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TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

February 27, 2004

Forty-seventh Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:40 a.m.

The roll showed fifteen members present. Senators Davis, Dyson, Guess, Lincoln were excused from a call of the Senate. Senator Hoffman was absent.

The prayer was offered by the Chaplain, Pastor Jim Duncan of the Peninsula Christian Center of Soldotna. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord, I thank You for the opportunity to be here this morning and I do pray; these times are not for the faint of heart.

I pray that we retain our purpose driven lives. I pray that we will retain a passion first of all for You, a passion for the purpose that You put into our heart. I pray everyday to dial in Your wisdom, Your knowledge, Your direction.

And, I sense today, to pray particularly for travel, and an extension to that, for families that are represented here this morning. I pray, Lord, that You bless each relationship, family member, loved ones, businesses that have been left behind.

I also pray that you continue to keep Your hand on us through this session. In Christ's Name.

Senator Wilken led the Senate in the Pledge of Allegiance.

Certification

Senator Ben Stevens moved and asked unanimous consent that the journals for the forty-fifth and forty-sixth legislative days and House and Senate Joint Journal Supplement No. 15 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

SB 348

The following letter dated February 26 was read, stating:

Dear President Therriault:

In accordance with AS 38.06.050(a) and AS 38.06.070, I am transmitting a copy of the Alaska Royalty Oil and Gas Development Advisory Board's resolution unanimously approving a royalty oil contract between the state and Flint Hills Resources Alaska, LLC, for the sale of Alaska North Slope royalty oil. Legislative approval for the contract is required by AS 38.06.055. Also enclosed for reference is the Best Interest Finding of the Commissioner of the Department of Natural Resources (DNR) dated February 12, 2004, and the signed contract.

DNR worked hard to secure favorable terms to the state and complete negotiations of the contract. That hard work will now pay dividends to all Alaskans. Under the contract, the state will supply 24,000 to 77,000 barrels of North Slope royalty oil to Flint Hills Resources Alaska, LLC. The department forecasts that state royalty revenues under the contract will be approximately \$0.30 per barrel higher than if the royalty were taken in value from the North Slope producers. This will result in increased revenues from \$2.6 million to \$8.4 million per year.

The contract uses Alaska North Slope spot prices to determine the royalty in-kind price. This along with a fixed transportation price eliminates the need for retroactive adjustments – which removes the risk of the state losing value in royalty re-openers.

I urge your prompt consideration and approval of the contract.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

The presence of Senator Hoffman was noted.

Messages from the House

Messages dated February 26 and received February 27 were read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HJR 34

CS FOR HOUSE JOINT RESOLUTION NO. 34(FSH) BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES,

Requesting the United States Department of Agriculture and the United States Department of Labor to extend Trade Adjustment Assistance benefits to Alaska salmon fishermen; requesting the United States Congress and the United States Department of Agriculture to extend additional disaster and price support benefits to Alaska salmon fishermen; and requesting the United States Department of Commerce to establish a Trade Adjustment Assistance program specific to commercial fishermen.

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

First Reading and Reference of House Bills**HB 347**

HOUSE BILL NO. 347 BY REPRESENTATIVES KOTT, Gara, Lynn, entitled:

"An Act exempting taxicabs from the passenger vehicle rental tax; and providing for an effective date."

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

HB 409

CS FOR HOUSE BILL NO. 409(FSH) BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES, entitled:

"An Act relating to the maximum length of salmon seine vessels; and providing for an effective date."

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

Concur Messages**SB 270**

Message dated February 26 and received February 27 was read, stating the House passed SENATE BILL NO. 270 "An Act establishing November as Avalanche Awareness Month" with the following amendment:

Page 1, line 5:
Delete "They"
Insert "We"

and so, SENATE BILL NO. 270 am H is returned for consideration.

Senator Ben Stevens moved that the Senate concur in the House amendment.

The question being: "Shall the Senate concur in the House amendment to SENATE BILL NO. 270?" The roll was taken with the following result:

SB 270 am H

Shall the Senate Concur in the House

Amendment to SB 270?

