

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

March 15, 2004

Sixty-fourth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:38 a.m.

The roll showed fifteen members present. Senators Ellis, Hoffman, Lincoln, Ogan were excused from a call of the Senate. Senator Green was absent.

Senator Ben Stevens moved and asked unanimous consent that Senator Ellis be excused from a call of the Senate from today through March 19. Without objection, Senator Ellis was excused.

The prayer was offered by the Chaplain, Reverend Steve Olmstead of Chapel by the Lake. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Gracious and loving God, we thank You for Your presence. Thank You that You know the personal and individual concerns that we have this day. We thank You that You know the concerns of this Senate and its various committees. We lift these concerns to You.

In honor of celebrating St. Patrick's Day this week, I would like to offer prayers written by St. Patrick. This prayer is called "Prayer for the Faithful."

May the strength of God guide us.
May the power of God preserve us.
May the wisdom of God instruct us.
May the Hand of God protect us.
May the Way of God direct us.
May the shield of God defend us.
May the Angels of God guard us.
- Against the snares of the evil one.

May Christ be with us!
May Christ be before us!
May Christ be in us,
Christ be over all!

May Thy Grace, Lord,
Always be ours,
This Day, O Lord, and forevermore. Amen.

Senator French led the Senate in the Pledge of Allegiance.

Certification

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

The presence of Senator Green was noted.

Messages from the House

Concur Messages

SB 63

Message dated March 8 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 63(STA) "An Act relating to transition provisions related to municipal mergers, consolidations, dissolutions, reclassifications, annexations, detachments, and incorporations; and relating to municipal property taxation in annexed, detached, and newly incorporated areas" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO.
63(CRA) "An Act relating to municipal property
taxation in annexed, detached, and newly
incorporated areas."
(Title change authorized by HCR 33)

President Therriault stated the message would be held on the Secretary's desk.

Standing Committee Reports

HB 230

Forthcoming Senate State Affairs Committee Substitute (page 2495) for CS FOR HOUSE BILL NO. 230(STA) "An Act relating to political signs on private property" was received today.

HCR 5

Forthcoming Senate State Affairs Committee Substitute (page 2496) for CS FOR HOUSE CONCURRENT RESOLUTION NO. 5(FIN) am Establishing a task force to make recommendations regarding a new design for the official seal of the State of Alaska, was received today.

Consideration of the Calendar

Second Reading of Senate Bills

SB 179

SENATE BILL NO. 179 "An Act allowing teacher certification for certain persons based on a criminal history background check without fingerprints" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2455. Without objection, 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" 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. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 179(FIN) was read the third time.

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

CSSB 179(FIN)

Third Reading - Final Passage

Effective Date

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

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

Excused: Ellis, Hoffman, Lincoln, Ogan

and so, CS FOR SENATE BILL NO. 179(FIN) passed the Senate.

Senator Ben Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

SB 277

Senator Ben Stevens moved and asked unanimous consent that SENATE BILL NO. 277 "An Act relating to the Alaska Commission on Postsecondary Education; relating to the Alaska Student Loan Corporation; relating to bonds of the corporation; relating to loan and grant programs of the commission; relating to an exemption from the

State Procurement Code regarding certain contracts of the commission or corporation; making conforming changes; and providing for an effective date" be returned to the Finance Committee. Without objection, the bill was returned to the Finance Committee.

SB 288

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" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 2344. Without objection, CS FOR SENATE BILL NO. 288(JUD) "An Act relating to temporary custody hearings, and to certain determinations concerning placement of a child in child-in-need-of-aid proceedings; 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. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 288(JUD) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 288(JUD) "An Act relating to temporary custody hearings, and to certain determinations concerning placement of a child in child-in-need-of-aid proceedings; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 288(JUD)

Third Reading - Final Passage

Effective Date

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

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

Excused: Ellis, Hoffman, Lincoln, Ogan

and so, CS FOR SENATE BILL NO. 288(JUD) passed the Senate.

Senator Ben Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

SB 353

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" 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. Without objection, it was so ordered.

SENATE BILL NO. 353 was read the third time.

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

SB 353

Third Reading - Final Passage

Effective Date

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

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

Excused: Ellis, Hoffman, Lincoln, Ogan

and so, SENATE BILL NO. 353 passed the Senate.

Senator Ben Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Second Reading of House Resolutions**HJR 32**

CS FOR HOUSE JOINT RESOLUTION NO. 32(FSH) am Relating to the labeling of fish and fishery food products, was read the second time.

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

CS FOR HOUSE JOINT RESOLUTION NO. 32(FSH) am was read the third time.

Senator Elton moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Without objection, the bill was returned to second reading.

Senator Elton offered Amendment No. 1:

Page 2, line 2:
Delete "identity"
Insert "identify"

Senator Elton moved and asked unanimous consent for the adoption of Amendment No. 1. Without objection, Amendment No. 1 was adopted.

CS FOR HOUSE JOINT RESOLUTION NO. 32(FSH) am S was automatically in third reading.

