

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

April 16, 2004

Ninety-sixth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:18 a.m.

The roll showed fifteen members present. Senators Elton, Green, Lincoln, Gary Stevens, Wilken were excused from a call of the Senate.

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, as I have watched these Senators work this week I have realized that they put in a lot of extra hours for the people that they serve. I ask that You give them strength to sustain them as they finish this final month here in Juneau.

I also ask that You give them the ability to connect with their families this weekend. I know their families miss them so much when they are away. I ask You protect their families and bless them as these men and women go about serving us here in Alaska.

Give these Senators peace and grace through our Lord Jesus.

In His name I pray,

Amen.

Senator French led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House**HB 357**

Message dated April 15 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 357(JUD), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO.
357(JUD) "An Act relating to restitution; and
providing for an effective date."

Message dated April 15 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 273**

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 273(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to the right of a parent to waive an unemancipated child's claim of negligence against a provider of sports or recreational activities."

was read the first time and referred to the State Affairs and Judiciary Committees.

HB 430

HOUSE BILL NO. 430 BY REPRESENTATIVES Kerttula, Heinze, Lynn, Wolf, entitled:

"An Act relating to employees under 21 years of age in the premises of hotels, restaurants, and eating places that are licensed to sell, serve, deliver, or dispense alcoholic beverages."

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

HB 438

CS FOR HOUSE BILL NO. 438(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to motorists moving over or slowing down for emergency vehicles."

was read the first time and referred to the State Affairs and Judiciary Committees.

Concur Messages

SB 301

Message dated April 15 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 301(FIN) "An Act relating to the Alaska Pioneers' Home and the Alaska Veterans' Home; relating to eligibility for admission to the Alaska Pioneers' Home and Alaska Veterans' Home; relating to the eligibility of residents for the Alaska Pioneers' Home and the Alaska Veterans' Home for general relief assistance; relating to state veterans' home facilities; making conforming amendments; and providing for an effective date" with the following amendment(s):

HOUSE CS FOR CS FOR SENATE BILL NO.
301(FIN) am H

with a House Letter of Intent (House Journal page 3320) and a Legislative Letter of Intent (page 2364).

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

Standing Committee Reports**SB 170**

The Finance 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 the adoption of the Judiciary Committee Substitute offered on page 2773.

Signing do pass: Senator Bunde, Vice Chair; Senators Dyson, Ben Stevens. Signing no recommendation: Senators Hoffman, Olson.

The following fiscal information was published today:

Fiscal Note No. 4, Department of Administration

The following previously published fiscal information applies:

Fiscal Note No. 3, Department of Corrections

The bill was referred to the Rules Committee.

SB 219

The Judiciary Committee considered SENATE BILL NO. 219 "An Act relating to offenses against unborn children" and recommended it be replaced with

CS FOR SENATE BILL NO. 219(JUD)

Signing do pass: Senator Seekins, Chair; Senators Therriault, Ogan. Signing amend: Senator French.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, indeterminate, Department of Administration

Fiscal Note No. 3, zero, Alaska Court System

The bill was referred to the Finance Committee.

SB 255

Forthcoming Finance Committee Substitute (page 2899) for SENATE BILL NO. 255 "An Act relating to traffic preemption devices" was received today.

SB 323

The Judiciary Committee considered SENATE BILL NO. 323 "An Act relating to a project owner's liability for workers' compensation and the exclusiveness of liability for workers' compensation" and recommended it be replaced with

CS FOR SENATE BILL NO. 323(JUD) "An Act relating to a subcontractor's, contractor's, and project owner's liability for workers' compensation, to sole proprietors and partnerships without employees, and to the exclusiveness of liability for workers' compensation."

Signing do pass: Senator Seekins, Chair; Senator Ogan. Signing do not pass: Senator French. Signing no recommendation: Senator Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Labor and Workforce Development

Fiscal Note No. 2, zero, Department of Transportation and Public Facilities

Fiscal Note No. 3, zero, Department of Administration

The bill was referred to the Rules Committee.

