

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

February 25, 2004

Forty-fifth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:55 a.m.

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

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

Almighty God, You have given us this good land as our heritage. Make us always remember Your generosity and constantly strive to do Your will. Bless those who hold office in the government of this state, that they do their work in a spirit of wisdom, kindness, and justice for all. Help our leaders use their authority to serve faithfully to the end that the general welfare is promoted. Help them to be good stewards of all that which is a gift from You. Bless their efforts and give them adequate rest from their labors. All this we ask in the name of Your Son Amen.

Senator Wagoner led the Senate in the Pledge of Allegiance.

Certification

Senator Ben Stevens moved and asked unanimous consent that the journals for the forty-third and forty-fourth legislative days be approved as certified by the Secretary with the following notation:

The advancement of SENATE BILL NO. 264 (Repeal Pipeline Preapplication Deadline) to third reading on February 23 (page 2266) was invalid. Article 2, Section 14 of the Alaska Constitution requires a vote of three-fourths of the body, which is 15 members. Since the motion did not receive the necessary votes, the bill has been placed back on today's calendar under Third Reading of Senate Bills.

Without objection, the journals were certified.

Recess

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in recess to the Joint Session. Without objection, the Senate recessed at 11:08 a.m.

After Recess

Joint Session in the House

Speaker Kott called the House to order and in accordance with Uniform Rule 51 turned the gavel over to President Therriault, who called the Joint Session to order at 11:15 a.m.

The purpose of the Joint Session was to hear an address by the Honorable Chief Justice Alexander O. Bryner.

Senator Ben Stevens moved and asked unanimous consent that the roll call of the Senate be waived and all members be shown as present. Without objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that the roll call of the House be waived and all members be shown as present. Without objection, it was so ordered.

President Therriault appointed Representatives Berkowitz and Kerttula to escort Chief Justice Bryner to the Joint Session.

The Senate Sergeant at Arms, Jamiann Stevens, announced Chief Justice Bryner's entrance to the House Chamber.

The Honorable Chief Justice Alexander O. Bryner was escorted to the rostrum and introduced by President Therriault.

Chief Justice Bryner delivered his address. This address appears in House and Senate Joint Journal Supplement No. 15.

The Chief Justice received a standing ovation and was escorted from the chamber by Representatives Kerttula and Berkowitz.

Senator Ben Stevens moved and asked unanimous consent that the Joint Session stand in adjournment. Without objection, President Therriault adjourned the Joint Session at 11:44 a.m.

After Recess

In the Senate

The Senate reconvened at 11:49 a.m.

Messages from the Governor

SCR 21

Message dated and received February 24 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

SENATE CONCURRENT RESOLUTION NO. 21
Relating to declaring March 2004 as Sobriety
Awareness Month.

Legislative Resolve No. 36

Messages from the House

Message dated February 23 was read, stating:

The House of Representatives respectfully invites the Senate to a Joint Session of the Twenty-third Alaska Legislature at 11:00 a.m., Friday, April 2 instead of the previously scheduled time to hear U.S. Senator Lisa Murkowski address the Legislature.

Senator Ben Stevens moved and asked unanimous consent that the Senate accept the House invitation to meet in Joint Session. Without objection, it was so ordered.

The Secretary was requested to notify the House.

Messages dated February 23 and 24 were read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 337**

CS FOR HOUSE BILL NO. 337(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, to motor vehicle licenses and registrations, and to state identification cards."

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

HB 340

CS FOR HOUSE BILL NO. 340(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to damages in an action for a defect in the design, construction, and remodeling of certain dwellings; and providing for an effective date."

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

HB 348

CS FOR HOUSE BILL NO. 348(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to the rights of certain victims of crime to receive information about the office of victims' rights and the Violent Crimes Compensation Board."

with a House Letter of Intent, was read the first time and referred to the Judiciary Committee.

HB 397

CS FOR HOUSE BILL NO. 397(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to defense contacts with and recordings of statements of victims and witnesses of sexual offenses."

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

HB 398

CS FOR HOUSE BILL NO. 398(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to domestic violence fatality review teams."

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

Communications

The following Budget and Audit Reports were received from Pat Davidson, Legislative Auditor, in accordance with AS 24.20.311 and are on file in the Office of the Secretary of the Senate:

Department of Education and Early Development, Special Education Service Agency, Sunset Review, December 18, 2003

Department of Environmental Conservation, Village Safe Water Program, Selected Projects, November 19, 2003

Standing Committee Reports

SB 224

The Transportation Committee considered SENATE BILL NO. 224 "An Act relating to lowering the legal level of intoxication for operating a motor vehicle, aircraft, or watercraft to .02 percent or the equivalent for persons under 21 years of age; relating to implied consent for purposes of determining consumption of alcohol; and providing for an effective date." Signing do pass: Senators Cowdery, Wagoner, Cochairs. Signing no recommendation: Senators Therriault, Lincoln.

