

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Thursday

March 31, 2005

Eighty-first Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:28 a.m.

The roll showed eighteen members present. Senators Dyson, Olson were excused from a call of the Senate.

The prayer was offered by the Chaplain, Pastor Gary Waterhouse of the Juneau and Sitka Seventh Day Adventist Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Our Lord and our Creator, our lives are in Your hands this day. We thank You for the gift of life, for our children, our spouses, our families. What an awesome challenge parents have of raising their children in these troublesome times. May they be worthy of their calling.

Bless these men and women here who defend our constitution which stands up for the rights of everyone, including those children, those who cannot speak for themselves, as well as the handicapped and the aged.

May we all live and die in dignity and in love. And to those who grieve the loss of loved ones, we claim the promise when You said, "Blessed are they that mourn, for they shall be comforted."

Touch the hearts of our leaders. Open their minds as to the great worth of the constituents of this state.

We pray in Your name,

Amen.

Senator Guess led the Senate in the Pledge of Allegiance.

Certification

Senator Gary Stevens moved and asked unanimous consent that the journal for the eightieth legislative day and Senate and House Joint Journal Supplement No. 5 be approved as certified by the Secretary. Without objection, it was so ordered.

Introduction of Chamber Staff

Senator Elton introduced Senate Page Alan Gordon of Juneau.

Messages from the House

SCR 5

Message dated March 30 was read, stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 5
Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 42, relating to the Joe
Williams, Sr., Coastal Trail.

The resolution was referred to the Secretary for enrollment.

HB 42

Message dated March 30 was read, stating the House concurred in the Senate amendment to HOUSE BILL NO. 42 "An Act naming the Joe Williams, Sr., Coastal Trail," thus adopting:

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

HB 1

Message dated March 30 was read, stating the House failed to concur in the Senate amendment to CS FOR HOUSE BILL NO. 1(HES) and respectfully requests the Senate to recede from its amendment, namely:

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."

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Meyer, Chair
Representative Chenault
Representative Gara

Senator Gary Stevens moved that the Senate recede from its amendment and recommended the body vote no.

The question being: "Shall the Senate recede from its amendment?"
The roll was taken with the following result:

SCS CSHB 1(FIN)
Shall the Senate recede from its amendment
to CSHB 1(HES)?

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

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

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

Excused: Dyson, Olson

and so, the Senate failed to recede.

The President appointed the following members to a Conference Committee to meet with the like committee from the House:

Senator Wilken, Chair
Senator Green
Senator Hoffman

The Secretary was requested to notify the House.

Communications

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

Twenty-Second Report: 2003-2004 to the Legislature
and Supreme Court
from Larry Cohn, Executive Director, Alaska Judicial Council
in accordance with Alaska Constitution, Article IV, Sec. 9

Standing Committee Reports

SB 54

The Judiciary 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(JUD)
(forthcoming)

Signing do pass: Senator Seekins, Chair; Senators French, Guess, Therriault, Huggins.

The following previously published fiscal information applies:

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

The bill was referred to the Finance Committee.

HB 124

The Judiciary Committee considered HOUSE BILL NO. 124 am "An Act relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 124(JUD)
"An Act relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes; and providing for an effective date." (technical title change)

Signing do pass: Senator Seekins, Chair; Senators French, Guess, Therriault, Huggins.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration
Fiscal Note No. 2, zero, Department of Corrections
Fiscal Note No. 3, zero, Department of Law
Fiscal Note No. 4, zero, Department of Public Safety

The bill was referred to the Rules Committee.

Introduction and Reference of Senate Bills**SB 149**

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 149 BY
SENATOR GUESS, entitled:

"An Act relating to breaches of security involving personal information, consumer report security freezes, consumer credit monitoring, protection of social security numbers, disposal of records, factual declarations of innocence after identity theft, furnishing consumer credit header information, and filing police reports regarding identity theft; and amending Rule 60, Alaska Rules of Civil Procedure."

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

SB 157

SENATE BILL NO. 157 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the maximum annual regulatory cost charge collected from certain regulated public utilities and pipeline carriers; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Department of Commerce, Community, and
Economic Development

Governor's transmittal letter dated March 30:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the calculation of the annual regulatory cost charge for public utilities and pipeline carriers within the jurisdiction of the Regulatory Commission of Alaska (RCA).

