

**SENATE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-FOURTH LEGISLATURE**  
**FIRST SESSION**

**Juneau, Alaska**

**Monday**

**January 24, 2005**

**Fifteenth Day**

Pursuant to adjournment the Senate was called to order by President Stevens at 11:07 a.m.

The roll showed seventeen members present. Senators Guess, Therriault, and Wilken were excused from a call of the Senate.

The prayer was offered by the Chaplain, Pastor Dan Wanders of the Aldersgate United Methodist Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Creator God, Creator of this great land and all that is good, we pray that the gift of Your creativity can so infuse this senate body that problems can be experienced as opportunities, challenges as successes, differences among us as enrichments.

We pray that these senators can so work together that they raise public expectations of how legislative tasks can be done well.

Especially when the senators and their staffs are tired and stressed, help them listen to and speak the truth with care, strength, courage and compassion, remembering that we all love Alaska.                      Amen.

Senator Kookesh led the Senate in the Pledge of Allegiance.

**Certification**

Senator Gary 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.

**Communications**

The following reports are on file in the Office of the Secretary of the Senate:

2003 Annual Report of Alaska Comprehensive Health Insurance Association  
from Jeffrey W. Davis, Chair, and Cecil D. Bykerk, Executive Director, Comprehensive Health Insurance Association  
in accordance with AS 21.55.020

Division of Insurance 66th Annual Report, FY04  
from Linda S. Hall, Director, Division of Insurance, Department of Commerce, Community, and Economic Development  
in accordance with AS 21.06.110

2004 Homeowners Insurance Guide  
from Linda S. Hall, Director, Division of Insurance, Department of Commerce, Community and Economic Development  
in accordance with AS 21.06.115  
available at: [www.commerce.state.ak.us/insurance](http://www.commerce.state.ak.us/insurance)

Underground Storage Tank Revolving Loan Fund  
Annual Report FY 2004  
from Kurt Fredriksson, Acting Commissioner, Department of Environmental Conservation  
in accordance with AS 46.03.410

**Introduction and Reference of Senate Bills****SB 77**

SENATE BILL NO. 77 BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE, entitled:

"An Act extending the termination date of the Alaska regional economic assistance program; and providing for an effective date."

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

**SB 78**

SENATE BILL NO. 78 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

"An Act establishing the senior care program and relating to that program; creating a fund for the provision of the senior care program; repealing ch. 3, SLA 2004; and providing for an effective date."

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

The following fiscal information was published today:

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

Governor's transmittal letter dated January 21:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to health care benefits available to eligible low-income senior citizens.

In 2004, the SeniorCare program was enacted that provided for needs-based cash assistance and a prescription drug benefit (ch. 3, SLA 2004). Today, approximately 6,800 seniors with incomes below 135 percent of the federal poverty level for Alaska receive \$120 a month in cash assistance through the SeniorCare program. This program has been very successful in reaching senior citizens in Alaska truly in need of cash assistance.

Unfortunately, the SeniorCare program is anticipated to sunset no later than January 1, 2006. Therefore, the legislation I am proposing today will repeal the temporary law created last year and replace it with a permanent law that will strengthen the SeniorCare program and allow it to continue. It is crucial that the State of Alaska continue to provide critical support for Alaska's most needy senior citizens beyond January 1, 2006.

My proposal to improve SeniorCare is through the creation of a supplement to the recently enacted federal Medicare drug benefit for Alaska's seniors. Under the new federal Medicare benefit, many seniors are still required to pay premium and deductible expenses for prescription drugs out of their own pockets. For Alaska seniors with incomes up to 300 percent of the federal poverty level, I propose that SeniorCare pay these premiums and deductibles on our seniors' behalf – a benefit of approximately \$670 per person annually. Seniors with Medigap or other comparable coverage will also be eligible to receive this benefit as long as they meet the basic income and asset standards for SeniorCare.

I anticipate that over 40 percent of the estimated 41,000 Alaska seniors will be eligible for the SeniorCare benefit. With passage of this legislation, the end result will be that as of January 2006 virtually all seniors in Alaska will be eligible for prescription drug coverage through a combination of federal, state, and employer-sponsored drug plans. This represents an achievement in which we should all be proud.

Over the past several years I have listened to our senior citizens throughout Alaska and there is no doubt in my mind that adequate prescription drug coverage remains a top priority of our seniors. Additional state support for SeniorCare in the years to come will help resolve this longstanding issue. It is a sound investment well worth making.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor

**SB 79**

SENATE BILL NO. 79 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to coverage for adult dental services  
under Medicaid; and providing for an effective date."

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

The following fiscal information was published today:

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

Governor's transmittal letter dated January 21:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am  
transmitting a bill relating to coverage for adult dental services for  
eligible recipients under the Medicaid program (AS 47.07).

