

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

April 2, 2004

#### Eighty-second Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:50 a.m.

The roll showed nineteen members present. Senator Hoffman was excused from a call of the Senate.

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

Dear God, thank You for what has been accomplished thus far in these chambers. As the week concludes, there is still more to be done. We pray for continued wisdom and good judgment.

And Lord, as many return to their homes and families tonight, we ask for safety in their travels. Be with each and every one assembled here today from the pages and the secretaries, all the way down to the Senators and their staff.

And lastly, Lord, today we pray for our armed forces overseas. Bless every one of our men and women who are risking their lives to defend the principles of freedom. Especially we pray that You would bring comfort to the families of those who have lost loved ones in this war. Bring every one of our troops home safely and soon.

We pray in Thy name.

Amen

Senator Ben Stevens led the Senate in the Pledge of Allegiance.

#### **Certification**

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

#### **Recess**

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in recess to the Joint Session. Without objection, the Senate recessed at 10:55 a.m.

#### **After Recess**

#### **Joint Session in the House**

Speaker Kott called the House to order and in accordance with Uniform Rule 51 turned the gavel over to President Therriault, who called the Joint Session to order at 11:02 a.m.

The purpose of the Joint Session was to hear an address by the Honorable Lisa Murkowski, United States Senator for Alaska.

Senator Ben Stevens moved and asked unanimous consent that the roll call of the Senate be waived and all members be shown as present. Without objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that the roll call of the House be waived and all members be shown as present. Without objection, it was so ordered.

President Therriault introduced Governor Frank H. Murkowski and First Lady Nancy Murkowski and Lieutenant Governor Loren Leman and his wife, Carolyn Leman.

President Therriault appointed Representative McGuire and Senator Guess to escort Senator Murkowski to the Joint Session.

The Senate Sergeant at Arms, Jamiannn Stevens, announced Senator Lisa Murkowski's entrance to the House Chamber.

The Honorable Senator Murkowski was escorted to the rostrum and introduced by President Therriault.

Senator Lisa Murkowski delivered her address. This address appears in House and Senate Joint Journal Supplement No. 17.

Following her address, there was a question and answer period. Senator Murkowski received a standing ovation and was escorted from the chamber by Senator Guess and Representative McGuire.

Senator Ben Stevens moved and asked unanimous consent that the Joint Session stand in adjournment. Without objection, President Therriault adjourned the Joint Session at 12:05 p.m.

#### **After Recess**

#### **In the Senate**

The Senate reconvened at 12:11 p.m.

#### **Messages from the Governor**

##### **SB 291**

Message dated and received April 1 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:

SENATE BILL NO. 291 "An Act extending the transition period for activities involving unstamped cigarettes; and providing for an effective date."

Chapter 11, SLA 2004  
Effective Date: 04/02/2004

Letter dated and received April 1 was read, stating in accordance with AS 39.05.080, I submit the following names for legislative confirmation of appointments to the boards and commissions set out below:

**State Board of Registration for Architects, Engineers, and Land Surveyors**

Clifford E. Baker - Kenai  
Appointed: 03/24/2004 Term Expires: 03/01/2008  
Boyd J. Brownfield - Anchorage  
Appointed: 03/24/2004 Term Expires: 03/01/2008  
Richard A. Hughes - Fairbanks  
Appointed: 03/24/2004 Term Expires: 03/01/2008  
Kenneth D. Maynard - Anchorage  
Appointed: 03/24/2004 Term Expires: 03/01/2008

**Alaska Labor Relations Agency**

Gary P. Bader - Anchorage  
Appointed: 03/24/2004 Term Expires: 03/01/2007  
Dennis S. Niedermeyer - Eagle River  
Appointed: 03/24/2004 Term Expires: 03/01/2006  
James S. Spalding - Anchorage  
Appointed: 03/24/2004 Term Expires: 03/01/2007

The appointments were referred to the Labor and Commerce Committee.