YEAS: 16 NAYS: 0 EXCUSED: 4 ABSENT: 0

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

Excused: Davis, Dyson, Guess, Lincoln

Ogan changed from "Nay" to "Yea".

and so, the Senate concurred in the House amendment, thus adopting SENATE BILL NO. 270 am H.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Communications

The following report is on file in the Office of the Secretary of the Senate:

Notification of Electronic Availability of a Report from the Local Boundary Commission and the Department of Education and Early Development to address matters relating to school consolidation from Darroll Hargraves, Chair, Local Boundary Commission and Roger Sampson, Commissioner, Department of Education and Early Development
in accordance with Chapter 83, SLA 2003
available at: www.dced.state.ak.us/dca/lbc.htm

Standing Committee Reports**SB 227**

The State Affairs Committee considered SENATE BILL NO. 227 "An Act relating to municipal initiative and referendum elections" and recommended it be replaced with

CS FOR SENATE BILL NO. 227(STA)
(forthcoming)

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Community and Economic
Development

The bill was referred to the Rules Committee.

SB 239

The Health, Education and Social Services Committee considered SENATE BILL NO. 239 "An Act relating to the required number of days in a school year" and recommended it be replaced with

CS FOR SENATE BILL NO. 239(HES)

Signing do pass: Senator Dyson, Chair. Signing no recommendation: Senators Guess, Green. Signing amend: Senator Wilken.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Education and Early
Development

The bill was referred to the Rules Committee.

SB 274

The Health, Education and Social Services Committee considered SENATE BILL NO. 274 "An Act relating to the housing assistance loan fund in the Alaska Housing Finance Corporation; creating the housing assistance loan program; repealing loans for teacher housing and providing for loans for multi-family housing; making conforming amendments; and providing for an effective date." Signing do pass: Senator Dyson, Chair; Senators Green, Wilken. Signing no recommendation: Senator Guess.

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

The bill was referred to the Finance Committee.

SB 289

The Finance Committee considered SENATE BILL NO. 289 "An Act extending the termination date of the special education service agency; and providing for an effective date." Signing do pass: Senator Green, Cochair; Senators Hoffman, Ben Stevens. Signing no recommendation: Senator Wilken, Cochair; Senators Olson, Bunde.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Education and Early Development

The bill was referred to the Rules Committee.

SB 306

The Labor and Commerce Committee considered SENATE BILL NO. 306 "An Act relating to the practice of naturopathic medicine; and providing for an effective date." Signing no recommendation: Senator Bunde, Chair; Senators French, Gary Stevens. Signing do pass: Senator Seekins.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Department of Community and Economic Development

The bill was referred to the Finance Committee.

SB 315

The Labor and Commerce Committee considered SENATE BILL NO. 315 "An Act relating to the administration of commercial fishing entry permit buy-back programs." Signing do pass: Senator Bunde, Chair; Senators Seekins, Gary Stevens. Signing no recommendation: Senator French.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Fish and Game

The bill was referred to the Finance Committee.

SB 316

The State Affairs Committee considered SENATE BILL NO. 316 "An Act relating to motor vehicle safety belt violations." Signing do pass: Senator Gary Stevens, Chair; Senator Cowdery. Signing no recommendation: Senator Stedman.

The following fiscal information was published today:

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

Fiscal Note No. 2, zero, Department of Transportation and Public Facilities

The bill was referred to the Judiciary Committee.

SB 327

The State Affairs Committee considered SENATE BILL NO. 327 "An Act relating to pedestrians using rollerblades, roller skates, and similar devices" and recommended it be replaced with

CS FOR SENATE BILL NO. 327(STA) "An Act relating to pedestrians using rollerblades, roller skates, and rollerskis."

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

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

SB 328

The Community and Regional Affairs Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 328 "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; making conforming amendments; and providing for an effective date." Signing do pass: Senator Stedman, Chair; Senators Wagoner, Elton. Signing no recommendation: Senators Lincoln, Gary Stevens.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Community and Economic Development

The bill was referred to the Finance Committee.

SB 348

The Finance Committee considered SENATE BILL NO. 348 "An Act approving the sale of royalty oil by the State of Alaska to Flint Hills Resources Alaska, LLC, and Flint Hills Resources, LLC; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 348(FIN) "An Act approving and ratifying the sale of royalty oil by the State of Alaska to Flint Hills Resources Alaska, LLC, and Flint Hills Resources, LLC; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Department of Natural Resources

The bill was referred to the Rules Committee.

SJR 25

The Community and Regional Affairs Committee considered SENATE JOINT RESOLUTION NO. 25 Recommending that certain federal funding restrictions be eased so that more villages in Alaska would qualify for assistance relating to flooding and erosion. Signing do pass: Senator Stedman, Chair; Senators Lincoln, Gary Stevens, Elton, Wagoner.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Community and Economic Development

The resolution was referred to the State Affairs Committee.

