

# **SENATE JOURNAL**

## **ALASKA STATE LEGISLATURE**

### **TWENTY-THIRD LEGISLATURE -- SECOND SESSION**

**Juneau, Alaska**

**Friday**

**February 20, 2004**

#### **Fortieth Day**

Pursuant to adjournment the Senate was called to order by President Therriault at 10:31 a.m.

The roll showed eighteen members present. Senators Davis, Hoffman were excused from a call of the Senate.

The prayer was offered by the Chaplain, Major Larry Fankhauser of The Salvation Army. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Lord, I want to thank You for each Senator here this day. The work they do helps make this state a great place to live. Sometimes though, it seems like we are just a small cog in the bigger machine. Yet we know that without each one doing their job that machine would not function to its fullest.

Lord, with Your strengthening, help them to work diligently, giving their best effort and then enjoying the rewards of their labor.

Lord, I would also ask that You would continue to be with those who have recently lost loved ones, as well as those of our military who find themselves in difficult situations just now.

And mostly Lord, we pray for peace of body, mind and spirit. Amen.

Senator Cowdery led the Senate in the Pledge of Allegiance.

**Certification**

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

**Messages from the House**

Message dated February 19 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 282**

HOUSE BILL NO. 282 BY REPRESENTATIVES FATE, Guttenberg, Holm, Anderson, McGuire, Stepovich, Harris, Heinze, Lynn, Cissna, entitled:

"An Act relating to contracts between the University of Alaska and its employees involving research or other development of intellectual property and to the authority of the president of the University of Alaska regarding employee contracts for development of intellectual property."

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

**HB 285**

CS FOR HOUSE BILL NO. 285(JUD) BY THE JUDICIARY COMMITTEE, entitled:

"An Act adopting the Uniform Electronic Transactions Act; repealing certain statutes relating to electronic records and electronic signatures; amending Rule 402, Alaska Rules of Evidence; and providing for an effective date."

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

**HB 356**

HOUSE BILL NO. 356 BY REPRESENTATIVES JOULE, Dahlstrom, Lynn, entitled:

"An Act relating to operation of alcoholic beverage delivery sites; and providing for an effective date."

was read the first time and referred to the Labor and Commerce Committee.

**Standing Committee Reports****SB 82**

The Finance Committee considered SENATE BILL NO. 82 "An Act relating to the state alcoholic beverage tax for certain wine and other beverages" and recommended the adoption of the Labor and Commerce Committee Substitute offered on page 639.

Signing do pass: Senators Wilken, Green, Cochairs; Senators Dyson, Bunde, Ben Stevens. Signing no recommendation: Senator Olson.

The following fiscal information was published today:

Fiscal Note No. 2, Department of Revenue

The bill was referred to the Rules Committee.

**SB 263**

The Labor and Commerce Committee considered SENATE BILL NO. 263 "An Act extending the termination date of the Alaska Commission on Aging and making technical revisions to citations related to the commission." Signing do pass: Senator Bunde, Chair; Senators French, Seekins, Gary Stevens.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

**SB 278**

The Labor and Commerce Committee considered SENATE BILL NO. 278 "An Act relating to fees for the inspection of recreational devices, for certificates of fitness for electrical wiring and plumbing, for filing voluntary flexible work hour plans, and for licenses for boiler operators; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 278(L&C) "An Act relating to fees for the inspection of recreational devices, including instructional devices, for certificates of fitness for electrical wiring and plumbing, for filing voluntary flexible work hour plan agreements, and for licenses for boiler operators; relating to the building safety account; and providing for an effective date."

Signing do pass: Senator Bunde, Chair; Senators Seekins, Gary Stevens. Signing no recommendation: Senator French.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Labor and Workforce  
Development

Fiscal Note No. 2, Department of Labor and Workforce  
Development

The bill was referred to the Finance Committee.

**SB 287**

The State Affairs Committee considered SENATE BILL NO. 287 "An Act relating to review of regulations under the Administrative Procedure Act by the Legislative Affairs Agency; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 287(STA) "An Act relating to review of certain regulations under the Administrative Procedure Act by the Legislative Affairs Agency; and providing for an effective date."

