

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Wednesday

March 16, 2005

Sixty-sixth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:12 a.m.

The roll showed nineteen members present. Senator Kookesh was excused from a call of the Senate.

The prayer was offered by the Chaplain, President Garth Hamblin of the Church of Jesus Christ of Latter Day Saints. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Our Father in heaven, We are grateful to be met today. Days such as this remind us of the beauty of the place where we live. We express our thanks for the bounties we enjoy.

This morning there was a fire in Juneau. It reminds us that many throughout the world suffer loss and tragedy. We pray that Thou would bless any who struggle or suffer. Help us to be instruments of peace and comfort as we are able.

We pray for those who are met here to deliberate relative to the affairs of this great state. Bless them with wisdom and insight as they discuss and debate matters that are important for all of us. Pray that God grant us wisdom and help us to support these who are elected to serve and lead us.

We again express our thanks for all of our blessings,
for the beautiful place where we live and for the
many things that we enjoy.

In the name of Jesus Christ.

Amen.

Senator Wagoner led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor

HCR 1

Message dated and received March 14 was read, stating the Governor read the following resolution and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE CONCURRENT RESOLUTION NO. 1
Relating to declaring March 2005 as Sobriety
Awareness Month.

Legislative Resolve No. 1

SR 1

Message dated and received March 14 was read, stating the Governor read the following resolution and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE RESOLUTION NO. 1 Establishing a
Senate Special Committee on World Trade and
State/Federal Relations.

Senate Resolve No. 1

Messages from the House**SCR 2**

Message dated March 15 was read, stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 2
Proclaiming 2005 as Rotary International Year.

The resolution was referred to the Secretary for enrollment.

Message dated March 15 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 85**

CS FOR HOUSE BILL NO. 85(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to self-administration and documentation of certain types of medication prescribed to a child attending school."

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

Standing Committee Reports**SB 20**

The State Affairs 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(STA)

Signing amend: Senator Therriault, Chair; Senators Elton, Wagoner, Huggins. Signing no recommendation: Senator Davis.

The following fiscal information was published today:

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

President Stevens added a Finance Committee referral to the bill.

The bill was referred to the Judiciary, then Finance Committees.

SB 54

The State Affairs Committee considered SENATE BILL NO. 54 "An Act relating to notification to victims of sexual assault; relating to protective orders; and relating to arrests for crimes involving sexual assault, violation of protective orders, or violation of conditions of release" and recommended it be replaced with

CS FOR SENATE BILL NO. 54(STA) "An Act relating to protective orders for crimes involving sexual assault and stalking, to notifications to victims of sexual assault, and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure."

Signing no recommendation: Senator Therriault, Chair. Signing amend: Senators Davis, Elton, Wagoner, Huggins.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, zero, Department of Law

Fiscal Note No. 3, zero, Department of Corrections

Fiscal Note No. 4, Department of Public Safety

President Stevens added a Finance Committee referral to the bill.

The bill was referred to the Judiciary, then Finance Committees.

SB 88

The State Affairs Committee considered SENATE BILL NO. 88 "An Act relating to the policy of the state regarding the source of funding used to cover a shortfall in general fund revenue." Signing no recommendation: Senator Therriault, Chair; Senators Davis, Wagoner, Huggins. Signing do not pass: Senator Elton.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Revenue

The bill was referred to the Finance Committee.

HB 1

The Finance Committee considered CS FOR HOUSE BILL NO. 1(HES) "An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
1(FIN)

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

The following fiscal information was published today:

Fiscal Note No. 6, Senate Finance Committee

The bill was referred to the Rules Committee.

HB 42

The Community and Regional Affairs Committee considered HOUSE BILL NO. 42 "An Act naming the Joe Williams, Sr., Coastal Trail" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 42(CRA) "An Act naming the Joseph C. Williams, Sr., Coastal Trail." (Title change authorized by SCR 5)

Signing do pass: Senator Gary Stevens, Chair; Senators Stedman, Ellis.

The following previously published fiscal information applies:
Fiscal Note No. 2, zero, House Transportation Committee

The bill was referred to the Rules Committee.

Introduction and Reference of Senate Bills

SB 142

SENATE BILL NO. 142 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to ownership of land, buildings, and other structures by regional school boards; and providing for an effective date."

