

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Monday

March 21, 2005

Seventy-first Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:09 a.m.

The roll showed nineteen members present. Senator Guess was absent.

The prayer was offered by the Chaplain, Constance Munro of the Juneau Unitarian Universalist Fellowship. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

With the deepest respect for the religious beliefs of all Alaskans, we offer the following prayer:

We come together this morning to remind one another to rest for a moment on the forming edge of our lives,

To resist the headlong tumble into the next moment until we claim ourselves with awareness and gratitude, taking the time to look into one another's faces and see the communion: the reflection of our own eyes.

The house of laughter and silence, memory and hope, is hallowed by our presence together.

Senator Seekins led the Senate in the Pledge of Allegiance.

Certification

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

The presence of Senator Guess was noted.

Messages from the House

Message dated March 18 was read, stating pursuant to AS 24.65.020, the Speaker made the following appointments:

Victims' Advocate Selection Committee

Representative Samuels
Representative Stoltze
Representative Berkowitz

SB 60

Message dated March 18 was read, stating the House passed and returned:

SENATE BILL NO. 60 "An Act extending the termination date of the Statewide Suicide Prevention Council; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

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

**First Reading and Reference of
House Resolutions****HJR 8**

HOUSE JOINT RESOLUTION NO. 8 BY REPRESENTATIVES WEYHRAUCH, Dahlstrom, Gardner, Lynn, Stoltze, Gruenberg, Harris, Hawker, Thomas, Seaton, Elkins, Rokeberg, Gara, Wilson, Croft, Ramras, Meyer, Foster, McGuire, Chenault, Neuman, Guttenberg, Anderson,

Expressing support of Alaska Army National Guard soldiers deployed worldwide.

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

Concur Messages

SB 98

Message dated March 18, which had been held on the Secretary's desk (page 618) was read, stating the House passed CS FOR SENATE BILL NO. 98(FIN) am with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO. 98(FIN) am H "An Act making supplemental appropriations, capital appropriations, and other appropriations; amending appropriations; making appropriations 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."

and so, HOUSE CS FOR CS FOR SENATE BILL NO. 98(FIN) am H is returned for consideration.

Senator Gary Stevens moved that the Senate concur in the House amendments and recommended the body vote no.

The question being: "Shall the Senate concur in the House amendments?" The roll was taken with the following result:

HCS CSSB 98(FIN) am H
Shall the Senate Concur in the House amendments to CSSB 98(FIN) am?

YEAS: 4 NAYS: 16 EXCUSED: 0 ABSENT: 0

Yeas: Ellis, Guess, Kookesh, Olson

Nays: Bunde, Cowdery, Davis, Dyson, Elton, French, Green, Hoffman, Huggins, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

and so, the Senate failed to concur.

The Secretary was requested to notify the House of the Senate's action and request the House to recede from its amendments. In the event the House fails to recede, the President appointed a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Wilken, Chair
Senator Green
Senator Hoffman

Introduction and Reference of Senate Resolutions

SJR 16

SENATE JOINT RESOLUTION NO. 16 BY SENATOR TERRIAULT,

Supporting legislation before the United States Congress that reaffirms the right of the states to regulate hunting and fishing.

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

SR 2

SENATE RESOLUTION NO. 2 BY SENATORS STEDMAN, Therriault, Wilken, Seekins, Gary Stevens, Wagoner, Green,

Supporting the efforts of the Department of Transportation and Public Facilities to improve transportation to and from Juneau and supporting development of the East Lynn Canal Highway.

was read the first time.

Senator Gary Stevens moved and asked unanimous consent that SENATE RESOLUTION NO. 2 be held to Unfinished Business. Without objection, it was so ordered.

Introduction and Reference of Senate Bills**SB 148**

SENATE BILL NO. 148 BY SENATOR ELLIS, entitled:

"An Act relating to breaches of security involving personal information; and relating to credit report security freezes."

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

SB 149

SENATE BILL NO. 149 BY SENATOR GUESS, entitled:

"An Act relating to breaches of security involving personal information; and relating to credit report security freezes."

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

SB 150

SENATE BILL NO. 150 BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act repealing the limits on grants awarded from the Alaska children's trust fund."

