

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

January 26, 2004

Fifteenth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:18 a.m.

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

Senator Ben Stevens moved and asked unanimous consent that Senator Davis be excused from a call of the Senate today through January 30. Without objection, Senator Davis was excused.

The prayer was offered by the Chaplain, Father Thomas Weise of St. Paul's Catholic Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

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

“Have mercy on me, O Gracious One, according to Your steadfast love. According to Your abundant kindness, forgive me where my thoughts and deeds have hurt others. Lead me in the paths of justice, guide my steps on paths of peace!

Teach me, that I may know my weakness, the shortcomings that bind me, the unloving ways that separate me, that keep me from recognizing Your life in me; for, I keep company with fear, and dwell in the house of ignorance. Yet, I was brought forth in love, and love is my birthright.” (Psalm 51)

Gracious God, You created us and placed us within families to learn how to love and be loved. We praise You for Your goodness. We thank You for Your gifts. Bless our state with Your love. Raise up in Alaska good and holy families, loving husbands and wives, devoted parents and children. Raise up from our families and friends dedicated and generous leaders who will serve as model Alaskans in our communities. Amen.

Senator Seekins led the Senate in the Pledge of Allegiance.

Certification

Senator Ben Stevens moved and asked unanimous consent that the journals for the twelfth through fourteenth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Standing Committee Reports

SB 275

Corrected fiscal note from the Senate Rules Committee for SENATE BILL NO. 275 "An Act relating to certain fees or other monetary charges of the Department of Environmental Conservation; relating to action against Department of Environmental Conservation permits and other authorizations for failure to pay a monetary charge; and providing for an effective date" published today:

Fiscal Note No. 1, Department of Environmental Conservation

Introduction and Reference of Senate Bills

SB 280

SENATE BILL NO. 280 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to fines for an infraction; and providing for an effective date."

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

The following fiscal information was published today:

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

Fiscal Note No. 2, zero, Department of Law

Governor's transmittal letter dated January 23:

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill that would raise the maximum fine that may be imposed for an infraction under AS 28 from \$300 to \$750.

While the majority of the bail amounts for infractions related to AS 28 are established by the Alaska Supreme Court, there are a select number of offenses that require a mandatory court appearance. In these cases, the magistrate or judge can determine the amount of the fine to be imposed. Currently, the maximum amount is \$300. Such infractions include behavior ranging, for example, from negligent driving to minor operating a vehicle after consuming alcohol.

The maximum fine for an infraction under AS 28.40.050 has been \$300 for over 27 years. The punitive and deterrent effect of such a low amount has greatly diminished over the years, and an increased amount is a more accurate reflection of current values.

By raising the maximum amount that could be applied to infractions, magistrates and judges will have the ability to more appropriately address aggravated violations of specific offenses. Those offenses, by their very nature, are the most serious of the infractions and the ability of the courts to apply a higher degree of penalty is long overdue.

I urge your prompt and favorable consideration of this proposal.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

Consideration of the Calendar

House Bills in Third Reading

HB 209

CS FOR HOUSE BILL NO. 209(RLS) "An Act relating to municipal property tax adjustments for property affected by a disaster," which had been returned to the Rules Committee (page 1911), was before the Senate in third reading.

Senator Ogan moved and asked unanimous consent to abstain from voting due to a conflict of interest. Objections were heard and Senator Ogan was required to vote.

The question being: "Shall CS FOR HOUSE BILL NO. 209(RLS) "An Act relating to municipal property tax adjustments for property affected by a disaster" pass the Senate?" The roll was taken with the following result:

CSHB 209(RLS)

Third Reading - Final Passage

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

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

Excused: Davis, Dyson

and so, CS FOR HOUSE BILL NO. 209(RLS) passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Honoring – Commander Sergio D.B. Cerda
Senator(s) Gary Stevens, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, French, Green, Guess, Hoffman, Lincoln, Seekins, Stedman, Ben Stevens, Wagoner, Wilken

In Memoriam – Gail Marie (Rabideau) Levesque
Senator(s) Green, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Guess, Hoffman, Lincoln, Seekins, Stedman, Ben Stevens, Gary Stevens, Wagoner, 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.

Unfinished Business

Senator Stedman moved and asked unanimous consent to be excused from a call of the Senate from February 16 through plane time, February 17. Without objection, Senator Stedman was excused.

Senator Lincoln moved and asked unanimous consent to be excused from a call of the Senate on February 13. Without objection, Senator Lincoln was excused.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., January 28, 2004. Without objection, the Senate adjourned at 11:36 a.m.

