

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

March 29, 2004

Seventy-eighth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:13 a.m.

The roll showed seventeen members present. Senators French, Lincoln, Ogan were excused from a call of the Senate.

The prayer was offered by the Chaplain, Pastor Gary Waterhouse of the Seventh Day Adventist Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Lord, Today we need Your strength. It seems sometimes the wells of our resources run dry. And we need the strength You offer to us to fill our diminishing reserves. You are the one who can provide the ability to think clearly and to act decisively. Bless the senators today as they place their trust in You.

Give us the power to remove the mountainous differences that often divide us. Turn those mountains into sandhills as we put our faith and trust in You. Guide us to resolve our present concerns. Bring us together in unity. Nothing is impossible to You, and Lord, today we need You. Amen.

Senator Wilken led the Senate in the Pledge of Allegiance.

Certification

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

Standing Committee Reports**SB 69**

The Resources Committee considered SENATE BILL NO. 69 "An Act relating to participation in matters before the Board of Fisheries by members of the board; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 69(RES)

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

The following fiscal information was published today:
Fiscal Note No. 2, zero, Department of Fish and Game

The bill was referred to the Rules Committee.

SB 322

The Finance Committee considered SENATE BILL NO. 322 "An Act relating to the rate of the salmon enhancement tax." Signing do pass: Senator Wilken, Cochair; Senators Bunde, Ben Stevens. Signing no recommendation: Senator Green, Cochair; Senators Dyson, Hoffman, Olson.

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

The bill was referred to the Rules Committee.

SB 326

The Finance Committee considered SENATE BILL NO. 326 "An Act relating to investments of Alaska permanent fund assets; and providing for an effective date" and recommended the adoption of the State Affairs Committee Substitute offered on page 2429. Signing do pass: Senators Green, Wilken; Cochairs. Signing no recommendation: Senators Dyson, Hoffman, Ben Stevens, Bunde, Olson.

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

The bill was referred to the Rules Committee.

SB 328

The Finance 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" and recommended it be replaced with

CS FOR SPONSOR SUBSTITUTE FOR SENATE
BILL NO. 328(FIN)

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

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.

Consideration of the Calendar**Second Reading of House Bills****HB 348**

CS FOR HOUSE BILL NO. 348(JUD) "An Act relating to the rights of certain victims of crime to receive information about the office of victims' rights and the Violent Crimes Compensation Board" was read the second time.

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

CS FOR HOUSE BILL NO. 348(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 348(JUD) "An Act relating to the rights of certain victims of crime to receive information about the office of victims' rights and the Violent Crimes Compensation Board" pass the Senate?" The roll was taken with the following result:

CSHB 348(JUD)

Third Reading - Final Passage

YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: French, Lincoln, Ogan

and so, CS FOR HOUSE BILL NO. 348(JUD) passed the Senate.

Senator Ben Stevens moved and asked unanimous consent for the adoption of the House Letter of Intent (House Journal page 2564). Without objection, the Legislative Letter of Intent was adopted.

Senator Ellis gave notice of reconsideration.

HB 397

CS FOR HOUSE BILL NO. 397(JUD) "An Act relating to defense contacts with and recordings of statements of victims and witnesses of sexual offenses" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 2600. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 397(JUD) 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.

President Therriault stated SENATE CS FOR CS FOR HOUSE BILL NO. 397(JUD) will be on the March 31 calendar.

Reconsideration of Senate Bills**SB 273**

Senator Ellis requested that the reconsideration on CS FOR SENATE BILL NO. 273(FIN) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 273(FIN) "An Act amending the size, membership, and powers of the board of directors of the Alaska Seafood Marketing Institute and making a corresponding change in the quorum requirement; authorizing the establishment of the seafood marketing assessment at a rate of 0.5 percent or 0.6 percent of the value of seafood products produced; providing for an election to retain, terminate, or increase the seafood marketing assessment; providing for the repeal of the salmon marketing tax and provisions related to the salmon marketing tax; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 273(FIN)

Third Reading - On Reconsideration

Effective Dates

YEAS: 15 NAYS: 2 EXCUSED: 3 ABSENT: 0

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Green, Guess, Hoffman, Olson, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wilken

Nays: Elton, Wagoner

Excused: French, Lincoln, Ogan

and so, CS FOR SENATE BILL NO. 273(FIN) 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. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Second Reading of House Bills (continued)**HB 398**

CS FOR HOUSE BILL NO. 398(JUD) am "An Act relating to domestic violence fatality review teams" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 2601. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 398(JUD) 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.

