

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Monday

April 25, 2005

One Hundred Sixth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:10 a.m.

The roll showed eighteen members present. Senators Bunde, Guess were absent.

Senator Gary Stevens moved and asked unanimous consent that Senator Bunde be excused from a call of the Senate from today to evening plane time, April 30. Without objection, Senator Bunde was excused.

The prayer was offered by the Chaplain, Andrea Doll of the Juneau Friends Meeting. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

In the deepest respect for religious beliefs of each person here, I invite you into a time of prayer and reflection. Let us pray:

We thank You, Creator, for Your presence here today and we thank You for providing us with the path that has brought each of us here. May we listen to Your guidance, that we may be of service to You and to all of Your children.

In humility and in gratitude we say, "Thank You."

Senator Huggins led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House**SB 90**

Message dated April 22 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 90(STA) "An Act relating to Alaska Territorial Guard Day."

The bill was referred to the Secretary for enrollment.

Message dated April 22 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions****HCR 7**

CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(RES) BY THE HOUSE 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.

First Reading and Reference of House Bills**HB 33**

CS FOR HOUSE BILL NO. 33(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to required notification of the Department of Commerce, Community, and Economic Development, economic effect statements, and regulatory flexibility analyses regarding the adoption of regulations that may govern the conduct of small businesses; relating to a private cause of action, regulation invalidation, and judicial review related to required notification, economic effect statements, and regulatory flexibility analyses for the adoption of regulations that may govern the conduct of small businesses; and providing for an effective date."

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

HB 121

CS FOR HOUSE BILL NO. 121(2d RLS) BY THE HOUSE RULES COMMITTEE, entitled:

"An Act relating to consolidating or abolishing certain road service areas in certain second class boroughs; and providing for an effective date."

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

HB 130

CS FOR HOUSE BILL NO. 130(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; establishing the university research forest; and providing for an effective date."

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

Standing Committee Reports

SB 101

The Judiciary Committee considered SENATE BILL NO. 101 "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 101(JUD)

Signing do pass: Senator Seekins, Chair; Senators Therriault, Huggins.
Signing no recommendation: Senator French.

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

The bill was referred to the Rules Committee.

SB 102

The Resources Committee considered SENATE BILL NO. 102 "An Act relating to district coastal management programs; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 102(RES) "An Act relating to an extension for review and approval of revisions to the Alaska coastal management program; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003; and providing for an effective date."

Signing do pass: Senator Wagoner, Chair; Senators Seekins, Stedman, Ben Stevens. Signing no recommendation: Senators Elton, Dyson.

The following previously published fiscal information applies:

- Fiscal Note No. 1, Department of Natural Resources
- Fiscal Note No. 2, zero, Department of Commerce, Community and Economic Development
- Fiscal Note No. 3, zero, Department of Fish and Game
- Fiscal Note No. 4, zero, Department of Environmental Conservation

The bill was referred to the Finance Committee.

SB 110

Forthcoming fiscal note (page 1015) for the Finance Committee Substitute for SENATE BILL NO. 110 "An Act relating to regulation of the discharge of pollutants under the National Pollutant Discharge Elimination System; and providing for an effective date" was published today:

- Fiscal Note No. 5, Department of Environmental Conservation

SB 133

The Finance Committee considered SENATE BILL NO. 133 "An Act establishing the Aviation Advisory Board; and providing for an effective date." Signing do pass: Senators Wilken, Green, Cochairs; Senators Olson, Dyson, Stedman. Signing no recommendation: Senator Hoffman.

The following fiscal information was published today:

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

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Transportation and Public Facilities

The bill was referred to the Rules Committee.

SB 150

The Finance Committee considered SENATE BILL NO. 150 "An Act repealing the limits on grants awarded from the Alaska children's trust fund" and recommended the adoption of the Health, Education and

Social Services Committee Substitute offered on page 1016. Signing do pass: Senators Wilken, Green, Cochairs; Senators Dyson, Stedman. Signing no recommendation: Senators Hoffman, 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 Rules Committee.

SB 151

The Finance Committee considered SENATE BILL NO. 151 "An Act excepting from the Alaska Net Income Tax Act the federal deduction regarding income attributable to certain domestic production activities; and providing for an effective date." Signing do pass: Senators Wilken, Green, Cochairs. Signing no recommendation: Senators Hoffman, Olson, Dyson, Stedman.

The following fiscal information was published today:

Fiscal Note No. 2, Department of Revenue

The bill was referred to the Rules Committee.

