

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Friday

April 4, 2003

Seventy-fourth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:18 a.m.

The roll showed eighteen members present. Senator Hoffman was excused from a call of the Senate. Senator Olson was absent.

The prayer was offered by the Chaplain, Reverend Steve Olmstead of Chapel by the Lake. Senator Bunde moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Gracious and Loving God, we come to You in prayer and ask for Your grace and wisdom to be with our world at war. We pray for the innocent and for all who grieve. We pray for our president and our military and coalition forces. May You guide them in Your way of truth, and lead them in Your paths of righteousness and peace.

We pray also for this Senate and for all who work here. You know the battles and wars fought in this place. We pray for Your wisdom and truth to bring understanding. We pray for Your love and compassion to guide each person to seek Your will and Your peace.

Open the eyes of our hearts and minds so that humility and compassion would overcome pride, and truth would triumph over lies.

In Christ we pray,

Amen.

Senator Ogan led the Senate in the Pledge of Allegiance.

Certification

Senator Ben Stevens moved and asked unanimous consent that the journals for the seventy-second and seventy-third legislative days, Senate Supplement No. 3 and House and Senate Joint Supplement No. 8 be approved as certified by the Secretary. Without objection, it was so ordered.

The presence of Senator Olson was noted.

Messages from the Governor

SB 51

Message dated and received April 3 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE BILL NO. 51 "An Act relating to revenue bonds issued by the Alaska Municipal Bond Bank Authority and the total amount of bonds and notes outstanding of that authority; and providing for an effective date."

Chapter 3, SLA 2003
Effective Date: 4/4/2003

Messages from the House

Message dated April 2 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 34

HOUSE BILL NO. 34 BY REPRESENTATIVES HOLM, Lynn, entitled:

"An Act relating to negotiated regulation making; and providing for an effective date."

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

HB 104

CS FOR HOUSE BILL NO. 104(FSH) BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES, entitled:

"An Act relating to payment of the fisheries business tax and to security for collection of the fisheries business tax."

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

HB 114

CS FOR HOUSE BILL NO. 114(JUD)(title am) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to the issuance of a search warrant upon the sworn testimony or affidavit of a person communicated by telephone, other appropriate means, or facsimile machine."

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

HB 135

CS FOR HOUSE BILL NO. 135(HES) BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act relating to marital and family therapists."

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

Standing Committee Reports**SB 58**

The Judiciary Committee considered SENATE BILL NO. 58 "An Act relating to permanent fund dividend program notice requirements and to the ineligibility for permanent fund dividends of certain persons sentenced for crimes involving mandatory motor vehicle liability insurance" and recommended it be replaced with

CS FOR SENATE BILL NO. 58(JUD)

Signing do pass: Senator Seekins, Chair. Signing no recommendation: Senators Ellis, French, Ogan, Therriault.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Public Safety

Fiscal Note No. 2, zero, Department of Revenue

Fiscal Note No. 3, zero, Department of Revenue

Fiscal Note No. 4, indeterminate, Department of Administration

Fiscal Note No. 5, indeterminate, Department of Law

The bill was referred to the Finance Committee.

SB 64

The Labor and Commerce Committee considered SENATE BILL NO. 64 "An Act requiring certain consumer reporting agencies to provide individuals with certain information without charge." Signing no recommendation: Senator Bunde, Chair. Signing do pass: Senators Davis, French. Signing amend: Senator Seekins.

The following fiscal information was published today:

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

Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Judiciary Committee.

SB 107

The Health, Education and Social Services Committee considered SENATE BILL NO. 107 "An Act relating to the state centralized correspondence study program, to funding for educational programs that occur primarily outside school facilities, and to the duties of school boards of borough and city school districts and regional educational attendance areas; and providing for an effective date." Signing no recommendation: Senator Dyson, Chair; Senators Guess, Wilken. Signing do pass: Senator Green. Signing do not pass: Senator Davis.

The following previously published fiscal information applies:

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

Fiscal Note No. 2, Department of Education and Early Development

The bill was referred to the Finance Committee.

SB 108

The Finance Committee considered SENATE BILL NO. 108 "An Act relating to payment rates under the Medicaid program for health facilities and to budgeting, accounting, and reporting requirements for those facilities; abolishing the Medicaid Rate Advisory Commission; and providing for an effective date." Signing do pass: Senators Wilken, Green, Cochairs; Senators Bunde, Ben Stevens, Taylor. Signing no recommendation: Senator Olson.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Health and Social Services

The bill was referred to the Rules Committee.

SB 109

The Finance Committee considered SENATE BILL NO. 109 "An Act repealing the statute that sets priorities for the Department of Health and Social Services to apply to administration of the medical assistance program when there are insufficient funds allocated in the state budget for that program; authorizing the department to make cost containment decisions that may include decisions about eligibility of

persons and availability of services under the medical assistance program; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senators Bunde, Ben Stevens, Taylor. Signing no recommendation: Senator 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 117

The State Affairs Committee considered SENATE BILL NO. 117 "An Act eliminating the longevity bonus program and making related conforming changes; and providing for an effective date." Signing no recommendation: Senator Gary Stevens, Chair; Senators Cowdery, Dyson. Signing do not pass: Senator Guess.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Administration

The bill was referred to the Finance Committee.

SB 124

The Finance Committee considered SENATE BILL NO. 124 "An Act relating to grants for alcoholism and drug abuse programs; and providing for an effective date." Signing do pass: Senators Wilken, Green, Cochairs; Senators Ben Stevens, Bunde. Signing no recommendation: Senators Taylor, Olson.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Health and Social Services

Fiscal Note No. 2, Department of Health and Social Services

Fiscal Note No. 3, Department of Health and Social Services

Fiscal Note No. 4, Department of Health and Social Services

The bill was referred to the Rules Committee.

SB 136

The Community and Regional Affairs Committee considered SENATE BILL NO. 136 "An Act increasing an optional exclusion or exemption from municipal taxation for residential property." Signing do pass: Senator Wagoner, Chair. Signing no recommendation: Senators Gary Stevens, Lincoln, Elton, Taylor.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Revenue

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

The bill was referred to the Finance Committee.

SB 137

The State Affairs Committee considered SENATE BILL NO. 137 "An Act imposing a tax on employment; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 137(STA)
(forthcoming)

Signing do pass: Senator Gary Stevens, Chair; Senator Cowdery.
Signing no recommendation: Senators Dyson, Guess.