**Board of Education and Early Development**

Sylvia J. Reynolds - Soldotna  
Reappointed: 03/24/2004 Term Expires: 03/01/2009  
Carol (Bunny) J. Schaeffer - Kotzebue  
Appointed: 03/24/2004 Term Expires: 03/01/2009

**Alaska Mental Health Trust Authority Board of Trustees**

Dr. William H. Doolittle - Fairbanks  
Appointed: 03/24/2004 Term Expires: 03/01/2009  
Tom J. Hawkins - Anchorage  
Reappointed: 03/24/2004 Term Expires: 03/01/2009

The appointments were referred to the Health, Education and Social Services Committee.

**Board of Fisheries**

Robert Heyano - Dillingham

Appointed: 07/01/2004 Term Expires: 06/30/2007

(by law, terms begin July 1)

Art N. Nelson - Anchorage

Reappointed: 03/25/2004 Term Expires: 06/30/2007

The appointments were referred to the Resources Committee.

**Alaska Public Offices Commission (APOC)**

Roger E. Holl - Anchorage

Appointed: 03/24/2004 Term Expires: 03/01/2009

The appointment was referred to the State Affairs Committee.

The resumes for these appointments have been submitted to the Offices of the Senate Secretary and the Chief Clerk.

**Messages from the House**

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

**First Reading and Reference of House Bills**

**HB 56**

CS FOR HOUSE BILL NO. 56(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the award to the state of actual reasonable attorney fees and costs, including costs of investigation, in certain court actions relating to unfair trade practices; and amending Rules 54(d), 79, and 82, Alaska Rules of Civil Procedure."

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

**HB 385**

CS FOR HOUSE BILL NO. 385(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to awarding child custody; and providing for an effective date."

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

**HB 424**

CS FOR HOUSE BILL NO. 424(JUD) BY THE HOUSE JUDICIARY COMMITTEE, ENTITLED:

"An Act relating to review by the Legislative Affairs Agency of certain state agency regulations proposed for adoption, amendment, or repeal under the Administrative Procedure Act; repealing provisions relating to annulment of regulations; and providing for an effective date."

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

**HB 503**

HOUSE BILL NO. 503 BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the tobacco product Master Settlement Agreement; and providing for an effective date."

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

**Concur Messages****SB 241**

Message dated April 1 was read, stating the House passed CS FOR SENATE BILL NO. 241(FIN) with the following amendment:

CS FOR SENATE BILL NO. 241(FIN) am H "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"

and it is transmitted for consideration with a House Letter of Intent.

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

**Standing Committee Reports****SB 170**

The Judiciary Committee considered SENATE BILL NO. 170 "An Act relating to the Code of Criminal Procedure; relating to defenses, affirmative defenses, and justifications to certain criminal acts; relating to rights of prisoners after arrest; relating to discovery, immunity from prosecution, notice of defenses, admissibility of certain evidence, and right to representation in criminal proceedings; relating to sentencing, probation, and discretionary parole; amending Rule 16, Alaska Rules of Criminal Procedure, and Rules 404, 412, 609, and 803, Alaska Rules of Evidence; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 170(JUD)  
(forthcoming)

Signing do pass: Senator Seekins, Chair. Signing no recommendation: Senators Therriault, Ogan, French.

The following fiscal information was published today:  
Fiscal Note No. 3, Department of Corrections

The bill was referred to the Finance Committee.

**SB 231**

The State Affairs Committee considered SENATE BILL NO. 231 "An Act shortening the time periods after which certain unclaimed property is presumed to be abandoned; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 231(STA) "An Act relating to unclaimed property; and providing for an effective date."

Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Stedman.

The following fiscal information was published today:

Fiscal Note No. 2, Department of Revenue

The bill was referred to the Finance Committee.