Currently, the operations of the RCA are financed through a regulatory cost charge collected from regulated public utilities and pipeline carriers in accordance with AS 42.05.254 and AS 42.06.286, which, under existing statute, may not exceed .7 percent of the total adjusted gross revenue applicable to the regulated public utility and pipeline carrier sectors. The bill would increase that percentage to .9 percent for the fiscal years beginning July 1, 2005, July 1, 2006, and July 1, 2007, to finance certain information system improvements within the RCA. The improvements include the implementation of a case management system, a time management system, and an interactive RCA website that would allow regulated entities to electronically file forms and pleadings on-line.

Because it is anticipated that the information system improvements will result in lower operating costs for the RCA, the bill would then reduce that .9 percent maximum regulatory cost charge to the previous .7 percent level for the fiscal year beginning July 1, 2008, and for subsequent fiscal years. This bill would not change the existing maximum for the portion of the regulatory cost charge that finances operations of the public advocacy function under AS 42.04.070(c) and AS 44.23.020(e) within the Department of Law.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

Consideration of the Calendar

Second Reading of Senate Bills

SB 129

SENATE BILL NO. 129 "An Act relating to the wrongful recording of a notice of pendency of an action relating to title to or right to possession of real property" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 685. Without objection, CS FOR SENATE BILL NO. 129(JUD) 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. 129(JUD) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 129(JUD) "An Act relating to the wrongful recording of a notice of pendency of an action relating to title to or right to possession of real property" pass the Senate?" The roll was taken with the following result:

CSSB 129(JUD)

Third Reading - Final Passage

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

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

Excused: Dyson, Olson

and so, CS FOR SENATE BILL NO. 129(JUD) passed the Senate and was referred to the Secretary for engrossment.

Citations

Honoring – Delta Chamber of Commerce, Alaska State Chamber of the Year Award

Representative(s) Harris

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

Honoring – Michael Dunlevy

Representative(s) Joule

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

Honoring – Kotzebue High School's Battle of the Books Team

Representative(s) Joule

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

In Memoriam – Lila Rozak

Senator(s) Wagoner, Ben Stevens, Bunde, 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.

Unfinished Business

Senator French moved and asked unanimous consent to be excused from a call of the Senate on April 4 and on April 5, to morning plane time. Without objection, Senator French was excused.

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate on April 14. Without objection, Senator Wagoner was excused.

SB 54

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

Announcements

Announcements are at the end of the journal.

Engrossment

SB 129

CS FOR SENATE BILL NO. 129(JUD) "An Act relating to the wrongful recording of a notice of pendency of an action relating to title to or right to possession of real property" 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., April 1, 2005. Without objection, the Senate adjourned at 11:47 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

Apr 01 Friday Beltz 211 1:30 PM
No Meeting Scheduled

Apr 04 Monday Beltz 211 1:30 PM
+= HB 108 WATER & SEWER UTILITIES OF POLIT. SUBDIV.
+= SB 114 SERVICE AREAS IN SECOND CLASS BOROUGHES
Bills Previously Heard/Scheduled

Apr 06 Wednesday Beltz 211 1:30 PM
+ Senate Bill:
PROHIBITING THE IMPOSITION OF MUNICIPAL
SALES AND USE TAXES ON STATE CONSTRUCTION
CONTRACTS AND CERTAIN SUBCONTRACTS
<Pending Introduction & Referral>
+ Bills Previously Heard/Scheduled

Apr 08 Friday Beltz 211 1:30 PM
Bills Previously Heard/Scheduled

FINANCE

Mar 31 Thursday Senate Finance 532 9:00 AM
+= SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
+ Bills Previously Heard/Scheduled
--Committee will recess to the call of
the Chair, approximately 4:00 p.m.--

FINANCE (continued)

Apr 01 Friday Senate Finance 532 9:00 AM
 += SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 + Bills Previously Heard/Scheduled
 -- Committee will recess to the call of
 the Chair, approximately 4:00 p.m.--

Apr 02 Saturday Senate Finance 532 10:00 AM
 -- Time Change --
 += SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 + Bills Previously Heard/Scheduled

Apr 03 Sunday Senate Finance 532 10:00 AM
 -- Time Change --
 += SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 + Bills Previously Heard/Scheduled

Apr 04 Monday Senate Finance 532 9:00 AM
 += SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 += SB 93 FISHING PERMIT AND VESSEL LICENSE FEES
 + SB 155 APPROP: SCHOOLS/UNIV/VIROLOGY LAB/MUSEUM
 + SB 112 TAX ON REAA RESIDENTS
 + Bills Previously Heard/Scheduled

Apr 05 Tuesday Senate Finance 532 9:00 AM
 += SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 += SB 100 ENHANCED 911 SURCHARGES
 + SB 88 POLICY ON GENERAL FUND REVENUE SHORTFALL
 + SB 151 DECOUPLING FROM FED TAX DEDUCTION
 + SB 70 CRIMES INVOLVING CONTROLLED SUBSTANCES
 + Bills Previously Heard/Scheduled