Fiscal information forthcoming.

The bill was referred to the Finance Committee.

HB 16

The Finance Committee considered CS FOR HOUSE BILL NO. 16(FIN) am "An Act amending, for purposes of the Alaska Stranded Gas Development Act, the standards applicable to determining whether a proposed new investment constitutes a qualified project, the standards used to determine whether a person or group qualifies as a project sponsor or project sponsor group, and the deadline for applications relating to the development of contracts for payments in lieu of taxes and for royalty adjustments that may be submitted for consideration, and modifying the conditions bearing on the use of independent contractors to evaluate applications or to develop contract

terms; providing statements of intent for the Act relating to use of project labor agreements and to reopening of contracts; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senators Olson, Ben Stevens, Bunde. Signing amend: Senator Taylor.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Community and Economic
Development
Fiscal Note No. 4, Department of Revenue

The bill is on today's calendar.

HB 64

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 64(JUD) "An Act relating to court approval of the purchase of structured settlements." Signing do pass: Senator Bunde, Chair, Senators French, Seekins. Signing no recommendation: Senator Davis.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Community and Economic
Development
Fiscal Note No. 2, zero, Alaska Court System
Fiscal Note No. 3, zero, Department of Labor and Workforce
Development

The bill was referred to the Judiciary Committee.

HB 124

The Labor and Commerce Committee considered HOUSE BILL NO. 124 "An Act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senators Davis, French, Seekins.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration
Fiscal Note No. 2, zero, Department of Public Safety
Fiscal Note No. 4, zero, Department of Transportation and Public
Facilities

The bill was referred to the Transportation Committee.

SJR 12

The Resources Committee considered SENATE JOINT RESOLUTION NO. 12 Supporting the halibut by-catch utilization project of the Alaska Food Coalition, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO.
12(RES)

Signing do pass: Senator Ogan, Chair; Senators Seekins, Ben Stevens, Wagoner, Lincoln, Elton.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Department of Fish and Game

The resolution was referred to the Rules Committee.

Introduction and Reference of Senate Bills**SB 168**

SENATE BILL NO. 168 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to issuance and revocation of licenses for the importation, sale, distribution, or manufacture of cigarettes and tobacco products; relating to a tax refund or credit for unsaleable, returned, or destroyed tobacco products; relating to restrictions on shipping or transporting cigarettes; relating to records concerning the sale of cigarettes; amending and adding definitions relating to cigarette taxes; relating to the payment of cigarette taxes; relating to penalties applicable to cigarette taxes; relating to the definition of the wholesale price of tobacco products; relating to payment of cigarette taxes through the use of cigarette tax stamps; relating to provisions making certain cigarettes contraband and subject to seizure and forfeiture; relating to certain crimes, penalties, and interest concerning tobacco taxes and sales; and providing for an effective date."

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

SB 169

SENATE BILL NO. 169 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act establishing state agency program performance management and audit powers in the Office of the Governor for the evaluation of agency programs; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Office of the Governor

Governor's transmittal letter dated April 3:

Dear President Therriault:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would establish state agency program performance management and audit powers in the Office of the Governor. This bill would establish powers in the office of management and budget necessary to evaluate program performance by executive branch agencies. These powers would include express authorization for the exercise of internal audit powers. It is my intent that this authority permit the centralization of the internal audit function, which had been a declining effort under previous Administrations. I intend to use internal audits as a management tool in my Administration's continuing effort to streamline and make efficient the operations of state agencies.

The bill also would make certain audit records confidential. This provision mirrors the powers given to legislative auditors and is considered necessary to make the auditors effective in the performance of their duties.

I urge your favorable consideration of this bill.

Sincerely,

/s/

Frank H. Murkowski
Governor

SB 170

SENATE BILL NO. 170 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the Code of Criminal Procedure; relating to defenses, affirmative defenses, and justifications to certain criminal acts; relating to rights of prisoners after arrest; relating to discovery, immunity from prosecution, notice of defenses, admissibility of certain evidence, and right to representation in criminal proceedings; relating to sentencing, probation, and discretionary parole; amending Rule 16, Alaska Rules of Criminal Procedure, and Rules 404, 412, 609, and 803, Alaska Rules of Evidence; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Department of Corrections

Fiscal Note No. 2, zero, Department of Law

Governor's transmittal letter dated April 3:

Dear President Therriault:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making changes to criminal procedures that would allow for more straightforward and fair prosecution of crime in Alaska. Additionally, the bill would improve the criminal law regarding sentences.

The bill proposes the following changes in criminal procedures.

Deterring Those Who Take Deadly Weapons to a Fight. We have to cut down on the violence on our streets. There are too many drug dealers, gang members, and violent people who bring guns to situations where they know they will get into fights; they then claim self-defense when they use the gun. Too many innocent people die, and prosecution is too difficult. We need to put a stop to this. If you bring a gun to a fight, you should be responsible for the consequences. Self-defense should not excuse a killing if the defendant brought a deadly weapon to a confrontation with reason to believe that combat would result. The Alaska Supreme Court long ago declared in *Bangs v. State*, 608 P.2d 1 (Alaska 1980), that a person who brings a deadly weapon to a confrontation, having reason to know that the encounter will likely result in combat, should not be entitled to self-defense protection. But trial judges have become too loose in enforcing the Alaska Supreme Court's admonition. A defendant who brings a gun to an encounter and uses it to finish a fight should not be able to claim self-defense.

Improving the Law of Self-Defense, Deadly Force In Self-Defense, Heat Of Passion, And Other Defenses. A related change is also necessary in the law of self-defense and "heat of passion." The prosecution always bears the burden of proving the essential elements of an offense, but if the defendant is going to raise a defense of which the defendant has exclusive knowledge, the defendant should have the burden to prove the defense by a preponderance of the evidence. This is called an affirmative defense, and the legislature has already created many examples in the Alaska Statutes. For example, duress is an affirmative defense. To establish duress, the defendant must prove that the defendant was coerced to commit a crime by a threat of imminent harm. The burden is correctly on the defendant, because only the defendant knows the effect of the threat.

