

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

April 13, 2004

Ninety-third Day

Pursuant to adjournment the Senate was called to order by President Therriault at 3:20 p.m.

The roll showed nineteen members present. Senator Gary Stevens was absent.

Senator Ben Stevens moved and asked unanimous consent that Senator Gary Stevens be excused from a call of the Senate today for medical reasons. Without objection, it was so ordered.

The prayer was offered by the Chaplain, Senator Olson. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord in Heaven, as we come back from this holiday where we celebrated Your rising from the dead, Lord, we thank You that You were able to overcome death and overcome all of the obstacles that were in the way. We thank You for sending Your son to die for us here on earth.

Watch over us and guide us now and give us wisdom as we get ready to go on to the last portion of the legislature. Keeping in mind Lord, that You came down for a reason and You sacrificed.

Watch over us and guide us now as we pray for the safety of our families. We pray for families that are extended throughout the state, throughout the nation and throughout the world. Continue to guide us and give us wisdom Lord, in Your name, 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 eighty-eighth through ninety-second legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

SB 241

Message dated and received April 8 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. 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."

Chapter 14, SLA 2004
Effective Date: 04/09/2004

HCR 33

Message dated and received April 9 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

HOUSE CONCURRENT RESOLUTION NO. 33
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.

Legislative Resolve No. 39

SCR 23

Message dated and received April 8 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

SENATE CONCURRENT RESOLUTION NO. 23
Authorizing a recess by the Senate and the House of Representatives for a period of more than three days, those days being April 9, 10, 11, and 12 of 2004.

Legislative Resolve No. 40

Introduction and Reference of Senate Bills**SB 387**

SENATE BILL NO. 387 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act authorizing the making of certain commercial fishing loans to eligible community quota entities for the purchase of certain fishing quota shares; and providing for an effective date."

was read the first time and referred to the Community and Regional Affairs and Labor and Commerce Committees.

The following fiscal information was published today:

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

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

Governor's transmittal letter dated April 9:

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill to amend the lending authority of the Department of Community and Economic Development (department) under the Commercial Fishing Loan Act; to authorize

loans to federally designated community quota entities authorized by federal regulation to purchase and hold certain fishing quota shares; and to lease the resultant individual fishing quota shares to community residents.

The federal government is currently proposing federal regulations that, if adopted, would amend the federal individual fishing quota program. The definition of an eligible quota shares holder would be revised to allow specific communities in the Gulf of Alaska to purchase quota shares for halibut and sablefish fisheries. The community quota entity may then hold the shares for lease to their community residents. Quota shares, and loans for their purchase under the Commercial Fishing Loan Act, are presently limited to individuals.

The purpose of the amendment is to improve the economic viability of these communities through local ownership of fishing privileges. Since the initial allocation of quota shares all but two of the 42 eligible communities have experienced a significant decline in the number of quota shares held by residents. This amendment will provide a financing mechanism that can be used by these communities to help reverse this trend.

The bill's effective date provision for the loan statute changes would ensure that if the proposed federal regulations do not take effect, the bill's changes expanding the department's lending authority also would not take effect.

The community quota entity program provides a unique opportunity to improve economic conditions in a number of Alaska's coastal communities. Local ownership of fishing privileges is vital to the financial health of these communities.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

Consideration of the Calendar**Second Reading of Senate Bills****SB 338**

SENATE BILL NO. 338 "An Act relating to actionable claims against state employees; relating to the state's defense and indemnification of its employees and former employees with respect to claims arising out of conduct that is within the scope of employment; amending the Public Employment Relations Act regarding claims against the state or state employees; and providing for an effective date" was read the second time.

Senator Stedman moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 2562. Without objection, CS FOR SENATE BILL NO. 338(STA) "An Act relating to actionable claims against state employees; 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. 338(STA) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 338(STA) "An Act relating to actionable claims against state employees; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 338(STA)
Third Reading - Final Passage
Effective Date

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Stevens G

and so, CS FOR SENATE BILL NO. 338(STA) 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 357

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" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2757. Without objection, CS FOR SENATE BILL NO. 357(FIN) 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 CS FOR SENATE BILL NO. 357(FIN) will be on the April 14 calendar.

