

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

March 8, 2004

Fifty-seventh Day

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

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

The prayer was offered by the Chaplain, Reverend Bob Rooks, Interim Pastor of Glacier Valley Baptist Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Mighty God, the God of our nation, today we pause before You to acknowledge our dependence on You for life and all of life's blessings. We acknowledge You as the all-wise God who grants wisdom to all who seek You and ask for Your wisdom. Today I ask You to bless this Senate with Your wisdom as its members gather to consider matters requiring wise decisions. I thank You that in Your providence You have chosen these and placed them here to participate in the governing process of this great state. These who serve do so sacrificially, giving of their time and often being separated from family and friends. May they be rewarded as they see the fruits of their labor and may they be able to look back and say, "well done."

We ask also, Your comfort for the family of Senator Johnny Ellis today. We know that You are the God of all comfort and we claim that comfort in their behalf today. I offer this prayer in behalf of these, Your servants, in the name of our Savior, Jesus Christ. Amen.

Senator Lincoln led the Senate in the Pledge of Allegiance.

Certification

Senator Ben Stevens moved and asked unanimous consent that the journals for the fifty-fourth through fifty-sixth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

SB 56

Message dated and received March 5 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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."

Chapter 4, SLA 2004
Effective Date: 01/01/05

SB 183

Message dated and received March 5 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CS FOR SENATE BILL NO. 183(STA) "An Act
authorizing certain boroughs to use revenue collected
on an areawide or nonareawide basis for economic
development."

Chapter 5, SLA 2004
Effective Date: 06/03/04

Communications

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

Alaska Court System 2003 Annual Report
from Stephanie J. Cole, Administrative Director

Standing Committee Reports**SB 179**

The Finance Committee considered SENATE BILL NO. 179 "An Act allowing teacher certification for certain persons based on a criminal history background check without fingerprints" and recommended it be replaced with

CS FOR SENATE BILL NO. 179(FIN) "An Act relating to criminal history records and background checks; allowing persons to teach in the public schools for up to five months without a teaching certificate if the person has applied for a certificate and the application has not been acted upon by the Department of Education and Early Development due to a delay in receiving criminal history records; allowing teacher certification for certain persons based on a criminal history background check without fingerprints; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 2, zero, Department of Public Safety

Fiscal Note No. 3, zero, Department of Education and Early Development

The bill was referred to the Rules Committee.

SB 282

The Resources Committee considered SENATE BILL NO. 282 "An Act relating to the identification of finfish in food products and to the misbranding of food products consisting of or containing finfish" and recommended it be replaced with

CS FOR SENATE BILL NO. 282(RES)

Signing no recommendation: Senator Ogan, Chair. Signing do pass: Senators Lincoln, Ben Stevens, Elton, Wagoner.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, Department of Environmental Conservation

The bill was referred to the Finance Committee.

SB 303

The Resources Committee considered SENATE BILL NO. 303 "An Act relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 303(RES)
(forthcoming)

Signing no recommendation: Senator Ogan, Chair; Senator Lincoln.
Signing do pass: Senators Wagoner, Ben Stevens.

The following fiscal information was published today:

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

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

The bill was referred to the Finance Committee.

SB 347

The Resources Committee considered SENATE BILL NO. 347 "An Act relating to moratoria on entry of new participants or vessels into a commercial fishery; relating to the establishment of a moratorium on entry of new vessels into state groundfish fisheries in the Gulf of Alaska and adjacent state marine water; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 347(RES) "An Act relating to moratoria on entry of new participants or vessels into a commercial fishery; relating to vessel permits for, and the establishment of a moratorium on entry of new vessels into, state Gulf of Alaska groundfish fisheries; and providing for an effective date."

Signing no recommendation: Senator Ogan, Chair; Senator Lincoln.
Signing do pass: Senators Wagoner, Ben Stevens, Elton.

The following fiscal information was published today:
Fiscal Note No. 1, Department of Fish and Game

President Therriault added a Finance Committee referral to the bill.

The bill was referred to the Finance Committee.

SB 353

The Finance Committee considered SENATE BILL NO. 353 "An Act relating to repealing a requirement for a day-care facility in the Fairbanks courthouse; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Hoffman, Bunde, Ben Stevens. Signing no recommendation: Senator Olson.

The following fiscal information was published today:
Fiscal Note No. 1, Department of Revenue

The bill was referred to the Rules Committee.