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

Consideration of the Calendar**House Bills in Second Reading****HB 1**

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" which was held in second reading (page 623) was before the Senate.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 599. Senator Ellis objected.

President Stevens directed members to refrain from debate on legislation not in possession of the body.

Senator Ellis rose to a point of order.

President Stevens cautioned members to proceed in order.

The question being: "Shall the Finance Senate Committee Substitute be adopted?" The roll was taken with the following result:

CSHB 1(HES)

Second Reading

Adopt Finance Senate Committee Substitute?

YEAS: 12 NAYS: 8 EXCUSED: 0 ABSENT: 0

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

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

and so, the Finance Senate Committee Substitute was adopted.

Senators Elton, Davis, Ellis, French, Guess, Hoffman, Kookesh, Olson offered Amendment No. 1:

Page 1, line 6:

Delete "**\$4,733**"

Insert "**\$5,120**"

Page 1, line 7, through page 2, line 14:

Delete all material.

Page 2, line 15:

Delete "**Sec. 5.** Section 1 of this Act"

Insert "**Sec. 2.** This Act"

Page 2, line 16 through 18:
Delete all material.

Senator Elton moved for the adoption of Amendment No. 1. Senator Green objected.

Senator Bunde rose to a point of order.

President Stevens cautioned members to proceed in order.

President Stevens cited Mason's Manual chapter 11, section 101(4).

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

SCS CSHB 1(FIN)
Second Reading
Amendment No. 1

YEAS: 8 NAYS: 12 EXCUSED: 0 ABSENT: 0

Yeas: Davis, Ellis, Elton, French, Guess, Hoffman, Kookesh, Olson

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

and so, Amendment No. 1 failed.

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.

SENATE CS FOR CS FOR HOUSE BILL NO. 1(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 1(FIN) "An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 1(FIN)

Third Reading - Final Passage

YEAS: 12 NAYS: 8 EXCUSED: 0 ABSENT: 0

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

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

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 1(FIN) passed the Senate.

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:

SCS CSHB 1(FIN)

Effective Date Clauses

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, the effective date clauses were adopted.

Senator French gave notice of reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 1(FIN).

Unfinished Business

Senator Ellis moved and asked unanimous consent to be excused from a call of the Senate from 1:00 p.m. on March 22 and on March 23, 24, and 29 to afternoon plane time. Without objection, Senator Ellis was excused.

Recess

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in recess to 1:45 p.m. Without objection, the Senate recessed at 1:03 p.m.

After Recess

The Senate reconvened at 1:50 p.m.

Unfinished Business (continued)**SR 2**

Senator Gary Stevens moved for the adoption of SENATE RESOLUTION NO. 2. Senator Ellis objected.

President Stevens cited Uniform Rule 49(1).

The question being: "Shall SENATE RESOLUTION NO. 2 Supporting the efforts of the Department of Transportation and Public Facilities to improve transportation to and from Juneau and supporting development of the East Lynn Canal Highway, pass the Senate?" The roll was taken with the following result:

SR 2

Final Passage

YEAS: 12 NAYS: 8 EXCUSED: 0 ABSENT: 0

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

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

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

Announcements

Announcements are at the end of the journal.

Enrollment**SCR 3**

SENATE CONCURRENT RESOLUTION NO. 3 Authorizing a recess by the Senate and the House of Representatives for a period of more than three days, those days being March 25, 26, 27, and 28 of 2005, was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 2:43 p.m., March 21, 2005.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 22, 2005. Without objection, the Senate adjourned at 2:30 p.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 21	Monday	Beltz 211	1:30 PM
+ SB 128	BOROUGH INCORPORATION Bills Previously Heard/Scheduled		
Mar 23	Wednesday	Beltz 211	1:30 PM
	-- Meeting Canceled -- Bills Previously Heard/Scheduled		
Mar 25	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		

FINANCE

Mar 21	Monday	Senate Finance 532	9:00 AM
+ SB 141	PUBLIC EMPLOYEE/TEACHER RETIREMENT -- Public Testimony on Above Bill -- Bills Previously Heard/Scheduled		
Mar 22	Tuesday	Senate Finance 532	9:00 AM
+ SB 141	PUBLIC EMPLOYEE/TEACHER RETIREMENT -- Invited Testimony on Above Bill -- Bills Previously Heard/Scheduled		
Mar 23	Wednesday	Senate Finance 532	9:00 AM
+ SB 46	APPROP: CAPITAL BUDGET Natural Resources, Public Safety, Revenue Bills Previously Heard/Scheduled		