SENATE CS FOR CS FOR HOUSE BILL NO. 398(JUD) was read the third time.

Senators Dyson, Guess, Olson, Davis moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 398(JUD) "An Act relating to domestic violence fatality review teams" pass the Senate?" The roll was taken with the following result:

SCS CSHB 398(JUD)

Third Reading - Final Passage

YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: French, Lincoln, Ogan

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 398(JUD) passed the Senate.

Senator Ellis gave notice of reconsideration.

Third Reading of Senate Bills**SB 286**

CS FOR SENATE BILL NO. 286(FIN) was read the third time.

Senators Wagoner, Hoffman declared a conflict of interest.

The question being: "Shall CS FOR SENATE BILL NO. 286(FIN) "An Act relating to direct marketing fisheries businesses, to the fisheries business tax, and to liability for payment of taxes and assessments on the sale or transfer of fishery resources; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 286(FIN)

Third Reading - Final Passage

Effective Dates

YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: French, Lincoln, Ogan

and so, CS FOR SENATE BILL NO. 286(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 clauses. Without objection, it was so ordered.

Senator Ellis gave notice of reconsideration.

Citations

Honoring – Bob and Linda Adams, Greater Ketchikan Chamber of Commerce 2003 Citizens of the Year

Senator(s) Stedman, Therriault, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Ben Stevens, Gary Stevens, Wagoner, Wilken

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.

Unfinished Business

SB 286

Senator Gary Stevens moved and asked unanimous consent to be shown as a cosponsor on CS FOR SENATE BILL NO. 286(FIN) "An Act relating to direct marketing fisheries businesses, to the fisheries business tax, and to liability for payment of taxes and assessments on the sale or transfer of fishery resources; and providing for an effective date." Without objection, it was so ordered.

HB 348

Senator Dyson moved and asked unanimous consent to be shown as a cross sponsor on CS FOR HOUSE BILL NO. 348(JUD) "An Act relating to the rights of certain victims of crime to receive information about the office of victims' rights and the Violent Crimes Compensation Board." Without objection, it was so ordered.

Senator Dyson declared a conflict of interest related to CS FOR HOUSE BILL NO. 348(JUD).

HB 344

Senator Wilken, Cochair, moved and asked unanimous consent that the Finance Committee referral be waived on CS FOR HOUSE BILL NO. 344(RES) "An Act relating to annual rental fees, statements of annual labor, and production royalty for mining claims; and providing a cure for abandonment." Without objection, the bill was referred to the Rules Committee.

SB 300

The reconsideration on CS FOR SENATE BILL NO. 300(FIN) "An Act relating to an attorney's lien, to court actions, and to other proceedings where attorneys are employed; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 273**

CS FOR SENATE BILL NO. 273(FIN) "An Act amending the size, membership, and powers of the board of directors of the Alaska Seafood Marketing Institute and making a corresponding change in the quorum requirement; authorizing the establishment of the seafood marketing assessment at a rate of 0.5 percent or 0.6 percent of the value of seafood products produced; providing for an election to retain, terminate, or increase the seafood marketing assessment; providing for the repeal of the salmon marketing tax and provisions related to the salmon marketing tax; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 300