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

The following fiscal information was published today:  
Fiscal Note No. 1, Legislative Agency

The bill was referred to the Finance Committee.

**SB 296**

The State Affairs Committee considered SENATE BILL NO. 296 "An Act requiring an auditable paper trail for electronic voting machines." Signing do pass: Senator Gary Stevens, Chair; Senator Guess. Signing no recommendation: Senators Cowdery, Stedman.

The following fiscal information was published today:  
Fiscal Note No. 1, Office of the Governor

The bill was referred to the Finance Committee.

**SB 300**

The Judiciary Committee considered SENATE BILL NO. 300 "An Act relating to an attorney's lien, to court actions, and to other proceedings where attorneys are employed." Signing do pass: Senator Seekins, Chair; Senators Therriault, Ogan. Signing no recommendation: Senators Ellis, French.

The following fiscal information was published today:  
Fiscal Note No. 1, zero, Department of Natural Resources  
Fiscal Note No. 2, zero, Alaska Court System  
Fiscal Note No. 3, zero, Department of Law

The bill was referred to the Finance Committee.

**SB 302**

The State Affairs Committee considered SENATE BILL NO. 302 "An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state; relating to notaries public; relating to fees for issuing certificates with the seal of the state affixed; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 302(STA)  
(forthcoming)

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

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

President Therriault added a Finance Committee referral.

The bill was referred to the Judiciary, then Finance Committees.

### **Consideration of the Calendar**

#### **Citations**

Honoring – Rempel Family, 2003 Farm Family of the Year  
Representative(s) Stoltze  
Senator(s) Ogan, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Olson, 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 Ellis moved and asked unanimous consent to be excused from a call of the Senate to plane time on February 23. Without objection, Senator Ellis was excused.

Senator Ben Stevens moved and asked unanimous consent that President Therriault be excused from a call of the Senate to morning plane time on February 23. Without objection, Senator Therriault was excused.

Senator Lincoln moved and asked unanimous consent to be excused from a call of the Senate on February 27. Without objection, Senator Lincoln was excused.

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

Senator Olson moved and asked unanimous consent to be excused from a call of the Senate through plane time, February 25. Without objection, Senator Olson was excused.

**HB 374**

The reconsideration on CS FOR HOUSE BILL NO. 374(FIN) am "An Act establishing the senior care program and relating to that program; creating a new fund for the provision of senior services; relating to aid to senior citizens; and providing for an effective date" was not taken up this legislative day.

**Announcements**

Announcements are at the end of the journal.

**Enrollment****SB 56**

HOUSE CS FOR 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" 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 12:58 p.m., February 20, 2004.

**SCR 21**

SENATE CONCURRENT RESOLUTION NO. 21 Relating to declaring March 2004 as Sobriety Awareness Month, 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 12:58 p.m., February 20, 2004.

**Adjournment**

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., February 23, 2004. Without objection, the Senate adjourned at 10:57 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 20      Friday                      Fahrenkamp 203              1:30 PM**  
No Meeting Scheduled

**Feb 23      Monday                      Fahrenkamp 203              1:30 PM**  
No Meeting Scheduled

**Feb 25      Wednesday                      Fahrenkamp 203              1:30 PM**  
+    SJR 25 FLOODING AND EROSION CONTROL ASSISTANCE  
+    SB 328 NATIONAL FOREST INCOME PROGRAM/DCED REGS

**Feb 27      Friday                      Fahrenkamp 203              1:30 PM**  
No Meeting Scheduled

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**FINANCE**

**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

**Feb 23      Monday                      Senate Finance 532              10:00 AM**  
-- Time Change --  
+= SB 203 OFFICE OF ADMINISTRATIVE HEARINGS  
+= SB 285 MEDICAL ASSISTANCE COVERAGE  
+    SB 291 UNSTAMPED CIGARETTES  
+            Bills Previously Heard/Scheduled