SCR 19

The Health, Education and Social Services Committee considered SENATE CONCURRENT RESOLUTION NO. 19 Relating to the support of fisheries education, training, and research and encouraging collaborative efforts between the state, the University of Alaska, and other educational institutions to provide fisheries education programs. Signing do pass: Senator Dyson, Chair; Senator Wilken. Signing no recommendation: Senators Guess, Green.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate Health, Education and Social Services Committee

Fiscal Note No. 2, zero, Department of Fish and Game

The resolution was referred to the Rules Committee.

Introduction and Reference of Senate Bills**SB 354**

SENATE BILL NO. 354 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to complaints filed with, and investigations, hearings, and orders of, the State Commission for Human Rights; making conforming amendments; 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, Office of the Governor

Governor's transmittal letter dated February 25:

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill that would amend the investigation and procedure laws of the State Commission for Human Rights (commission). The bill would amend the investigation and hearing procedures to enhance efficiency and to give the commission more enforcement discretion to increase its effectiveness in combating unlawful discrimination.

The bill would add a new statutory provision, AS 18.80.112, to provide the staff of the commission with greater authority to evaluate complaints of discrimination and to choose the complaints that it pursues to hearing before the commission. The purpose of the amendment is to reverse the Alaska Supreme Court's decision in *Department of Fish and Game v. Meyer*, 906 P.2d 1365 (Alaska 1995), that a hearing is mandatory if a complaint is supported by substantial evidence. The court concluded that the state human rights laws did not give the commission staff discretion to discontinue action on a complaint after an investigator found substantial evidence of unlawful discrimination. *Id.*, at 1373. The effect of this decision was to require the commission to commit its resources to any complaint supported by substantial evidence without regard to such factors as the weakness of the evidence, the strength of an employer's affirmative defenses, or the significance of the alleged violation. Providing the commission with genuine prosecutorial discretion would allow the commission to commit its resources to complaints it determines merit pursuit, based on such factors as, for example, the strength of the evidence, the severity of the alleged violation, an employer's history before the commission, or the complaint's value in establishing precedent guiding future conduct.

The discretion of the staff of the commission would also be expanded to allow it to compromise a claim for damages in the conciliation (or prehearing) phase of the procedures. The bill would avoid conflicts between staff's exercise of its expanded discretion to compromise, dismiss, or pursue a complaint and the concerns of the victims of unlawful discrimination by allowing a complainant to opt out of commission procedures. A complainant may withdraw the complaint at any time before the executive director of the commission makes the decision to go to hearing and, after withdrawal, pursue the claim independently of the commission in another forum.

The bill also would change the hearing procedures. These changes include requiring the commission to follow the procedures in the Administrative Procedure Act, AS 44.62.330 - 44.62.630, unless AS 18.80 provides a different procedure. The bill would eliminate from AS 18.80 some duplicative procedural requirements that are addressed in the Administrative Procedure Act, such as the admissibility of evidence and the requirement that testimony be under oath. Another change would be the addition of a provision similar to a motion for summary judgment in the civil rules of court to allow a summary decision on the law if the facts are not disputed. The reason for allowing a summary decision would be that it is a faster procedure than a hearing, and it would provide a sufficient opportunity to be heard on the legal issues when the facts are not in dispute.

The bill would add a provision tying the rate of interest when the commission awards interest to the legal rate in AS 09.30.070 to bring the commission into conformity with other administrative agencies and the courts. It would limit amendments to a complaint after a case is referred for hearing to ensure that all changes are supported by substantial evidence and that a respondent has an opportunity to address all charges informally before being required to defend them in a formal hearing. The bill would move the statute of limitations for bringing a claim from regulation (6 AAC 30.230) to statute.

Finally, the bill would amend AS 18.30.130, which addresses the authority of the commission to remedy unlawful discrimination, to establish that the appropriate remedy for unlawful employment discrimination normally would be to restore the actual benefit that was deprived -- hiring, promotion, or reinstatement to a position. In the

unusual case where the relationship is so poisoned that the employee cannot return to work, the bill would allow an award of up to two years of compensation, minus the wages that the employee should be able to earn. Additionally, under the bill the commission would be able to order training regarding discriminatory practices.