The bill would change several similar defenses -- heat of passion, self-defense, the use of deadly force in self-defense, and defense of a third person -- to affirmative defenses. Currently, prosecutors must prove a negative. For example, if the defendant claims heat of passion (a defense to intentional murder in the first and second degrees), the state would have to disprove that the victim, who is dead, acted in a way to

arouse the passion of the defendant. The bill provides that the defendant, who is often the only eyewitness still alive at trial, would be required to prove that "heat of passion" was aroused because of provocation by the victim. Citizens who defend themselves in their own homes and must use force to protect their families are not affected by this change. If the person acting in self-defense is a peace officer, or is on the person's own premises and is not assaulting a household member, this bill leaves the current law on self-defense intact, and requires that the prosecution disprove self-defense.

Right of Arrested Person. The bill would clarify that a person who is arrested has the right to a telephone call or visit from a friend, relative, or attorney. However, the right belongs to the person arrested, to exercise at his or her discretion.

Limiting Collateral Attacks on Prior Convictions. When an habitual criminal commits a new crime, the punishment is often greater because of the person's prior convictions. But it is now a common tactic in the new criminal case to attack the old convictions on technicalities. This means that before the prosecutor can even begin to prove the new crime, the prosecutor is forced to validate what happened in an old conviction, which is often from another state. This is generally a fruitless inquiry. The law already provides many avenues by which offenders can have their convictions reviewed. Unless a conviction was invalid because the defendant was denied the right to counsel or to a jury trial, the state should be able to rely on those convictions in prosecuting repeat criminals.

Admissibility of Prior Convictions. In the criminal code, the conviction of a prior crime is, in a few cases, an element of another offense. For example, having two prior drunk driving convictions within a certain period of time is an element of felony drunk driving. The bill would clarify that in these circumstances, evidence of prior convictions is admissible in order to prove all the elements of the charged offense. Although generally courts do not admit this evidence, the legislature has the authority to allow it. The bill also would overrule *Ostlund v. State*, 51 P.2d 938 (Alaska App. 2002), which requires a bifurcated trial, by allowing, at any time in the prosecution, evidence of prior convictions in the state's case if the prior conviction is an element of the current crime.

Grants of Immunity. The bill would give prosecutors the information needed to decide whether to grant immunity to a witness. If a witness claims a privilege against self-incrimination and refuses to testify, the only way to obtain that testimony under the Alaska Constitution is to give the person complete immunity for any crime the person may testify about. This makes it critical for the state to know what crimes will be immunized before offering immunity, but that is impossible under current procedures used by the courts. The current practice is for the judge to decide whether the witness is entitled to immunity in a closed hearing in which the prosecution is not allowed to be present. The prosecutor thus does not know what crimes require immunity. A homicide prosecution that currently is awaiting trial is a good example. The defendant, while in jail, allegedly tried to arrange for the killing of the trooper transporting him to court, so the defendant could escape. A cellmate notified the police, but will not testify without immunity. The judge held a hearing without the prosecutor, and ruled that the cellmate had a privilege against self-incrimination, but wouldn't reveal how the cellmate's testimony would incriminate him -- or even whether the cellmate feared prosecution for a felony or a misdemeanor. Unwilling to grant immunity blindfolded, the prosecutor must forego this powerful evidence of consciousness of guilt of the defendant.

The bill would give guidance to the court for evaluating a claim of privilege, and would allow the prosecutor to obtain necessary information and to be present at any hearings on the matter. Judges thus would no longer decide these issues without hearing both sides, and the prosecutor can make an informed decision about immunity.

Consecutive Sentences. This bill also would strengthen and clarify the law regarding consecutive sentences for conviction of more than one crime. In 1982, AS 12.55.025(e) and (g), which mandated full consecutive sentences for each count of homicide, assault, and sexual offense, were enacted. But because of imprecise drafting, this clear expression of legislative intent was instead interpreted to be merely a "legislative preference" for consecutive sentences that courts were free to ignore. *State v. Andrews*, 707 P.2d 900 (Alaska App. 1985), *aff'd*, 723 P.2d 85 (Alaska 1986). Later, in 1988, the legislature mandated consecutive sentences for assaults against children, but the provision that was finally enacted provided no firm guidance to the courts, especially in the most serious sexual assaults. AS 12.55.025(h).

As a result of the interpretations of the courts, trial judges ignore or pay only nominal recognition to the legislature's preference for consecutive sentences. For example, in the recent case of *State v. Glaser*, the defendant was convicted of two counts of second degree murder and one count of first degree assault. The sentence imposed by the superior court treated the drunk driving killing of two people and the serious physical injury of a third person as if only one victim had been affected by the crime, and imposed a sentence only slightly longer than the mandatory minimum sentence for a single count of second degree murder.

This bill would adopt minimum requirements for consecutive sentencing in cases involving multiple counts of homicide, kidnapping, first degree sexual assault, and first degree sexual abuse of a minor (sexual penetration). Although this bill does not go so far as the fully consecutive sentencing reflected in the 1982 legislation, it does provide more specific guidance than exists in current law. In a second degree murder case such as *State v. Glaser*, for example, the bill would require that imprisonment for at least 10 consecutive years be imposed for the second conviction of second degree murder, and some additional consecutive term of imprisonment be imposed for the assault on the third victim.

Better Notice of Expert Witnesses And Defenses. Delay, confusion, and other problems often result from the inefficient exchange of information about defenses and expert witnesses in criminal prosecutions. The discovery rules are supposed to make pretrial procedure orderly and avoid surprises at trial. However, our prosecutors report that at times attorneys who give late notice or no notice rarely suffer adverse consequences from the court, which encourages further disregard of the rules. The bill would adopt procedures for a more orderly exchange of expert witness information, and it also would adopt firm sanctions for violation of the rules. If a party does not provide notice of an expert in the time set out in the rule, the person may not use the expert testimony. The bill also would require that notice of certain defenses be made as required by the rules or the offering of that defense could be forfeited.

Expanding Impeachment of Testimony. The bill also would amend several provisions in the Alaska Rules of Evidence. Under the current rules, a statement obtained from a defendant that was not preceded by the warnings required in *Miranda v. Arizona*, 384 U.S. 436 (1966), is not admissible except in a prosecution for perjury. That is, although the statement may not be used against the person for the underlying offense, it may be used in a subsequent perjury prosecution if the person testifies falsely at trial. The bill would expand this exception to allow the statement to be used for impeachment if the person testifies falsely. Under the current court rule, a defendant in a murder case whose statements to police were suppressed could lie with impunity on the stand, knowing that at most the defendant faced a later prosecution for perjury. The bill's change to the court rule would, however, allow the defendant's statement to be used to contradict the defendant's testimony in the murder trial if the defendant lied.