**FINANCE (continued)**

**Feb 24 Tuesday Senate Finance 532 9:00 AM**  
 += SB 313 FIRST SUPPLEMENTAL APPROPRIATION  
 += SB 314 SECOND SUPPLEMENTAL APPROPRIATION  
 + Bills Previously Heard/Scheduled

**Feb 25 Wednesday Senate Finance 532 9:00 AM**  
 No Meeting Scheduled

**Feb 26 Thursday Senate Finance 532 9:00 AM**  
 + SB 348 ROYALTY OIL CONTRACT SALE APPROVAL  
 + SB 273 ASMI BOARD/ SEAFOOD TAXES & ASSESSMENTS  
 += SB 313 FIRST SUPPLEMENTAL APPROPRIATION  
 += SB 314 SECOND SUPPLEMENTAL APPROPRIATION  
 + Bills Previously Heard/Scheduled

**Feb 27 Friday Senate Finance 532 9:00 AM**  
 + SB 276 ALASKA INSURANCE GUARANTY ASSOCIATION  
 += SB 289 EXTENDING THE SPECIAL ED SERVICE AGENCY  
 + SB 194 LIQUOR DELIVERED TO HOTELS/CRUISE SHIPS  
 + Bills Previously Heard/Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Feb 20 Friday Butrovich 205 1:30 PM**  
 -- Meeting Canceled --  
 -- 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  
 + Bills Previously Heard If Necessary

**Feb 23 Monday Senate Finance 532 12:00 PM**  
 -- Time & Location Change --  
 + Faith-Based & Community Initiatives  
 Task Force - Legislative Briefing  
 Open to All Legislators and Staff

**HEALTH, EDUCATION & SOCIAL SERVICES (continued)**

**Feb 23      Monday                                      Butrovich 205                      1:30 PM**

+ HJR 30 ELIMINATE SOCIAL SECURITY OFFSET  
 += SB 269 PARENT ACCESS TO CHILD'S LIBRARY RECORDS  
 += SB 239 LENGTH OF SCHOOL TERM  
 + Bills Previously Heard/Scheduled

**Feb 25      Wednesday                                      Butrovich 205                      1:30 PM**

+= SB 301 PIONEERS' HOMES/VETERANS' HOMES  
 += SB 274 HOUSING PROGRAMS  
 + SCR 19 SUPPORTING FISHERIES EDUCATION  
 + Bills Previously Heard/Scheduled

**Mar 03      Wednesday                                      Butrovich 205                      1:30 PM**

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**JUDICIARY**

**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

**Feb 23      Monday                                      Butrovich 205                      8:00 AM**

+ Hearing and Recommendations for the  
 Following Appointments:  
 Joseph N. Faulhaber to the Board of  
 Governors of the Alaska Bar  
 Dr. David G. Ingraham to the Violent  
 Crimes Compensation Board  
 += HB 31 INITIATIVE/REFERENDUM PETITIONS  
 + HJR 5 CONST AM: INITIATIVE/REFERENDUM PETITIONS  
 += SB 288 EMERGENCY CHILD CUSTODY PLACEMENT

**Feb 25      Wednesday                                      Butrovich 205                      8:00 AM**

+ SB 333 IF UNREAS. AGENCY DELAY, COURT DECIDES  
 + HB 260 IMMUNITY FOR PROVIDING FREE HEALTH CARE  
 += SB 217 GENETIC PRIVACY  
 += HB 252 OCC LICENSING: TERMS OF BD & CONT. EDUC

**JUDICIARY (continued)**

**Feb 27 Friday Butrovich 205 8:00 AM**  
 + SJR 24 CONST AM: GUARANTEE PERM FUND DIVIDEND  
 + SJR 32 CONST AM: PERM FUND INCOME FOR DIVIDENDS  
 += SJR 18 CONST. AM: PF APPROPS/INFLATION-PROOFING  
 += SJR 19 CONST. AM: PERMANENT FUND INCOME

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**LABOR & COMMERCE**

**Feb 24 Tuesday Beltz 211 1:30 PM**  
 + SB 315 ENTRY PERMIT BUY-BACK PROGRAM  
 + SB 322 SALMON ENHANCEMENT TAX  
 + Bills Previously Heard/Scheduled

