

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

April 23, 2004

One Hundred Third Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:41 a.m.

The roll showed eighteen members present. Senator Cowdery was excused from a call of the Senate. Senator Gary Stevens was absent.

The prayer was offered by the Chaplain, Mary Gubatayao-Hagen of the Juneau Baha'i Assembly. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Is there any remover of difficulties save God?
Say: Praised be God! He is God!
All are His servants and all abide by His bidding!

Senator Bunde led the Senate in the Pledge of Allegiance.

Certification

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

The presence of Senator Gary Stevens was noted.

Standing Committee Reports**HB 378**

The Judiciary Committee considered HOUSE BILL NO. 378 "An Act relating to the Alaska Food, Drug, and Cosmetic Act, including sales, advertising, certain devices, food donors, and food banks; making certain violations of organic food provisions and of the Alaska Food, Drug, and Cosmetic Act unfair methods of competition and unfair or deceptive acts or practices under certain of the state's unfair trade practices and consumer protection laws; and providing for an effective date." Signing no recommendation: Senator Seekins, Chair; Senators Ellis, French, Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, Department of Environmental Conservation

The bill was referred to the Finance Committee.

Consideration of the Calendar**Second Reading of Senate Bills****SB 31**

SENATE BILL NO. 31 "An Act relating to a railroad utility corridor for extension of the Alaska Railroad to Canada and to extension of the Alaska Railroad to connect with the North American railroad system" was read the second time.

Senator Ogan, Chair, moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 945. Senator Ellis objected, then withdrew his objection. There being no further objection, CS FOR SENATE BILL NO. 31(RES) "An Act relating to a transportation corridor for extension of the Alaska Railroad to Canada and to extension of the Alaska Railroad to connect with the North American railroad system" was adopted.

Senator Ben Stevens moved and asked unanimous consent that the bill be held in second reading to the April 26 calendar. Without objection, it was so ordered.

SB 170

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" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 2773. Without objection, CS FOR SENATE BILL NO. 170(JUD) "An Act relating to murder in the second degree, the justification of defense of self or others, immunity from prosecution, sentencing, probation, discretionary parole, and the right to representation in certain criminal proceedings; relating to violation of a custodian's duty; relating to sexual abuse of a minor; relating to release of information concerning certain cases involving a minor; relating to local options regarding alcoholic beverages, the offense of furnishing or delivery of alcoholic beverages to a person under 21 years of age, and forfeiture of property used in, and money or other items of value used in financial transactions derived from, violation of certain laws relating to alcoholic beverages; relating to assault by means of a dangerous instrument; relating to operating or driving a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, to the refusal to submit to a chemical test, and to the presumptions concerning the chemical analysis of breath or blood; 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. Senator Ellis objected.

President Therriault stated CS FOR SENATE BILL NO. 170(JUD) will be on the April 26 calendar.

SB 387

SENATE BILL NO. 387 "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 second time.

Senator Gary Stevens offered Amendment No. 1:

Page 4, line 2:

Delete: "Except as provided in sec. 4 of this Act,"

Senator Gary Stevens moved for the adoption of Amendment No. 1. Without objection, Amendment No. 1 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 BILL NO. 387 am will be on the April 26 calendar.

Third Reading of Senate Bills**SB 337**

CS FOR SENATE BILL NO. 337(L&C) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 337(L&C) "An Act relating to the powers of the Alaska Energy Authority to make grants and loans, to enter into contracts, and to improve, equip, operate, and maintain bulk fuel, waste energy, energy conservation, energy efficiency, and alternative energy facilities and equipment; relating to the bulk fuel revolving loan fund; relating to the Alaska Energy Authority's liability for the provision of technical assistance to rural utilities; relating to the Alaska Energy Authority's investment of the power development fund; repealing the electrical service extension fund; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 337(L&C)
Third Reading - Final Passage
Effective Dates

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

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

Excused: Cowdery

and so, CS FOR SENATE BILL NO. 337(L&C) 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 Ben Stevens gave notice of reconsideration.

