

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Wednesday

April 6, 2005

Eighty-seventh Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:13 a.m.

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

The prayer was offered by the Chaplain, Pastor Mike Rose of the Juneau Christian Center. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Heavenly Father, Thank You so much for this day, and for the privilege to have an attitude that reflects our opportunities to live an abundant life. Thank You for Your provision for each one of us, and we ask that You will help us in faith to appropriate all that belongs to us. Help us to be mindful today Lord that every good and perfect gift comes from above, and may our praise and thankfulness reflect this truth and bring glory to Your name.

We are exhorted: that first of all supplications, prayers, intercessions, and giving of thanks be made for all men, for kings and all who are in authority, that we may lead a quiet and peaceable life in all godliness and reverence. In accordance with Your word Lord, we ask for protection, favor and mercy for each senator and their families. We ask that You would grant them strength and wisdom for every decision they make today.

I pray this in the name of Jesus.

Amen.

Senator Ellis led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Messages dated April 4 and 5 were read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 95

CS FOR HOUSE BILL NO. 95(RLS) am BY THE HOUSE RULES COMMITTEE, entitled:

"An Act relating to the duties of the Department of Health and Social Services as those duties pertain to public health and public health emergencies and disasters; relating to medical treatment, information, isolation and quarantine for the prevention and management of conditions of public health importance; relating to duties of the public defender and office of public advocacy regarding public health emergencies and disasters; relating to liability for actions arising from public health procedures; making conforming amendments; relating to the treatment and transportation of dead bodies; amending Rules 4, 7, 8, 38, 40, 65, 72, and 77, Alaska Rules of Civil Procedure; and providing for an effective date."

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

HB 128

CS FOR HOUSE BILL NO. 128(HES) BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act establishing the Alaska Schools Physical Activity Task Force."

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

HB 198

CS FOR HOUSE BILL NO. 198(RES)(title am) BY THE HOUSE RESOURCES COMMITTEE, entitled:

"An Act relating to aquatic plant and shellfish farming; and providing for an effective date."

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

Concur Messages**SJR 6**

Message dated April 4 was read, stating the House passed and returned for consideration SENATE JOINT RESOLUTION NO. 6 Relating to a reduction in the Federal Medical Assistance Percentage for Alaskans, and urging the United States Congress to take action to prevent the reduction, with the following amendments:

HOUSE CS FOR SENATE JOINT RESOLUTION
NO. 6(FIN) am H

Senator Gary Stevens moved that the Senate concur in the House amendments.

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

HCS SJR 6(FIN)am H

Shall the Senate concur in the House amendments
to SJR 6?

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

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

Absent: Guess

and so, the Senate concurred in the House amendments, thus adopting
HOUSE CS FOR SENATE JOINT RESOLUTION NO. 6(FIN) am H
Relating to a reduction in the Federal Medical Assistance Percentage
for Alaskans, and urging the United States Congress to take action to
prevent the reduction.

The Secretary was requested to notify the House.

The resolution was referred to the Secretary for enrollment.

Communications

Report from the Commissioner of the Department of Administration
dated March 17 was received, stating the amended monetary terms for
the collective bargaining agreement reached with the Public Safety
Employees Association in accordance with AS 23.40.215.

President Stevens referred the report to the Finance Committee.

Standing Committee Reports

Report dated April 5 was read, stating:

In accordance with AS 39.05.080, the State Affairs Committee
reviewed the following and recommends the appointment be
forwarded to a joint session for consideration:

Alaska Air National Guard – Brigadier General

Colonel Tony A. Hart

There were no stated objections to the confirmation of the named individual by committee members. This does not reflect an intent by any of the members to vote for or against the individual during any further sessions.

Signing the report: Senator Therriault, Chair; Senator Wagoner, Vice Chair; Senators Huggins, Davis, Elton.

SB 134

The State Affairs Committee considered SENATE BILL NO. 134 "An Act relating to arrest; relating to investigation standards for police officers conducting criminal investigations and violations of those standards" and recommended it be replaced with

CS FOR SENATE BILL NO. 134(STA) "An Act relating to investigation standards for police officers conducting certain criminal investigations and violations of those standards."

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

The following fiscal information was published today:

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

President Stevens added a Finance Committee referral to the bill.