The following fiscal information was published today:

- Fiscal Note No. 1, Department of Administration
- Fiscal Note No. 2, indeterminate, Department of Public Safety
- Fiscal Note No. 3, indeterminate, Department of Law
- Fiscal Note No. 4, indeterminate, Department of Corrections

President Therriault added a Finance Committee referral to the bill.

The bill was referred to the State Affairs, then Finance Committees.

SB 269

The Health, Education and Social Services Committee considered SENATE BILL NO. 269 "An Act relating to access to the library records of a child by a parent or guardian" and recommended the adoption of the Community and Regional Affairs Committee Substitute offered on page 2222. Signing do pass: Senator Green, Vice Chair; Senator Wilken. Signing no recommendation: Senator Guess.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

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

The bill was referred to the Rules Committee.

SB 284

Forthcoming fiscal information (page 2211) for the State Affairs Committee Substitute for SENATE BILL NO. 284 "An Act relating to an optional election to prevent the name and address of a permanent fund dividend applicant from being disclosed, except to a state or federal agency" published today:

Fiscal Note No. 1, Department of Revenue

SJR 26

Forthcoming Resources Committee Substitute (page 2263) for SENATE JOINT RESOLUTION NO. 26 Requesting the United States Department of the Interior and the United States Department of Justice to appeal the decision of the United States Court of Appeals for the Ninth Circuit in *The Wilderness Society v. United States Fish and Wildlife Service* and to seek an emergency stay of the decision pending an appeal of the decision to the United States Supreme Court, was received today:

CS FOR SENATE JOINT RESOLUTION NO. 26(RES) Requesting the United States Department of the Interior and the United States Department of Justice to appeal the decision of the United States Court of Appeals for the Ninth Circuit in *The Wilderness Society v. United States Fish and Wildlife Service* and to seek an emergency stay of the decision pending an appeal of the decision.

HJR 30

The Health, Education and Social Services Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 30(STA) am Relating to supporting the repeal of the Government Pension Offset and the Windfall Elimination Provisions from the Social Security Act. Signing do pass: Senator Green, Vice Chair; Senators Guess, Wilken.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the Rules Committee.

Introduction and Reference of Senate Bills

SB 331

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 331 BY
SENATOR FRENCH, entitled:

"An Act relating to removing political organizations and nonprofit trade associations from being qualified organizations for the purpose of conducting bingo and pull-tab games but not other forms of charitable gaming."

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

SB 353

SENATE BILL NO. 353 BY THE SENATE FINANCE
COMMITTEE, entitled:

"An Act relating to repealing a requirement for a day-care facility in the Fairbanks courthouse; and providing for an effective date."

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

Consideration of the Calendar

Second Reading of House Bills

HB 304

HOUSE BILL NO. 304 "An Act naming the Jack Coghill Bridge to the Interior" 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.

HOUSE BILL NO. 304 was read the third time.

Senator Ellis moved and asked unanimous consent that Senator Lincoln be shown as a cross sponsor on the bill. Without objection, it was so ordered.

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

The question being: "Shall HOUSE BILL NO. 304 "An Act naming the Jack Coghill Bridge to the Interior" pass the Senate?" The roll was taken with the following result:

HB 304

Third Reading - Final Passage

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Davis

Absent: Lincoln

and so, HOUSE BILL NO. 304 passed the Senate, was signed by the President and Secretary and returned to the House.

Third Reading of Senate Bills

SB 264

SENATE BILL NO. 264 was read the third time.

The question being: "Shall SENATE BILL NO. 264 "An Act repealing the time limitation on the authority of the Department of Natural Resources to enter into agreements with a person or persons desiring to own an oil or natural gas pipeline proposed to be located on state land for the purposes of providing for payment of the reasonable costs incurred in preparing for activities before receipt of an application under the Alaska Right-of-Way Leasing Act; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 264

Third Reading - Final Passage

Effective Date

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Davis

Absent: Lincoln

and so, SENATE BILL NO. 264 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 referred to the Secretary for engrossment.