The State of Alaska's Medicaid program currently provides inadequate  
coverage for adult dental services. The services covered under  
existing law are limited to procedures for relief of pain and acute  
infection, and don't include necessary preventative or restorative  
treatment. This level of service often leads to the extraction of  
permanent teeth. Missing and decayed teeth (especially front teeth)  
can affect an individual's employability and/or career advancement  
opportunities. Furthermore, studies have documented the links and/or  
complications between dental disease and other chronic diseases  
including cardiovascular disease and diabetes. Recent studies have  
also implicated periodontal disease as a risk factor for pre-term, low  
birth-weight births.

Diseases of the mouth are not distinctly different from diseases in the  
rest of the body. The limitation for dental coverage is largely a  
distinction based on the type of health care provider; in that diseases of  
the oral cavity are largely treated by dentists. The lack of coverage to

prevent more severe dental problems and/or extractions before they become “dental emergencies” often results in more expensive dental care and limits the dentist’s ability to address dental problems. Dentists have reported frustration with not being able to treat teeth earlier before the person is in pain and when less costly treatment could be provided.

This bill would allow the Department of Health and Social Services to expand dental coverage to encompass preventative and restorative care for approximately 41,000 Alaskans enrolled in the Medicaid program. Specifically, this bill would repeal AS 47.07.900(1), defining adult dental services as the minimum treatment for the immediate relief of pain and acute infection provided by a licensed dentist. Under the bill, the Department of Health and Social Services would adopt regulations implementing the expanded service, which could include regulations defining the scope of services, a maximum amount of benefits per fiscal year, and the amount of reimbursement for dental services.

The Alaska Mental Health Trust Authority has recognized access to dental services as a priority issue for their beneficiaries and has committed funding for part of the matching funds needed for this service expansion. The expanded services would be provided under an annual cap of \$1,150 per adult at the outset. The cap is intended to control costs of the service expansion and encourage the dentist and client to discuss priorities and treatment options. The Department of Health and Social Services and the Alaska Mental Health Trust Authority agreed to use this expenditure cap as a starting point to provide a level of service that would allow elderly Alaskans to receive a complete set of dentures over a two-year period. The dental expenditure cap for expanded services would not apply to the existing Medicaid coverage for emergency dental services.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor

**Consideration of the Calendar****Third Reading of Senate Bills****SB 56**

CS FOR SENATE BILL NO. 56(JUD) was read the third time.

Senator Seekins moved and asked unanimous consent that the Judiciary Committee Letter of Intent offered on page 102 be adopted as a Senate Letter of Intent. Without objection, the Senate Letter of Intent was adopted.

The question being: "Shall CS FOR SENATE BILL NO. 56(JUD) "An Act relating to criminal law and procedure, criminal sentences, and probation and parole; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 56(JUD)

Third Reading - Final Passage

Effective Date

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

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

Nays: Olson

Excused: Guess, Therriault, Wilken

Olson changed from "Yea" to "Nay".

and so, CS FOR SENATE BILL NO. 56(JUD) passed the Senate with a Senate Letter of Intent.

Senator Gary Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered.

Senator French gave notice of reconsideration.

**Citations**

Honoring – Alaska Road Commission, 100 Year Anniversary  
Senator(s) Huggins, Ben Stevens, Bunde, Cowdery, Davis, Dyson,  
Ellis, Elton, French, Green, Hoffman, Kookesh, Olson, Seekins,  
Stedman, Gary Stevens, Therriault, Wagoner, Wilken

Honoring – Fairbanks Frontier, Chorus of Sweet Adelines  
Representative(s) Holm  
Senator(s) Seekins, Ben Stevens, Bunde, Cowdery, Davis, Dyson,  
Ellis, Elton, Green, Hoffman, Huggins, Kookesh, Olson, Stedman,  
Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam – Maxine May Race  
Representative(s) Weyhrauch, Kerttula  
Senator(s) Elton, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis,  
Green, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary  
Stevens, Therriault, Wagoner, Wilken

In Memoriam – Thomas H. Wardleigh  
Representative(s) McGuire, Samuels  
Senator(s) Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton,  
Green, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary  
Stevens, Therriault, Wagoner, Wilken

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

Senator Gary Stevens moved and asked unanimous consent that the following citation be made a special order of business. Without objection, it was so ordered.

**Special Order of Business**

In Memoriam – Tommy L. Ramsey  
Senator(s) Ben Stevens, Cowdery, Davis, Dyson, Ellis, Elton, Green,  
Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens,  
Therriault, Wagoner, Wilken



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

### **Unfinished Business**

Senator Cowdery moved and asked unanimous consent to be excused from a call of the Senate from January 27 through January 30. Without objection, Senator Cowdery was excused.

Senator Green moved and asked unanimous consent to be excused from a call of the Senate on February 4. Without objection, Senator Green was excused.

