

# **SENATE JOURNAL**

## **ALASKA STATE LEGISLATURE**

### **TWENTY-THIRD LEGISLATURE -- SECOND SESSION**

**Juneau, Alaska**

**Wednesday**

**April 14, 2004**

#### **Ninety-fourth Day**

Pursuant to adjournment the Senate was called to order by President Therriault at 11:21 a.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. Without objection, Senator Gary Stevens was excused.

The prayer was offered by the Chaplain, Pastor Tim Frega of the Auke Bay Bible Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Heavenly Father,

We celebrate with You today that You are omniscient and omnipotent! You know our thoughts before we express them, You know our short-comings before we reveal them. Because of that we need the wisdom and strength that only You can give. I have come to realize that without a true personalized wisdom through a relationship with Your Son Jesus that I can never really know Your heart.

God grant these women and men true wisdom from above. Grant them the ability to set aside their own agenda to seek You and Your face. I know that at times "Your ways are not our ways and Your thoughts are not our thoughts"...so because of that we need to hear from You afresh each day! Give us the humility to be sensitive to Your Spirit, not for our own self promotion but for the promotion of Your glory here on earth.

In Christ's name I pray.

Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

### **Certification**

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

### **Messages from the House**

#### **HB 344**

Message dated April 13 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 344(RES), thus adopting:

SENATE CS FOR 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."

Message dated April 13 was read, stating the House passed and transmitted for consideration:

### **First Reading and Reference of House Bills**

#### **HB 417**

HOUSE BILL NO. 417 BY REPRESENTATIVES CHENAULT,  
Foster, Lynn, entitled:

"An Act amending the definition of 'project' in the  
Act establishing the Alaska Natural Gas  
Development Authority; and providing for an  
effective date."

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

**HB 464**

HOUSE BILL NO. 464 BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE, entitled:

"An Act extending the termination date of the Board of Certified Real Estate Appraisers."

was read the first time and referred to the Labor and Commerce and Finance Committees.

**Communications**

The following report is on file in the Office of the Secretary of the Senate:

Notification of Availability of the Alaska Railroad 2003 Annual Report  
from Patrick K. Gamble, President and CEO  
in accordance with AS 42.40.260  
available at: [www.alaskarailroad.com](http://www.alaskarailroad.com)

**Consideration of the Calendar****Second Reading of Senate Bills****SB 351**

SENATE BILL NO. 351 "An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2818. Senator Ellis objected, then withdrew his objection. There being no further objections, CS FOR SENATE BILL NO. 351(FIN) "An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means, and specifying the manner of preparing the forms that are provided by the commission" 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. 351(FIN) will be on the April 15 calendar.

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

#### **SB 357**

CS FOR SENATE BILL NO. 357(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 357(FIN) "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" pass the Senate?" The roll was taken with the following result:

CSSB 357(FIN)

Third Reading - Final Passage

Effective Dates

**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. 357(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 French gave notice of reconsideration.

**Third Reading of House Bills****HB 349**

SENATE CS FOR CS FOR HOUSE BILL NO. 349(JUD) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 349(JUD) "An Act amending Rule 412, Alaska Rules of Evidence" pass the Senate?" The roll was taken with the following result:

SCS CSHB 349(JUD)

Third Reading - Final Passage

**YEAS: 16 NAYS: 3 EXCUSED: 1 ABSENT: 0**

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

Nays: Hoffman, Lincoln, Ogan

Excused: Stevens G

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 349(JUD) passed the Senate.

Senator Lincoln gave notice of reconsideration.

**HB 357**

SENATE CS FOR CS FOR HOUSE BILL NO. 357(JUD) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 357(JUD) "An Act relating to restitution; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 357(JUD)  
Third Reading - Final Passage  
Effective Date

**YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1**

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

Excused: Stevens G

Absent: Olson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 357(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.

### **Unfinished Business**

Senator Ben Stevens moved and asked unanimous consent that Senator Gary Stevens be excused from a call of the Senate through April 16. Without objection, Senator Gary Stevens was excused.