Apr 06 Wednesday Senate Finance 532 9:00 AM
 + HCR 2 IN-STATE NATURAL GAS NEEDS
 + SB 144 EMISSION CONTROL PROGRAM PERMITS/REGS
 + SB 110 POLLUTION DISCHARGE & WASTE TRMT/DISPOSAL
 + SB 103 OIL & GAS: REG. OF UNDERGROUND INJECTION
 + Bills Previously Heard/Scheduled

Apr 07 Thursday Senate Finance 532 9:00 AM
 += SB 46 APPROP: CAPITAL BUDGET
 Revenue, Courts, DEC, DOT/PF
 + Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 08 Friday Senate Finance 532 9:00 AM
 + SB 71 NONUNION PUBLIC EMPLOYEE SALARY & BENEFIT
 + SB 130 WORKERS' COMPENSATION
 <Pending Referral>
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 01 Friday Butrovich 205 1:30 PM
 += SB 74 CRIMES INVOLVING MARIJUANA/OTHER DRUGS

Apr 04 Monday Butrovich 205 1:30 PM
 + HB 85 PRESCRIBED MEDICATION FOR STUDENTS
 += SB 10 PARENTAL LIABILITY FOR CHILD'S DAMAGE
 + Bills Previously Heard/Scheduled

Apr 06 Wednesday Butrovich 205 1:30 PM
 += SB 125 LICENSING MEDICAL OR CARE FACILITIES
 + SB 150 ALASKA CHILDREN'S TRUST FUND GRANTS
 + Bills Previously Heard/Scheduled

Apr 08 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

JUDICIARY

Mar 31 Thursday Butrovich 205 8:30 AM
 + HB 124 COLLECTION OF DNA/USE OF FORCE
 + SB 20 OFFENSES AGAINST UNBORN CHILDREN
 + SB 54 PROTECTIVE ORDERS FOR SEXUAL ASSAULT
 + Bills Previously Heard/Scheduled

Apr 04 Monday Butrovich 205 8:30 AM
 += SB 117 RECORDED STATEMENTS OF CHILD VICTIMS
 += SB 20 OFFENSES AGAINST UNBORN CHILDREN

Apr 05 Tuesday Butrovich 205 8:30 AM
 + SB 130 WORKERS' COMPENSATION
 <Pending Referral>
 + SB 137 EVICTING INSTITUTIONAL PROPERTY USERS
 + Bills Previously Heard/Scheduled

JUDICIARY (continued)

Apr 06 Wednesday Butrovich 205 8:30 AM
 + SB 128 BOROUGH INCORPORATION
 + SB 135 ASSAULT & CUSTODIAL INTERFERENCE
 + Bills Previously Heard/Scheduled

Apr 07 Thursday Butrovich 205 8:30 AM
 + SB 140 BAN INTERNET SPYWARE
 + SB 132 HUMAN RIGHTS COMMISSION
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 31 Thursday Beltz 211 1:30 PM
 + SB 142 REGIONAL SCHOOL BD LAND/BLDG OWNERSHIP
 + SB 139 EXTENSIONS OF OCCUPATIONAL BDS/AGENCIES
 + SB 108 INSURANCE
 Bills Previously Heard/Scheduled
 Including But Not Limited to:
 = SB 147 SPORT FISHING FACILITY REVENUE BONDS
 = SJR 11 REPEAL TELECOMMUNICATIONS TAX
 = SB 130 WORKERS' COMPENSATION

Apr 05 Tuesday Beltz 211 1:30 PM
 + Senate Bill:
 SUPPLY CHAIN MODERNIZATION
 <Pending Introduction & Referral>
 + Senate Bill:
 ENTEND BOARD OF OPTICIANS
 <Pending Introduction & Referral>
 Bills Previously Heard/Scheduled
 Including But Not Limited to:
 += SB 139 EXTENSIONS OF OCCUPATIONAL BDS/AGENCIES
 += SJR 11 REPEAL TELECOMMUNICATIONS TAX
 += SB 142 REGIONAL SCHOOL BD LAND/BLDG OWNERSHIP

Apr 07 Thursday Beltz 211 1:30 PM
 + SB 145 LOANS FOR COMMERCIAL FISHING TENDERS
 + HB 81 CONTRACTOR LICENSE ENFORCEMENT
 + Bills Previously Heard/Scheduled
 Including But Not Limited to:
 += SB 108 INSURANCE