Citations

Honoring – Ellie Clause

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

Honoring – PFC Walter Hotch-Hill, 2003 Alaska Soldier of the Year

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

Honoring – The Western Interstate Commission on Higher Education

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

Honoring – Brad Oleson, Basketball Player of the Year

Representative(s) Guttenberg

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

Honoring – The University of Alaska Fairbanks Rifle Team, 2004 NCAA National Champions

Representative(s) Guttenberg

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

Honoring – Brian Rogers and Information Insights for Their Brilliant Work in Organizing the Conference of Alaskans

Representative(s) Guttenberg

Senator(s) Davis, Ellis, Elton, French, Guess, Hoffman, Lincoln, Olson, Wilken

Honoring – May Carter

Representative(s) Stoltze, Gatto

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

Honoring – Saint Anthony Parish, Community Organizing Ministry

Representative(s) Gruenberg

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

Honoring – Beatrice Larsen, 100 Years Old

Representative(s) Ogg

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

Honoring – Jane Peterson, Employer of the Year

Representative(s) Ogg

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

Honoring – Alaska Airlines and Juneau Pilots

Representative(s) Heinze

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

In Memoriam – Rudy Sundberg, Jr

Representative(s) Ogg

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

In Memoriam – Beatrice Geddes

Representative(s) Ogg

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

In Memoriam – Peter George Bailey

Representative(s) Ogg

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

In Memoriam – Neil Heitman

Representative(s) Harris

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

In Memoriam – Franklin Maus

Representative(s) Stoltze

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

HB 375

The reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 375(FIN) am S(brf sup maj fld S) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; 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.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 26, 2004. Without objection, the Senate adjourned at 11:15 a.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 23	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 26	Monday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 28	Wednesday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 30	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM

FINANCE

Apr 23	Friday	Senate Finance 532	9:00 AM
+ SB 257	APPROP: CAPITAL PROJECTS <Bill Hearing Postponed>		
+ SB 364	LIMIT STATE AID FOR MENTAL HEALTH CARE <Bill Hearing Postponed>		
+ SB 278	LABOR & WORKFORCE DEVELOPMENT FEES <Bill Hearing Postponed>		
+ SB 372	SECONDARY SCHOOL ASSESSMENTS <Pending Referral>		
+	Bills Previously Heard/Scheduled		
+ SB 311	INSURANCE & WORKERS' COMPENSATION SYSTEM		

FINANCE (continued)**Apr 26 Monday Senate Finance 532 9:00 AM**

- + SB 368 TOBACCO TAX; LICENSING; PENALTIES
- + SB 364 LIMIT STATE AID FOR MENTAL HEALTH CARE
- + SB 278 LABOR & WORKFORCE DEVELOPMENT FEES
- + SB 231 DECREASE TIME TO CLAIM UNCLAIMED PROPERTY
- + HB 347 EXEMPT TAXIS FROM VEHICLE RENTAL TAX
- + Bills Previously Heard/Scheduled

Apr 27 Tuesday Senate Finance 532 9:00 AM

- + SB 272 DEFERRED DEPOSIT ADVANCES (PAYDAY LOANS)
- + SB 379 PERM FUND BOARD PUBLIC MEMBER REMOVAL
- + SB 393 TAKE PERM FUND DIVIDEND FOR UNIV FEES
- + SB 306 NATUROPATHIC MEDICINE
- + SB 307 APPEAL BONDS: TOBACCO SETTLEMENT PARTIES
- + SB 65 CORRECTIONAL FACILITY EXPANSION
- + Bills Previously Heard/Scheduled

Apr 28 Wednesday Senate Finance 532 9:00 AM

- + SB 281 GENETICALLY MODIFIED FISH
- + SB 282 PREPARED FOOD: WILD/FARMED FISH DISCLOSURE
- + SB 392 REGULATORY COMMISSION OF ALASKA
- + HB 486 MINING RECLAMATION ASSURANCES/FUND
- + Bills Previously Heard/Scheduled