FINANCE (continued)

Mar 24 Thursday Senate Finance 532 9:00 AM
No Meeting Scheduled

Mar 25 Friday Senate Finance 532 9:00 AM
No Meeting Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 21 Monday Butrovich 205 1:30 PM
+ SB 74 CRIMES INVOLVING MARIJUANA/OTHER DRUGS

Mar 23 Wednesday Butrovich 205 2:00 PM
-- Time Change --
+= SB 74 CRIMES INVOLVING MARIJUANA/OTHER DRUGS
+ Bills Previously Heard/Scheduled

Mar 25 Friday Butrovich 205 1:30 PM
No Meeting Scheduled

JUDICIARY

Mar 22 Tuesday Butrovich 205 8:30 AM
+ SB 70 CRIMES INVOLVING CONTROLLED SUBSTANCES
+ Bills Previously Heard/Scheduled

Mar 23 Wednesday Butrovich 205 8:30 AM
+ SB 126 AQUATIC FARMING
+ SB 129 WRONGFUL FILING OF LIS PENDENS
+ Bills Previously Heard/Scheduled

Mar 24 Thursday Butrovich 205 8:30 AM
+ SJR 12 URGE CONFIRM US SUPREME COURT NOMINEES
+ Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 22 Tuesday Beltz 211 1:30 PM
 + SB 137 EVICTING INSTITUTIONAL PROPERTY USERS
 + SB 140 BAN INTERNET SPYWARE
 Bills Previously Heard/Scheduled
 += SB 130 WORKERS' COMPENSATION

Mar 24 Thursday Beltz 211 1:30 PM
 += SB 2 LIEN REQUIREMENTS
 Bills Previously Heard/Scheduled

RESOURCES

Mar 21 Monday Butrovich 205 3:30 PM
 + SB 85 OFF-ROAD VEHICLE USE ON DALTON HIGHWAY
 + SB 144 EMISSION CONTROL PROGRAM PERMITS/REGS

Mar 23 Wednesday Butrovich 205 3:30 PM
 Bills Previously Heard/Scheduled
 += SB 113 GULF OF ALASKA GROUND FISH FISHERY
 -- Testimony <Invitation Only> --

Mar 25 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

STATE AFFAIRS

Mar 22 Tuesday Beltz 211 3:30 PM
 += SJR 8 CONST. AM: PERMANENT FUND P.O.M.V.
 + SJR 14 REPEAL FEDERAL ESTATE TAX
 + SB 24 REEMPLOYMENT OF RETIREES
 + SB 143 STATE INFO SYSTEM PLAN: LEGISLATURE
 + HB 90 STATE TREASURY WARRANTS
 + HB 97 OATHS; NOTARIES PUBLIC; STATE SEAL
 Bills Previously Heard/Scheduled

Mar 24 Thursday Beltz 211 3:30 PM
 No Meeting Scheduled

TRANSPORTATION

Mar 22 Tuesday Butrovich 205 1:30 PM
 + SB 16 POWERS/DUTIES DOTPF/TRANSPORTATION PLAN
 + SB 133 AVIATION ADVISORY BOARD
 Bills Previously Heard/Scheduled

Mar 24 Thursday Butrovich 205 1:30 PM
 No Meeting Scheduled

Apr 05 Tuesday Butrovich 205 1:30 PM
 + Joint w/(H) Transportation
 Port of Tacoma - Briefing
 Federal Aviation Administration
 Weather Camera Program - Briefing

JOINT COMMITTEES**CONFERENCE COMMITTEE FOR SB 98**

Mar 22 Tuesday Senate Finance 532 8:30 AM
 SB 98 FAST TRACK SUPPLEMENTAL APPROPS/CBRF

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 LEGISLATIVE HEALTH CAUCUS

Mar 23 **Wednesday** **Butrovich 205** **12:00 PM**
"911: It's Your Life! "Inner Workings
of Emergency Medical Services

JOINT SESSION

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