**SB 354**

The State Affairs Committee considered SENATE BILL NO. 354 "An Act relating to complaints filed with, and investigations, hearings, and orders of, the State Commission for Human Rights; making conforming amendments; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 354(STA)  
(forthcoming)

Signing no recommendation: Senator Gary Stevens, Chair; Senator Stedman. Signing do pass: Senator Cowdery.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Office of the Governor

The bill was referred to the Judiciary Committee.



**SB 357**

The Finance Committee considered SENATE BILL NO. 357 "An Act relating to the regulation of insurance, insurance licenses, qualifications of insurance producers, surplus lines, fraud investigations, electronic transactions, and compliance with federal law and national standards; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 357(FIN)

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

**SB 365**

The Labor and Commerce Committee considered SENATE BILL NO. 365 "An Act relating to the regulation of speech-language pathologist assistants; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senators Seekins, Davis. Signing no recommendation: Senator French.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

**SB 382**

The Transportation Committee considered SENATE BILL NO. 382 "An Act relating to replat approval; relating to the platting of right-of-way acquired through eminent domain proceedings; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 382(TRA)

Signing do pass: Senators Wagoner, Cowdery, Cochairs; Senator Therriault. Signing no recommendation: 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 Community and Regional Affairs Committee.

**HB 91**

The State Affairs Committee considered CS FOR HOUSE BILL NO. 91(FIN) "An Act relating to medical benefits for retired peace officers after 20 years of credited service" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
91(STA)

Signing no recommendation: Senator Gary Stevens, Chair; Senators Cowdery, Stedman.

The following fiscal information was published today:

Fiscal Note No. 3, Department of Administration

The bill was referred to the Labor and Commerce Committee.

**HB 93**

The Transportation Committee considered CS FOR HOUSE BILL NO. 93(FIN) "An Act relating to boating safety, registration, and numbering; extending the sunset date of changes in ch. 28, SLA 2000; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
93(TRA)

Signing do pass: Senators Wagoner, Cowdery, Cochairs. Signing no recommendation: Senators Lincoln, Therriault, Olson.

The following previously published fiscal information applies:  
Fiscal Note No. 3, zero, Department of Natural Resources  
Fiscal Note No. 4, Department of Administration

The bill was referred to the State Affairs Committee.

### **Consideration of the Calendar**

#### **Third Reading of Senate Bills**

##### **SB 322**

SENATE BILL NO. 322 was read the third time.

The question being: "Shall SENATE BILL NO. 322 "An Act relating to the rate of the salmon enhancement tax" pass the Senate?" The roll was taken with the following result:

SB 322

Third Reading - Final Passage

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

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

Nays: Ellis, French, Lincoln, Therriault

Excused: Hoffman, Wagoner

and so, SENATE BILL NO. 322 passed the Senate.

Senator Lincoln gave notice of reconsideration.

### **Unfinished Business**

##### **SB 276**

The reconsideration on CS FOR SENATE BILL NO. 276(FIN) "An Act relating to the Alaska Insurance Guaranty Association; relating to the powers of the Alaska Industrial Development and Export Authority concerning the association; 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 276**

CS FOR SENATE BILL NO. 276(FIN) "An Act relating to the Alaska Insurance Guaranty Association; relating to the powers of the Alaska Industrial Development and Export Authority concerning the association; 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., April 5, 2004. Without objection, the Senate adjourned at 12:33 p.m.

Kirsten Waid  
Secretary of the Senate

April 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**

<b>Apr 02</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>Apr 05</b>	<b>Monday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>Apr 07</b>	<b>Wednesday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
+ SB 132	MINTO FLATS GAME REFUGE & TOWNSITE		
<b>Apr 09</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		