Apr 29 Thursday Senate Finance 532 9:00 AM

- + SB 284 PF DIVIDEND APPLICATION RECORDS PRIVATE
- + SB 349 MIDWIFERY BIRTH CENTER LICENSING
- + Bills Previously Heard/Scheduled

Apr 30 Friday Senate Finance 532 9:00 AM

- + SB 232 RETIREMENT: TEACHERS/JUDGES/PUB EMPLOYEES
- + HB 123 ALASKA WORKFORCE INVESTMENT BOARD
- + HB 503 TOBACCO MASTER SETTLEMENT AGREEMENT
- + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES**Apr 23 Friday Butrovich 205 1:30 PM**

- Meeting Canceled --
- + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Apr 26	Monday	Butrovich 205	1:30 PM
+	Bills Previously Heard/Scheduled		
Apr 28	Wednesday	Butrovich 205	1:30 PM
+	Bills Previously Heard/Scheduled		
Apr 30	Friday	Butrovich 205	1:30 PM
+	Bills Previously Heard/Scheduled		

JUDICIARY

Apr 23	Friday	Butrovich 205	8:00 AM
+	HB 378	FOOD, DRUGS, COSMETICS, CERTAIN DEVICES	
+	HB 29	REAL PROPERTY TRANSACTIONS/LICENSEES	
		<Pending Referral>	
+=	SB 246	HATE CRIMES/DISCRIMINATION/TOLERANCE PROG	
+		Bills Previously Heard/Scheduled	
Apr 26	Monday	Butrovich 205	8:00 AM
+	SB 388	CIVIL LEGAL SERVICES FUND	
+	HB 188	BAIL SCHEDULE FOR SKIING VIOLATION	
+	HB 25	HEALTH CARE SERVICES DIRECTIVES	
+		Bills Previously Heard/Scheduled	
Apr 27	Tuesday	Butrovich 205	8:00 AM
+	HB 385	AWARDING CHILD CUSTODY	
+	HB 227	DISTRICT COURTS & SMALL CLAIMS	
+	HB 428	CIVIL PENALTY: UNDERAGE ALCOHOL PURCHASES	
+		Bills Previously Heard/Scheduled	
Apr 28	Wednesday	Butrovich 205	8:00 AM
+		Confirmation Hearings:	
		Violent Crimes Compensation Board	
		David Ingraham & Gerard Godfrey	
		Board of Governors of the Alaska Bar: Joe N. Faulhaber	
		Commission of Judicial Conduct	
		Peter J. Aschenbrenner & Thomas G. Nave	
+	HB 15	SOLICITATIONS/CONSUMER PROTECTION	
+=	HB 29	REAL PROPERTY TRANSACTIONS/LICENSEES	
		<Pending Referral>	
+		Bills Previously Heard/Scheduled	

JUDICIARY (continued)

Apr 29 Thursday Butrovich 205 8:00 AM
 -- Agenda to be Announced --
 + Bills Previously Heard/Scheduled

Apr 30 Friday Butrovich 205 8:00 AM
 -- Agenda to be Announced --
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 27 Tuesday Beltz 211 1:30 PM
 HB 549 UNSOLICITED COMMUNICATION: AIRCRAFT CRASH
 Bills Previously Heard/Scheduled
 Including, but not Limited to:
 += SB 377 STATE MECHANICAL CODE
 <Bill Hearing Listen Only>
 += HB 29 REAL PROPERTY TRANSACTIONS/LICENSEES
 <Bill Hearing Listen Only>
 += HB 305 UNEMPLOYMENT COMPENSATION BENEFITS
 <Bill Hearing Listen Only>
 += SB 254 TOURISM & RECREATION ASSESSMENT
 += SB 369 UNIV. STUDENT PRACTICUM LIABILITY/WAGES
 += HB 464 EXTEND BOARD OF REAL ESTATE APPRAISERS
 += HB 419 REGIONAL SEAFOOD DEVELOPMENT ASS'NS./TAX
 += HB 351 CARBON MONOXIDE DETECTION DEVICES
 += HB 339 TRADE PRACTICES: FREE TRIAL/OPT-OUT PLANS
 += HB 540 WORKERS' COMPENSATION INSURANCE RATES
 <Pending Referral>

