

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

February 13, 2004

Thirty-third Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:34 a.m.

The roll showed twelve members present. Senators Davis, Ellis, French, Guess, Seekins, Wagoner, Wilken were excused from a call of the Senate. Senator Olson was absent.

The prayer was offered by the Chaplain, Pastor Richard Green of Glacier Valley Church of God. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Father, teach us about Your love. Show us how to love with
Your sacrificial, selfless love.

Open our hearts so we can love each other as You love us.

Your love is the perfect law of liberty.

Your love casts out fear.

Your love reaches to the lowest places and to the deepest
needs.

Your love covers a multitude of sins.

Your love forgives and shows mercy and compassion.

Your love heals.

Your love endures long, and is patient and kind.

Your love is not envious, boastful, arrogant or inflated with
pride.

Your love is not rude, self-seeking, is not touchy or resentful, and pays no account to a suffered wrong.

Your love does not rejoice in injustice and unrighteousness, but rejoices when right and truth prevail.

Your love bears up under all things, is ready to believe the best of every person, and creates hope and endurance in all circumstances.

Your love never fails.

We ask You to pour Your love into us, so that we can truly be instruments of love in all that we do. Now, may the grace of the Lord Jesus Christ, and the love of God, and the communion of the Holy Spirit be with all of us. Amen.

Senator Green led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Concur Messages

SB 56

Message dated February 9 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 56(FIN) "An Act relating to sport fishing license fees and anadromous king salmon tag fees for residents of Yukon, Canada; and providing for an effective date" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO.
56(FIN)

President Therriault stated the bill would be held on the Secretary's desk.

Communications

Disclosure letters received in accordance with AS 24.60 will be published in Senate Journal Supplement No. 6 and House and Senate Joint Journal Supplement No. 13.

Standing Committee Reports

SB 232

Forthcoming State Affairs Committee Substitute (page 2133) for SENATE BILL NO. 232 "An Act relating to federal requirements for governmental plan and other qualifications for the teachers' retirement system, the public employees' retirement system, and the judicial retirement system; and providing for an effective date" was received today:

CS FOR SENATE BILL NO. 232(STA) "An Act relating to federal tax requirements for and other provisions of the teachers' retirement system, the public employees' retirement system, and the judicial retirement system; removing village public safety officers from the public employees' retirement system; requiring the public employees' retirement system to refund contributions under \$1,000 to inactive employees; limiting service credit for village public safety officer service in the public employees' retirement system to five years; and providing for an effective date."

SB 279

The State Affairs Committee considered SENATE BILL NO. 279 "An Act authorizing and relating to the issuance of bonds by the Alaska Housing Finance Corporation for safe and clean water and hygienic sewage disposal facility capital projects and other capital projects; providing for the repayment of the bonds and bond costs; relating to

the dividend paid to the state by the Alaska Housing Finance Corporation; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 279(STA)

Signing do pass: Senator Gary Stevens, Chair. Signing no recommendation: Senators Cowdery, Stedman.

The following fiscal information was published today:

Fiscal Note No. 2, Department of Revenue

The bill was referred to the Finance Committee.

**Introduction and Reference of
Senate Resolutions**

SJR 29

SENATE JOINT RESOLUTION NO. 29 BY SENATOR ELLIS,

Urging the United States Congress to support initiatives to fund before and after school programs; and urging the Department of Education and Early Development to serve as a clearinghouse for information and to create a statewide network related to those programs.

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

SCR 21

SENATE CONCURRENT RESOLUTION NO. 21 BY SENATORS BEN STEVENS, Lincoln, Elton,

Relating to declaring March 2004 as Sobriety Awareness Month.

was read the first time.

Senator Ben Stevens moved and asked unanimous consent that SENATE CONCURRENT RESOLUTION NO. 21 be taken up as a Special Order of Business. Without objection, it was so ordered.

Special Order of Business

Second Reading of Senate Resolutions

SCR 21

SENATE CONCURRENT RESOLUTION NO. 21 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 21 Relating to declaring March 2004 as Sobriety Awareness Month, pass the Senate?" The roll was taken with the following result:

SCR 21

Second Reading - Final Passage

YEAS: 12 NAYS: 0 EXCUSED: 7 ABSENT: 1

Yeas: Bunde, Cowdery, Dyson, Elton, Green, Hoffman, Lincoln, Ogan, Stedman, Stevens B, Stevens G, Therriault

Excused: Davis, Ellis, French, Guess, Seekins, Wagoner, Wilken

Absent: Olson

and so, SENATE CONCURRENT RESOLUTION NO. 21 passed the Senate and was referred to the Secretary for engrossment.

Introduction and Reference of Senate Bills

SB 248

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 248 BY SENATORS GUESS, Elton, Davis, entitled:

"An Act relating to secondary school competency examinations, graduation requirements, and diplomas; and providing for an effective date."

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

SB 323

SENATE BILL NO. 323 BY SENATOR SEEKINS, entitled:

"An Act relating to a project owner's liability for workers' compensation and the exclusiveness of liability for workers' compensation."

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

SB 324

SENATE BILL NO. 324 BY SENATOR GUESS, entitled:

"An Act relating to floral business telephone listings and to acts involving those listings that are considered unlawful trade practices."