RESOURCES

Apr 01 Friday Butrovich 205 3:30 PM

-- Meeting Canceled --

+ SB 113 GULF OF ALASKA GROUND FISH FISHERY

-- Testimony <Invitation Only> --

Apr 04 Monday Butrovich 205 3:30 PM

+ SB 126 AQUATIC FARMING

+ SJR 16 STATES' RIGHT TO REGULATE HUNTING/FISHING

+ HJR 15 OPEN OCEAN AQUACULTURE

Apr 06 Wednesday Butrovich 205 3:30 PM

+ SB 102 COASTAL MANAGEMENT PROGRAMS

-- Testimony <Invitation Only> --

Apr 08 Friday Butrovich 205 3:30 PM

+ SB 85 OFF-ROAD VEHICLE USE ON DALTON HIGHWAY

+ SB 96 UNIVERSITY LAND GRANT/STATE FOREST

-- Testimony <Invitation Only> --

STATE AFFAIRS

Mar 31 Thursday Beltz 211 3:30 PM

+ SB 121 STATE OF AK CAPITAL CORP.; BONDS

+ SB 122 AMERADA HESS INCOME; CAPITAL INCOME ACCT.

+ SB 152 APPROP: COST-OF-LIVING SURVEY

+ Bills Previously Heard/Scheduled

Apr 05 Tuesday Beltz 211 3:30 PM

Confirmation Hearing:

Brigadier General Tony Hart

Bills Previously Heard/Scheduled

Apr 07 Thursday Beltz 211 3:30 PM

+ SB 154 JUVENILE DELINQUENCY PROCEEDINGS

Bills Previously Heard/Scheduled

TRANSPORTATION

Mar 31 Thursday Butrovich 205 1:30 PM
 = SB 16 POWERS/DUTIES DOTPF/TRANSPORTATION PLAN
 = SB 133 AVIATION ADVISORY BOARD
 Bills Previously Heard/Scheduled

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

Apr 07 Thursday Butrovich 205 1:30 PM
 + SB 153 INTERNATIONAL AIRPORTS REVENUE BONDS
 + DOT/PF - Briefing of Projects:
 Wasilla Bypass
 McCarthy Road
 Mid Region (SE) Access aka Bradfield/
 Gravina Island Bridge
 North Pole Rich Hwy/Dawson Interchange
 Fairbanks University Ave/Giest Road
 Intersection
 Bills Previously Heard/Scheduled

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Apr 05 Tuesday Butrovich 205 7:00 AM
 FY06 Budget Review:
 Administration

COMMERCE, COMMUNITY & ECONOMIC DEV

Apr 05 Tuesday Senate Finance 532 8:00 AM
 Budget Close Out:
 Commerce, Community & Economic Dev

COURT SYSTEM

Apr 07 Thursday Senate Finance 532 3:20 PM
Budget Close Out:
Court System

EDUCATION & EARLY DEVELOPMENT

Apr 06 Wednesday Senate Finance 532 4:30 PM
Budget Close Out:
Education & Early Development

ENVIRONMENTAL CONSERVATION

Apr 07 Thursday Senate Finance 532 8:00 AM
Budget Close Out:
Environmental Conservation

FISH & GAME

Apr 04 Monday Fahrenkamp 203 1:30 PM
Budget Close Out:
Fish & Game

GOVERNOR

Apr 05 Tuesday Senate Finance 532 4:30 PM
Budget Close Out:
Office of the Governor

LABOR & WORKFORCE DEVELOPMENT

Apr 07 Thursday Beltz 211 8:15 AM
Budget Close Out:
Labor & Workforce Development

LAW

Apr 07 Thursday Fahrenkamp 203 4:00 PM
Budget Close Out:
Law

LEGISLATURE

Apr 05 Tuesday Senate Finance 532 4:00 PM
Budget Close Out:
Legislature

MILITARY AND VETERANS AFFAIRS

Apr 01 Friday Beltz 211 4:00 PM
FY06 Budget Review:
Military and Veterans Affairs

NATURAL RESOURCES

Apr 05 Tuesday Beltz 211 8:15 AM
Budget Close Out:
Natural Resources

PUBLIC SAFETY

Apr 01 Friday Beltz 211 7:00 AM
FY06 Budget Review:
Public Safety

REVENUE

Apr 07 Thursday Fahrenkamp 203 1:30 PM
Budget Close Out:
Revenue

UNIVERSITY OF ALASKA

Apr 01 Friday Senate Finance 532 8:00 AM
FY06 Budget Overview:
University of Alaska