Apr 29 Thursday Beltz 211 1:30 PM
 Bills Previously Heard/Scheduled
 Premera/Blue Cross Blue Shield Conversion
 "An Overview So Far"
 Confirmation Hearings:
 Alcoholic Beverage Control Board
 State Assessment Review Board
 Board of Marine Pilots
 Alaska Workers' Compensation Board
 + HB 430 EMPLOYEES UNDER 21 AT LICENSED PREMISES
 + HB 423 TAXICAB DRIVER LIABILITY
 + HB 418 EXTEND REAL ESTATE COMMISSION

RESOURCES

Apr 23 Friday Butrovich 205 3:30 PM
 -- Meeting Canceled --
 + Bills Previously Heard/Scheduled

Apr 26 Monday Butrovich 205 3:30 PM
 += SB 132 MINTO FLATS GAME REFUGE & TOWNSITE
 + Bills Previously Heard/Scheduled

Apr 28 Wednesday Butrovich 205 3:30 PM
 + HB 417 AK NATURAL GAS DEV. AUTHORITY INITIATIVE
 + Bills Previously Heard/Scheduled

Apr 30 Friday Butrovich 205 3:30 PM
 += SB 312 CONVENTIONAL & NONCONVENTIONAL GAS LEASES
 + HB 522 SMALL CRUISE SHIP DISCHARGES
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 27 Tuesday Beltz 211 3:30 PM
 + SJR 33 CONGRESSIONAL VOTE ON JUDICIAL NOMINATION
 + HB 534 MAKE OFFICE OF VICTIMS RIGHTS PERMANENT
 + HB 334 UNLAWFUL EXPLOITATION OF MINOR/CHILD PORN
 + HB 405 SCHOOL PERFORMANCE DESIGNATION/REPORT
 + HB 438 MOVE OVER LAW FOR DRIVERS
 Bills Previously Heard/Scheduled

Apr 29 Thursday Beltz 211 3:30 PM
 + HJR 36 MITIGATING GLACIER BAY FISHING CLOSURES
 + HB 273 PARENTS' WAIVER OF CHILD'S SPORTS CLAIM
 + HB 467 COMMEMORATIVE QUARTERS COMMISSION
 + HB 476 AK STATEHOOD CELEBRATION COMMISSION
 + HB 353 JURY DUTY EXEMPTION FOR CERTAIN TEACHERS
 Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 27 Tuesday Butrovich 205 1:30 PM
 SB 391 DALTON HIGHWAY TRAP LINE ACCESS
 SCR 25 STATE CONSTRUCTION/MAINTENANCE CONTRACTS
 SB 394 AIDEA BONDS FOR LYNN CANAL PORT

Apr 29 Thursday Butrovich 205 1:30 PM
 Bills Previously Heard/Scheduled

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

Apr 26 Monday Beltz 211 4:00 PM
 SJR 34 TAIWAN STATUS AND PRESIDENT

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Apr 27 Tuesday House Finance 519 7:00 AM
 ASCG's Final Draft of the Veteran's Home Feasibility Study

SELECT COMMITTEE ON LEGISLATIVE ETHICS

Apr 23 Friday Anch Lio Conf Rm 8:00 AM
 + Advisory Opinions
 <Testimony by Invitation Only>

Apr 27 Tuesday Anch Lio Conf Rm 8:00 AM
 -- Teleconference <Listen Only> --
 <Subcommittee Meeting> OPEN MEETINGS

May 07 Friday Capitol 120 8:00 AM
 + Full Committee Meeting: Open Session
 Advisory Opinion 04-03
 <Public Comment by Invitation Only>
 Open Meetings