SB 358

The Labor and Commerce Committee considered SENATE BILL NO. 358 "An Act relating to the performance of railroad track construction work for the Department of Transportation and Public Facilities by the Alaska Railroad Corporation." Signing do pass: Senator Bunde, Chair; Senator Seekins. Signing no recommendation: Senators Davis, French.

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 Finance Committee considered SENATE BILL NO. 365 "An Act relating to the regulation of speech-language pathologist assistants; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 365(FIN)

Signing do pass: Senator Bunde, Vice Chair; Senators Hoffman, Ben Stevens. Signing no recommendation: Senator Olson.

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Community and Economic
Development

The bill was referred to the Rules Committee.

HB 451

The Judiciary Committee considered HOUSE BILL NO. 451 "An Act relating to therapeutic courts; and providing for an effective date." Signing do pass: Senator Seekins, Chair; Senators French, Ogan, Therriault.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Administration
Fiscal Note No. 2, zero, Department of Corrections
Fiscal Note No. 3, zero, Department of Health and Social Services
Fiscal Note No. 4, zero, Department of Law
Fiscal Note No. 6, Alaska Court System

The bill was referred to the Finance Committee.

Consideration of the Calendar**Second Reading of House Bills****HB 356**

HOUSE BILL NO. 356 "An Act relating to operation of alcoholic beverage delivery sites; and providing for an effective date" was read the second time.

President Therriault stated HOUSE BILL NO. 356 will be on the April 19 calendar.

Second Reading of Senate Resolutions**SJR 25**

SENATE JOINT RESOLUTION NO. 25 Recommending that certain federal funding restrictions be eased so that more villages in Alaska would qualify for assistance relating to flooding and erosion, was read the second time.

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

SENATE JOINT RESOLUTION NO. 25 was read the third time.

The question being: "Shall SENATE JOINT RESOLUTION NO. 25 Recommending that certain federal funding restrictions be eased so that more villages in Alaska would qualify for assistance relating to flooding and erosion, pass the Senate?" The roll was taken with the following result:

SJR 25

Third Reading - Final Passage

YEAS: 15 NAYS: 0 EXCUSED: 5 ABSENT: 0

Yea: Bunde, Cowdery, Davis, Dyson, Ellis, French, Guess, Hoffman, Ogan, Olson, Seekins, Stedman, Stevens B, Therriault, Wagoner

Excused: Elton, Green, Lincoln, Stevens G, Wilken

and so, SENATE JOINT RESOLUTION NO. 25 passed the Senate and was referred to the Secretary for engrossment.

Citations

Honoring – D. Scott Batchelder

Representative(s) Stoltze, Masek, Dahlstrom

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

In Memoriam – Leroy Blondin

Representative(s) Ogg

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

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

Unfinished Business

SB 385

Senator Bunde, Vice Chair, moved and asked unanimous consent that the Finance Committee referral be waived on SENATE BILL NO. 385 "An Act relating to homeland security, to civil defense, to emergencies and to disasters, including disasters in the event of attacks, outbreaks of disease, or threats of attack or outbreak of disease; establishing the Alaska division of homeland security and emergency management in the Department of Military and Veterans' Affairs and relating to the functions of that division and that department; and providing for an effective date." Without objection, the bill was referred to the Rules Committee.

Senator Ogan moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, April 16 to evening plane time, April 18. Without objection, Senator Ogan was excused.

SB 351

The reconsideration on 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 not taken up this legislative day and the bill was referred to the Secretary for engrossment.

SCR 12

SENATE CONCURRENT RESOLUTION NO. 12 Requesting the Local Boundary Commission to consider borough incorporation for certain unorganized areas, which had been engrossed (page 2805), was transmitted to the House for consideration.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 351**

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

SB 357

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

SJR 25

SENATE JOINT RESOLUTION NO. 25 Recommending that certain federal funding restrictions be eased so that more villages in Alaska would qualify for assistance relating to flooding and erosion, 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 19, 2004. Without objection, the Senate adjourned at 10:45 a.m.