SB 171

The Community and Regional Affairs Committee considered SENATE BILL NO. 171 "An Act amending the National Petroleum Reserve - Alaska special revenue fund; and establishing the Special Legislative Oil and Gas NPR-A Development Impact Review Committee and defining its powers and duties." Signing do pass: Senator Gary Stevens, Chair; Senators Wagoner, Stedman.

The following fiscal information was published today:

Fiscal Note No. 1, Legislative Agency

Fiscal Note No. 2, zero, Department of Commerce, Community and Economic Development

The bill was referred to the Finance Committee.

HB 35

The Labor and Commerce Committee considered HOUSE BILL NO. 35 "An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 35(L&C) "An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; extending the term of a temporary member of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

(Title change authorized by SCR 10)

Signing do pass: Senator Bunde, Chair; Senators Davis, Seekins, Ben Stevens.

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Commerce, Community and Economic Development

The bill was referred to the Finance Committee.

HB 85

The Judiciary Committee considered CS FOR HOUSE BILL NO. 85(JUD) "An Act relating to self-administration and documentation of certain types of medication prescribed to a child attending school" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
85(JUD)

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

The following previously published fiscal information applies:
Fiscal Note No. 2, zero, Department of Education and Early Development

The bill was referred to the Rules Committee.

HB 88

The Judiciary Committee considered CS FOR HOUSE BILL NO. 88(RLS) "An Act relating to certain weapons offenses involving minors; relating to the definition of 'recreation or youth center' for purposes of misconduct involving a controlled substance; to aggravating factors in sentencing for certain offenses committed on school grounds, on a school bus, at a school-sponsored event, or in administrative offices of a school district; to mitigating factors in sentencing for a defendant's assistance to authorities to detect, apprehend, or prosecute other persons who committed an offense; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
88(JUD)

Signing do pass: Senator Seekins, Chair; Senators Therriault, Huggins. Signing no recommendation: Senators French, Guess.

The following previously published fiscal information applies:
Fiscal Note No. 3, indeterminate, House Finance
Committee
Fiscal Note No. 4, indeterminate, House Finance
Committee

The bill was referred to the Finance Committee.

HB 184

The Community and Regional Affairs Committee considered HOUSE BILL NO. 184 am "An Act relating to firearms." Signing do pass: Senator Gary Stevens, Chair; Senators Wagoner, Stedman.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Commerce,
Community and Economic Development
Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Judiciary Committee.

HB 219

The Judiciary Committee considered CS FOR HOUSE BILL NO. 219(FIN) "An Act relating to the definition of 'dangerous instrument' as applied within the criminal code." Signing do pass: Senator Seekins, Chair; Senators French, Guess, Huggins. Signing no recommendation: Senator Therriault.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Alaska Court System
- Fiscal Note No. 2, zero, Department of Law
- Fiscal Note No. 3, zero, Department of Public Safety
- Fiscal Note No. 5, zero, House Finance Committee

The bill was referred to the Rules Committee.

HB 229

The Community and Regional Affairs Committee considered HOUSE BILL NO. 229 "An Act relating to the reinstatement of Native corporations; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senators Wagoner, Stedman.

The following previously published fiscal information applies:

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

The bill was referred to the State Affairs Committee.

HJR 5

The Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 5(RES) Opposing imposition of a milk tax on Alaskans. Signing do pass: Senator Wagoner, Chair; Senators Dyson, Seekins, Stedman. Signing no recommendation: Senator Elton.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, House Resources Committee

The resolution was referred to the Labor and Commerce Committee.

HJR 16

The Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 16(RES) am Opposing the designation of any area in the state as a world heritage site, biosphere reserve, or any other type of international designation without the consent of the Alaska State Legislature and affected local governments. Signing do pass: Senator Wagoner, Chair; Senators Dyson, Stedman. Signing no recommendation: Senator Elton.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Legislative Agency

The resolution was referred to the Rules Committee.

The presence of Senator Guess was noted.

**Introduction and Reference of
Senate Resolutions****SCR 10**

SENATE CONCURRENT RESOLUTION NO. 10 BY THE SENATE LABOR AND COMMERCE COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 35, extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors.

was read the first time and held on the Secretary's desk.

Consideration of the Calendar**Third Reading of Senate Bills****SB 172**

SENATE BILL NO. 172 was read the third time.

The question being: "Shall SENATE BILL NO. 172 "An Act relating to the presentation of initiatives and referenda on the ballot" pass the Senate?" The roll was taken with the following result:

SB 172

Third Reading - Final Passage

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

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

Excused: Bunde

and so, SENATE BILL NO. 172 passed the Senate and was referred to the Secretary for engrossment.

Second Reading of Senate Resolutions

SJR 11

SENATE JOINT RESOLUTION NO. 11 Urging the United States Congress to amend the tax code to repeal the federal excise tax on communications, was read the second time.