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

SB 325

SENATE BILL NO. 325 BY SENATOR GARY STEVENS, entitled:

"An Act relating to the crime of assault."

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

SB 326

SENATE BILL NO. 326 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE, entitled:

"An Act relating to investments of Alaska permanent fund assets; and providing for an effective date."

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

SB 327

SENATE BILL NO. 327 BY SENATOR SEEKINS, entitled:

"An Act relating to pedestrians using rollerblades, roller skates, and similar devices."

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

SB 328

SENATE BILL NO. 328 BY SENATOR STEDMAN, entitled:

"An Act relating to the national forest income program in the Department of Community and Economic Development and to the authority of the department to adopt regulations; and providing for an effective date."

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

SB 329

SENATE BILL NO. 329 BY SENATOR BUNDE BY REQUEST, entitled:

"An Act relating to control of nuisance moose."

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

SB 330

SENATE BILL NO. 330 BY SENATOR DYSON, entitled:

"An Act relating to the crime of failure to stop and report a violent crime committed against a child."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 283**

SENATE BILL NO. 283 "An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date" was read the second time.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2134. Without objection, CS FOR SENATE BILL NO. 283(FIN) "An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the constitutional budget reserve fund; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date" was adopted.

President Therriault stated CS FOR SENATE BILL NO. 283(FIN) will be on the February 16 calendar.

Citations

In Memoriam – Representative Ramona Barnes

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

Senator Ben 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

Senator Ben Stevens moved and asked unanimous consent that President Therriault be excused from a call of the Senate on February 16. Without objection, Senator Therriault was excused.

Senator Gary Stevens moved and asked unanimous consent to be excused from a call of the Senate from plane time, February 23 to plane time, February 24. Without objection, Senator Gary Stevens was excused.

Senator Green moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 10 to morning plane time, March 15. Without objection, Senator Green was excused.

SJR 28

Senators Lincoln, Elton moved and asked unanimous consent to be shown as cosponsors on SENATE JOINT RESOLUTION NO. 28 Requesting Exxon Mobil Corporation to pay claimants for court-ordered damages resulting from the Exxon Valdez oil spill. Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Engrossment**SCR 21**

SENATE CONCURRENT RESOLUTION NO. 21 Relating to declaring March 2004 as Sobriety Awareness Month was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:45 a.m., February 16, 2004. Without objection, the Senate adjourned at 10:54 a.m.

Kirsten Waid
Secretary of the Senate

February 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

Feb 13 Friday Fahrenkamp 203 1:30 PM
No Meeting Scheduled

Feb 16 Monday Fahrenkamp 203 1:30 PM
No Meeting Scheduled

Feb 18 Wednesday Fahrenkamp 203 1:30 PM
+ SB 227 MUNI INITIATIVE AND REFERENDUM ELECTIONS
Bills Previously Heard
+= SB 269 PARENT ACCESS TO CHILD'S LIBRARY RECORDS

Feb 20 Friday Fahrenkamp 203 1:30 PM
No Meeting Scheduled

FINANCE

Feb 13 Friday Senate Finance 532 9:00 AM
No Meeting Scheduled

Feb 16 Monday Senate Finance 532 9:00 AM
No Meeting Scheduled

Feb 17 Tuesday Senate Finance 532 9:00 AM
+= HB 374 SENIORCARE
+ SB 277 STUDENT LOAN PROGRAMS
+ SB 241 APPROP: NATURAL GAS DEVELOPMENT AUTHORITY
+ Bills Previously Heard/Scheduled

FINANCE (continued)

Feb 18 Wednesday Senate Finance 532 9:00 AM
 Joint w/(H) Finance Committee
 + State of the University Address
 President Mark Hamilton
 University of Alaska
 + Bills Previously Heard/Scheduled

Feb 19 Thursday Senate Finance 532 9:00 AM
 PERS/TRS Presentation
 Ms. Melanie Millhorn, Director
 Division of Retirement & Benefits
 + SB 203 OFFICE OF ADMINISTRATIVE HEARINGS
 + SB 285 MEDICAL ASSISTANCE COVERAGE
 + SB 289 EXTENDING THE SPECIAL ED SERVICE AGENCY
 Bills Previously Heard/Scheduled

Feb 20 Friday Senate Finance 532 9:00 AM
 += SB 82 ALCOHOLIC BEVERAGE TAX FOR WINE & OTHERS
 + SB 313 FIRST SUPPLEMENTAL APPROPRIATION
 + SB 314 SECOND SUPPLEMENTAL APPROPRIATION
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 16 Monday Butrovich 205 1:30 PM
 No Meeting Scheduled

Feb 18 Wednesday Butrovich 205 1:30 PM
 No Meeting Scheduled

Feb 20 Friday Butrovich 205 1:30 PM
 -- Time Change --
 + SB 301 PIONEERS' HOMES/VETERANS' HOMES
 + SB 274 HOUSING PROGRAMS
 += SB 239 LENGTH OF SCHOOL TERM
 + SB 269 PARENT ACCESS TO CHILD'S LIBRARY RECORDS
 <Pending Referral>
 + Bills Previously Heard If Necessary