This bill, by increasing the commission's discretion in handling complaints, would enable the commission to allocate its diminishing resources to cases in which the commission could be the most effective in addressing and eliminating unlawful discrimination. By streamlining commission procedures, the bill would help contain costs and ensure that the procedures are equitable to both complainants and the persons, businesses, labor organizations, and employment agencies charged before the commission with unlawful discrimination.

I urge your prompt and favorable action on this bill.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

SB 355

SENATE BILL NO. 355 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the protection of land and water from waste disposal; providing for the regulation of waste management; making conforming amendments; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Environmental Conservation

Governor's transmittal letter dated February 25:

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, and in the interest of reducing duplication in and otherwise improving regulatory processes, I am transmitting a bill relating to regulation of waste management and disposal that would:

1. reorganize and supplement existing statutory authority to provide flexibility in the regulatory tools used to control the treatment and disposal of waste;
2. streamline certain aspects of the permitting process; and
3. provide explicit statutory authority for proof of financial responsibility for certain types of municipal solid waste and mining waste treatment and disposal facilities.

Under existing state law, the Department of Environmental Conservation (DEC) regulates a broad universe of waste and wastewater disposal activities. In addition to regulating discharges to surface waters, the DEC regulates discharges to groundwater and the disposal of solid and liquid wastes on land. The existing statutory authority for these regulatory programs is drawn from several sections of AS 46.03, some providing broad, general powers and others prescribing detailed requirements. These statutory authorities do not provide adequate regulatory tools for efficient regulation of waste treatment and disposal.

This bill would change the existing statutory authority for a waste disposal permit program (AS 46.03.100) by reorganizing and supplementing it. That reorganized section would preserve the essential requirement to obtain authorization before conducting an operation that results in waste disposal. The bill would allow for the needed authorization to take one of several forms, providing flexibility to use regulatory tools other than the individual and general permits contemplated by the current law, in addition to those permits. The bill would provide for stakeholder participation in that even the simplest of the regulatory tools would include notice and comment regulation adoption.

The changes proposed to existing AS 46.03.100 would address requirements for proof of financial responsibility for certain types of waste treatment or disposal facilities. Current law explicitly requires such proof only for permits to dispose of hazardous waste. This bill would refocus the requirement on solid waste disposal facilities that accept hazardous waste and on mine waste treatment and disposal facilities that use chemical processing or have acid generation potential. For mines that do not use chemical processing or produce waste with acid generation potential, proof of financial responsibility would not be required as a condition for the waste treatment or disposal authorization, but this would not affect the separate reclamation-related financial responsibility requirements administered by the Department of Natural Resources. The bill would provide for DEC to accept proof of financial responsibility provided to the Department of Natural Resources or a federal land manager agency for mine reclamation instead of requiring duplicative bonding.

The bill would clarify that the proof of financial responsibility must cover managing and closing the facility to control or minimize the risk of release of unauthorized levels of pollutants to waters. The bill also would allow for the possibility that this financial responsibility requirement may need to be extended to some municipal solid waste disposal facilities.

The changes proposed to AS 46.03.100 would modify the requirement for a solid waste permit applicant to demonstrate consideration of all solid waste management options and consistency with the waste reduction practices and priorities of AS 46.06.021. As modified, those requirements would apply only to non-municipal solid waste disposal applicants.

The bill also would reorder the components of the waste disposal authorization provisions so that they flow from the prohibition against unauthorized waste disposal, to the basic regulatory tools available for authorizing the disposal, to provisions for plan reviews and integrated waste management permits, to the exemptions, and finally to specific requirements that must be met by certain categories of disposers.

This bill would amend some existing permit processing requirements related to application submittals, public notice and comment opportunities, the maximum term of permits, and the causes for termination or modification of an authorization.

This bill would add a definition for "municipal solid waste" and would amend the definition of "solid waste." It also would repeal the plan submittal, review, and approval provisions of AS 46.03.090 and 46.03.720(a) as superfluous in light of the changes proposed to AS 46.03.100 (which makes written plan approvals one of the tools available for authorizing activities covered by the repealed sections). It also would make conforming amendments in AS 16.05.782(e), AS 44.46.025(a), and 46.03.833(a), to reflect citation or terminology changes caused by other amendments and repealers in the bill.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

SB 356

SENATE BILL NO. 356 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with political parties, early voting, absentee voting, ballot counting, voting by mail, initiative, referendum, recall, and definitions; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, Office of the Governor

Governor's transmittal letter dated February 25:

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the state's elections statutes.