Introduction and Reference of Senate Bills**SB 363**

SENATE BILL NO. 363 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE, entitled:

"An Act extending the termination date of the office of victims' rights."

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

SB 364

SENATE BILL NO. 364 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to liability for expenses of placement in certain mental health facilities; relating to the mental health treatment assistance program; and providing for an effective date."

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

The following fiscal information was published today:

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

Governor's transmittal letter dated March 5:

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill related to the mental health treatment assistance program. The bill would give the Department of Health and Social Services additional tools to control costs. Costs would be controlled by limiting financial assistance to persons meeting the eligibility criteria after registration. Registration would require contacting the department in a timely manner and supplying information on medical and financial need. The department would also gain some flexibility to reduce rates when there is a shortfall of funds.

I urge your support of this important bill.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

Consideration of the Calendar

Senate Bills in Third Reading

SB 260

CS FOR SENATE BILL NO. 260(TRA) am, which had been taken up on reconsideration March 5 (page 2437), was before the Senate.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 260(TRA) am "An Act relating to metropolitan planning organizations and to the policy board of the metropolitan planning organization for the Anchorage metropolitan area; relating to transportation planning in federally recognized metropolitan planning areas; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 260(TRA) am
Third Reading - On Reconsideration

YEAS: 11 NAYS: 7 EXCUSED: 2 ABSENT: 0

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

Nays: Davis, Elton, French, Guess, Hoffman, Lincoln, Olson

Excused: Ellis, Seekins

and so, CS FOR SENATE BILL NO. 260(TRA) am passed the Senate on reconsideration.

Senator Ben Stevens moved for the adoption of the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSSB 260(TRA) am
Effective Date Clause

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

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

Excused: Ellis, Seekins

and so, the effective date clause was adopted and the bill was referred to the Secretary for engrossment.

Reconsideration of Senate Bills

SB 35

Senator Ben Stevens requested that the reconsideration on CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35(FIN) "An Act making appropriations to the Department of Education and Early Development for K-12 educational programs; making appropriations to the University of Alaska; making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2004 into the constitutional budget reserve fund; making appropriations of the amount necessary to balance revenue and general fund appropriations for fiscal years 2004 and 2005; making an appropriation for investment management fees for the constitutional budget reserve fund; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date" be taken up. The bill was before the Senate on reconsideration.

Senator Ben Stevens moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 2. Without objection, the bill was returned to second reading.

Senators Ben Stevens, Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stedman, Gary Stevens, Wagoner, Wilken, Therriault offered Amendment No. 2:

Page 2, line 1:

Delete "The"

Insert "Subject to sec. 5 of this Act, the"

Page 2, line 14:

Delete "The"

Insert "Subject to sec. 5 of this Act, the"

Page 3, line 21:

Delete "If"

Insert "Subject to sec. 5 of this Act, if"

Page 3, line 26:

Delete "If"

Insert "Subject to sec. 5 of this Act, if"

Page 3, line 31:

Delete "Deposits"

Insert "Subject to sec. 5 of this Act, deposits"

Page 4, line 6:

Delete "The"

Insert "Subject to sec. 5 of this Act, the"

Page 4, line 16, following "legislature,":

Insert "and subject to sec. 5 of this Act, "

Page 4, line 21, following "legislature,":

Insert "and subject to sec. 5 of this Act, "

Page 4, following line 23:

Insert a new bill section to read:

**** Sec. 5. CONTINGENCY.** The appropriations made in secs. 1 - 4 of this Act are contingent upon the passage by the Twenty-Third Alaska State Legislature during the Second Regular Session of a bill that increases the base student allocation under AS 14.17.470 to at least \$4,576. If this contingency is not satisfied, the appropriations made in this Act are void and of no effect."

Renumber the following bill sections accordingly.

Page 4, line 25:

Delete "and 5"
Insert "and 6"

Page 4, line 26:

Delete "sec. 6"
Insert "sec. 7"

Senator Ben Stevens moved for the adoption of Amendment No. 2. Senator Elton objected, then withdrew his objection. There being no further objections, Amendment No. 2 was adopted.

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35(FIN) am was automatically in third reading on reconsideration.