Kirsten Waid
Secretary of the Senate

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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 16	Friday	Fahrenkamp 203	1:30 PM
No Meeting Scheduled			
Apr 19	Monday	Fahrenkamp 203	1:30 PM
+ SB 387	COMMERCIAL FISHING LOANS FOR QUOTA SHARES		
Apr 21	Wednesday	Fahrenkamp 203	1:30 PM
No Meeting Scheduled			
Apr 23	Friday	Fahrenkamp 203	1:30 PM
No Meeting Scheduled			

FINANCE

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		
Apr 19	Monday	Senate Finance 532	9:00 AM
+ SB 226	STATE AGENCY RECEIPTS		
+= SB 303	BIG GAME GUIDE BOARD & SERVICES		
+ SR 3	COMMEMORATING SEN. FRANK FERGUSON		
Bills Previously Heard/Scheduled			

FINANCE (continued)

Apr 20 Tuesday **Senate Finance 532** **9:00 AM**
 += HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS
 += HB 377 APPROP:MENTAL HEALTH BUDGET
 + Bills Previously Heard/Scheduled

Apr 21 Wednesday **Senate Finance 532** **9:00 AM**
 += HB 347 EXEMPT TAXIS FROM VEHICLE RENTAL TAX
 += SB 368 TOBACCO TAX; LICENSING; PENALTIES
 + SB 307 APPEAL BONDS: TOBACCO SETTLEMENT PARTIES
 += SB 311 INSURANCE & WORKERS' COMPENSATION SYSTEM
 + Bills Previously Heard/Scheduled

Apr 22 Thursday **Senate Finance 532** **9:00 AM**
 += SB 31 RAILROAD UTILITY CORRIDOR TO & IN CANADA
 += SB 366 STATE SALES TAX
 + SB 385 SECURITY;DIV. HOMELAND SECURITY/EMER. MGT
 + SB 378 POLLUTION DISCHARGE & WASTE TRMT/DISPOSAL
 + Bills Previously Heard/Scheduled

Apr 23 Friday **Senate Finance 532** **9:00 AM**
 += SB 257 APPROP: CAPITAL PROJECTS
 + SB 364 LIMIT STATE AID FOR MENTAL HEALTH CARE
 + SB 278 LABOR & WORKFORCE DEVELOPMENT FEES
 + SB 372 SECONDARY SCHOOL ASSESSMENTS
 <Pending Referral>
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 16 Friday **Butrovich 205** **1:30 PM**
 + Confirmation Hearings
 HB 385 AWARDING CHILD CUSTODY
 + Bills Previously Heard/Scheduled
 += SB 376 PUBLIC ASSISTANCE AND SUBPOENA POWER
 += HB 25 HEALTH CARE SERVICES DIRECTIVES

Apr 19 Monday **Butrovich 205** **1:30 PM**
 + Bills Previously Heard/Scheduled
 += HB 25 HEALTH CARE SERVICES DIRECTIVES

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HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Apr 21	Wednesday	Butrovich 205	1:30 PM
+	Bills Previously Heard/Scheduled		
Apr 23	Friday	Butrovich 205	1:30 PM
+	Bills Previously Heard/Scheduled		

JUDICIARY

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		
Apr 19	Monday	Butrovich 205	8:00 AM
+	HB 285	ELECTRONIC TRANSACTIONS & SIGNATURES	
+=	SB 318	CONSUMPTIVE USE OF FISH AND GAME	
+=	HB 414	U.S.SENATE VACANCY/DEF OF POLITICAL PARTY	
+	Bills Previously Heard/Scheduled		
+=	HB 503	TOBACCO MASTER SETTLEMENT AGREEMENT	
+=	HB 514	CHILD SUPPORT ENFORCEMENT/ CRIMES	
Apr 20	Tuesday	Butrovich 205	8:00 AM
	-- Time Change --		
+	HB 447	2004 REVISORS BILL	
+=	SB 354	HUMAN RIGHTS COMMISSION PROCEDURES	
+=	HB 230	POLITICAL SIGNS ON PRIVATE PROPERTY	
+	Bills Previously Heard/Scheduled		
Apr 21	Wednesday	Butrovich 205	8:00 AM
+	HCR 29	SUPPORT THERAPEUTIC COURTS	
+	HB 56	UNFAIR TRADE PRACTICES ATTY FEES/COSTS	
+=	HB 83	REVISED UNIFORM ARBITRATION ACT	
+	Bills Previously Heard/Scheduled		

