

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

March 2, 2004

Fifty-first Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:16 a.m.

The roll showed twelve members present. Senators Davis, Olson were excused from a call of the Senate. Senators Ellis, Elton, French, Guess, Hoffman, Lincoln were absent.

The prayer was offered by the Chaplain, Senator Ogan. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord, we ask You to grant us the serenity to accept
the things we cannot change, the courage to change
the things we can, and the wisdom to know the
difference. Amen.

Senator Stedman led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Message dated March 1 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 357**

CS FOR HOUSE BILL NO. 357(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to restitution; and providing for an effective date."

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

HB 513

HOUSE BILL NO. 513 BY REPRESENTATIVES KOTT, Coghill, Harris, Hawker, McGuire, Rokeberg, Anderson, Lynn, entitled:

"An Act relating to the enforcement of support orders through suspension of drivers' licenses; changing the name of the child support enforcement agency to the child support services agency; amending Rules 90.3 and 90.5, Alaska Rules of Civil Procedure; and providing for an effective date."

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

Standing Committee Reports**SB 1**

The Health, Education and Social Services Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 1 "An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date." Signing no recommendation: Senator Dyson, Chair. Signing amend: Senators Guess, Green.

The following fiscal information was published today:
Fiscal Note No. 1, Department of Education and Early
Development

The bill was referred to the Finance Committee.

SB 14

The Health, Education and Social Services Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 14 "An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date." Signing no recommendation: Senator Dyson, Chair. Signing do pass: Senator Green. Signing amend: Senator Guess.

The following fiscal information was published today:
Fiscal Note No. 1, Department of Education and Early
Development

The bill was referred to the Finance Committee.

SB 91

The Health, Education and Social Services Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91 "An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date." Signing amend: Senator Dyson, Chair; Senator Green. Signing do pass: Senator Guess.

Fiscal information forthcoming.

The bill was referred to the Finance Committee.

SB 301

The Health, Education and Social Services Committee considered SENATE BILL NO. 301 "An Act relating to the Alaska Pioneers' Home, and the Alaska Veterans' Home; relating to eligibility for admission to the Alaska Pioneers' Home and Alaska Veterans' Home; relating to state veterans' home facilities; making conforming amendments; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 301(HES) "An Act relating to the Alaska Pioneers' Home and the Alaska Veterans' Home; relating to eligibility for admission to the Alaska Pioneers' Home and Alaska Veterans' Home; relating to the eligibility of residents for the Alaska Pioneers' Home and the Alaska Veterans' Home for general relief assistance; relating to state veterans' home facilities; making conforming amendments; and providing for an effective date."

and further recommends the adoption of the following Health, Education and Social Services Committee Letter of Intent:

Letter of Intent

It is the intent of the legislature in passing Senate Bill 301 relating to an Alaskan Veterans Home that the Department of Health and Social Services will convert the Palmer Pioneers' Home to be a state veterans' home approved by the U.S. Department of Veterans' Affairs. After the conversion, the department should continue to maintain a Pioneers' Home waiting list for the Palmer Home. It is the intent of the legislature that the home will provide 75% of the resident capacity for veterans and 25% of the resident capacity for others selected from the Pioneers' Home waiting list.

The legislature encourages the department to actively work to fill all vacant beds using the current Pioneers' Home waiting list prior to certification of the Home as a state veterans' home.

Signing do pass: Senator Dyson, Chair; Senator Green. Signing no recommendation: Senator Guess.

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Health and Social Services

The bill was referred to the Finance Committee.

Consideration of the Calendar**Second Reading of Senate Bills****SB 295**

SENATE BILL NO. 295 "An Act extending the termination date of the Navigable Waters Commission for Alaska; and providing for an effective date" was read the second time.

The presence of Senators Ellis, Elton, French, Guess, Hoffman, Lincoln was noted.

SB 295

Senator Ben Stevens moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated SENATE BILL NO. 295 will be on the March 3 calendar.

SB 305

SENATE BILL NO. 305 "An Act relating to state ownership of submerged land underlying water that was navigable at the time Alaska achieved statehood" was read the second time.

Senator Ben Stevens moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated SENATE BILL NO. 305 will be on the March 3 calendar.

SB 348

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" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2313. Senator Ellis objected, then withdrew his objection. There being no further objections, 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" was adopted.

Senator Ben Stevens moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

CSSB 348(FIN)

Advance from Second to Third Reading?

YEAS: 12 NAYS: 6 EXCUSED: 2 ABSENT: 0

Yeas: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, French, Guess, Hoffman, Lincoln

Excused: Davis, Olson

and so, the bill failed to advance to third reading.

CS FOR SENATE BILL NO. 348(FIN) will be on the March 3 calendar.