This bill would update statutes on qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with political parties, early and absentee voting, ballot counting, voting by mail, initiatives, referendums, recalls, and definitions.

The updates are necessary to reflect current practices of the Division of Elections and to bring the statutes into compliance with recent court decisions and federal law.

Section 1 of the bill would amend two provisions in AS 15.05.020 on rules for determining the residence of a voter. It would amend AS 15.05.020(2) to clarify that "temporary work sites" do not constitute a dwelling place; this provision formerly referenced "construction camps." Section 1 also would amend AS 15.05.020(10) to reference the official voter registration "record," rather than "card."

Section 2 of the bill would amend AS 15.07.060(a)(4) on required registration information, to specify that the applicant must provide the applicant's Alaska residence address.

Section 3 of the bill would amend AS 15.10.090 on notice of precinct boundary designation and modification, to require that notice be published on the Division of Elections' Internet web site, to provide that written notice need not be posted in a physical place if notice is published in a newspaper, and to reduce the number of places where notice is posted from three places to one place.

Section 4 of the bill would amend AS 15.15.350(a), on the general procedure for a ballot count, to require that the accounting for all ballots prepared by the election board include the number of ballots returned to the elections supervisor for destruction.

Sections 5 and 6 of the bill would amend AS 15.20.064 on early voting, to allow the director of elections to designate other locations, in addition to election supervisor offices, for early voting.

Section 7 of the bill would amend AS 15.20.066(b) on absentee voting by electronic transmission, to lower the number of witnesses required from two to one.

Sections 8 and 9 of the bill would amend AS 15.20.081(d) on absentee voting by mail or electronic transmission, to lower the number of witnesses required from two to one, and AS 15.20.081(h) to change the reference to military addresses from "APO or FPO address" to an "overseas voter qualifying under AS 15.05.011."

Section 10 of the bill would amend AS 15.20.800 on voting by mail to specify that a ballot will not be sent to a voter whose address has been identified as undeliverable.

Section 11 of the bill would add a proposed new section, AS 15.20.910, on voting system standards, incorporating recent federal requirements under the Help America Vote Act.

Section 12 of the bill would amend AS 15.45.030 on the form of the application for an initiative petition, to require additional information from the sponsors.

Section 13 of the bill would amend AS 15.45.060 on designation of sponsors for an initiative, to specify that sponsors support the bill proposed by the initiative application.

Section 14 of the bill would amend AS 15.45.090 on preparation of petitions, to require the printed name and date of birth of those signing an initiative petition. This section also would require that initiative petitions be sequentially numbered, and removes the requirement that the lieutenant governor keep a record of petitions delivered to sponsors. These amendments are proposed to comply with the state Superior Court's decision in the case of *Hinterberger v. State*, 3AN-03-4092 CI (October 21, 2003).

Section 15 of the bill would add a proposed new section, AS 15.45.105, to specify the qualifications of an initiative petition circulator.

Section 16 of the bill would amend AS 15.45.120 on the manner of signing and withdrawing a name from an initiative petition, to require additional information from initiative petition signers.

Section 17 of the bill would amend AS 15.45.130 on the certification of circulators for an initiative petition, to reference the proposed new section on qualifications of an initiative petition circulator, and to delete the requirement that the circulator's name be prominently displayed on the petition. This latter requirement has not been enforced for some time in order to comply with the United States Supreme Court opinion in *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182 (1999), under advice from a formal opinion of the state attorney general's office, 2000 Op. Att'y Gen. No. 3 (September 22).

Section 18 of the bill would amend AS 15.45.200 on display of the proposed law, to reduce the number of copies of a law proposed by an initiative displayed in the polling place from three to one.

Section 19 of the bill would amend AS 15.45.270 on the form of the application, to conform the requirements for a referendum application to those required for an initiative application.

Section 20 of the bill would amend AS 15.45.290 on designation of sponsors, to conform the requirements for a referendum sponsor to those required for an initiative sponsor.

Section 21 of the bill would amend AS 15.45.320 on preparation of a petition, to conform the requirements for a referendum petition to those required for an initiative petition.

Section 22 of the bill would add a proposed new section, AS 15.45.335, to set out the qualifications for a circulator of a referendum petition.