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

SB 143

SENATE BILL NO. 143 BY THE SENATE STATE AFFAIRS COMMITTEE, entitled:

"An Act amending the definition of the term 'state agencies' as it applies under Executive Order No. 113; relating to information systems in the legislative branch and to the Telecommunications Information Council; and providing for an effective date."

was read the first time and referred to the State Affairs Committee.

SB 144

SENATE BILL NO. 144 BY THE SENATE RESOURCES COMMITTEE, entitled:

"An Act relating to regulations, definitions, and permits under the emission control permit program; and providing for an effective date."

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

SB 145

SENATE BILL NO. 145 BY SENATOR STEDMAN, entitled:

"An Act authorizing the making of loans for upgrade of commercial fishing tender vessels and gear."

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

Consideration of the Calendar

Second Reading of Senate Bills

SB 105

SENATE BILL NO. 105 "An Act relating to the retrospective application and applicability of the overtime compensation exemption for flight crew members; and providing for an effective date" was read the second time.

Senator Bunde, Chair, moved and asked unanimous consent for the adoption of the Labor and Commerce Committee Substitute offered on page 436. Without objection, CS FOR SENATE BILL NO. 105(L&C) 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. 105(L&C) was read the third time.

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

Senator Olson moved and asked unanimous consent to abstain from voting due to a conflict of interest. Objections were heard and Senator Olson was required to vote.

Senator Bunde declared a conflict of interest.

The question being: "Shall CS FOR SENATE BILL NO. 105(L&C) "An Act relating to the retrospective application and applicability of the overtime compensation exemption for flight crew members; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 105(L&C)
Third Reading - Final Passage
Effective Date

YEAS: 17 NAYS: 2 EXCUSED: 1 ABSENT: 0

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

Nays: Ellis, French

Excused: Kookesh

and so, CS FOR SENATE BILL NO. 105(L&C) 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 French gave notice of reconsideration.

Second Reading of House Bills

HB 47

CS FOR HOUSE BILL NO. 47(FIN) "An Act extending the termination date of the Board of Certified Real Estate Appraisers; and relating to the requirements for membership on the Board of Certified Real Estate Appraisers" was read the second time.

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

CS FOR HOUSE BILL NO. 47(FIN) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 47(FIN) "An Act extending the termination date of the Board of Certified Real Estate Appraisers; and relating to the requirements for membership on the Board of Certified Real Estate Appraisers" pass the Senate?" The roll was taken with the following result:

CSHB 47(FIN)

Third Reading - Final Passage

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Kookesh

and so, CS FOR HOUSE BILL NO. 47(FIN) passed the Senate, was signed by the President and Secretary and returned to the House.

HB 64

HOUSE BILL NO. 64 "An Act extending the termination date for the Board of Public Accountancy; and providing for an effective date" was read the second time.

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

HOUSE BILL NO. 64 was read the third time.

The question being: "Shall HOUSE BILL NO. 64 "An Act extending the termination date for the Board of Public Accountancy; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 64

Third Reading - Final Passage

Effective Date

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Kookesh

and so, HOUSE BILL NO. 64 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 and the bill was signed by the President and Secretary and returned to the House.

Second Reading of House Resolutions

HJR 6

CS FOR HOUSE JOINT RESOLUTION NO. 6(FSH) Relating to the labeling of fish and shellfish to identify the country of origin and to distinguish between wild and farmed fish and shellfish, was read the second time.

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

CS FOR HOUSE JOINT RESOLUTION NO. 6(FSH) was read the third time.

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

The question being: "Shall CS FOR HOUSE JOINT RESOLUTION NO. 6(FSH) Relating to the labeling of fish and shellfish to identify the country of origin and to distinguish between wild and farmed fish and shellfish, pass the Senate?" The roll was taken with the following result:

CSHJR 6(FSH)

Third Reading - Final Passage

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Kookesh

and so, CS FOR HOUSE JOINT RESOLUTION NO. 6(FSH) passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Honoring – Linda Landvik

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

Representative(s) Olson, Chenault

Honoring – Carol Barril

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

Representative(s) Olson, Chenault

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.

Senator Gary Stevens moved and asked unanimous consent that the following citations be made a special order of business. Without objection, it was so ordered.