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

SB 142

The Labor and Commerce Committee considered SENATE BILL NO. 142 "An Act relating to ownership of land, buildings, and other structures by regional school boards; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 142(L&C) "An Act relating to ownership of land by regional school boards; and providing for an effective date."

Signing do pass: Senator Bunde, Chair; Senators Davis, Seekins, Ben Stevens. Signing no recommendation: Senator Ellis.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Education and Early Development

Fiscal Note No. 2, zero, Department of Transportation and Public Facilities

The bill was referred to the Finance Committee.

SJR 11

The Labor and Commerce Committee considered SENATE JOINT RESOLUTION NO. 11 Urging the United States Congress to amend the tax code to repeal the federal excise tax on communications. Signing do pass: Senator Bunde, Chair; Senators Seekins, Ben Stevens. Signing no recommendation: Senators Davis, Ellis.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Revenue

The resolution was referred to the Finance Committee.

Introduction and Reference of Senate Resolutions

SCR 6

SENATE CONCURRENT RESOLUTION NO. 6 BY THE SENATE RESOURCES COMMITTEE,

Urging the governor to direct the division of oil and gas, Department of Natural Resources, to undertake a comprehensive review of the subject of Cook Inlet oil and gas platform abandonment for the purpose of developing new oil and gas platform abandonment regulations and their adoption and implementation.

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

SCR 7

SENATE CONCURRENT RESOLUTION NO. 7 BY THE SENATE RESOURCES COMMITTEE,

Endorsing the ongoing efforts of the administration to review and revise program regulations with the objective of streamlining the exploratory oil and gas process.

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

SCR 8

SENATE CONCURRENT RESOLUTION NO. 8 BY THE SENATE RESOURCES COMMITTEE,

Encouraging the Regulatory Commission of Alaska expeditiously to complete its investigation of the Cook Inlet Gas Gathering System.

was read the first time and referred to the State Affairs and Resources Committees.

Introduction and Reference of Senate Bills**SB 162**

SENATE BILL NO. 162 BY SENATOR DYSON, entitled:

"An Act relating to monitoring and reporting of student discipline and safety, of student health pertaining to height, nutrition, and physical activity, of the percentage of the legislative body with a body mass index that exceeds 25.0, and of state capitol vending machine profits; requiring schools to report school health status and policy, the percentage of students that are overweight and at risk of being overweight, and profits from vending machines; and requiring the evaluation of health education programs on the basis of health reports and screening."

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

SB 163

SENATE BILL NO. 163 BY THE SENATE RESOURCES COMMITTEE, entitled:

"An Act extending and amending the requirements applicable to the credit that may be claimed for certain oil and gas exploration expenses incurred in Cook Inlet against oil and gas properties production (severance) taxes."

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

SB 164

SENATE BILL NO. 164 BY SENATOR STEDMAN, entitled:

"An Act relating to the salmon product development tax credit; providing for an effective date by amending an effective date in sec. 7, ch. 57, SLA 2003; and providing for an effective date."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 93**

SENATE BILL NO. 93 "An Act relating to commercial fishing permit and vessel license fees; and providing for an effective date" was read the second time.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 776. Without objection, CS FOR SENATE BILL NO. 93(FIN) 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.

Senators Dyson, Wagoner, Hoffman declared a conflict of interest.

CS FOR SENATE BILL NO. 93(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 93(FIN) "An Act relating to commercial fishing permit and vessel license fees; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 93(FIN)

Third Reading - Final Passage

Effective Date

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

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

Absent: Guess

and so, CS FOR SENATE BILL NO. 93(FIN) 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 referred to the Secretary for engrossment.

Third Reading of Senate Resolutions

SJR 10

SENATE JOINT RESOLUTION NO. 10 Supporting the federal marriage amendment, was read the third time.

Senators Wilken, Seekins, Wagoner, Huggins, Green, Therriault, Gary Stevens, 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 JOINT RESOLUTION NO. 10 Supporting the federal marriage amendment, pass the Senate?" The roll was taken with the following result:

SJR 10

Third Reading - Final Passage

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

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

Nays: Davis, Ellis, Elton

Absent: Guess

and so, SENATE JOINT RESOLUTION NO. 10 passed the Senate and was referred to the Secretary for engrossment.

SJR 12

CS FOR SENATE JOINT RESOLUTION NO. 12(JUD) was read the third time.