A similar court rule limits the use of evidence obtained with an invalid search warrant or if the police make a mistake in the technical rules governing search and seizure. Such evidence is not admissible for the underlying prosecution, and can only be used in a subsequent perjury case. This bill would allow this evidence to be used to impeach the defendant or other witness on cross-examination. The exclusionary rule discourages careless law enforcement by excluding illegally obtained evidence. It should not give witnesses a chance to testify falsely at trial.

Current rules also allow a witness's credibility to be impeached by a prior conviction for a crime involving dishonesty or false statement (for example, theft, robbery, burglary, perjury) if the conviction occurred within five years of the testimony. However, in many instances, the five-year period is over before the person is even out of jail, so juries never find out that the person has a conviction for dishonesty. This bill would amend the court rule to allow juries to be told of such convictions if less than five years has elapsed from the person's unconditional discharge from probation or parole.

Giving Juries the Full Picture in Domestic Violence Cases. Domestic abusers often succeed in pressuring their domestic partners into not testifying against the abuser. In order to prosecute such cases, the prosecutor must be able to introduce evidence from other persons to

tell the jury the whole story. But if the jury isn't allowed to know what was said immediately after the assault, the jury only gets part of the story. We can change this, and provide more perpetrators with the help they need to stop abusing. Victims of domestic violence are often unavailable to testify at trial -- often for compelling reasons concerning their safety and the safety of their children. Under current court rules, if the victim is not present, the statements of the victim are admissible only if the statements qualify under the narrow rule for "excited utterances."

This bill would expand that rule in domestic violence cases, so that a jury can learn about all statements made within 24 hours of the crime, if there are other indications of reliability. This hearsay exception would apply to statements that an assault occurred, and also if the victim recanted and denied that an assault occurred.

New Mitigating Factor for Defendants Who Show Concern for Victims of Sexual Offenses. Victims of sexual offenses, more so than any other crime, dread testifying in open court and often view giving testimony as being victimized again. They must not only testify in front of a jury of citizens and the defendant who violated them, but it must be done in public and often in cases that gain press attention. This is very traumatic for the victim. Sex offenders who have genuine remorse for their crimes do not want to put the victim through this crucible. For those sex offenders who quickly plead guilty, thus sparing their victims the ordeal of public testimony, this bill would provide a statutory "mitigating factor" that the judge may take into consideration in reducing the person's sentence.

I urge your prompt and favorable consideration of this bill.

Sincerely,

/s/

Frank H. Murkowski

Governor

SB 171

SENATE BILL NO. 171 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to certain suits and claims by members of the military services or regarding acts or omissions of the organized militia; relating to liability arising out of certain search and rescue, civil defense, homeland security, and fire management and firefighting activities; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Natural Resources

Fiscal Note No. 2, zero, Department of Law

Fiscal information forthcoming.

Governor's transmittal letter dated April 3:

Dear President Therriault:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to certain suits and claims by members of the military services or regarding acts or omissions of the organized militia, and relating to liability arising out of certain search and rescue, civil defense, homeland security, and fire management and firefighting activities.

The bill consists of four main parts:

Suits Arising from Search and Rescue Activities
(Section 2 of the bill)

First, by statute, search and rescue activities are permissive functions of the commissioner of public safety. In practice, the Alaska State Troopers make decisions about when and where to conduct search and rescue activities, and how to allocate resources - both state personnel and community volunteers - to those activities. The expenses are borne by the state treasury.

This bill provides that a person may not bring a lawsuit for damages that arise out of such search and rescue activities, or the failure to initiate such search and rescue activities. Given Alaska's vast geographic area, harsh climatic conditions, and limited trooper resources, it is important to ensure that search and rescue decisions are not undermined by possible tort exposure. It is also important to ensure that the safety of local volunteers who conduct search and rescue operations under trooper supervision is not jeopardized by the possibility of a search and rescue decision being influenced by potential tort liability rather than being based on appropriate safety concerns.

Alaska Supreme Court decisions have provided that no actionable duty is owed by police agencies when they undertake, or fail to undertake, police investigations. Search and rescue operations are essentially another form of investigation. They should be conducted, or not conducted, on their own intrinsic merits, as judged by the participating officers. By prohibiting lawsuits arising out of search and rescue activities, this bill would treat those activities consistently with other police investigations.

Certain Suits and Claims by Members of Military Services Arising
from Military Services and Concerning the Organized Militia
(Sections 3 - 6 of the bill)

Second, the Alaska Supreme Court, in a recent decision, ruled that the State of Alaska may be sued and held liable for tort claims by injured members of the Alaska National Guard and a member of the Indiana National Guard for injuries that were incurred during the members' service with the national guard. The Alaska Supreme Court did not adopt the federal rule (known as the *Feres* doctrine) that bars tort claims by military service personnel for injuries arising out of activities that were incident to their service in the federal military or the national guard. While the Alaska Supreme Court did not address tort claims by members of the United States military or other parts of the Alaska organized militia, its ruling could be applied to permit such claims against the State of Alaska.

State national guard or militia operations may include air and sea rescue missions, civil defense activities, training exercises, and travel to military bases and locations in Alaska and in other states and countries. Given this state's vast land area, its harsh geographic and climatic conditions, and the inherent hazards of national guard and militia activities, the State of Alaska may be faced with significant financial exposure for injuries to national guard, militia, or other military service members. In addition, tort lawsuits by injured service members against the Alaska National Guard, the militia, or other service members would involve the courts in reviewing and second-guessing military decisions regarding the personnel, training, equipment, orders, discipline, and operations of the national guard and militia. It is important to ensure that such decisions are based on the professional judgment and military needs of the Alaska National Guard and other parts of the Alaska organized militia rather than on concerns regarding possible tort liability.