The question being: "Shall CS FOR HOUSE JOINT RESOLUTION NO. 32(FSH) am S Relating to the labeling of fish and fishery food products, pass the Senate?" The roll was taken with the following result:

CSHJR 32(FSH) am S
Third Reading - Final Passage

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

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

Excused: Ellis, Hoffman, Lincoln, Ogan

and so, CS FOR HOUSE JOINT RESOLUTION NO. 32(FSH) am S passed the Senate and was referred to the Secretary for engrossment.

Citations

In Memoriam – Mary Elizabeth Cesar
Senator(s) Elton, Therriault, Bunde, Cowdery, Davis, Dyson, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben Stevens, Gary Stevens, Wagoner, Wilken
Representative(s) Kerttula, Weyhrauch

Senator Ben Stevens moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 179

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" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 288

CS FOR SENATE BILL NO. 288(JUD) "An Act relating to temporary custody hearings, and to certain determinations concerning placement of a child in child-in-need-of-aid proceedings; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 353

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" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HJR 32

CS FOR HOUSE JOINT RESOLUTION NO. 32(FSH) am S Relating to the labeling of fish and fishery food products, was engrossed, signed by the President and Secretary and returned 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 17, 2004. Without objection, the Senate adjourned at 12:20 p.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 15	Monday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Mar 17	Wednesday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Mar 19	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Mar 15	Monday	Senate Finance 532	9:00 AM
	-- Teleconference <Listen Only> --		
+	State's Fiscal Picture - Looking Forward		
	Presentation by Ms. Cheryl Frasca		
	Office of Management & Budget, Director		
	Conference of Alaskans		
	Presentation by Mr. Mike Burns, Chair		
	Comments by Senator Ben Stevens &		
	Senator Kim Elton		
Mar 15	Monday	Senate Finance 532	1:30 PM
	-- Teleconference <Listen Only> --		
+	SJR 18	CONST. AM: PF APPROPS/INFLATION-PROOFING	
+	Bills Previously Heard/Scheduled		

FINANCE (continued)

Mar 16 Tuesday Senate Finance 532 9:00 AM

- Teleconference <Listen Only> --
 + HB 233 INCREASE EDUCATION FUNDING
 + SJR 19 CONST. AM: PERMANENT FUND INCOME
 + SJR 32 CONST AM: PERM FUND INCOME FOR DIVIDENDS
 + Bills Previously Heard/Scheduled

Mar 16 Tuesday Senate Finance 532 1:30 PM

- Teleconference <Listen Only> --
 + Constitutional Budget Reserve Fund
 Presentation by Mr. William Corbus
 Department of Revenue, Commissioner
 + SJR 24 CONST AM: GUARANTEE PERM FUND DIVIDEND
 += SJR 3 CONST AM: APPROPRIATION/SPENDING LIMIT
 + Bills Previously Heard/Scheduled

Mar 16 Tuesday Senate Finance 532 6:00 PM

- Teleconference <Listen Only> --
 + Continuation of the Afternoon Hearing
 If Necessary
 + Bills Previously Heard/Scheduled

Mar 17 Wednesday Senate Finance 532 9:00 AM

- Teleconference <Listen Only> --
 + Additional Legislative Proposals
 Presentations Offered by Senators
 + Bills Previously Heard/Scheduled

Mar 17 Wednesday Senate Finance 532 1:30 PM

- + Statewide Public Testimony
 Public testimony may be limited to 2 minutes.

Mar 17 Wednesday Senate Finance 532 6:00 PM

- + Statewide Public Testimony -
 Legislative Off-Net Sites: 6 - 7 PM
 Statewide Public Testimony -
 Legislative Information Offices: 7 - 9 PM
 Public testimony may be limited to 2 minutes.

FINANCE (continued)

Mar 18	Thursday	Senate Finance 532	9:00 AM
	-- Teleconference <Listen Only> --		
+	Senate Finance Committee Discussion		
	Action		
+	Bills Previously Heard/Scheduled		
Mar 18	Thursday	Senate Finance 532	1:30 PM
	-- Teleconference <Listen Only> --		
+	Continuation Senate Finance Committee		
	Discussion/Action, If Necessary		
+	Bills Previously Heard/Scheduled		
Mar 19	Friday	Senate Finance 532	9:00 AM
	-- Teleconference <Listen Only> --		
+	Continuation of Senate Finance		
	Committee Discussion/Action, If Necessary		
+	Bills Previously Heard/Scheduled		
Mar 20	Saturday	Senate Finance 532	9:00 AM
	-- Teleconference <Listen Only> --		
+	Continuation of Senate Finance		
	Committee Discussion/Action, if necessary		
+	Bills Previously Heard/Scheduled		