Senator Green moved and asked unanimous consent to be excused from the Senate, not subject to a call, from afternoon plane time, April 15 to afternoon plane time, April 18. Without objection, Senator Green was excused.

### **Announcements**

Announcements are at the end of the journal.

**Engrossment****HB 357**

SENATE CS FOR CS FOR HOUSE BILL NO. 357(JUD) "An Act relating to restitution; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**Enrollment****SCR 19**

SENATE CONCURRENT RESOLUTION NO. 19 Relating to the support of fisheries education, training, and research and encouraging collaborative efforts between the state, the University of Alaska, and other educational institutions to provide fisheries education programs, was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 8:13 a.m., April 14, 2004.

**SB 264**

SENATE BILL NO. 264 "An Act repealing the time limitation on the authority of the Department of Natural Resources to enter into agreements with a person or persons desiring to own an oil or natural gas pipeline proposed to be located on state land for the purposes of providing for payment of the reasonable costs incurred in preparing for activities before receipt of an application under the Alaska Right-of-Way Leasing Act; and providing for an effective date" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 8:13 a.m., April 14, 2004.

Memorandum from Division of Legal and Research Services, Legislative Affairs Agency, was received, reporting the following manifest error in SENATE BILL NO. 264, which has been corrected in enrolling:

Page 1, line 11:

Delete "bill"

Insert "Act"

**Adjournment**

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 15, 2004. Without objection, the Senate adjourned at 12:11 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

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**FINANCE**

**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

**FINANCE (continued)****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 &amp; FUNDS

+= SB 350 4 DAM POOL JOINT ACTION AGENCY

&lt;Bill Hearing Postponed&gt;

+= SB 255 ILLEGAL USE TRAFFIC PREEMPTION DEVICE

+ SB 311 INSURANCE &amp; WORKERS' COMPENSATION SYSTEM

&lt;Pending Referral&gt;

+ 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

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**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

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**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

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**LABOR & COMMERCE****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 15      Thursday                                      Beltz 211              3:30 PM**  
                  No Meeting Scheduled

**Apr 20      Tuesday                                      Beltz 211              3:30 PM**  
 +              Confirmation Hearing: Roger E. Holl  
                  Alaska Public Offices Commission  
 += HB 93 BOATING SAFETY,REGISTRATION, NUMBERING  
 += SB 224 LOWER DWI FOR MINORS TO .02  
 +      SB 380 STATE LEASE AND CONTRACT EXTENSIONS  
 +      HB 378 FOOD, DRUGS, COSMETICS, CERTAIN DEVICES  
 +              Bills Previously Heard/Scheduled

**Apr 22      Thursday                                      Beltz 211              3:30 PM**  
 +      HJR 41 LAND RECREATIONAL VISITOR PROTECTION ACT  
 +      HB 496 YOUTH VOTE AMBASSADOR PROG/ELECTION BDS  
 +      HB 373 STATE TREASURY WARRANTS  
 +              Bills Previously Heard/Scheduled

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**TRANSPORTATION**

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

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**JOINT COMMITTEES****CONFERENCE COMMITTEE ON SB 283**

**Apr 14      Wednesday                                      Senate Finance 532              4:30 PM**  
                  SB 283 APPROP: EDUC/CBR/COURTS/GRANTS/PCE

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**LEGISLATIVE BUDGET & AUDIT**

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

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**JOINT COMMITTEES****SELECT COMMITTEE ON LEGISLATIVE ETHICS**

<b>Apr 14</b>	<b>Wednesday</b>	<b>Anch Lio Conf Rm</b>	<b>8:30 AM</b>
	-- Teleconference <Listen Only> --		
	<b>**SUBCOMMITTEE MEETING**</b>		
+	Open Meetings		
<b>Apr 22</b>	<b>Thursday</b>	<b>Anch Lio Conf Rm</b>	<b>8:30 AM</b>
	-- Teleconference <Listen Only> --		
	<b>**SUBCOMMITTEE MEETING**</b>		
+	Open Meetings		