This bill provides that a lawsuit for damages may not be brought by or on behalf of a member of the military services against the State of Alaska, the Alaska National Guard or other part of the Alaska organized militia, or any other member of the military services, for death, personal injury, or other injury of a member of the military services, including the United States military, the Alaska National Guard or other parts of the Alaska organized militia, or the national guard of another state, incurred during or arising out of activities that were part of the member's military service. It would essentially adopt the federal *Feres* doctrine that bars intra-military tort claims by service personnel for injuries arising out of activities incident to their military service. It would provide the state and state military personnel with the same protection from tort lawsuits that the federal government and federal military personnel are provided under the *Feres* doctrine.

Under this bill, injured military service members would still be entitled to various military or veteran's benefits for injuries incurred in the course of their military service. The availability of these military benefits is one of the reasons that the federal courts have barred personal injury claims by military personnel under the *Feres* doctrine.

This bill also would clarify that members of the Alaska National Guard or other parts of the organized militia are entitled to only workers' compensation benefits for injuries, illness, or death related to active state service. Because members of the Alaska National Guard are entitled to federal benefits when not on state active duty, this change will not affect receipt of those benefits.

Additionally, this bill would bar actions against the State of Alaska regarding activities of Alaska National Guard members when they are not on state active duty. This change is necessary because members of the Alaska National Guard who are not on state active duty, including those on federal active duty, active duty for training, inactive duty, active guard and reserve (AGR) duty, and civilian technicians, are under the command and control of the federal government. The change is necessary to address two Alaska Supreme Court decisions that held that the state could be responsible for the actions of national guard members who are not on state active duty, as being "borrowed" federal employees, and that considered those in AGR status to be state employees. The changes made by the bill would ensure that the state is not liable for acts or omissions of the federal government or federal employees.

Suits and Claims Arising from Civil Defense and Homeland Security
Activities

(Sections 7 - 11 of the bill)

Third, the bill would amend AS 26.20.140, a section in the civil defense chapter of the statutes that provides immunity for government and employees from liabilities arising out of civil defense activities. Presently, AS 26.20.140(a) provides that the state, any district established for civil defense purposes, and the agents or representatives of a state or district, may not be held liable for injury or property damage sustained by a volunteer civilian defense worker. The bill would amend AS 26.20.140(a) to broaden the immunity to cover injury or property damage sustained by any civilian defense or homeland security worker, including authorized volunteers and employees, and to specify that the immunity extends to employees of the state or district as well as the agents and representatives of the state or district. In addition, existing AS 26.20.140(b) provides that the state and any district established for civil defense purposes, their

employees, agents, or representatives, authorized volunteer or auxiliary civil defense workers, and members of any other agency engaged in civilian defense activities, who are complying with or reasonably attempting to comply with AS 26.20 or an order or regulation issued under AS 26.20, are not liable for injury to persons or damage to property as a result of their activities. The bill would amend AS 26.20.140(b) to provide immunity for homeland security activities as well as civil defense activities, and to include any homeland security or civil defense activities undertaken under the authority of AS 26.20, the civil defense statutes.

AS 26.20.140(b) presently provides an exception to the immunity in cases of willful misconduct, gross negligence, or bad faith. The bill would amend that subsection to provide an exception only where malice or reckless indifference to the interests, rights, or safety of others is shown by clear and convincing evidence. The bill's amendment to AS 26.23.210 would make the immunity also apply when the entities and persons covered by AS 26.20.140 perform duties under AS 26.23.010 - 26.23.220, the Alaska Disaster Act.

The bill also would amend AS 26.20.140 to add a new subsection to specify that "civilian defense or homeland security worker" means any worker engaged in a civil defense or homeland security activity in an official capacity or at the direction of the state, including federal, state and local officials, state and local contractors, officers and employees of other states, and volunteers.

The bill would amend the definitions section of the civil defense statutes, AS 26.20.200. The existing definition of "civil defense" in AS 26.20.200(1) would be amended to include security, vaccinations and other actions to protect public health and training, preparation, travel, and other activities necessary for the provision of civil defense services. A new paragraph (4) also would be added to the definitions statute to define "homeland security" to mean the detection, prevention, preemption, deterrence of, protection from, and response to, attacks targeted at state territory, population, or infrastructure. This definition is based on a definition of homeland security in the Iowa statutes.

Suits Arising From Fire Management and Firefighting Activities
(Sections 12 and 13 of the bill)

By statute, the commissioner of natural resources (commissioner) is authorized to provide for fire management and firefighting activities throughout the state, including preventing, monitoring, suppressing, or controlling forest fires. The commissioner, through the division of forestry, provides for fire management and firefighting activities. The division of forestry's authority to prevent, monitor, suppress, or control forest fires is one aspect of its authority to manage state forest resources. The division of forestry is asked to respond to forest fires in various geographic areas and population zones in Alaska, which often occur simultaneously during the fire season. When responding to a given fire, authorities cannot forget other fires that may be burning simultaneously or that may soon occur. The division of forestry's fire prevention, monitoring, control, or suppression decisions are complicated decisions that involve an evolving, and primarily emergency, situation.

The Alaska Supreme Court, in tandem decisions issued in 2001, ruled that the State of Alaska may be sued and held liable for tort claims for losses due to fire suppression efforts. These decisions open the door to significant financial exposure to the state for losses due to fires. The Alaska Supreme Court departed from substantial precedent immunizing such activities.

Decisions regarding forest management related to fire control and suppression should be prompted by sound forestry and firefighting principles, rather than concerns regarding possible tort liability. Litigation of such claims inherently disrupts the division of forestry's day-to-day operations and diverts substantial state resources to defend such lawsuits. At the same time such litigation will not reduce the number of future fires, nor will it increase the resources available to fight such fires.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Frank H. Murkowski
Governor

SB 172

SENATE BILL NO. 172 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the limitation on upland acreage
that a person may take or hold under oil and gas
leases; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Natural
Resources

Governor's transmittal letter dated April 3:

Dear President Therriault:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would amend AS 38.05.140(c) to increase the upland acreage limit for oil and gas leases from 500,000 acres to 750,000 acres, except for land north of the Umiat Meridian baseline.

Currently, under AS 38.05.140(c) oil and gas lessees may hold not more than a total of 500,000 acres on tide and submerged land and no more than 500,000 acres on uplands. While oil and gas leases with certified wells and those included within units are excluded from these acreage limitations, many operating oil and gas companies are already either at the existing 500,000 acre limitation or close to it. The bulk of this acreage is located on the North Slope and Beaufort Sea.