Special Order of Business

Honoring – Matt Emmons, Olympic Champion

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

Honoring – Dan Jordan, 2004 Paralympic Games Silver Medal Winner

Senator(s) Seekins, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Huggins, Kookesh, Olson, 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 Elton moved and asked unanimous consent to be excused from a call of the Senate on March 31 and April 1. Without objection, Senator Elton was excused.

Senator Therriault moved and asked unanimous consent to be excused from a call of the Senate on March 18. Without objection, Senator Therriault was excused.

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., March 18, 2005. Without objection, the Senate adjourned at 11:55 a.m.

Kirsten Waid
Secretary of the Senate

March 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

Mar 16	Wednesday	Beltz 211	1:30 PM
	Bills Previously Heard/Scheduled		
= SB 102	COASTAL MANAGEMENT PROGRAMS		
= SB 112	TAX ON REAA RESIDENTS		
Mar 18	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		
Mar 21	Monday	Beltz 211	1:30 PM
+ SB 128	BOROUGH INCORPORATION		
	Bills Previously Heard/Scheduled		

FINANCE

Mar 16	Wednesday	Senate Finance 532	9:00 AM
+ SB 141	PUBLIC EMPLOYEE/TEACHER RETIREMENT		
+	Bills Previously Heard/Scheduled		
Mar 17	Thursday	Senate Finance 532	9:00 AM
+ SB 46	APPROP: CAPITAL BUDGET		
	Agency Order To Be Announced		
	-- Testimony <Invitation Only> --		
+	Bills Previously Heard/Scheduled		

FINANCE (continued)

Mar 18 Friday Senate Finance 532 9:00 AM
 += SB 46 APPROP: CAPITAL BUDGET
 Agency Order To Be Announced
 -- Testimony <Invitation Only> --
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 16 Wednesday Butrovich 205 1:30 PM
 + Bills Previously Heard/Scheduled
 += SB 24 REEMPLOYMENT OF RETIREES

Mar 18 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

JUDICIARY

Mar 16 Wednesday Butrovich 205 8:30 AM
 + Department of Corrections Presentation:
 The "Containment Model"
 + Bills Previously Heard/Scheduled
 Joint w/(S) State Affairs Committee

Mar 17 Thursday Butrovich 205 8:30 AM
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 17 Thursday Beltz 211 1:30 PM
 + SB 131 WAGE & HOUR ACT: EXEC/PROF/ADMIN/SALES
 + SB 138 MOTOR VEHICLE DEALER SALES
 Bills Previously Heard/Scheduled
 += SB 124 FISHERIES BUSINESS LICENSE; BOND
 += HB 102 MEDICAL LICENSE: APPLICATION/FOREIGN GRAD
 += SB 130 WORKERS' COMPENSATION

RESOURCES

Mar 16 Wednesday Butrovich 205 3:30 PM
 Bills Previously Heard/Scheduled
 += SB 113 GULF OF ALASKA GROUND FISH FISHERY

Mar 18 Friday Butrovich 205 3:30 PM
 + SB 50 OIL SEVERANCE TAX
 -- Testimony <Invitation Only> --

STATE AFFAIRS

Mar 16 Wednesday Butrovich 205 8:30 AM
 -- Date, Time and Location Change --
 Joint w/(S) Judiciary Committee
 Department of Corrections:
 Sex Offender Containment Model Overview

Mar 17 Thursday Butrovich 205 3:30 PM
 + SB 132 HUMAN RIGHTS COMMISSION
 + SB 134 POLICE INVESTIGATION STANDARDS/ARRESTS
 + SJR 8 CONST. AM: PERMANENT FUND P.O.M.V.
 Bills Previously Heard/Scheduled

TRANSPORTATION

Mar 17 Thursday Butrovich 205 1:30 PM
 + DOT/PF - Briefing on Construction Force
 Accounts, Leasing & Purchasing of
 Equipment Compared to Private Sector

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Mar 30 Wednesday House Finance 519 5:00 PM
 + Executive Session
 Other Committee Business
 -- Testimony <Invitation Only> --

OTHER MEETINGS

CHILDREN'S CAUCUS

Mar 22	Tuesday	Butrovich 205	12:00 PM
+	Boys and Girls Clubs of Alaska		

JOINT SESSION

Mar 30	Wednesday	House Chamber	11:00 AM
	Address by U.S. Senator Lisa Murkowski		