Second Reading of House Bills**HB 349**

CS FOR HOUSE BILL NO. 349(JUD) am "An Act amending Rule 412, Alaska Rules of Evidence" 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 2730. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 349(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. 349(JUD) will be on the April 14 calendar.

HB 357

CS FOR HOUSE BILL NO. 357(JUD) "An Act relating to restitution; 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 Senate Committee Substitute offered on page 2600. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 357(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. 357(JUD) will be on the April 14 calendar.

Unfinished Business

Citations

Senator Wilken moved and asked unanimous consent that the following citation be made a special order of business. Without objection, it was so ordered.

Special Order of Business

In Memoriam – Frank Watson Rose, III
Senator(s) Wilken, Therriault, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben Stevens, Gary Stevens, Wagoner

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

Reconsideration of Senate Resolutions**SJR 3**

Senator Dyson requested that the reconsideration on CS FOR SENATE JOINT RESOLUTION NO. 3(FIN) am (fld S) Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit, be taken up. The resolution was before the Senate on reconsideration.

Senator Ben Stevens moved and asked unanimous consent that CS FOR SENATE JOINT RESOLUTION NO. 3(FIN) am be returned to the Finance Committee. Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 338**

CS FOR SENATE BILL NO. 338(STA) "An Act relating to actionable claims against state employees; 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 14, 2004. Without objection, the Senate adjourned at 3:46 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

Apr 14 Wednesday Fahrenkamp 203 1:30 PM
 -- Rescheduled from 04/07/04 --
 += SB 132 MINTO FLATS GAME REFUGE & TOWNSITE
 + SB 382 EMINENT DOMAIN/REPLAT OF BOUNDARY CHANGES

Apr 16 Friday Fahrenkamp 203 1:30 PM
 No Meeting Scheduled

FINANCE

Apr 13 Tuesday Senate Finance 532 6:00 PM
 -- Time Change --
 += HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS
 += HB 377 APPROP:MENTAL HEALTH BUDGET
 + Statewide Teleconference
 (Public testimony will be limited to no more than 2 minutes. Juneau testimony will be taken during lags in the teleconference sites & following the final set of LIOs.)
 6:00 Bethel, Nome, Kotzebue
 6:30 Barrow, Tok, Delta Junction
 7:00 Fairbanks, Mat-Su
 7:30 Anchorage
 + Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 14 Wednesday Senate Finance 532 9:00 AM

- + = HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS
- + = HB 377 APPROP:MENTAL HEALTH BUDGET
- + Statewide Teleconference - Off net Sites
(Public testimony limited to 2 minutes)
- + = SB 366 STATE SALES TAX
Public Testimony

Apr 14 Wednesday Senate Finance 532 6:00 PM

- Time Change --
- + = HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS
- + = HB 377 APPROP:MENTAL HEALTH BUDGET
- + Statewide Teleconference
(Public testimony will be limited to no more than 2 minutes. Juneau testimony will be taken during lags in the teleconference sites and following the final set of LIOs.)
6:00 Ketchikan, Wrangell, Petersburg
6:30 Sitka, Cordova, Valdez
7:00 Glennallen, Seward, Homer
7:30 Kenai, Kodiak, Dillingham
- + Bills Previously Heard/Scheduled

Apr 15 Thursday Senate Finance 532 9:00 AM

- + State of Alaska Credit Outlook
Presentation
Mr. Gabriel Petek, Credit Analyst,
Standard and Poor's
- + = SB 65 CORRECTIONAL FACILITY EXPANSION
- + = SB 337 ENERGY PROGRAMS & FUNDS
- + = SB 350 4 DAM POOL JOINT ACTION AGENCY
- + = SB 255 ILLEGAL USE TRAFFIC PREEMPTION DEVICE
- + SB 311 INSURANCE & WORKERS' COMPENSATION SYSTEM
<Pending Referral>
- + Bills Previously Heard/Scheduled

Apr 16 Friday Senate Finance 532 9:00 AM

- + SB 231 DECREASE TIME TO CLAIM UNCLAIMED PROPERTY
- + SB 365 SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS
- + SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE
- + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 14 Wednesday Butrovich 205 1:30 PM
 += HB 25 HEALTH CARE SERVICES DIRECTIVES
 + SB 383 CHILDREN'S TRUST GRANTS
 + SB 376 PUBLIC ASSISTANCE AND SUBPOENA POWER
 + Bills Previously Heard/Scheduled