**Feb 26 Thursday Beltz 211 1:30 PM**  
 + SB 324 FLORAL BUSINESS TELEPHONE LISTINGS  
 <Bill Hearing Postponed>  
 + SB 27 TRACKING OF PESTICIDE USE  
 + Bills Previously Heard/Scheduled  
 Including but Not Limited to:  
 += SB 306 NATUROPATHIC MEDICINE  
 += SB 311 INSURANCE & WORKERS' COMPENSATION SYSTEM

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**RESOURCES**

**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 24      Tuesday      Beltz 211      3:30 PM**

- + SB 326 PERMANENT FUND INVESTMENTS
- + SB 227 MUNI INITIATIVE AND REFERENDUM ELECTIONS
- Senate Bill:
- + PUBLIC EMPLOYMENT RELATIONS ACT BILL
- <Pending Introduction and Referral>
- Bills Previously Heard/Scheduled

**Feb 26      Thursday      Beltz 211      3:30 PM**

- + SB 327 ROLLERBLADERS REGULATED LIKE BICYCLES
- + SB 316 SEAT BELT VIOLATION AS PRIMARY OFFENSE
- + SB 245 PERS BENEFITS FOR HARBOR OFFICERS
- Bills Previously Heard/Scheduled

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**TRANSPORTATION**

**Feb 24      Tuesday      Butrovich 205      1:30 PM**

- += SB 224 LOWER DWI FOR MINORS TO .02
- + SB 298 OFF-ROAD VEHICLE USE ON DALTON HIGHWAY

**Feb 26      Thursday      Butrovich 205      1:30 PM**

No Meeting Scheduled

**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

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**FINANCE SUBCOMMITTEES****ADMINISTRATION**

**Feb 27      Friday      Fahrenkamp 203      8:00 AM**

FY 05 Budget Overview and Mission  
 & Measures

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**FINANCE SUBCOMMITTEES (continued)****LABOR & WORKFORCE DEVELOPMENT**

**Mar 02      Tuesday                      Fahrenkamp 203              8:00 AM**  
FY 05 Budget Overview and Mission  
& Measures  
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**LAW**

**Mar 02      Tuesday                      Fahrenkamp 203              4:00 PM**  
FY 05 Budget Overview and Mission  
& Measures  
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**NATURAL RESOURCES**

**Mar 03      Wednesday                      Fahrenkamp 203              8:00 AM**  
FY 05 Budget Overview and Mission  
& Measures  
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**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  
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**SELECT CMTE ON LEGISLATIVE ETHICS**

**Feb 26      Thursday                      Fahrenkamp 203              8:00 AM**  
8:00 a.m.-11:15 a.m.& 1:15 p.m.-4:15 p.m.  
Full Committee: Open Session  
Advisory Opinions  
Open Meetings  
House Subcommittee: Executive Session

**OTHER MEETINGS****CHILDREN'S CAUCUS**

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

**ENERGY POLICY TASK FORCE**

<b>Feb 24</b>	<b>Tuesday</b>	<b>Anchorage</b>	<b>1:00 PM</b>
	AIDEA/AEA Board Room 813 W. Northern Lights Blvd., Third Floor 1:00 pm to 5:00 pm		

**FISH CAUCUS**

<b>Feb 26</b>	<b>Thursday</b>	<b>Butrovich 205</b>	<b>12:00 PM</b>
	Gulf of Alaska Rationalization and Implications for State Management		

**JOINT SESSION**

<b>Feb 25</b>	<b>Wednesday</b>	<b>House Chamber</b>	<b>11:00 AM</b>
	State of the Judiciary Chief Justice Alexander O. Bryner		

<b>Mar 16</b>	<b>Tuesday</b>	<b>House Chamber</b>	<b>11:00 AM</b>
	Address by U.S. Senator Lisa Murkowski		

**MISCELLANEOUS MEETINGS**

<b>Feb 24</b>	<b>Tuesday</b>	<b>Butrovich 205</b>	<b>12:00 PM</b>
+	Joint Legislative Health Caucus "The Big View of Individual Seniors & Their Health Care"		