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 15	Monday	Butrovich 205	1:30 PM
	-- Meeting Canceled --		
+	Bills Previously Heard/Scheduled		
	If Necessary		
Mar 17	Wednesday	Butrovich 205	1:30 PM
+	Bills Previously Heard/Scheduled		
	If Necessary		
Mar 19	Friday	Butrovich 205	1:30 PM
	-- Meeting Canceled --		
+	SB 364	LIMIT STATE AID FOR MENTAL HEALTH CARE	
+	Bills Previously Heard/Scheduled		
	If Necessary		

JUDICIARY

Mar 15 Monday Butrovich 205 8:00 AM

-- Meeting Canceled --

- + HB 348 NOTICE TO CRIME VICTIMS
- + HB 349 ILLEGALLY OBTAINED EVIDENCE/EVID RULE 412
- + HB 357 RESTITUTION
- + HB 397 DEFENSE CONTACTS WITH VICTIMS & WITNESSES
- + HB 398 DOMESTIC VIOLENCE FATALITY REVIEW TEAM
- + Bills Previously Heard/Scheduled

Mar 17 Wednesday Butrovich 205 8:00 AM

- + SB 344 TRUSTS/ESTATES/PROPERTY TRANSFERS
- + SB 319 CLAIMS AGAINST HEALTH CARE PROVIDERS
- + SB 323 WORKERS COMPENSATION AND CONTRACTORS
- + SB 309 BLOOD PATHOGENS TESTING OF PRISONERS
- + Bills Previously Heard/Scheduled

Mar 19 Friday Butrovich 205 8:00 AM

- + SB 255 ILLEGAL USE TRAFFIC PREEMPTION DEVICE
- + SB 302 OATHS; NOTARIES PUBLIC; STATE SEAL
- + SB 340 DETENTION OF MINORS
- + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 16 Tuesday Beltz 211 1:30 PM

-- Rescheduled to 03/18/04 --

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

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 15 Monday Butrovich 205 3:30 PM
 -- Meeting Postponed --
 += 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

Mar 19 Friday Butrovich 205 3:30 PM
 -- Rescheduled from 03/08/04 --
 + 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 16 Tuesday Beltz 211 3:30 PM
 No Meeting Scheduled

Mar 18 Thursday Beltz 211 3:30 PM
 + HB 91 RETIRED PEACE OFFICER'S MEDICAL BENEFITS
 + HB 414 U.S.SENATE VACANCY/DEF OF POLITICAL PARTY
 + SB 292 USE CRIMINAL FINES FOR YOUTH COURTS
 + SJR 31 FEDERAL FUNDING FOR EDUCATION
 Bills Previously Heard/Scheduled

TRANSPORTATION

Mar 16 Tuesday Butrovich 205 1:30 PM
 + SB 345 LIABILITY FOR AIRPORTS AND AIRSTRIPS

Mar 18 Thursday Butrovich 205 1:30 PM
 Bills Previously Heard/Scheduled

FINANCE SUBCOMMITTEES**COMMUNITY AND ECONOMIC DEVELOPMENT**

Mar 19 Friday Terry Miller 104 4:00 PM
 DCED FY 05 Operating Budget

CORRECTIONS

Mar 19 Friday Senate Finance 532 4:30 PM
 FY 05 Budget Overview
 -- Subject to Adjournment of the Senate
 Finance Committee --

COURT SYSTEM

Mar 17 Wednesday Senate Finance 532 12:00 PM
 FY 05 Budget Request

FINANCE SUBCOMMITTEES (continued)**FISH & GAME**

Mar 16	Tuesday	Butrovich 205	4:00 PM
	FY 05 Budget		

GOVERNOR

Mar 18	Thursday	Senate Finance 532	12:00 PM
	FY 05 Budget Request		

HEALTH & SOCIAL SERVICES

Mar 15	Monday	Fahrenkamp 203	4:30 PM
	-- Meeting Canceled --		
	-- Location Change --		
	FY 05 Budget: Medicaid, Seniors, and DD Services		
	--Subject to Adjournment of the Senate		
	Finance Committee--		

Mar 18	Thursday	Fahrenkamp 203	4:30 PM
	-- Location Change --		
	FY 05 Budget: Behavioral Health		
	-- Subject to Adjournment of the Senate		
	Finance Committee --		

LEGISLATURE

Mar 16	Tuesday	Senate Finance 532	11:30 AM
	FY 05 Budget Request		

PUBLIC SAFETY

Mar 16	Tuesday	Beltz 211	8:00 AM
	FY 05 Budget		

FINANCE SUBCOMMITTEES (continued)**TRANSPORTATION & PUBLIC FACILITIES**

Mar 18 Thursday Senate Finance 532 4:00 PM
 DOT&PF FY 05 Operating Budget

JOINT COMMITTEES**SALMON INDUSTRY TASK FORCE**

Mar 28 Sunday House Finance 519 11:00 AM
 Final Task Force Discussion, Work-group
 Recommendations

SELECT COMMITTEE ON LEGISLATIVE ETHICS

Mar 16 Tuesday Anch Lio Conf Rm 8:30 AM
 -- Time Change --
 <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