CS FOR SENATE BILL NO. 300(FIN) "An Act relating to an attorney's lien, to court actions, and to other proceedings where attorneys are employed; 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 31, 2004. Without objection, the Senate adjourned at 11:37 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 29	Monday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Mar 31	Wednesday	Fahrenkamp 203	1:30 PM
+ SB 361	SMALL CRUISE SHIP DISCHARGES		
Apr 02	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Mar 29	Monday	Senate Finance 532	9:00 AM
+= SB 328	NATIONAL FOREST INCOME PROGRAM/DCED REGS		
+= SB 322	SALMON ENHANCEMENT TAX		
+ SB 374	PERMANENT FUND INCOME DISTRIBUTION		
+ SB 326	PERMANENT FUND INVESTMENTS		
+	Bills Previously Heard/Scheduled		
+= SJR 3	CONST AM: APPROPRIATION/SPENDING LIMIT		
Mar 30	Tuesday	Senate Finance 532	9:00 AM
+= SB 40	CONSTRUCTION OF HIGHWAYS BY DOTPF		
+ HB 394	COMMISSION ON AGING		
+= SB 306	NATUROPATHIC MEDICINE		
+= SB 298	OFF-ROAD VEHICLE USE ON DALTON HIGHWAY		
+	Bills Previously Heard/Scheduled		
+= SJR 3	CONST AM: APPROPRIATION/SPENDING LIMIT		

FINANCE(continued)

Mar 31 Wednesday Senate Finance 532 9:00 AM

+ SB 357 INSURANCE
 += SB 366 STATE SALES TAX
 <Teleconference - above Bill Listen Only>
 + Bills Previously Heard/Scheduled

Apr 01 Thursday Senate Finance 532 9:00 AM

+ SB 255 ILLEGAL USE TRAFFIC PREEMPTION DEVICE
 + SB 350 4 DAM POOL JOINT ACTION AGENCY
 + Monetary Terms of Collective Bargaining
 Units
 + Bills Previously Heard/Scheduled

Apr 02 Friday Senate Finance 532 9:00 AM

+= SB 313 FIRST SUPPLEMENTAL APPROPRIATION
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 29 Monday Butrovich 205 1:30 PM

No Meeting Scheduled

Mar 31 Wednesday Butrovich 205 1:30 PM

-- Teleconference <Listen Only> --
 + SB 248 HIGH SCHOOL COMPETENCY EXAMS/DIPLOMAS
 + SB 372 SECONDARY SCHOOL ASSESSMENTS
 + Bills Previously Heard/Scheduled

Apr 02 Friday Butrovich 205 1:30 PM

+= HB 25 HEALTH CARE SERVICES DIRECTIVES
 + Bills Previously Heard/Scheduled

JUDICIARY

Mar 29 Monday Butrovich 205 8:00 AM

-- Meeting Canceled --
 += SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE
 + Bills Previously Heard/Scheduled

JUDICIARY (continued)

Mar 31 Wednesday Butrovich 205 8:00 AM

- + HB 340 DAMAGES IN CONSTRUCTION CLAIMS
- + SB 340 DETENTION OF MINORS
- + HB 349 ILLEGALLY OBTAINED EVIDENCE/EVID RULE 412
- + HB 513 CSED NAME CHANGE/DRIVER'S LIC.SUSPENSION
- + Bills Previously Heard/Scheduled

Apr 02 Friday Butrovich 205 8:00 AM

- + SB 318 CONSUMPTIVE USE OF FISH AND GAME
<Pending Referral>
- + SB 319 CLAIMS AGAINST HEALTH CARE PROVIDERS
- + SB 323 WORKERS COMPENSATION AND CONTRACTORS
- + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 30 Tuesday Beltz 211 1:30 PM

- + Confirmation Hearing: Personnel Board
Laura Plenert
- + HB 478 COMMERCIAL FISHING INTERIM USE PERMITS
- + HJR 35 MAD COW DISEASE/COUNTRY OF ORIGIN LABELS
Bills Previously Heard/Scheduled
Including but Not Limited to:
- + HB 409 SEINE VESSEL LENGTH

Apr 01 Thursday Beltz 211 1:30 PM

- Senate Bill:
SAFETY CODE DEPARTMENT MOVE
<Pending Introduction & Referral>
- + SB 365 SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS
- + HB 341 DIVE FISHERY MANAGEMENT ASSESSMENT
Bills Previously Heard/Scheduled
Including but Not Limited to:
- = SB 358 ALASKA RAILROAD TRACK WORK