Section 23 of the bill would amend AS 15.45.340 on circulation, to incorporate the prohibitions and penalties applicable to initiative petitions and apply these to circulation of referendum petitions.

Section 24 of the bill would amend AS 15.45.350 on the manner of signing and withdrawing a name from a petition, to require additional information for signing a referendum petition.

Section 25 of the bill would amend AS 15.45.360 on the certification of circulators, to conform the requirements for circulation of a referendum petition to those required for circulation of an initiative petition.

Section 26 of the bill would amend AS 15.45.430 on display of the act being referred to in the referendum, to reduce the number of copies of the act displayed in the polling place from three to one.

Section 27 of the bill would amend AS 15.45.500 on the form of the application, to specify similar requirements for a recall application to those required for an initiative application, including deleting the requirement that recall petition circulators be registered voters.

Section 28 of the bill would add a proposed new section, AS 15.45.515, on the designation of sponsors for a recall application using language similar to the statute on initiative petition sponsors.

Section 29 of the bill would amend AS 15.45.560 on preparation of the recall petition, to impose requirements similar to the requirements for an initiative petition.

Section 30 of the bill would add a proposed new section, AS 15.45.575, on qualifications of circulators to set out the qualifications for circulation of a recall petition.

Section 31 of the bill would amend AS 15.45.580 on circulation, to add requirements on circulation of a recall petition similar to those for circulation of initiative petitions.

Section 32 of the bill would amend AS 15.45.590 on the manner of signing and withdrawing a name from a petition, to require additional information from recall petition signers.

Section 33 of the bill would amend AS 15.45.600 on certification of circulators for a recall petition, to add similar requirements to those for circulation of an initiative petition.

Section 34 of the bill would amend AS 15.45.680 on display of grounds for and against recall, to reduce the number of copies displayed in the polling place from three to one.

Section 35 of the bill would add a proposed new section, AS 15.60.003, to set up categories for voters who are unaffiliated with political parties.

Section 36 of the bill would add a proposed new section, AS 15.60.008, to set out the requirements for recognized political party status.

Section 37 of the bill would amend the definition of "political party" in AS 15.60.010(21) to use the election for any statewide office, rather than solely the Office of Governor, as the benchmark for attaining the voter support necessary for political party status.

Section 38 of the bill would amend AS 15.60.010 by adding new definitions of "re-registration" and "statewide office" for the purposes of AS 15 on elections.

Section 39 of the bill would provide that the changes made by sections 12 - 34 of the bill apply to an application for an initiative, referendum, or recall that is filed with the lieutenant governor on or after the effective date of the bill.

Section 40 of the bill would provide that the elections statutes, as they existed before the amendments made by sections 12 - 34 of this bill, would apply to an initiative, referendum, or recall for which the application was filed before the effective date of the bill.

Section 41 of the bill sets out a revisor's instruction related to the addition of proposed AS 15.20.910 in section 11 of the bill.

Section 42 of the bill would establish an immediate effective date for the bill.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

Consideration of the Calendar

Second Reading of Senate Resolutions

SJR 26

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 read the second time.

Senator Ogan, Chair, moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 2289. Senator Ellis objected, then withdrew his objection. There being no further objection, 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, was adopted.

Senator Ben Stevens moved and asked unanimous consent that the resolution be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE JOINT RESOLUTION NO. 26(RES) was read the third time.

Senator Ogan declared a conflict of interest.

The question being: "Shall 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, pass the Senate?" The roll was taken with the following result:

CSSJR 26(RES)

Third Reading - Final Passage

YEAS: 16 NAYS: 0 EXCUSED: 4 ABSENT: 0

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

Excused: Davis, Dyson, Guess, Lincoln

and so, CS FOR SENATE JOINT RESOLUTION NO. 26(RES) passed the Senate and was referred to the Secretary for engrossment.

Unfinished Business

HB 374

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" which passed the Senate February 19 (page 2230), was signed by the President and Secretary and returned to the House.

Senator Wilken moved and asked unanimous consent to be excused from the Senate, not subject to a call, to evening plane time, March 1. Without objection, Senator Wilken was excused.

Senator Seekins moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 5 to afternoon plane time, March 9. Without objection, Senator Seekins was excused.

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate to morning plane time, March 1. Without objection, Senator Wagoner was excused.

Senator French moved and asked unanimous consent to be excused from the Senate, not subject to a call, to morning plane time, March 1. Without objection, Senator French was excused.