-----

**FINANCE**

<b>Apr 02</b>	<b>Friday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
+ SB 313	FIRST SUPPLEMENTAL APPROPRIATION		
+	Bills Previously Heard/Scheduled		
+ SB 3	CONST AM: APPROPRIATION/SPENDING LIMIT		
+ SB 357	INSURANCE		
<b>Apr 05</b>	<b>Monday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
+ SB 368	TOBACCO TAX; LICENSING; PENALTIES		
+ SB 351	APOC REPORTS BY NONELECTRONIC MEANS		
+ HB 357	RESTITUTION		
+ HB 513	CSED NAME CHANGE/DRIVER'S LIC.SUSPENSION		
+	Bills Previously Heard/Scheduled		
+ SB 3	CONST AM: APPROPRIATION/SPENDING LIMIT		

**FINANCE(continued)**

- Apr 06 Tuesday Senate Finance 532 9:00 AM**  
 + Joint Meeting w/ Senate State Affairs Presentation on June 30, 2003 Actuarial Valuation Report  
 Mr. Bob Reynolds, Mercer Human Consulting  
 + SB 337 ENERGY PROGRAMS & FUNDS  
 + SB 303 BIG GAME GUIDE BOARD & SERVICES  
 + Bills Previously Heard/Scheduled
- Apr 07 Wednesday Senate Finance 532 9:00 AM**  
 += SB 256 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 += SB 258 APPROP:MENTAL HEALTH BUDGET  
 + HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 <Pending Referral>  
 + HB 377 APPROP:MENTAL HEALTH BUDGET  
 <Pending Referral>  
 += SB 374 PERMANENT FUND INCOME DISTRIBUTION  
 + Bills Previously Heard/Scheduled
- Apr 08 Thursday Senate Finance 532 9:00 AM**  
 + SB 336 CORRECTIONS: FEES/SURCHARGE  
 + HB 213 PROVISIONAL DRIVER'S LICENSE  
 + Bills Previously Heard/Scheduled
- Apr 09 Friday Senate Finance 532 9:00 AM**  
 No Meeting Scheduled

-----

**HEALTH, EDUCATION & SOCIAL SERVICES**

- Apr 02 Friday Butrovich 205 1:30 PM**  
 += HB 25 HEALTH CARE SERVICES DIRECTIVES  
 <Bill Hearing Postponed to 04/07/04>  
 + Bills Previously Heard/Scheduled  
 = SB 364 LIMIT STATE AID FOR MENTAL HEALTH CARE
- Apr 05 Monday Butrovich 205 1:30 PM**  
 + CONFIRMATION HEARINGS  
 + SB 243 POSTSECONDARY STUDENT IMMUNIZATION  
 + Senate Bill:  
 HOMELAND SECURITY, NATURAL DISASTERS  
 <Pending Introduction & Referral>  
 + SB 222 MEDICAL PATIENT BILLING DISCLOSURES  
 + Bills Previously Heard/Scheduled

**HEALTH, EDUCATION & SOCIAL SERVICES (continued)**

**Apr 07      Wednesday                      Butrovich 205              1:30 PM**  
 + HCR 31 TRAUMATIC BRAIN INJURY AWARENESS MONTH  
 += HB 25 HEALTH CARE SERVICES DIRECTIVES  
 + Bills Previously Heard/Scheduled

**Apr 09      Friday                                      Butrovich 205              1:30 PM**  
 No Meeting Scheduled

-----

**JUDICIARY**

**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  
 += SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE

**Apr 05      Monday                                      Butrovich 205              8:00 AM**  
 + SB 379 PERM FUND BOARD PUBLIC MEMBER REMOVAL  
 += HB 230 POLITICAL SIGNS ON PRIVATE PROPERTY  
 += SB 311 INSURANCE & WORKERS' COMPENSATION SYSTEM  
 + Bills Previously Heard/Scheduled

**Apr 07      Wednesday                                  Butrovich 205              8:00 AM**  
 + SB 246 HATE CRIMES/DISCRIMINATION/TOLERANCE PROG  
 + HB 350 CRIME VICTIMS' COMPENSATION FOR ARSON  
 += HB 252 OCC LICENSING: TERMS OF BD & CONT. EDUC  
 += SB 308 DOMESTIC VIOLENCE PROTECTIVE ORDERS  
 + Bills Previously Heard/Scheduled