JUDICIARY

Feb 13 Friday Butrovich 205 8:00 AM
 No Meeting Scheduled

Feb 16 Monday Butrovich 205 8:00 AM
 No Meeting Scheduled

Feb 18 Wednesday Butrovich 205 8:00 AM
 + SB 288 EMERGENCY CHILD CUSTODY PLACEMENT
 + HB 252 OCC LICENSING: TERMS OF BD & CONT. EDUC
 += SB 217 GENETIC PRIVACY

Feb 20 Friday Butrovich 205 8:00 AM
 + HB 31 INITIATIVE/REFERENDUM PETITIONS
 + SB 307 APPEAL BONDS: TOBACCO SETTLEMENT PARTIES
 += SB 300 ATTORNEY'S LIEN

LABOR & COMMERCE

Feb 17 Tuesday Beltz 211 1:30 PM
 + SB 299 BAD CHECK CHARGE
 + SB 242 GAMING
 Bills Previously Heard/Including but
 Not Limited to:
 += SB 286 DIRECT MARKETING FISHERIES BUSINESS
 += SB 276 ALASKA INSURANCE GUARANTY ASSOCIATION

Feb 19 Thursday Beltz 211 1:30 PM
 + SB 306 NATUROPATHIC MEDICINE
 + SB 263 EXTEND ALASKA COMMISSION ON AGING
 Bills Previously Heard/Including but
 Not Limited to:
 += SB 278 LABOR & WORKFORCE DEVELOPMENT FEES
 += SB 311 INSURANCE & WORKERS' COMPENSATION SYSTEM

RESOURCES

Feb 13 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

RESOURCES (continued)

Feb 16 Monday Butrovich 205 3:30 PM
 + SB 190 KENAI RIVER SPECIAL MANAGEMENT AREA
 += SB 271 NATURAL GAS DEVELOPMENT AUTHORITY PROJECTS
 + Bills Previously Heard/Scheduled

Feb 18 Wednesday Butrovich 205 3:30 PM
 + SB 305 ASSERTING STATE TITLE TO SUBMERGED LAND
 + SB 295 EXTEND NAVIGABLE WATERS COMMISSION
 + SJR 27 SUBMERGED LAND TITLE DISPUTES
 + Donlin Creek Project Update
 + Bills Previously Heard/Scheduled

Feb 20 Friday Butrovich 205 3:30 PM
 + SJR 26 SALMON ENHANCEMENT IN WILDERNESS AREAS
 + SB 303 BIG GAME GUIDE BOARD & SERVICES
 + Bills Previously Heard/Scheduled

Feb 23 Monday Butrovich 205 3:30 PM
 + SB 312 CONVENTIONAL & NONCONVENTIONAL GAS LEASES
 + Bills Previously Heard/Scheduled

Feb 25 Wednesday Butrovich 205 3:30 PM
 + Overview Presentation:
 MidAmerican Energy Holding Co

Feb 27 Friday Butrovich 205 3:30 PM
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Feb 17 Tuesday Beltz 211 3:30 PM
 HB 304 JACK COGHILL BRIDGE TO THE INTERIOR
 + SB 284 PF DIVIDEND APPLICATION RECORDS PRIVATE
 Bills Previously Heard/Scheduled

Feb 19 Thursday Beltz 211 3:30 PM
 SB 296 PAPER TRAIL FOR ELECTRONIC VOTING MACHINE
 + SB 302 OATHS; NOTARIES PUBLIC; STATE SEAL
 Bills Previously Heard/Scheduled

TRANSPORTATION

Feb 17 Tuesday Butrovich 205 1:30 PM
 + SB 260 METROPOLITAN PLANNING ORGANIZATIONS

Feb 19 Thursday Butrovich 205 1:30 PM
 Yukon Delegation

Feb 28 Saturday Anch Lio Conf Rm 9:30 AM
 -- Time and Location Change --
 Special Meeting: Overview of the Knik
 Arm Crossing
 9:30 - 11:30 am

JOINT COMMITTEES**ARMED SERVICES COMMITTEE**

Feb 25 Wednesday Senate Finance 532 9:00 AM
 -- Time Change --
 Alaskan Command's Annual Address by
 Lt.General Carrol H."Howie" Chandler
 Testimony by Invitation Only

LEGISLATIVE BUDGET & AUDIT

Feb 19 Thursday House Finance 519 12:00 PM
 Audits and Other Committee Business

OTHER MEETINGS**CHILDREN'S CAUCUS**

Feb 17 Tuesday Butrovich 205 12:00 PM
 + Let's Talk Healthy Relationships Program

Feb 25 Wednesday Butrovich 205 12:00 PM
 + Bring Alaska's Children Home From
 Out Of State Treatment

JOINT SESSION

Feb 16	Monday Address by U.S. Senator Ted Stevens	House Chamber	11:00 AM
Feb 25	Wednesday State of the Judiciary Chief Justice Alexander O. Bryner	House Chamber	11:00 AM
Mar 16	Tuesday Address by U.S. Senator Lisa Murkowski	House Chamber	11:00 AM