

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

March 10, 2004

Fifty-ninth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:14 a.m.

The roll showed sixteen members present. Senators Dyson, Ellis, Ogan, Wagoner were excused from a call of the Senate.

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

O God, our Heavenly Father, today we join with the psalmist in declaring that, "This is the day that the Lord has made, and we will rejoice and be glad in it." We pause in Your presence to acknowledge Your bountiful blessings upon our great nation and upon our great state of Alaska. We enjoy and give thanks for the freedom that comes from You and through the sacrifice of many brave men and women who serve our country. We enjoy and give thanks for the majestic beauty of Your creation all around us, which reflects Your own majesty and power. We seek Your blessing and guidance upon this body today as decisions are made that may continue to preserve and promote that which is right and that which is good for the citizens of this great state. We thank You, Lord, for Your gracious attention to our prayer this day. Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor**SB 348**

Message dated and received March 9 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. 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."

Chapter 6, SLA 2004
Effective Date: 03/10/04

Messages from the House**SJR 26**

Message dated March 8 was read, stating the House passed and returned:

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.

The resolution was referred to the Secretary for enrollment.

Message dated March 8 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions**

HCR 33

HOUSE CONCURRENT RESOLUTION NO. 33 BY THE HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning Senate Bill No. 63, relating to municipal
property taxation in annexed, detached, and newly
incorporated areas.

was read the first time and held on the Secretary's desk.

HCR 34

HOUSE CONCURRENT RESOLUTION NO. 34 BY THE HOUSE
FINANCE COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning Senate Bill No. 283, making
appropriations from the budget reserve fund (art. IX,
sec. 17, Constitution of the State of Alaska) and other
funds.

was read the first time and held on the Secretary's desk.

Message dated March 8 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 233**

CS FOR HOUSE BILL NO. 233(EDU) am BY THE HOUSE SPECIAL COMMITTEE ON EDUCATION, entitled:

"An Act increasing the base student allocation used in the formula for state funding of public education; and providing for an effective date."

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

HB 344

CS FOR HOUSE BILL NO. 344(RES) BY THE HOUSE RESOURCES COMMITTEE, entitled:

"An Act relating to annual rental fees, statements of annual labor, and production royalty for mining claims; and providing a cure for abandonment."

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

Standing Committee Reports**SB 241**

The Finance Committee considered SENATE BILL NO. 241 "An Act making an appropriation to the Alaska Natural Gas Development Authority; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 241(FIN) "An Act making an appropriation to the Department of Revenue for work related to bringing North Slope natural gas to market; and providing for an effective date."

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

The bill was referred to the Rules Committee.

SB 288

The Finance Committee considered SENATE BILL NO. 288 "An Act relating to certain determinations concerning placement of a child in emergency custody and temporary placement hearings in child-in-need-of-aid proceedings; and providing for an effective date" and recommended the adoption of the Judiciary Committee Substitute offered on page 2344. Signing do pass: Senators Green, Wilken, Cochair; Senators Dyson, Bunde, Ben Stevens. Signing no recommendation: Senators Hoffman, Olson.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

SB 298

The Transportation Committee considered SENATE BILL NO. 298 "An Act repealing the ban on the use of off-road vehicles within five miles of the right-of-way of the James Dalton Highway" and recommended it be replaced with

CS FOR SENATE BILL NO. 298(TRA) "An Act relating to the use of off-road vehicles within five miles of the right-of-way of the James Dalton Highway."

Signing do pass: Senator Cowdery, Cochair; Senator Therriault. Signing no recommendation: Senator Wagoner, Cochair. Signing do not pass: Senators Lincoln, Olson.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Transportation and Public Facilities

The bill was referred to the Finance Committee.

SB 303

Forthcoming Resources Committee Substitute (page 2456) for 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" was received today.

SB 315

The Finance Committee considered SENATE BILL NO. 315 "An Act relating to the administration of commercial fishing entry permit buy-back programs." Signing do pass: Senator Wilken, Cochair; Senators Hoffman, Olson, Bunde, Ben Stevens. Signing no recommendation: Senator Green, Cochair; Senator Dyson.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

SB 323

The Labor and Commerce Committee considered SENATE BILL NO. 323 "An Act relating to a project owner's liability for workers' compensation and the exclusiveness of liability for workers' compensation." Signing do pass: Senator Bunde, Chair; Senator Seekins. Signing no recommendation: Senators Davis, Gary Stevens. Signing amend: Senator French.

The following fiscal information was published today:

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

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

Fiscal Note No. 3, zero, Department of Administration

The bill was referred to the Judiciary Committee.

SB 336

Forthcoming Judiciary Committee Substitute (page 2430) for SENATE BILL NO. 336 "An Act imposing a correctional facility surcharge on persons convicted of a crime under state law, and on persons whose probation is revoked; relating to fees and expenses for interstate transfer of probation or parole; and providing for an effective date" was received today.