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate from noon, March 10 to March 15. Without objection, Senator Hoffman was excused.

Senator Ogan moved and asked unanimous consent to be excused from a call of the Senate to plane time, March 1. Without objection, Senator Ogan was excused.

Announcements

Announcements are at the end of the journal.

Engrossment

SJR 26

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, 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 11:00 a.m., March 1, 2004. Without objection, the Senate adjourned at 11:14 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 27 | Friday No Meeting Scheduled | Fahrenkamp 203 | 1:30 PM |
| Mar 01 | Monday No Meeting Scheduled | Fahrenkamp 203 | 1:30 PM |
| Mar 03 | Wednesday No Meeting Scheduled | Fahrenkamp 203 | 1:30 PM |
| Mar 05 | Friday No Meeting Scheduled | Fahrenkamp 203 | 1:30 PM |

FINANCE

| | | | |
|---------------|---|---------------------------|----------------|
| 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 | | |
| Mar 01 | Monday | Senate Finance 532 | 9:00 AM |
| + SB 203 | OFFICE OF ADMINISTRATIVE HEARINGS | | |
| + SB 299 | BAD CHECK CHARGE | | |
| + SB 305 | ASSERTING STATE TITLE TO SUBMERGED LAND | | |
| + SB 295 | EXTEND NAVIGABLE WATERS COMMISSION | | |
| + | Bills Previously Heard/Scheduled | | |

FINANCE (continued)

Mar 02 Tuesday Senate Finance 532 9:00 AM
+ SB 257 APPROP: CAPITAL PROJECTS
Cheryl Frasca, OMB Director
Dept. of Natural Resources
Dept. of Administration
Dept. of Community & Economic Development
Dept. of Corrections
Dept. of Education and Early Development
+ Bills Previously Heard/Scheduled

Mar 03 Wednesday Senate Finance 532 8:00 AM
+ Key Campaign Presentation

Mar 03 Wednesday Senate Finance 532 9:00 AM
+ SB 1 INCREASE AMT OF BASE STUDENT ALLOCATION
<Pending Referral>
+= SB 257 APPROP: CAPITAL PROJECTS
Dept. of Revenue
Dept. of Fish and Game
Dept. of Health and Social Services
Dept. of Labor and Workforce Development
Dept. of Military and Veterans Affairs
+ Bills Previously Heard/Scheduled

Mar 04 Thursday Senate Finance 532 9:00 AM
+= SB 257 APPROP: CAPITAL PROJECTS
Office of the Governor
Dept. of Public Safety
Dept. of Environmental Conservation
University of Alaska
+ Bills Previously Heard/Scheduled

Mar 05 Friday Senate Finance 532 9:00 AM
+= SB 257 APPROP: CAPITAL PROJECTS
Dept. of Transportation and Public
Facilities
+ Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 01 Monday Butrovich 205 1:30 PM
 += SB 301 PIONEERS' HOMES/VETERANS' HOMES
 + SB 1 INCREASE AMT OF BASE STUDENT ALLOCATION
 + SB 14 EDUCATION FUNDING INCREASE
 + SB 90 INCREASE EDUCATION FUNDING
 <Above Item Removed from Agenda>
 + SB 91 INCREASE AMT OF BASE STUDENT ALLOCATION
 Bills Previously Heard/Scheduled

Mar 03 Wednesday Butrovich 205 1:30 PM
 + HB 282 UNIVERSITY EMPLOYEE RESEARCH CONTRACTS
 + SB 340 DETENTION OF MINORS
 Bills Previously Heard/Scheduled

JUDICIARY

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

Mar 01 Monday Butrovich 205 8:00 AM
 += HB 31 INITIATIVE/REFERENDUM PETITIONS
 += HJR 5 CONST AM: INITIATIVE/REFERENDUM PETITIONS
 += SB 288 EMERGENCY CHILD CUSTODY PLACEMENT
 += SB 307 APPEAL BONDS: TOBACCO SETTLEMENT PARTIES
 + Bills Previously Heard/Scheduled

Mar 03 Wednesday Butrovich 205 8:00 AM
 += SB 333 IF UNREAS. AGENCY DELAY, COURT DECIDES
 += SB 217 GENETIC PRIVACY
 += HB 260 IMMUNITY FOR PROVIDING FREE HEALTH CARE
 += HB 252 OCC LICENSING: TERMS OF BD & CONT. EDUC
 Bills Previously Heard/Scheduled