SB 265

CS FOR SENATE BILL NO. 265(RES) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 265(RES) "An Act relating to the schedule of proposed oil and gas lease sales and to a related report to the legislature; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 265(RES)

Third Reading - Final Passage

Effective Date

YEAS: 17 NAYS: 0 EXCUSED: 1 ABSENT: 2

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

Excused: Davis

Absent: Bunde, Lincoln

and so, CS FOR SENATE BILL NO. 265(RES) 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 referred to the Secretary for engrossment.

SB 266

SENATE BILL NO. 266 was read the third time.

The question being: "Shall SENATE BILL NO. 266 "An Act approving an interim classification by the commissioner of natural resources closing certain land within the area of the proposed Bristol Bay (Alaska Peninsula) competitive oil and gas areawide lease sale to oil and gas exploration licensing and shallow natural gas leasing; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 266

Third Reading - Final Passage

Effective Date

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Davis

Absent: Lincoln

and so, SENATE BILL NO. 266 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 referred to the Secretary for engrossment.

Citations

In Memoriam – Lyndsey Marie Kvasnikoff

Representative(s) Chenault

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

In Memoriam – Edna Hester

Representative(s) Ogg

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

Senator Ben 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

Honoring – Barbara Andrews-Mee

Representative(s) Harris

Senator(s) Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, 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

President Therriault announced the policy on citations. The limit is ten citations per member per session, not including In Memoriam citations.

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

Senator Cowdery moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, February 27 to evening plane time, February 29. Without objection, Senator Cowdery was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 264**

SENATE BILL NO. 264 "An Act repealing the time limitation on the authority of the Department of Natural Resources to enter into agreements with a person or persons desiring to own an oil or natural gas pipeline proposed to be located on state land for the purposes of providing for payment of the reasonable costs incurred in preparing for activities before receipt of an application under the Alaska Right-of-Way Leasing Act; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 265

CS FOR SENATE BILL NO. 265(RES) "An Act relating to the schedule of proposed oil and gas lease sales and to a related report to the legislature; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 266

SENATE BILL NO. 266 "An Act approving an interim classification by the commissioner of natural resources closing certain land within the area of the proposed Bristol Bay (Alaska Peninsula) competitive oil and gas areawide lease sale to oil and gas exploration licensing and shallow natural gas leasing; and providing for an effective date" 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 10:00 a.m., February 27, 2004. Without objection, the Senate adjourned at 12:16 p.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 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

FINANCE

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

HEALTH, EDUCATION & SOCIAL SERVICES

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
 += SB 239 LENGTH OF SCHOOL TERM

Mar 03 Wednesday Butrovich 205 1:30 PM

JUDICIARY

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

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

LABOR & COMMERCE

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
 += SB 315 ENTRY PERMIT BUY-BACK PROGRAM

SENATE JOURNAL

February 25, 2004

2299

RESOURCES

Feb 25 **Wednesday** **Senate Finance 532** **3:30 PM**
-- Location Change --
+ Overview Presentation:
 MidAmerican Energy Holding Co

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

STATE AFFAIRS

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

TRANSPORTATION

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

FINANCE SUBCOMMITTEES

ADMINISTRATION

Feb 27 **Friday** **Fahrenkamp 203** **8:00 AM**
 FY 05 Budget Overview and Mission
 & Measures

SENATE JOURNAL

2300

February 25, 2004

ENVIRONMENTAL CONSERVATION

Mar 02 Tuesday Fahrenkamp 203 1:30 PM
Overview of Department of Environmental
Conservation Budget

LABOR & WORKFORCE DEVELOPMENT

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

LAW

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

MILITARY AND VETERANS AFFAIRS

Mar 08 Monday Fahrenkamp 203 7:30 AM
Overview of Department of Military and
Veterans' Affairs Budget

NATURAL RESOURCES

Mar 03 Wednesday Fahrenkamp 203 8:00 AM
FY 05 Budget Overview and Mission
& Measures

REVENUE

Mar 03 Wednesday Fahrenkamp 203 6:00 PM
Overview of Department of Revenue Budget

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

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

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

Mar 02 Tuesday Butrovich 205 12:00 PM
 +
 The Mental Illness Plague of the Alaskan
 Child

FISH CAUCUS

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

OTHER MEETINGS (continued)**JOINT SESSION**

Feb 25	Wednesday State of the Judiciary Chief Justice Alexander O. Bryner	House Chamber	11:00 AM
Mar 16	Tuesday -- Date Changed to 04/02/04 -- Address by U.S. Senator Lisa Murkowski	House Chamber	11:00 AM
Apr 02	Friday -- Date Changed from 03/16/04 -- Address by US Senator Lisa Murkowski	House Chamber	11:00 AM