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

SENATE JOINT RESOLUTION NO. 11 was read the third time.

The question being: "Shall SENATE JOINT RESOLUTION NO. 11 Urging the United States Congress to amend the tax code to repeal the federal excise tax on communications, pass the Senate?" The roll was taken with the following result:

SJR 11

Third Reading - Final Passage

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

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

Excused: Bunde

and so, SENATE JOINT RESOLUTION NO. 11 passed the Senate and was referred to the Secretary for engrossment.

Citations

Honoring – Dawn Brettrager, Colony High Swim Coach

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

Senator Gary Stevens moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

Unfinished Business

HB 122

Senator Elton moved and asked unanimous consent to be shown as a cross sponsor on CS FOR HOUSE BILL NO. 122(FIN) "An Act relating to certain relief concerning motor vehicle leases, telephone services, education, utilities, state loans, and hunting, fishing, and trapping licenses for members of the Alaska National Guard deployed to a combat zone; relating to reimbursement of premiums for Servicemembers' Group Life Insurance paid by members of the Alaska National Guard deployed to a combat zone; and providing for an effective date." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 172**

SENATE BILL NO. 172 "An Act relating to the presentation of initiatives and referenda on the ballot" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SJR 11

SENATE JOINT RESOLUTION NO. 11 Urging the United States Congress to amend the tax code to repeal the federal excise tax on communications 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 26, 2005. Without objection, the Senate adjourned at 11:38 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 25 Monday Beltz 211 1:30 PM
 -- Meeting Canceled --
 Bills Previously Heard/Scheduled

Apr 27 Wednesday Beltz 211 1:30 PM
 + HB 27 MUNI PROP TAX EXEMPTION FOR POLICE HOMES
 + HB 121 SERVICE AREAS IN SECOND CLASS BOROUGHES
 + SB 188 BULK FUEL REVOLVING LOAN FUND CAP
 Bills Previously Heard/Scheduled

Apr 29 Friday Beltz 211 1:30 PM
 Bills Previously Heard/Scheduled

FINANCE

Apr 25 Monday Senate Finance 532 9:00 AM
 + SB 133 AVIATION ADVISORY BOARD
 + SB 150 ALASKA CHILDREN'S TRUST FUND GRANTS
 Bills Previously Heard/Scheduled
 += SB 151 DECOUPLING FROM FED TAX DEDUCTION
 += SB 71 NONUNION PUBLIC EMPLOYEE SALARY & BENEFIT

Apr 26 Tuesday Senate Finance 532 9:00 AM
 + SB 171 NPR-A COMMUNITY GRANT PROGRAM
 + SB 174 EXEMPT UHAULS FROM VEHICLE RENTAL TAX
 + Bills Previously Heard/Scheduled
 += SB 97 SUPPLEMENTAL APPROPRIATIONS/CBR

FINANCE (continued)

Apr 27 Wednesday Senate Finance 532 9:00 AM

- + HB 102 MEDICAL LICENSE: APPLICATION/FOREIGN GRAD
- + HB 76 BIG GAME SERVICES & COMM. SERVICES BD
- + SB 113 GULF OF ALASKA GROUND FISH FISHERY
<Pending Referral>
- + Bills Previously Heard/Scheduled

Apr 28 Thursday Senate Finance 532 9:00 AM

- + HB 19 PESTICIDE & BROADCAST CHEMICALS
- + HB 15 LIQUOR LICENSES: OUTDOOR REC. LODGE/BARS
- + HB 97 OATHS; NOTARIES PUBLIC; STATE SEAL
- + Bills Previously Heard/Scheduled

Apr 29 Friday Senate Finance 532 9:00 AM

- + HB 182 WAGE & HOUR ACT: EXEC/PROF/ADMIN/SALES/DP
- + HB 119 AK REGIONAL ECONOMIC ASSISTANCE PROGRAM
- + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 25 Monday Butrovich 205 2:00 PM

- Time Change from 1:30 to 2:00 pm --
- + HB 16 SCHOOL FUNDS RELATED TO BOARDING SCHOOLS
- + HB 156 COMMISSION ON AGING
- + HB 120 HEALTH CARE EMPLOYEE PROTECTION
- + Bills Previously Heard/Scheduled

Apr 27 Wednesday Butrovich 205 1:30 PM

- + HB 225 MEDICAL EXAMINERS & AUTOPSIES
- + Confirmation Hearings:
Board of Dental Examiners
Board of Pharmacy
State Physical Therapy and Occupational
Therapy Board
Alaska Mental Health Trust Authority
Board of Trustees
Professional Counselors
University of Alaska Board of Regents
- + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Apr 29 Friday Butrovich 205 1:30 PM
 + Bills Previously Heard/Scheduled