In the past few years, the Department of Natural Resources has been encouraging exploration of frontier areas such as the North Slope foothills. The bill would increase the maximum upland acreage to 750,000, of which no more than 500,000 acres could be located north of the Umiat Meridian baseline. Thus, companies would be able to lease and explore acreage in Alaska's frontier basins while still maintaining their interests on the North Slope.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Frank H. Murkowski
Governor

SB 173

SENATE BILL NO. 173 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act repealing statutes pertaining to the Alaska Science and Technology Foundation and transferring money in the foundation's endowment; repealing statutes relating to the BIDCO assistance program; repealing statutes pertaining to the international trade and business endowment and transferring money in the international trade and business endowment; transferring oversight administration of outstanding Alaska Science and Technology Foundation loans and grants to the Alaska Industrial Development and Export Authority; establishing an Alaska BIDCO assistance program to be administered by the Department of Community and Economic Development; making conforming amendments; and providing for an effective date."

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

The following fiscal information was published today:

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

Governor's transmittal letter dated April 3:

Dear President Therriault:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating primarily to the Alaska Science and Technology Foundation (ASTF) and the programs it currently administers.

The bill would repeal the existing AS 37.17 statutes that create the ASTF, its endowment fund, and the programs it administers - foundation grants and the BIDCO assistance program. The statute creating the international trade and business endowment in the ASTF also would be repealed. Subject to appropriation, the bill would provide for the transfer to the general fund of the money remaining in the ASTF endowment fund and in the international trade and business endowment.

Oversight administration of existing ASTF foundation grants and BIDCO assistance program loans and other financial assistance would be transferred to the Alaska Industrial Development and Export Authority. A new Alaska BIDCO assistance program, very similar to the repealed BIDCO assistance program, also would be established, to be administered by the Department of Community and Economic Development.

The bill also would make amendments in several other statutes to conform them to the changes described above.

I urge your prompt and favorable consideration of this bill.

Sincerely,

/s/

Frank H. Murkowski
Governor

SB 174

SENATE BILL NO. 174 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the annual salary of the chief
procurement officer; and providing for an effective
date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

April 4, 2003

709

Governor's transmittal letter dated April 3:

Dear President Therriault:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the annual salary of the chief procurement officer.

The salary of the chief procurement officer (CPO) is set in statute in AS 36.30.010(d). The salary of the CPO is currently at range 23 of the salary schedule established in AS 39.27.011. This bill would set the annual salary of the CPO at range 24. The increase in the salary of the CPO is being requested because the CPO now will head the division of general services in the Department of Administration; the director position of that division is being eliminated. The duties normally performed by the director of general services will be undertaken by the CPO. But, because the CPO salary is set in statute, the additional duties to be performed by the CPO cannot be compensated with an increase in pay without a change in law.

The duties to be assumed by the CPO as head of the division of general services are in keeping with the statutory duties and powers of the CPO as set out in AS 36.30.010(b). Due to the expanded duties to be undertaken by the CPO as head of the division of general services, I propose that the annual salary of the CPO be increased from range 23 to range 24.

This bill will not result in an increased appropriation because the increase in the pay range for the CPO provides for an annual salary that is less than the annual salary ordinarily paid a division director.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Frank H. Murkowski
Governor

Consideration of the Calendar**Second Reading of House Bills****HB 16**

CS FOR HOUSE BILL NO. 16(FIN) am "An Act amending, for purposes of the Alaska Stranded Gas Development Act, the standards applicable to determining whether a proposed new investment constitutes a qualified project, the standards used to determine whether a person or group qualifies as a project sponsor or project sponsor group, and the deadline for applications relating to the development of contracts for payments in lieu of taxes and for royalty adjustments that may be submitted for consideration, and modifying the conditions bearing on the use of independent contractors to evaluate applications or to develop contract terms; providing statements of intent for the Act relating to use of project labor agreements and to reopening of contracts; and providing for an effective date" was read the second time.

Senator Ben 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.

Senators Elton, Wagoner, Seekins, Lincoln, Dyson, Guess, Bunde, Wilken, Green, Cowdery, Ben Stevens, Ellis, Olson moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

Senator Lincoln stated a possible conflict of interest.

CS FOR HOUSE BILL NO. 16(FIN) am was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 16(FIN) am "An Act amending, for purposes of the Alaska Stranded Gas Development Act, the standards applicable to determining whether a proposed new investment constitutes a qualified project, the standards used to determine whether a person or group qualifies as a project sponsor or project sponsor group, and the deadline for applications relating to the development of contracts for payments in lieu of taxes and for royalty adjustments that may be submitted for consideration,

and modifying the conditions bearing on the use of independent contractors to evaluate applications or to develop contract terms; providing statements of intent for the Act relating to use of project labor agreements and to reopening of contracts; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 16(FIN) am
Third Reading - Final Passage
Effective Date

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

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Lincoln, Ogan, Olson, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Excused: Hoffman

and so CS FOR HOUSE BILL NO. 16(FIN) am passed the Senate.

Senator Ben 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 18

CS FOR HOUSE JOINT RESOLUTION NO. 18(MLV) am Supporting the men and women of the United States armed forces, was read the second time.

Senator Gary Stevens, Chair, moved and asked unanimous consent for the adoption of the State Affairs Senate Committee Substitute offered on page 665. Without objection, SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 18(STA) was adopted.

Senator Ben 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 CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 18(STA) was read the third time.

Senators Wilken, Green, Olson, Ben Stevens, Guess, Cowdery, Ogan, Taylor, Dyson, Gary Stevens, Wagoner, Seekins, Therriault, Lincoln moved and asked unanimous consent to be shown as cross sponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 18(STA) Supporting the men and women of the United States armed forces, pass the Senate?" The roll was taken with the following result:

SCS CSHJR 18(STA)
Third Reading - Final Passage

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

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Lincoln, Ogan, Olson, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Excused: Hoffman

and so, SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 18(STA) passed the Senate and was referred to the Secretary for engrossment.