The question to be reconsidered: "Shall CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35(FIN) am "An Act making appropriations to the Department of Education and Early Development for K-12 educational programs; making appropriations to the University of Alaska; making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2004 into the constitutional budget reserve fund; making appropriations of the amount necessary to balance revenue and general fund appropriations for fiscal years 2004 and 2005; making an appropriation for investment management fees for the constitutional budget reserve fund; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSSSB 35(FIN) am
Third Reading - On Reconsideration

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

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

Excused: Ellis, Seekins

and so, CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35(FIN) am passed the Senate on reconsideration.

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. Senator Guess objected.

The question being: "Shall the effective date clauses be adopted?" The roll was taken with the following result:

CSSSSB 35(FIN) am
Effective Date Clauses

YEAS: 11 NAYS: 7 EXCUSED: 2 ABSENT: 0

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

Nays: Davis, Elton, French, Guess, Hoffman, Lincoln, Olson

Excused: Ellis, Seekins

and so, the effective date clauses failed to be adopted.

Senator Ben Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the constitutional budget reserve fund section. Objections were heard.

The question being: "Shall the constitutional budget reserve fund section (Article IX, Section 17(c) Constitution of the State of Alaska) be adopted?" The roll was taken with the following result:

CSSSSB 35(FIN) am(efd fld)
Adopt Constitutional Budget Reserve Fund Section?

YEAS: 11 NAYS: 7 EXCUSED: 2 ABSENT: 0

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

Nays: Davis, Elton, French, Guess, Hoffman, Lincoln, Olson

Excused: Ellis, Seekins

and so, the constitutional budget reserve fund section failed to be adopted, and CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35(FIN) am(brf sup maj fld)(efd fld) "An Act making appropriations to the Department of Education and Early Development for K-12 educational programs; and making appropriations to the University of Alaska" was referred to the Secretary for engrossment.

Unfinished Business

Senator Dyson moved and asked unanimous consent to be excused from a call of the Senate from 1:00 p.m., March 19 to 9:00 p.m., March 21. Without objection, Senator Dyson was excused.

Senator Cowdery moved and asked unanimous consent to be excused from a call of the Senate from plane time, March 10 to plane time, March 14. Without objection, Senator Cowdery was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 35**

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35(FIN) am(brf sup maj fld)(efd fld) "An Act making appropriations to the Department of Education and Early Development for K-12 educational programs; and making appropriations to the University of Alaska" was engrossed.

SB 260

CS FOR SENATE BILL NO. 260(TRA) am "An Act relating to metropolitan planning organizations and to the policy board of the metropolitan planning organization for the Anchorage metropolitan area; relating to transportation planning in federally recognized metropolitan planning areas; 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 10, 2004. Without objection, the Senate adjourned at 11:47 a.m.

Kirsten Waid
Secretary of the Senate
July 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 08	Monday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Mar 10	Wednesday	Fahrenkamp 203	1:30 PM
+ SB 335	EMERGENCY SERVICES DISPATCH/911 SURCHARGE		
+ SB 355	WASTE MANAGEMENT/DISPOSAL		
	Bills Previously Heard/Scheduled		
Mar 12	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Mar 08	Monday	Senate Finance 532	9:00 AM
+= SB 179	TEACHER CERTIFICATION : FINGERPRINTS		
+ SB 353	REPEAL DAYCARE REQ FOR FBX COURTHOUSE		
+ SB 279	AHFC WATER & SEWER BONDS		
+ SB 274	HOUSING PROGRAMS		
+	Bills Previously Heard/Scheduled		
Mar 09	Tuesday	Senate Finance 532	9:00 AM
+ HB 347	EXEMPT TAXIS FROM VEHICLE RENTAL TAX		
+= SB 273	ASMI BOARD/ SEAFOOD TAXES & ASSESSMENTS		
+ SB 288	EMERGENCY CHILD CUSTODY PLACEMENT		
+ SB 315	ENTRY PERMIT BUY-BACK PROGRAM		
+ SB 347	GULF OF ALASKA GROUND FISH MORATORIUM		
+	Bills Previously Heard/Scheduled		

FINANCE (continued)

Mar 10 Wednesday Senate Finance 532 9:00 AM
 + Presentation by the University of Alaska
 "Economics of UA Research"
 += SB 241 APPROP: NATURAL GAS DEVELOPMENT AUTHORITY
 + SB 271 NATURAL GAS DEVEL AUTHORITY PROJECTS
 + Bills Previously Heard/Scheduled