### **Announcements**

Announcements are at the end of the journal.

### **Adjournment**

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., January 26, 2005. Without objection, the Senate adjourned at 11:36 a.m.

Kirsten Waid  
Secretary of the Senate

January 2005

**Announcements**

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

**STANDING COMMITTEES**

+ indicates teleconference

= indicates bill previously heard/scheduled

**COMMUNITY & REGIONAL AFFAIRS**

|               |  |                           |                |
|---------------|--|---------------------------|----------------|
| <b>Jan 24</b> | <b>Monday</b>                            | <b>Senate Finance 532</b> | <b>1:30 PM</b> |
| +             | JOINT W/(H) COMMUNITY & REGIONAL AFFAIRS |                           |                |
|               | Local Boundary Commission Report         |                           |                |
|               | Overview of Annual Report                |                           |                |
|               | <Listen Only>                            |                           |                |
|               |  |                           |                |
| <b>Jan 26</b> | <b>Wednesday</b>                         | <b>Fahrenkamp 203</b>     | <b>1:30 PM</b> |
| + SB 14       | MUNICIPAL ELECTIONS                      |                           |                |
| + SB 51       | PUBLIC ASSISTANCE PROGRAMS               |                           |                |
|               |  |                           |                |
| <b>Jan 28</b> | <b>Friday</b>                            | <b>Fahrenkamp 203</b>     | <b>1:30 PM</b> |
|               | No Meeting Scheduled                     |                           |                |

-----

**FINANCE**

|               |  |                           |                |
|---------------|--|---------------------------|----------------|
| <b>Jan 24</b> | <b>Monday</b>                            | <b>Senate Finance 532</b> | <b>9:00 AM</b> |
|               | No Meeting Scheduled                     |                           |                |
|               |  |                           |                |
| <b>Jan 25</b> | <b>Tuesday</b>                           | <b>Senate Finance 532</b> | <b>9:00 AM</b> |
| + SB 62       | APPROP: DIVISION OF ELECTIONS            |                           |                |
|               |  |                           |                |
| <b>Jan 26</b> | <b>Wednesday</b>                         | <b>Senate Finance 532</b> | <b>9:30 AM</b> |
|               | -- Note Time Change --                   |                           |                |
| +             | Department of Administration:            |                           |                |
|               | Public Employee's & Teacher's Retirement |                           |                |
|               | Systems Overview                         |                           |                |

**FINANCE (continued)**

|               |  |                           |                |
|---------------|--|---------------------------|----------------|
| <b>Jan 27</b> | <b>Thursday</b>  | <b>Senate Finance 532</b> | <b>9:30 AM</b> |
|               | -- Note Time Change --   |                           |                |
| +             | Department of Revenue:<br>Role of ASPIB & Treasury Division<br>Department of Administration:<br>Tier Redesign Project Report |                           |                |
| <b>Jan 28</b> | <b>Friday</b>  | <b>Senate Finance 532</b> | <b>9:00 AM</b> |
| +             | Continuation of Tier Redesign Project<br>Report (if needed)  |                           |                |

-----

**HEALTH, EDUCATION & SOCIAL SERVICES**

|               |  |                      |                |
|---------------|--|----------------------|----------------|
| <b>Jan 24</b> | <b>Monday</b>                          | <b>Butrovich 205</b> | <b>1:30 PM</b> |
|               | No Meeting Scheduled                   |                      |                |
| <b>Jan 26</b> | <b>Wednesday</b>                       | <b>Butrovich 205</b> | <b>1:30 PM</b> |
|               | -- Meeting Canceled --                 |                      |                |
| += SB 10      | PARENTAL LIABILITY FOR CHILD'S DAMAGE  |                      |                |
| += SB 22      | MEDICAID COVERAGE FOR BIRTHING CENTERS |                      |                |
| <b>Jan 28</b> | <b>Friday</b>                          | <b>Butrovich 205</b> | <b>1:30 PM</b> |
|               | No Meeting Scheduled                   |                      |                |

-----

**JUDICIARY**

|               |   |                      |                |
|---------------|---|----------------------|----------------|
| <b>Jan 25</b> | <b>Tuesday</b>  | <b>Butrovich 205</b> | <b>8:30 AM</b> |
| +             | Overview of the Department of Law & the<br>Attorney General |                      |                |
| <b>Jan 26</b> | <b>Wednesday</b>  | <b>Butrovich 205</b> | <b>8:30 AM</b> |
| +             | Continuation of Overview if Necessary                       |                      |                |
| + SB 65       | OFFENSES BY MINORS/AGAINST TEACHERS                         |                      |                |
| <b>Jan 27</b> | <b>Thursday</b>   | <b>Butrovich 205</b> | <b>8:30 AM</b> |
| +             | Bills Previously Heard/Scheduled                            |                      |                |