Mar 05 Friday Butrovich 205 8:00 AM
 + SB 336 CORRECTIONS: FEES/SURCHARGE
 += SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE
 + HB 397 DEFENSE CONTACTS WITH VICTIMS & WITNESSES
 + HB 83 REVISED UNIFORM ARBITRATION ACT
 + Hearing on Changes to APOC Regulations
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 02 Tuesday Beltz 211 1:30 PM
 + SB 319 CLAIMS AGAINST HEALTH CARE PROVIDERS
 + HB 356 EXTEND ALCOHOL DELIVERY SITE SUNSET
 += SB 324 FLORAL BUSINESS TELEPHONE LISTINGS
 Bills Previously Heard/Scheduled
 Including but Not Limited to:
 += SB 322 SALMON ENHANCEMENT TAX

Mar 04 Thursday Beltz 211 1:30 PM
 += SB 323 WORKERS COMPENSATION AND CONTRACTORS
 += HB 340 DAMAGES IN CONSTRUCTION CLAIMS
 + Bills Previously Heard/Scheduled
 Including but Not Limited to:
 += SB 311 INSURANCE & WORKERS' COMPENSATION SYSTEM

RESOURCES

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

Mar 01 Monday Butrovich 205 3:30 PM
 + SB 275 DEPT. OF ENVIRONMENTAL CONSERVATION FEES
 + SB 318 CONSUMPTIVE USE OF FISH AND GAME
 + SJR 23 LABELING OF SALMON FOOD PRODUCTS
 + Bills Previously Heard/Scheduled

Mar 03 Wednesday Butrovich 205 3:30 PM
 + SB 281 GENETICALLY MODIFIED FISH
 + SB 282 PREPARED FOOD: WILD/FARMED FISH DISCLOSURE
 + SB 347 GULF OF ALASKA GROUND FISH MORATORIUM
 + SB 339 MINING RECLAMATION ASSURANCES/FUND
 + Bills Previously Heard/Scheduled

Mar 05 Friday Butrovich 205 3:30 PM
 += SB 312 CONVENTIONAL & NONCONVENTIONAL GAS LEASES
 + Bills Previously Heard/Scheduled

Mar 08 Monday Butrovich 205 3:30 PM
 + Bills Previously Heard/Scheduled

RESOURCES (continued)

Mar 10 **Wednesday** **Butrovich 205** **3:30 PM**
 No Meeting Scheduled

Mar 12 **Friday** **Butrovich 205** **3:30 PM**
 No Meeting Scheduled

STATE AFFAIRS

Mar 02 **Tuesday** **Beltz 211** **3:30 PM**
 += SB 352 MANAGERS NOT EMPLOYEES UNDER P.E.R.A.
 Bills Previously Heard/Scheduled

Mar 04 **Thursday** **Beltz 211** **3:30 PM**
 += SB 326 PERMANENT FUND INVESTMENTS
 + SB 309 BLOOD PATHOGENS TESTING OF PRISONERS
 + SB 351 APOC REPORTS BY NONELECTRONIC MEANS
 Bills Previously Heard/Scheduled

TRANSPORTATION

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

Mar 02 **Tuesday** **Butrovich 205** **1:30 PM**
 No Meeting Scheduled

Mar 04 **Thursday** **Butrovich 205** **1:30 PM**
 += SB 298 OFF-ROAD VEHICLE USE ON DALTON HIGHWAY
 Senate Bill:
 AN ACT RELATING TO TRACK WORK PERFORMED
 BY THE ALASKA RAILROAD CORP
 <Pending Introduction & Referral>

FINANCE SUBCOMMITTEES**ADMINISTRATION**

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

ENVIRONMENTAL CONSERVATION

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

HEALTH & SOCIAL SERVICES

Mar 04 **Thursday** **Senate Finance 532** **4:00 PM**
 FY 05 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

FINANCE SUBCOMMITTEES (continued)**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

OTHER MEETINGS**CHILDREN'S CAUCUS**

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

JOINT SESSION

Mar 16 **Tuesday** **House Chamber** **11:00 AM**
 -- Date Changed to 04/02/04 --
 Address by U.S. Senator Lisa Murkowski

Apr 02 **Friday** **House Chamber** **11:00 AM**
 -- Date Changed from 03/16/04 --
 Address by US Senator Lisa Murkowski