Citations

Commemorating – National Day of Prayer and Alaska Day of Prayer, May 1, 2003

Senator(s) Therriault, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Lincoln, Olson, Ogan, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

Representative(s) Kott

Honoring – Mary and Joe Jensen, 50th Wedding Anniversary

Representative(s) Ogg

Senator(s) Gary Stevens, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Taylor, Wilken

Tribute to the Hunter, Robert Aiken, Sr.
Representative(s) Joule
Senator(s) Olson, Therriault, Bunde, Cowdery, Davis, Dyson, Ellis,
Elton, Green, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens,
Gary Stevens, Taylor, Wilken

Senator Ben Stevens moved and asked unanimous consent that the citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Announcements

Announcements are at the end of the journal.

Engrossment

HJR 18

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 18(STA) Supporting the men and women of the United States armed forces, was engrossed, signed by the President and Secretary and returned to the House for consideration.

Enrollment

SJR 9

CS FOR SENATE JOINT RESOLUTION NO. 9(STA) Expressing confidence in and support for all members of the military, their families, and employers of members of the National Guard, 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 8:50 a.m., April 4, 2003.

Memorandum from Division of Legal and Research Services, Legislative Affairs Agency, was received, reporting the following manifest error in CS FOR SENATE JOINT RESOLUTION NO. 9(STA), which has been corrected in enrolling:

Page 1, line 6:
Delete "to"

SB 54

SENATE BILL NO. 54 "An Act exempting flight crew members of certain air carriers from overtime pay requirements" 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 8:50 a.m., April 4, 2003.

SB 78

SENATE BILL NO. 78 am H "An Act relating to an optional group of persons eligible for medical assistance who require treatment for breast and cervical cancer; relating to cost sharing by those recipients under the medical assistance program; and providing for an effective date" 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 8:50 a.m., April 4, 2003.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 7, 2003. Without objection, the Senate adjourned at 11:15 a.m.

Kirsten Waid
Secretary of the Senate

June 2003

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 04	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 07	Monday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 09 +	Wednesday Legislative Directive for Unorganized Borough Review: Local Boundary Commission <Testimony by Invitation Only>	Fahrenkamp 203	1:30 PM
Apr 11	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM

FINANCE

Apr 04	Friday	Senate Finance 532	9:00 AM
=	SB 86	INTEREST ON DELINQUENT TAXES	
	SB 103	MOTOR VEHICLE REGISTRATION FEES	
=	SB 108	HEALTH FACILITY MEDICAID RATES/ADV. COM'N	
=	SB 109	MEDICAID COST CONTAINMENT & PRIORITY LIST	
=	SB 124	ALCOHOLISM AND DRUG ABUSE GRANTS	
		Bills Previously Heard/Scheduled	

FINANCE (continued)

- Apr 07 Monday Senate Finance 532 10:00 AM**
 -- Meeting Canceled --
 SB 105 MEDICAID:CHILDREN/PREGNANT WOMEN/FACILITY
 <Pending Referral>
 = SB 106 FEE FOR STUDDDED TIRES
 Bills Previously Heard/Scheduled
- Apr 08 Tuesday Senate Finance 532 9:00 AM**
 = SB 106 FEE FOR STUDDDED TIRES
 <Previously scheduled for 4/7/03>
 SB 82 ALCOHOLIC BEVERAGE TAX FOR WINE & OTHERS
 SB 120 CLAIMS BY STATE-EMPLOYED SEAMEN
 HB 9 HOME INSPECTORS/CONTRACTORS
 Bills Previously Heard/Scheduled
- Apr 09 Wednesday Senate Finance 532 9:00 AM**
 SB 153 LONG-TERM LEASES OF ALASKA RR LAND
 SB 173 SCIENCE & TECH FOUNDATION/BIDCO/INT.TRADE
 Bills Previously Heard/Scheduled
- Apr 10 Thursday Senate Finance 532 9:00 AM**
 SB 136 RESIDENTIAL PROPERTY TAX EXEMPTION
 Bills Previously Heard/Scheduled
- Apr 11 Friday Senate Finance 532 9:00 AM**
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

- Apr 07 Monday Butrovich 205 1:30 PM**
 + Bills Previously Heard/Scheduled
 += SB 105 MEDICAID:CHILDREN/PREGNANT WOMEN/FACILITY
 += SB 110 UNDER SCHOOL AGE STUDENTS
 + HB 51 LABELING OF PRESCRIBED DRUGS
 + SB 104 REPEAL CHARTER SCHOOL GRANTS
 + SB 121 COMMUNITY SCHOOLS

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Apr 09 Wednesday Butrovich 205 1:30 PM
 + Bills Previously Heard/Scheduled
 += SB 30 ABORTION: INFORMED CONSENT; INFORMATION
 + SB 157 INPATIENT PSYCHIATRIC SERVICES
 + SB 84 TEACHER LOAN REPAYMENT PROGRAM
 + SB 154 NURSE EDUC LOAN REPAYMENT PROGRAM

Apr 11 Friday Butrovich 205 1:30 PM
 + Bills Previously Heard/Scheduled
 + SB 160 CIVIL LIABILITY FOR DEFIBRILLATOR USE

JUDICIARY

Apr 04 Friday Beltz 211 1:30 PM
 + SB 97 ATTY FEES: PUBLIC INTEREST LITIGANTS
 <Pending Referral>
 + HB 82 COMMERCIAL ELECTRONIC MAIL
 + Bills Previously Heard/Scheduled

Apr 07 Monday Beltz 211 1:30 PM
 += SB 53 REVOKE DRIVER'S LIC. FOR FATAL ACCIDENT
 + HB 23 RESTITUTION FOR CRIME VICTIMS
 += SB 49 2003 REVISOR'S BILL
 + Bills Previously Heard/Scheduled

Apr 09 Wednesday Beltz 211 1:30 PM
 += SB 97 ATTY FEES: PUBLIC INTEREST LITIGANTS
 <Pending Referral>
 + SB 24 SPECIAL ABSENTEE BALLOTS
 + HB 46 PRIMARY ELECTION BALLOTS
 + Bills Previously Heard/Scheduled

Apr 11 Friday Beltz 211 1:30 PM
 + SB 41 MEDICAID COSTS AND CRIMES
 SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 08 Tuesday Beltz 211 2:00 PM