JUDICIARY

Apr 25 Monday Butrovich 205 8:30 AM
 + SB 101 REVISOR'S BILL
 + HB 54 BAIL REVIEW
 + HB 219 STRANGULATION CRIMES
 + HB 116 LIABILITY FOR ALCOHOL LAW VIOLATIONS
 + Bills Previously Heard/Scheduled

Apr 26 Tuesday Butrovich 205 8:30 AM
 + HB 95 PUBLIC HEALTH DISASTERS/EMERGENCIES
 + HB 81 CONTRACTOR LICENSE ENFORCEMENT
 + SB 12 LIMIT RELATIONS WITH CERTAIN NATIONS
 + Bills Previously Heard/Scheduled

Apr 27 Wednesday Butrovich 205 8:30 AM
 + SB 127 EXEC. BRANCH ETHICS: FINANCIAL INTERESTS
 + SB 186 EXECUTIVE BRANCH ETHICS
 + SB 187 LEGISLATIVE ETHICS/MEETINGS
 + Bills Previously Heard/Scheduled

Apr 28 Thursday Butrovich 205 8:30 AM
 + SB 106 SALE OF METHAMPHETAMINE AND PRECURSORS
 + HB 149 CONTROLLED SUBSTANCES
 + SB 149 PROTECTION OF PERSONAL INFORMATION
 + Bills Previously Heard/Scheduled

Apr 29 Friday Butrovich 205 8:30 AM
 + Bills Previously Heard/Scheduled

RESOURCES

Apr 25 Monday Butrovich 205 3:30 PM
 + Confirmation Hearing:
 Commissioner Select:
 ADEC - Kurt Fredriksson
 ADF&G - McKie Campbell
 + ANGDA Presentation - Mr Harold Heinz
 -- Testimony <Invitation Only> --
 += SB 113 GULF OF ALASKA GROUND FISH FISHERY
 -- Testimony <Invitation Only> --
 + HB 256 RUTH BURNETT SPORT FISH HATCHERY
 + HJR 9 URGE CONGRESS HONOR EXXON VALDEZ JUDGMENT

Apr 27 Wednesday Butrovich 205 3:30 PM
 + Confirmation Hearing:
 Board of Fisheries: Rupert Andrews,
 John Jensen, Melvan Morris
 Board of Game: Carl Morgan,
 Ron Somerville, Ted Spraker
 AC FEC: Peter Froehlich
 + HB 71 AK PENINSULA OIL & GAS LEASE SALE; TAXES
 <Pending Referral>
 + HCR 7 COOK INLET OIL & GAS PLATFORM ABANDONMENT
 + Bills Previously Heard/Scheduled

Apr 29 Friday Butrovich 205 3:30 PM
 + SCR 8 COOK INLET GAS GATHERING SYSTEM COMPLAINT
 + SCR 9 SUPPORTING KENSINGTON GOLD MINE
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 26 Tuesday Beltz 211 3:30 PM
 + SB 182 STATE VETERANS' CEMETARY & FUND
 + HB 183 CAMPAIGN FINANCE: SHARED EXPENSES/LISTS
 + HB 210 BLOODBORNE PATHOGEN TESTING
 + HB 215 PERM FUND CORP. INVESTMENTS/REGULATIONS
 SB 186 EXECUTIVE BRANCH ETHICS
 SB 187 LEGISLATIVE ETHICS/MEETINGS
 + SB 127 EXEC. BRANCH ETHICS: FINANCIAL INTERESTS
 Bills Previously Heard/Scheduled

STATE AFFAIRS (continued)

Apr 28 Thursday Beltz 211 3:30 PM
 Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 26 Tuesday Butrovich 205 1:30 PM
 Bills Previously Heard/Scheduled

Apr 28 Thursday Butrovich 205 1:30 PM
 + SB 183 OUTDOOR ADVERTISING; ENCROACHMENTS
 Bills Previously Heard/Scheduled

JOINT COMMITTEES**CONFERENCE COMMITTEE ON HB 1**

Apr 25 Monday House Finance 519 5:00 PM
 -- Location Change --
 HB 1 INCREASE AMT OF BASE STUDENT ALLOCATION

OTHER MEETINGS**COMMITTEE ON COMMITTEES**

Apr 26 Tuesday Fahrenkamp 203 10:30 AM
 Committee on Committees Meeting
 10:30 - 10:45 a.m.

JOINT SESSION

May 05 Thursday House Chamber 11:00 AM
 Governor's Appointees