The question being: "Shall CS FOR SENATE JOINT RESOLUTION NO. 12(JUD) Requesting the United States Senate to move quickly to a majority floor vote of the United States Senate on all nominations by President George W. Bush to the United States Supreme Court, pass the Senate?" The roll was taken with the following result:

CSSJR 12(JUD)

Third Reading - Final Passage

YEAS: 13 NAYS: 6 EXCUSED: 0 ABSENT: 1

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

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

Absent: Guess

and so, CS FOR SENATE JOINT RESOLUTION NO. 12(JUD) passed the Senate.

Senator Ellis gave notice of reconsideration.

Citations

Honoring – Kristen Forrester

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

Honoring – Region I Elections Supervisor, Pamela J. Crowe

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

Honoring – Michael Binkie

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

Honoring – YWCA 2004 Women of Achievement Award Winner, Carol Gore

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

Honoring – Noorvik Aqqaluk School

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 – Sally Woods Evans Hudson

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

In Memoriam – Lydia L. Mack

Representative(s) Moses

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

In Memoriam – Ron Zobel
Representative(s) Croft
Senator(s) French, Cowdery, Davis, Dyson, Ellis, Elton, Guess,
Hoffman, Kookesh, Olson

In Memoriam – LB Mauldin
Representative(s) Stoltze, Dahlstrom, Hawker, Kott
Senator(s) Bunde, Dyson, Huggins, Ben Stevens, Cowdery, Davis,
Ellis, Elton, Green, Guess, Hoffman, 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

SB 54

Senator Ellis 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 93

CS FOR SENATE BILL NO. 93(FIN) "An Act relating to commercial fishing permit and vessel license fees; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SJR 10

SENATE JOINT RESOLUTION NO. 10 Supporting the federal marriage amendment, 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 7, 2005. Without objection, the Senate adjourned at 11:59 a.m.

Kirsten Waid
Secretary of the Senate

April 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 06 Wednesday Beltz 211 1:30 PM
 + SB 158 MUNI TAX ON STATE CONSTRUCTION CONTRACTS
 + Bills Previously Heard/Scheduled

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

FINANCE

Apr 06 Wednesday Senate Finance 532 9:00 AM
 + HCR 2 IN-STATE NATURAL GAS NEEDS
 <Bill Hearing Time Permitting>
 + SB 144 EMISSION CONTROL PROGRAM PERMITS/REGS
 <Bill Hearing Time Permitting>
 + SB 110 POLLUTION DISCHARGE & WASTE TRMT/DISPOSAL
 <Bill Hearing Postponed>
 + SB 103 OIL & GAS: REG. OF UNDERGROUND INJECTION
 <Bill Hearing Postponed>
 + Bills Previously Heard/Scheduled
 + SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 -- Public Testimony --

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

FINANCE (forthcoming)

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 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
 += SB 10 PARENTAL LIABILITY FOR CHILD'S DAMAGE

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

JUDICIARY

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

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
 += SB 131 WAGE & HOUR ACT: EXEC/PROF/ADMIN/SALES

RESOURCES

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

Apr 07 Thursday Beltz 211 3:30 PM
 + SB 154 JUVENILE DELINQUENCY PROCEEDINGS
 Bills Previously Heard/Scheduled

TRANSPORTATION

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**CORRECTIONS**

Apr 07 Thursday Senate Finance 532 3:00 PM
 Budget Close Out:
 Corrections

FINANCE SUBCOMMITTEES**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

HEALTH & SOCIAL SERVICES

Apr 07 Thursday Senate Finance 532 4:15 PM
 Budget Close Out:
 Health & Social Services

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

FINANCE SUBCOMMITTEES**REVENUE**

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

TRANSPORTATION & PUBLIC FACILITIES

Apr 07 Thursday Senate Finance 532 3:45 PM
Budget Close Out:
Transportation & Public Facilities

UNIVERSITY OF ALASKA

Apr 11 Monday Senate Finance 532 9:00 AM
-- Time Change --
Budget Close Out
University of Alaska

OTHER MEETINGS**JOINT LEGISLATIVE HEALTH CAUCUS**

Apr 06 Wednesday Fahrenkamp 203 12:00 PM
"Hi-Tech Health: How Technology Improves
Our Health"
A Healthy Lunch Will Be Served