Apr 16 Friday Butrovich 205 1:30 PM
 + Confirmation Hearings
 HB 385 AWARDING CHILD CUSTODY
 + Bills Previously Heard/Scheduled

JUDICIARY

Apr 14 Wednesday Butrovich 205 8:00 AM
 += SB 318 CONSUMPTIVE USE OF FISH AND GAME
 += SB 311 INSURANCE & WORKERS' COMPENSATION SYSTEM
 + Bills Previously Heard/Scheduled
 *** Meeting Will Recess Until 5:30 pm ***

Apr 14 Wednesday Butrovich 205 5:30 PM
 *** After Recess ***
 + SB 354 HUMAN RIGHTS COMMISSION PROCEDURES
 += SB 323 WORKERS COMPENSATION AND CONTRACTORS
 += SB 379 PERM FUND BOARD PUBLIC MEMBER REMOVAL
 + Bills Previously Heard/Scheduled

Apr 16 Friday Butrovich 205 8:00 AM
 + SB 219 OFFENSES AGAINST UNBORN CHILDREN
 + HB 451 THERAPEUTIC COURTS
 + HB 503 TOBACCO MASTER SETTLEMENT AGREEMENT
 + HB 514 CHILD SUPPORT ENFORCEMENT/ CRIMES
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 13 Tuesday Beltz 211 1:30 PM
 -- Meeting Canceled --
 + HB 428 CIVIL PENALTY: UNDERAGE ALCOHOL PURCHASES
 + HB 91 RETIRED PEACE OFFICER'S MEDICAL BENEFITS
 + Bills Previously Heard/Scheduled
 Including, but Not Limited to:
 += SB 358 ALASKA RAILROAD TRACK WORK
 += HB 15 SOLICITATIONS/CONSUMER PROTECTION

Apr 15 Thursday Beltz 211 1:30 PM
 + HB 29 REAL PROPERTY TRANSACTIONS/LICENSEES
 += HB 428 CIVIL PENALTY: UNDERAGE ALCOHOL PURCHASES
 += HB 91 RETIRED PEACE OFFICER'S MEDICAL BENEFITS
 + Bills Previously Heard/Scheduled
 Including but Not Limited to:
 += SB 272 DEFERRED DEPOSIT ADVANCES (PAYDAY LOANS)
 += SB 377 STATE MECHANICAL CODE
 += SB 358 ALASKA RAILROAD TRACK WORK
 + Confirmation Hearings:
 State Board of Registration - Architects, Engineers and Land
 Surveyors: Clifford E. Baker – Kenai, Boyd J. Brownfield –
 Anchorage, Richard A. Hughes – Fairbanks, Kenneth D.
 Maynard – Anchorage, Alaska Labor Relations Agency
 Gary P. Bader – Anchorage, Dennis Niedermeyer - Eagle River
 James S. Spalding - Anchorage

RESOURCES

Apr 14 Wednesday Butrovich 205 3:30 PM
 + HB 409 SEINE VESSEL LENGTH
 + HJR 44 SEA OTTER RESEARCH/ENDANGERED SPECIES
 + Bills Previously Heard/Scheduled

Apr 16 Friday Butrovich 205 3:30 PM
 + Confirmation Hearings:
 Board of Fisheries
 Board of Agriculture & Conservation
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 13 Tuesday Beltz 211
 -- Meeting Canceled --
 --- Upon Adjournment ---
 + Confirmation Hearing: Roger E. Holl
 Alaska Public Offices Commission
 + HB 93 BOATING SAFETY,REGISTRATION, NUMBERING
 += SB 224 LOWER DWI FOR MINORS TO .02
 + Bills Previously Heard/Scheduled

Apr 15 Thursday Beltz 211 3:30 PM
 No Meeting Scheduled

TRANSPORTATION

Apr 13 Tuesday Butrovich 205 1:30 PM
 No Meeting Scheduled

Apr 15 Thursday Butrovich 205 1:30 PM
 + SB 384 ROUTE OF NAT GAS PIPELINE FUNDED BY RR

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Apr 15 Thursday House Finance 519 12:00 PM
 -- Meeting Canceled --
 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