-----

**LABOR & COMMERCE**

|               |                                      |                  |                |
|---------------|--------------------------------------|------------------|----------------|
| <b>Jan 25</b> | <b>Tuesday</b>                       | <b>Beltz 211</b> | <b>1:30 PM</b> |
|               | L&C Committee Organizational Meeting |                  |                |
| <b>Jan 27</b> | <b>Thursday</b>                      | <b>Beltz 211</b> | <b>1:30 PM</b> |
| + SB 42       | NATUROPATHIC MEDICINE TASK FORCE     |                  |                |
| + SB 2        | LIEN REQUIREMENTS                    |                  |                |

-----

**RESOURCES**

|               |  |                      |                |
|---------------|--|----------------------|----------------|
| <b>Jan 24</b> | <b>Monday</b>  | <b>Butrovich 205</b> | <b>3:30 PM</b> |
|               | Natural Gas 102<br>(Continuation of Presentation of 1/19/05)<br>Testimony by Invitation Only |                      |                |
| <b>Jan 26</b> | <b>Wednesday</b>   | <b>Butrovich 205</b> | <b>3:30 PM</b> |
| + SJR 2       | ENDORSING ANWR LEASING   |                      |                |
| + SB 32       | WATER/SEWER/WASTE GRANTS TO UTILITIES  |                      |                |
| + SB 69       | APPROP: GRANT TO ARCTIC POWER FOR ANWR   |                      |                |
| <b>Jan 28</b> | <b>Friday</b>  | <b>Butrovich 205</b> | <b>3:30 PM</b> |
|               | No Meeting Scheduled   |                      |                |

-----

**STATE AFFAIRS**

|               |                      |                  |                |
|---------------|----------------------|------------------|----------------|
| <b>Jan 25</b> | <b>Tuesday</b>       | <b>Beltz 211</b> | <b>3:30 PM</b> |
|               | No Meeting Scheduled |                  |                |
| <b>Jan 27</b> | <b>Thursday</b>      | <b>Beltz 211</b> | <b>3:30 PM</b> |
|               | No Meeting Scheduled |                  |                |

-----

**TRANSPORTATION**

|               |                      |                      |                |
|---------------|----------------------|----------------------|----------------|
| <b>Jan 25</b> | <b>Tuesday</b>       | <b>Butrovich 205</b> | <b>1:30 PM</b> |
|               | No Meeting Scheduled |                      |                |
| <b>Jan 27</b> | <b>Thursday</b>      | <b>Butrovich 205</b> | <b>1:30 PM</b> |
|               | No Meeting Scheduled |                      |                |

**FINANCE SUBCOMMITTEES****CORRECTIONS**

**Feb 03      Thursday      Senate Finance 532      4:00 PM**  
(For Corrections, Court System and H&SS)  
Mental Health Trust Authority  
Presentation  
(Teleconferencing available upon  
request with 24-hour notice)

-----

**COURT SYSTEM**

**Feb 03      Thursday      Senate Finance 532      4:00 PM**  
(For Corrections, Court System and H&SS)  
Mental Health Trust Authority  
Presentation  
(Teleconferencing available upon  
request with 24-hour notice)

-----

**HEALTH & SOCIAL SERVICES**

**Feb 03      Thursday      Senate Finance 532      4:00 PM**  
(For Corrections, Court System and H&SS)  
Mental Health Trust Authority  
Presentation  
(Teleconferencing available upon  
request with 24-hour notice)

-----

**JOINT COMMITTEES****LEGISLATIVE BUDGET & AUDIT**

**Jan 26      Wednesday      Senate Finance 532      1:00 PM**  
Approval of Request for Proposals for  
Economic Analysis & Modeling - Alaska  
Natural Gas Pipeline Project  
Presentation by the Alaska Gasline Port  
Authority  
Other Committee Business

**OTHER MEETINGS****JOINT LEGISLATIVE HEALTH CAUCUS**

|               |   |                      |                |
|---------------|---|----------------------|----------------|
| <b>Jan 26</b> | <b>Wednesday</b>  | <b>Butrovich 205</b> | <b>1:00 PM</b> |
|               | "Your Health Depends on Research:<br>What's Going on in Alaska?!" |                      |                |

-----

**JOINT SESSION**

|               |   |                      |                 |
|---------------|---|----------------------|-----------------|
| <b>Feb 23</b> | <b>Wednesday</b>  | <b>House Chamber</b> | <b>11:00 AM</b> |
|               | State of the Judiciary<br>Chief Justice Alexander O. Bryner |                      |                 |
| <b>Feb 24</b> | <b>Thursday</b>   | <b>House Chamber</b> | <b>11:00 AM</b> |
|               | Address by U.S. Senator Ted Stevens                         |                      |                 |