Third Reading of Senate Bills

SB 269

CS FOR SENATE BILL NO. 269(CRA) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 269(CRA) "An Act relating to access to library records, including access to the library records of a child by a parent or guardian" pass the Senate?" The roll was taken with the following result:

CSSB 269(CRA)

Third Reading - Final Passage

YEAS: 14 NAYS: 4 EXCUSED: 2 ABSENT: 0

Yeas: Bunde, Cowdery, Dyson, Green, Guess, Hoffman, Lincoln, Ogan, Seekins, Stedman, Stevens B, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, French, Stevens G

Excused: Davis, Olson

and so, CS FOR SENATE BILL NO. 269(CRA) passed the Senate.

Senator Elton gave notice of reconsideration.

SB 285

SENATE BILL NO. 285 was read the third time.

The question being: "Shall SENATE BILL NO. 285 "An Act relating to medical assistance coverage for targeted case management services and for rehabilitative services furnished or paid for by a school district on behalf of certain children; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 285

Third Reading - Final Passage

Effective Dates

YEAS: 18 NAYS: 0 EXCUSED: 2 ABSENT: 0

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

Excused: Davis, Olson

and so, SENATE BILL NO. 285 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 clauses. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Senate Resolutions in Second Reading**SJR 27**

SENATE JOINT RESOLUTION NO. 27 Relating to the resolution of submerged land title disputes, which had been read the second time and returned to the Rules Committee (page 2268) was before the Senate in second reading.

Senator Ben Stevens moved and asked unanimous consent that the resolution be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the resolution be advanced to third reading?" The roll was taken with the following result:

SJR 27

Advance from Second to Third Reading?

YEAS: 12 NAYS: 6 EXCUSED: 2 ABSENT: 0

Yeas: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, French, Guess, Hoffman, Lincoln

Excused: Davis, Olson

and so, the resolution failed to advance to third reading.

SENATE JOINT RESOLUTION NO. 27 will be on the March 3 calendar.

Unfinished Business**SB 201**

The reconsideration on CS FOR SENATE BILL NO. 201(HES) "An Act relating to home care and respite care; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

SB 289

The reconsideration on SENATE BILL NO. 289 "An Act extending the termination date of the special education service agency; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

SB 318

Senators Green, Cowdery moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 318 "An Act relating to the individual right of Alaska residents in the consumptive use of fish and game." Without objection, it was so ordered.

SB 295

Senators Dyson, Ogan, Cowdery, Stedman, Wilken, Green, Seekins, Wagoner, Bunde moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 295 "An Act extending the termination date of the Navigable Waters Commission for Alaska; and providing for an effective date." Without objection, it was so ordered.

SB 305

Senators Dyson, Ogan, Stedman, Cowdery, Bunde, Wilken, Green, Seekins, Wagoner moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 305 "An Act relating to state ownership of submerged land underlying water that was navigable at the time Alaska achieved statehood." Without objection, it was so ordered.

Senator Ellis moved and asked unanimous consent to be excused from a call of the Senate from March 3 through March 5; from March 8 through March 12; and to morning plane time, March 15. Without objection, Senator Ellis was excused.

Senator Lincoln moved and asked unanimous consent to be excused from a call of the Senate from March 16 through March 19. Without objection, Senator Lincoln was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 201**

CS FOR SENATE BILL NO. 201(HES) "An Act relating to home care and respite care; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 285

SENATE BILL NO. 285 "An Act relating to medical assistance coverage for targeted case management services and for rehabilitative services furnished or paid for by a school district on behalf of certain children; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 289

SENATE BILL NO. 289 "An Act extending the termination date of the special education service agency; 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 11:00 a.m., March 3, 2004. Without objection, the Senate adjourned at 11:57 a.m.

Kirsten Waid
Secretary of the Senate

March 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

Mar 03 Wednesday Fahrenkamp 203 1:30 PM
 No Meeting Scheduled

Mar 05 Friday Fahrenkamp 203 1:30 PM
 No Meeting Scheduled

FINANCE

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
 += 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

FINANCE (continued)

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

JUDICIARY

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

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

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

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

ENVIRONMENTAL CONSERVATION

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

FISH & GAME

Mar 09 Tuesday Butrovich 205 4:00 PM
 Overview

Mar 16 Tuesday Butrovich 205 4:00 PM
 Closeout

FINANCE SUBCOMMITTEES (continued)

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

NATURAL RESOURCES

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

PUBLIC SAFETY

Mar 09 **Tuesday** **Beltz 211** **8:00 AM**
 Overview

Mar 16 **Tuesday** **Beltz 211** **8:00 AM**
 Closeout

FINANCE SUBCOMMITTEES (continued)**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

ENERGY POLICY TASK FORCE

Mar 09 **Tuesday** **Anchorage** **10:00 AM**
AIDEA/AEA Board Room
813 W Northern Lights Blvd., Third Floor
10:00 AM to 3:00 PM

FISH CAUCUS

Mar 18 **Thursday** **Butrovich 205** **12:00 PM**
By-product Development: Getting the Most
Out of Our Salmon

JOINT SESSION

Apr 02 **Friday** **House Chamber** **11:00 AM**
Address by US Senator Lisa Murkowski