JUDICIARY (continued)

Apr 23 Friday **Butrovich 205** **8:00 AM**
+ HB 378 FOOD, DRUGS, COSMETICS, CERTAIN DEVICES
<Pending Referral>
+ HB 29 REAL PROPERTY TRANSACTIONS/LICENSEES
<Pending Referral>
+= SB 246 HATE CRIMES/DISCRIMINATION/TOLERANCE PROG
+ Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 20 Tuesday **Beltz 211** **1:30 PM**
+= HB 428 CIVIL PENALTY: UNDERAGE ALCOHOL PURCHASES
+ SB 369 UNIV. STUDENT PRACTICUM LIABILITY/WAGES
+ SB 349 MIDWIFERY BIRTH CENTER LICENSING
+ SB 389 CORP. CONVERSION: LIMITED LIABILITY CO.
+ Senate Bill:
Regulatory Commission of Alaska
<Pending Introduction & Referral>
+ SB 387 COMMERCIAL FISHING LOANS FOR QUOTA SHARES
<Pending Referral>
Bills Previously Heard/Scheduled
Including, but not Limited to:
+= SB 272 DEFERRED DEPOSIT ADVANCES (PAYDAY LOANS)
+= HB 15 SOLICITATIONS/CONSUMER PROTECTION

Apr 22 Thursday **Beltz 211** **1:30 PM**
+= SB 218 STATE PROCUREMENT PILOT PROGRAM
+ HB 351 CARBON MONOXIDE DETECTION DEVICES
+ HB 339 TRADE PRACTICES: FREE TRIAL/OPT-OUT PLANS
+ HB 464 EXTEND BOARD OF REAL ESTATE APPRAISERS
+ HB 419 REGIONAL SEAFOOD DEVELOPMENT ASS'NS./TAX
+ HB 540 WORKERS' COMPENSATION INSURANCE RATES
+ Bills Previously Heard/Scheduled
Including, but not Limited to:
+= HB 29 REAL PROPERTY TRANSACTIONS/LICENSEES

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RESOURCES

Apr 16	Friday	Butrovich 205	3:30 PM
+	Confirmation Hearings: Board of Fisheries <Board of Agriculture & Conservation Hearing Canceled>		
+	Bills Previously Heard/Scheduled		
+=	SB 297 TAKING BLACK, BROWN,& GRIZZLY BEAR/GUIDES		
+=	HB 409 SEINE VESSEL LENGTH		
Apr 19	Monday	Butrovich 205	3:30 PM
+	SB 132 MINTO FLATS GAME REFUGE & TOWNSITE		
+	HJR 35 MAD COW DISEASE/COUNTRY OF ORIGIN LABELS Bills Previously Heard/Scheduled		
Apr 21	Wednesday	Butrovich 205	3:30 PM
+	Bills Previously Heard/Scheduled		
Apr 23	Friday	Butrovich 205	3:30 PM
+	Bills Previously Heard/Scheduled		

STATE AFFAIRS

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		

TRANSPORTATION

Apr 20	Tuesday	Butrovich 205	1:30 PM
Bills Previously Heard/Scheduled			
Apr 22	Thursday	Butrovich 205	1:30 PM
Bills Previously Heard/Scheduled			

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Apr 22	Thursday	House Finance 519	12:00 PM
ASCG's Final Draft of the Veteran's Home			
Feasibility Study			

SELECT COMMITTEE ON LEGISLATIVE ETHICS

Apr 22	Thursday	Anch Lio Conf Rm	8:30 AM
-- Teleconference <Listen Only> --			
SUBCOMMITTEE MEETING			
+	Open Meetings		
Apr 23	Friday	Anch Lio Conf Rm	8:00 AM
+	Advisory Opinions		
<Testimony by Invitation Only>			

OTHER MEETINGS**JOINT LEGISLATIVE HEALTH CAUCUS**

Apr 20	Tuesday	Butrovich 205	12:00 PM
+	"Who Covers You? Exploration of the Many		
Ways Alaskans are Insured for Health"			