Kirsten Waid
Secretary of the Senate

January 2004

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

Jan 26	Monday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Jan 28	Wednesday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Jan 30	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM

FINANCE

Jan 26	Monday No Meeting Scheduled	Senate Finance 532	9:00 AM
Jan 27	Tuesday No Meeting Scheduled	Senate Finance 532	9:00 AM
Jan 28	Wednesday SJR 3	Senate Finance 532 CONST AM: APPROPRIATION/SPENDING LIMIT Bills Previously Heard/Scheduled	9:00 AM
Jan 29	Thursday = SB 31 HB 215	Senate Finance 532 RAILROAD UTILITY CORRIDOR TO & IN CANADA ONE PERCENT FOR ART Bills Previously Heard/Scheduled	9:00 AM

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FINANCE(continued)

Jan 30 Friday Senate Finance 532 9:00 AM
No Meeting Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Jan 26 Monday Butrovich 205 1:30 PM
No Meeting Scheduled

Jan 28 Wednesday Butrovich 205 1:30 PM
+ HB 260 IMMUNITY FOR PROVIDING FREE HEALTH CARE
+ SB 217 GENETIC PRIVACY

JUDICIARY

Jan 26 Monday Butrovich 205 8:00 AM
No Meeting Scheduled

Jan 28 Wednesday Capitol 120 1:00 PM
-- Time and Location Change --
+ Joint w/(H) Judiciary
Confirmation Hearings:
Select Committee on Legislative Ethics
H. Conner Thomas
Ann Rabinowitz

Jan 30 Friday Butrovich 205 8:00 AM
+ SB 244 INCREASE FINE FOR SCHOOL ZONE VIOLATIONS
+= SB 203 OFFICE OF ADMINISTRATIVE HEARINGS

LABOR & COMMERCE

Jan 27 Tuesday Beltz 211 1:30 PM
+ Pulltabs Subcommittee Report
<Listen Only Teleconference>
+ SB 237 AK RAILROAD EDUCATION APPRENTICE PROGRAM

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LABOR & COMMERCE(continued)

Jan 28 **Wednesday** **Senate Finance 532** **4:00 PM**
-- Time and Location Change --
Joint w/(H) Labor and Commerce Meeting
Workers Compensation Overview and Update

Jan 29 **Thursday** **Beltz 211** **1:30 PM**
No Meeting Scheduled

RESOURCES

Jan 26 **Monday** **Butrovich 205** **3:30 PM**
+ SB 271 NATURAL GAS DEVEL AUTHORITY PROJECTS
+ Bills Previously Heard/Scheduled

Jan 28 **Wednesday** **Butrovich 205** **3:30 PM**
+ SB 264 REPEAL PIPELINE PREAPPLICATION DEADLINE
+ Bills Previously Heard/Scheduled

Jan 30 **Friday** **Butrovich 205** **3:30 PM**
No Meeting Scheduled

STATE AFFAIRS

Jan 27 **Tuesday** **Beltz 211** **3:30 PM**
No Meeting Scheduled

Jan 29 **Thursday** **Beltz 211** **3:30 PM**
No Meeting Scheduled

TRANSPORTATION

Jan 27 **Tuesday** **Butrovich 205** **1:30 PM**
No Meeting Scheduled

Jan 29 **Thursday** **Butrovich 205** **1:30 PM**
No Meeting Scheduled

JOINT COMMITTEES**ARMED SERVICES COMMITTEE**

Feb 25 **Wednesday** **Senate Finance 532** **3:00 PM**
 Alaskan Command's annual address by Lt.General Carrol
 H."Howie" Chandler
 Testimony by Invitation Only

LEGISLATIVE COUNCIL

Feb 05 **Thursday** **Senate Finance 532** **4:00 PM**
 Agenda to be announced

OTHER MEETINGS**CHILDREN'S CAUCUS**

Feb 03 **Tuesday** **Fahrenkamp 203** **12:00 PM**
 +
 Children's Justice Act Task Force:
 This is a federally funded group that is tasked with
 recommending improvements to the system of addressing child
 sexual abuse and exploitation.

ENERGY POLICY TASK FORCE

Jan 28 **Wednesday** **Anchorage** **9:00 AM**
 AIDEA/AEA BOARD ROOM
 813 W. Northern Lights Blvd., Third Floor
 9:00 am to 3:00 pm

MISCELLANEOUS MEETINGS

Jan 26 **Monday** **Senate Finance 532** **1:00 PM**
 Senator Bunde will offer a presentation,
 "The High School Graduation Qualifying Exam - A Refresher"
 to provide legislators staff and others the opportunity to review
 the history of the exam, what the law contains and new
 developments since 2001. Copies of the Practice Test will be
 available. All are welcome.