SB 347

The Finance 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 the adoption of the Resources Committee Substitute offered on page 2457. Signing do pass: Senator Wilken, Cochair; Senators Bunde, Ben Stevens. Signing no recommendation: Senator Green, Cochair; Senators Hoffman, Olson, Dyson.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Fish and Game

The bill was referred to the Rules Committee.

SB 351

The State Affairs Committee considered SENATE BILL NO. 351 "An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means." Signing no recommendation: Senator Gary Stevens, Chair; Senator Stedman. Signing do pass: Senator Cowdery.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Administration

The bill was referred to the Finance Committee.

HB 282

The Health, Education and Social Services Committee considered HOUSE BILL NO. 282 "An Act relating to contracts between the University of Alaska and its employees involving research or other development of intellectual property and to the authority of the president of the University of Alaska regarding employee contracts for development of intellectual property." Signing no recommendation: Senator Dyson, Chair; Senator Green. Signing do pass: Senators Davis, Wilken.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, zero, University of Alaska

The bill was referred to the Rules Committee.

Unfinished Business

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

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., March 12, 2004. Without objection, the Senate adjourned at 11:30 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 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 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

-- Meeting Canceled --

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

JUDICIARY

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

LABOR & COMMERCE

Mar 11 Thursday Beltz 211 1:30 PM
+ SB 337 ENERGY PROGRAMS & FUNDS
+ SB 344 TRUSTS/ESTATES/PROPERTY TRANSFERS
+ HB 409 SEINE VESSEL LENGTH
<Above Bill Hearing Postponed>
Bills Previously Heard/Scheduled
Including but Not Limited to:
+= SB 319 CLAIMS AGAINST HEALTH CARE PROVIDERS

Mar 16 Tuesday Beltz 211 1:30 PM
-- Rescheduled to 03/18/04 --
CONFIRMATION HEARINGS
Bills Previously Heard/Scheduled
+= SB 254 TOURISM & RECREATION ASSESSMENT

LABOR & COMMERCE (continued)

Mar 18	Thursday	Beltz 211	1:30 PM
	-- Rescheduled from 03/16/04 -- CONFIRMATION HEARINGS: Alcohol Beverage Control Board - Billy G. Andrews, Gail M. Niemi Board of Chiropractic Examiners - Dr. R. Clark Davis Alaska Labor Relations Board - Randall C. Frank Board of Marine Pilots - Tony J. Joslyn, Robert (Tiny) Schasteen Personnel Board - Debra E. English Board of Certified Real Estate Appraisers Nelida Irvine, Gene H. Shafer Real Estate Commission - Larry J. Bauer, Glenn Clary, Rita C. Stuckart Board of Veterinary Examiners - David J. Hunt Bills Previously Heard/Scheduled += SB 254 TOURISM & RECREATION ASSESSMENT -----		

RESOURCES

Mar 10	Wednesday	Butrovich 205	3:30 PM
	No Meeting Scheduled		
Mar 12	Friday	Butrovich 205	3:30 PM
	No Meeting Scheduled		
Mar 15	Monday	Butrovich 205	3:30 PM
+= SB 247	AK NATURAL GAS DEV. AUTHORITY INITIATIVE		
+= SB 127	PRIORITY TREATMENT OF PERMIT APPLICATIONS		
+	Bills Previously Heard/Scheduled		
Mar 17	Wednesday	Butrovich 205	3:30 PM
+ SB 297	TAKING BLACK, BROWN,& GRIZZLY BEAR/GUIDES		
+	Bills Previously Heard/Scheduled		

RESOURCES (continued)

Mar 19	Friday	Butrovich 205	3:30 PM
+	Confirmation Hearings:		
	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		
+	SB 69	BOARD OF FISHERIES CONFLICTS OF INTEREST	
+		Bills Previously Heard/Scheduled	

STATE AFFAIRS

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 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		

FINANCE SUBCOMMITTEES (continued)**EDUCATION & EARLY DEVELOPMENT**

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

FISH & GAME

Mar 16 Tuesday Butrovich 205 4:00 PM
Closeout

PUBLIC SAFETY

Mar 16 Tuesday Beltz 211 8:00 AM
Closeout

TRANSPORTATION & PUBLIC FACILITIES

Mar 18 Thursday Senate Finance 532 4:00 PM
DOT&PF FY05 Operating Budget

JOINT COMMITTEES**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

Mar 16 Tuesday Anch Lio Conf Rm 9:00 AM
<Subcommittee Meeting on Open Meetings>
Review 2003 Proposed Open Meetings
Guidelines
+ -- Teleconference <Listen Only> --

OTHER MEETINGS**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		