

- Fiscal Note No. 1, zero, Department of Transportation and Public Facilities
- Fiscal Note No. 2, zero, Department of Law
- Fiscal Note No. 3, zero, Alaska Court System
- Fiscal Note No. 4, zero, Department of Public Safety

The bill was referred to the Judiciary Committee.

SB 90

The State Affairs Committee considered SENATE BILL NO. 90 "An Act relating to Alaska Territorial Guard Day" and recommended it be replaced with

CS FOR SENATE BILL NO. 90(STA)

and further recommends the adoption of the following State Affairs Committee Letter of Intent:

Letter of Intent

It is the intent of the Alaska State Legislature in passing this bill to establish October 18 of each year to acknowledge and commemorate the service of members of the Alaska Territorial Guard in defense of Alaska and the United States during World War II.

On December 7, 1941, Japanese forces bombed Pearl Harbor in a surprise attack on the United States Navy. Six months later the Alaska islands of Attu and Kiska were seized and Dutch Harbor was bombed by the Japanese. The attack on Alaska resulted in the deaths of 43 Americans.

With the arrival of war, Alaska's National Guard was pressed into federal service leaving most of the Interior and Western coastal regions of the territory with inadequate protection. Alaska Governor Ernest Gruening sought and received permission from Congress to organize a volunteer civilian militia, thus the Alaska Territorial Guard was formed.

Captain Carl Schneibner and Major Marvin "Muktuk" Marston were responsible for organizing the guard in the Interior Region and the Bering and Arctic Regions, respectively. The two men went to their regions with a recruitment message from the President of the United States and the Governor of Alaska. The people of Alaska responded.

The guard was made up of some 6,500 Alaskans who were predominantly Alaska Natives and served in defense of Alaska from 1942, through World War II, until 1947. On October 18, 2004, the first members of the Alaska Territorial Guard were recognized as veterans by the United States Army. It is appropriate that the State of Alaska commemorate the service of the Alaska Territorial Guard.

This bill is dedicated to the memory of those who served so bravely for our great state.

Signing do pass: Senator Therriault, Chair; Senators Elton, Wagoner, Huggins.

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

The bill was referred to the Rules Committee.

SB 100

The Labor and Commerce 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(L&C)

Signing do pass: Senator Bunde, Chair; Senators Ellis, Seekins.

The following fiscal information was published today:
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 Community and Regional Affairs Committee.

Introduction and Reference of Senate Resolutions

SJR 9

SENATE JOINT RESOLUTION NO. 9 BY SENATORS GARY STEVENS, Elton, Ellis,

Urging the United States Congress to honor the process and judgment of the federal courts in the case of the Exxon Valdez disaster and to refrain from enacting legislation that would affect the outcome of the courts' resolution of the case.

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

Introduction and Reference of Senate Bills**SB 111**

SENATE BILL NO. 111 BY SENATORS ELTON, Kookesh, Ellis, French entitled:

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

Consideration of the Calendar**Second Reading of Senate Resolutions****SCR 2**

SENATE CONCURRENT RESOLUTION NO. 2 Proclaiming 2005 as Rotary International Year, was read the second time and was before the Senate on final passage.

Senator Gary Stevens moved and asked unanimous consent that President pro tempore Green be shown as a cosponsor on the resolution. Without objection, it was so ordered.

Senators, Wagoner, Elton, Kookesh, Seekins, Huggins, Bunde, Therriault, Cowdery, Olson, Stedman moved and asked unanimous consent to be shown as cosponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 2 Proclaiming 2005 as Rotary International Year, pass the Senate?" The roll was taken with the following result:

SCR 2

Second Reading - Final Passage

YEAS: 15 NAYS: 0 EXCUSED: 5 ABSENT: 0

Yeas: Bunde, Cowdery, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens G, Therriault, Wagoner

Excused: Davis, Dyson, Guess, Stevens B, Wilken

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

Second Reading of House Resolutions**HCR 1**

HOUSE CONCURRENT RESOLUTION NO. 1 Relating to declaring March 2005 as Sobriety Awareness Month, was read the second time and was before the Senate on final passage.

Senators Elton, French, Ellis, Gary Stevens, Olson, Stedman, Therriault, Bunde, Huggins, Wagoner, Kookesh, Seekins moved and asked unanimous consent to be shown as cross sponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 1 Relating to declaring March 2005 as Sobriety Awareness Month, pass the Senate?" The roll was taken with the following result:

HCR 1

Second Reading - Final Passage

YEAS: 15 NAYS: 0 EXCUSED: 5 ABSENT: 0

Yeas: Bunde, Cowdery, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens G, Therriault, Wagoner

Excused: Davis, Dyson, Guess, Stevens B, Wilken

and so, HOUSE CONCURRENT RESOLUTION NO. 1 passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Honoring – Greater Wasilla Chamber of Commerce, Small Business of the Year

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

In Memoriam – Jaxon Kent Logan

Senator(s) Green, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, 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 Stedman moved and asked unanimous consent to be excused from a call of the Senate on February 22. Without objection, Senator Stedman was excused.

Senators Ellis, French, Therriault moved and asked unanimous consent to be excused from a call of the Senate on February 22 to morning plane time. Without objection, Senators Ellis, French, Therriault were excused.

Senator Seekins moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, February 18 to afternoon plane time, February 22. Without objection, Senator Seekins was excused.

Senator Elton moved and asked unanimous consent to be excused from a call of the Senate from March 23 to evening plane time, March 29. Without objection, Senator Elton was excused.

SB 100

Senator Gary Stevens, Chair, moved and asked unanimous consent that the Community and Regional Affairs Committee referral be waived on SENATE BILL NO. 100 "An Act relating to enhanced 911 surcharges imposed by a municipality." Without objection, it was so ordered.

President pro tempore Green added a Finance Committee referral to the bill. SENATE BILL NO. 100 was referred to the Finance Committee.

Announcements

Announcements are at the end of the journal.

Engrossment**SCR 2**

SENATE CONCURRENT RESOLUTION NO. 2 Proclaiming 2005 as Rotary International Year, 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 22, 2005. Without objection, the Senate adjourned at 10:28 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.