Mar 11 Thursday Senate Finance 532 9:00 AM
 + SB 300 ATTORNEY'S LIEN
 + SB 328 NATIONAL FOREST INCOME PROGRAM/DCED REGS
 + SB 306 NATUROPATHIC MEDICINE
 + Bills Previously Heard/Scheduled

Mar 12 Friday Senate Finance 532 9:00 AM
 No Meeting Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 08 Monday Butrovich 205 1:30 PM
 += HB 282 UNIVERSITY EMPLOYEE RESEARCH CONTRACTS
 += HB 25 HEALTH CARE SERVICES DIRECTIVES
 Bills Previously Heard/Scheduled

Mar 10 Wednesday Butrovich 205 1:30 PM
 No Meeting Scheduled

JUDICIARY

Mar 08 Monday Butrovich 205 8:00 AM
 No Meeting Scheduled

Mar 10 Wednesday Butrovich 205 8:00 AM
 += SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE
 + Bills Previously Heard/Scheduled

Mar 12 Friday Butrovich 205 8:00 AM
 + SB 316 SEAT BELT VIOLATION AS PRIMARY OFFENSE
 + HB 513 CSED NAME CHANGE/DRIVER'S LIC.SUSPENSION
 + Bills Previously Heard/Scheduled

RESOURCES

Mar 08 Monday Butrovich 205 3:30 PM
 + Confirmation Hearings:
 Scheduled But Not Heard--Meeting Canceled
 Frank Homan - Commercial Fisheries Entry
 Commission
 John K. Norman - Alaska Oil & Gas
 Conservation Commission
 Charles Cole - Royalty & Gas Development
 Advisory Board
 Ken Stout - Royalty & Gas Development
 Advisory Board
 + 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 09 Tuesday Beltz 211 3:30 PM
 SR 3 COMMEMORATING SEN. FRANK FERGUSON
 += SB 352 MANAGERS NOT EMPLOYEES UNDER P.E.R.A.
 <Bill Hearing Canceled>
 Bills Previously Heard/Scheduled
 += SB 351 APOC REPORTS BY NONELECTRONIC MEANS
 += SB 245 PERS BENEFITS FOR HARBOR OFFICERS
 += HB 230 POLITICAL SIGNS ON PRIVATE PROPERTY

Mar 11 Thursday Beltz 211 3:30 PM
 + SB 346 MONETARY TERMS: MASTERS/MATES/PILOTS
 + SB 338 CLAIMS AGAINST STATE EMPLOYEES
 + SB 308 DOMESTIC VIOLENCE PROTECTIVE ORDERS
 + HCR 5 LEGIS. TASK FORCE ON DESIGN OF STATE SEAL
 Bills Previously Heard/Scheduled

TRANSPORTATION

Mar 09 Tuesday Butrovich 205 1:30 PM
 += SB 298 OFF-ROAD VEHICLE USE ON DALTON HIGHWAY

Mar 11 Thursday Butrovich 205 1:30 PM
 No Meeting Scheduled

FINANCE SUBCOMMITTEES

COMMUNITY AND ECONOMIC DEVELOPMENT

Mar 11 Thursday Senate Finance 532 1:30 PM
 DCED Sub-Committee

EDUCATION & EARLY DEVELOPMENT

Mar 11 Thursday Senate Finance 532 3:00 PM
 FY05 Operating Budget Overview

ENVIRONMENTAL CONSERVATION

Mar 08 Monday Beltz 211 12:00 PM
 -- Meeting Canceled --
 Review 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)

MILITARY AND VETERANS AFFAIRS

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

PUBLIC SAFETY

Mar 09 Tuesday Beltz 211 8:00 AM
 Overview

Mar 16 Tuesday Beltz 211 8:00 AM
 Closeout

TRANSPORTATION & PUBLIC FACILITIES

Mar 09 Tuesday Senate Finance 532 3:00 PM
 DOT&PF Sub-Committee

JOINT COMMITTEES

LEGISLATIVE COUNCIL

Mar 08 Monday Speakers Chambers 12:00 PM
 --Information Technology Subcommittee--
 Updates on: Homeland Security/Integration
 Solution concept, Aviation Safety Project
 and Mini Radio

SELECT COMMITTEE ON LEGISLATIVE ETHICS

Mar 08 Monday Anch Lio Conf Rm 9:30 AM
 --Ethics Subcommittee on Open Meetings--
 Plan of Action for Reviewing Open
 Meetings Guidelines
 -- Teleconference <Listen Only> --