**Apr 09      Friday                                      Butrovich 205              8:00 AM**  
 No Meeting Scheduled

-----

**LABOR & COMMERCE**

**Apr 06 Tuesday Beltz 211 1:30 PM**  
 + SB 341 AVTEC ADMINISTRATION  
 + SB 272 DEFERRED DEPOSIT ADVANCES (PAYDAY LOANS)  
 += HB 288 CHANGING NAME OF DEPT OF COMM & ECON DEV.  
 Bills Previously Heard/Scheduled  
 Including But Not Limited To:  
 += HB 356 EXTEND ALCOHOL DELIVERY SITE SUNSET

**Apr 08 Thursday Beltz 211 1:30 PM**  
 -- Meeting Canceled --

**RESOURCES**

**Apr 02 Friday Butrovich 205 3:30 PM**  
 += HJR 34 FED TRAINING AND ASSISTANCE FOR FISHERMEN  
 <Bill Hearing Rescheduled from 03/31/04>  
 + Bills Previously Heard/Scheduled

**Apr 05 Monday Butrovich 205 3:30 PM**  
 + SB 378 POLLUTION DISCHARGE & WASTE TRMT/DISPOSAL  
 + HB 486 MINING RECLAMATION ASSURANCES/FUND  
 + Bills Previously Heard/Scheduled

**Apr 07 Wednesday Butrovich 205 3:30 PM**  
 + Bills Previously Heard/Scheduled

**Apr 09 Friday Butrovich 205 3:30 PM**  
 No Meeting Scheduled

**Apr 12 Monday Butrovich 205 3:30 PM**  
 No Meeting Scheduled

**STATE AFFAIRS**

**Apr 06 Tuesday Senate Finance 532 9:00 AM**  
 -- Time and Location Change --  
 Joint Meeting w/ Senate Finance  
 PERS/TERS Presentation



**STATE AFFAIRS (continued)**

**Apr 06 Tuesday Beltz 211 3:30 PM**  
 + HCR 29 SUPPORT THERAPEUTIC COURTS  
 + HB 494 ELECTRONIC PAYMENT FOR STATE BUSINESS  
 + HB 447 2004 REVISORS BILL  
 + SB 219 OFFENSES AGAINST UNBORN CHILDREN  
 + Bills Previously Heard/Scheduled

**Apr 08 Thursday Beltz 211 3:30 PM**  
 No Meeting Scheduled

**TRANSPORTATION**

**Apr 06 Tuesday Butrovich 205 1:30 PM**  
 += SB 371 POWERS/DUTIES DOTPF  
 Presentation on Pavement Research

**Apr 08 Thursday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

**FINANCE SUBCOMMITTEES****ENVIRONMENTAL CONSERVATION**

**Apr 02 Friday Beltz 211 12:00 PM**  
 FY 05 Operating Budget Close-out

**HEALTH & SOCIAL SERVICES**

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

**REVENUE**

**Apr 02 Friday Beltz 211 5:30 PM**  
 FY 05 Budget Close-out

**JOINT COMMITTEES****LEGISLATIVE BUDGET & AUDIT**

**Apr 15      Thursday                      House Finance 519              12:00 PM**  
 Veteran's Home Feasibility Study  
 Presented by ASCG

-----

**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

**Apr 14      Wednesday                      Anch Lio Conf Rm              8:30 AM**  
 -- Teleconference <Listen Only> --  
 \*\*SUBCOMMITTEE MEETING\*\*  
 +              Open Meetings

-----

**OTHER MEETINGS****JOINT SESSION**

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

-----

**MISCELLANEOUS MEETINGS**

**Apr 06      Tuesday                                      Butrovich 205              12:00 PM**  
 Joint Legislative Health Caucus  
 +              "Alaska's State of Mind: Is Alaska's  
 Mental Health Improving"