-- Time Change --

Bills Previously Heard/Scheduled

- + HB 118 TRANSPORTATION OF COMMERCIAL FISH
- + SB 13 INSURANCE DISCRIMINATION BY CREDIT RATING

Apr 10 Thursday Beltz 211 1:30 PM

Bills Previously Heard/Scheduled

- + SB 128 COMMON CARRIER LIQUOR LICENSE

RESOURCES

Apr 04 Friday Butrovich 205 3:30 PM

SB 127 PRIORITY TREATMENT OF PERMIT APPLICATIONS

<Bill Hearing Postponed>

SB 142 DNR LEAD RESOURCE DEVELOPMENT PROJECTS

<Bill Hearing Postponed to 4/9/03>

- + Bills Previously Heard/Scheduled

Apr 07 Monday Butrovich 205 3:30 PM

- + Confirmation Hearing:
Commissioner, Dept of Fish and Game -
Kevin Duffy
- + Bills Previously Heard/Scheduled

Apr 09 Wednesday Butrovich 205 3:30 PM

+ SB 142 DNR LEAD RESOURCE DEVELOPMENT PROJECTS

+ SB 164 EXTEND BOARD OF STORAGE TANK ASSISTANCE

- + Bills Previously Heard/Scheduled

Apr 11 Friday Butrovich 205 3:30 PM

- + Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 08 Tuesday Beltz 211 3:30 PM
 + SCR 6 LOCATION OF NEW SEAFOOD LAB
 SB 22 CRIME VICTIMS' COMP.:SEXUAL ABUSE/ASSAULT
 <Bill Hearing Postponed to 4/10/03>
 + SB 158 MOVE DOMESTIC VIOLENCE COUNCIL TO DHSS
 += HB 52 SEX CRIME AND PORNOGRAPHY FORFEITURES
 <Bill Hearing Rescheduled from 4/3/03>
 += SB 148 PFD: ALLOWABLE ABSENCE FOR MILITARY SVC
 <Bill Hearing Rescheduled from 4/3/03>
 += SB 146 COMMEMORATIVE VETERANS LICENSE PLATE
 <Bill Hearing Rescheduled from 4/3/03>
 Bills Previously Heard/Scheduled

Apr 10 Thursday Beltz 211 3:30 PM
 + SB 159 PAROLE FOR MEDICAL / COGNITIVE DISABILITY
 + HB 2 CIVIL STATUTE OF LIMITATIONS/SEX OFFENSES
 += SB 22 CRIME VICTIMS' COMP.:SEXUAL ABUSE/ASSAULT
 <Bill Hearing Rescheduled from 4/8/03>
 += SB 85 REPEAT SERIOUS SEX OFFENSES
 <Bill Hearing Rescheduled from 4/3/03>
 Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 08 Tuesday Butrovich 205 1:30 PM
 = SB 140 ROAD SIGNS TO PLACES OF PUBLIC ASSEMBLY
 + SB 98 LIABILITY: PLANE AND BOAT PASSENGERS
 Bills Previously Heard/Scheduled

Apr 10 Thursday Butrovich 205 1:30 PM
 SJR 14 FAA FLIGHT SERVICE STATIONS
 Bills Previously Heard/Scheduled

FINANCE SUBCOMMITTEES

ADMINISTRATION

Apr 10 Thursday Beltz 211 8:00 AM
 -- Rescheduled from 4/3/03 --
 FY04 Budget Close-out

FINANCE SUBCOMMITTEES (continued)**COMMUNITY AND ECONOMIC DEVELOPMENT**

Apr 04 Friday Senate Finance 532 8:00 AM
 Budget Close-out

CORRECTIONS

Apr 04 Friday Senate Finance 532 4:30 PM
 Review Agency Programs
 Proposed FY04 Budget

Apr 07 Monday Senate Finance 532 4:30 PM
 Review Agency Programs
 Proposed FY04 Budget

Apr 09 Wednesday Senate Finance 532 4:30 PM
 Preliminary FY04 Budget Close-out

Apr 10 Thursday Senate Finance 532 5:00 PM
 FY04 Budget Close-out and Agency Response

COURT SYSTEM

Apr 10 Thursday Senate Finance 532 11:30 AM
 FY04 Budget Close-out

EDUCATION & EARLY DEVELOPMENT

Apr 10 Thursday Senate Finance 532 5:30 PM
 Operating Budget Close-out

ENVIRONMENTAL CONSERVATION

Apr 10 Thursday Fahrenkamp 203 1:00 PM

FINANCE SUBCOMMITTEES (continued)**HEALTH & SOCIAL SERVICES**

Apr 08 Tuesday Senate Finance 532 4:30 PM
Preliminary FY04 Budget Close-out

Apr 10 Thursday Senate Finance 532 4:30 PM
FY04 Budget Close-out and Agency Response

LABOR & WORKFORCE DEVELOPMENT

Apr 09 Wednesday Beltz 211 12:00 PM
-- Rescheduled from 4/3/03 --
FY04 Budget Close-out

LAW

Apr 04 Friday Beltz 211 8:00 AM
-- Rescheduled to 4/11/03 --
FY04 Budget Close-out

Apr 11 Friday Beltz 211 8:00 AM
-- Rescheduled from 4/4/03 --
FY04 Budget Close-out

MILITARY AND VETERANS AFFAIRS

Apr 08 Tuesday Fahrenkamp 203 11:00 AM
-- Meeting Canceled --

Apr 11 Friday Butrovich 205 12:30 PM

NATURAL RESOURCES

Apr 09 Wednesday Beltz 211 8:30 AM
-- Time Change --
-- Rescheduled from 4/2/03 --
FY04 Budget Close-out

FINANCE SUBCOMMITTEES (continued)**PUBLIC SAFETY**

Apr 08 Tuesday Fahrenkamp 203 4:00 PM

REVENUE

Apr 09 Wednesday Beltz 211 4:00 PM
-- Time Change --

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Apr 04 Friday House Finance 519 7:00 AM
-- Meeting Canceled --
Commissioner Joel Gilbertson
Dept of Health and Social Services

Apr 09 Wednesday Senate Finance 532 7:00 AM
Commissioner Joel Gilbertson
Dept of Health and Social Services

Apr 29 Tuesday House Finance 519 8:00 AM
Audits and Other Committee Business

OTHER MEETINGS**JOINT SESSION**

Apr 25 Friday House Chamber 11:00 AM
Address by U.S. Senator Lisa Murkowski