RESOURCES

Mar 29 Monday Butrovich 205 3:30 PM

- + SJR 31 FEDERAL FUNDING FOR EDUCATION
- + HB 524 WASTE MANAGEMENT/DISPOSAL
- + Bills Previously Heard/Scheduled

RESOURCES (continued)

Mar 31 Wednesday Butrovich 205 3:30 PM

+ HJR 34 FED TRAINING AND ASSISTANCE FOR FISHERMEN
Alaska Stranded Gas Act Applications -
Testimony by Invitation Only
+ Bills Previously Heard/Scheduled

Apr 02 Friday Butrovich 205 3:30 PM

+ Bills Previously Heard/Scheduled

STATE AFFAIRS

Mar 30 Tuesday Beltz 211 3:30 PM

+ HCR 25 ALASKA WILD SALMON WEEK
+ SJR 25 FLOODING AND EROSION CONTROL ASSISTANCE
+= SB 356 VOTERS/VOTING/POLITICAL PARTIES/ELECTIONS
Bills Previously Heard/Scheduled
+= HB 213 PROVISIONAL DRIVER'S LICENSE

Apr 01 Thursday Beltz 211 3:30 PM

+ SB 231 DECREASE TIME TO CLAIM UNCLAIMED PROPERTY
+ SJR 30 AMEND & FUND NO CHILD LEFT BEHIND ACT
+= SB 354 HUMAN RIGHTS COMMISSION PROCEDURES
Bills Previously Heard/Scheduled

TRANSPORTATION

Mar 30 Tuesday Butrovich 205 1:30 PM

-- Meeting Postponed to 04/01/04 --
SB 371 POWERS/DUTIES DOTPF
Senate Bill:
REPLAT ON CONDEMNATION PROCEEDINGS
<Pending Introduction & Referral>
Bills Previously Heard/Scheduled

Apr 01 Thursday Butrovich 205 1:30 PM

= SB 371 POWERS/DUTIES DOTPF
Senate Bill:
<Pending Introduction and Referral>
Bills Previously Heard/Scheduled
REPLAT ON CONDEMNATION PROCEEDINGS

FINANCE SUBCOMMITTEES**CORRECTIONS**

Apr 01	Thursday	Senate Finance 532	12:00 PM
	FY 05 Budget Close-out		

FISH & GAME

Mar 30	Tuesday	Fahrenkamp 203	4:00 PM
	Close-out		

HEALTH & SOCIAL SERVICES

Apr 01	Thursday	Senate Finance 532	4:00 PM
	FY 05 Budget: Unfinished Business & Preliminary Close-out		

Apr 03	Saturday	Senate Finance 532	10:00 AM
	FY 05 Budget Close-out		

PUBLIC SAFETY

Mar 30	Tuesday	Beltz 211	8:00 AM
	Close-out		

TRANSPORTATION & PUBLIC FACILITIES

Mar 30	Tuesday	Senate Finance 532	4:30 PM
	Close-out		

SPECIAL COMMITTEES**WORLD TRADE AND STATE/FEDERAL RELATIONS**

Mar 29	Monday	Speakers Chambers	4:00 PM
	Joint w/(H) Economic Development Committee USDA International Trade Representative for Alaska		

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Mar 29	Monday	House Finance 519	12:00 PM
	Discussion: Hiring Stranded Gas Act Consultant		
Apr 15	Thursday	House Finance 519	12:00 PM
	Veteran's Home Feasibility Study Presented by ASCG		

SELECT COMMITTEE ON LEGISLATIVE ETHICS

Apr 01	Thursday	Anch Lio Conf Rm	8:30 AM
	-- Teleconference <Listen Only> -- ** SUBCOMMITTEE MEETING ** Open Meetings		

OTHER MEETINGS

ENERGY POLICY TASK FORCE

Mar 30	Tuesday	Anchorage	1:00 PM
	AIDEA/AEA Board Room 813 W. Northern Lights Blvd., Third Floor 1:00 PM - 5:00 PM		

JOINT SESSION

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