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TWENTY-FOURTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Friday

January 21, 2005

Twelfth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 10:08 a.m.

The roll showed sixteen members present. Senators Bunde, Dyson, Guess were excused from a call of the Senate. Senator Huggins was absent.

Senator Gary Stevens moved and asked unanimous consent that Senator Huggins be excused from a call of the Senate today. Without objection, Senator Huggins was excused.

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

Our Dear Heavenly Father, it is with great pleasure we come to You today with thanks for having us here safely, and knowing that in the midst of the middle of winter, we have the spring to look forward to.

It is in the spirit of praise, that we praise You for being with us and always promising the offer of Your comfort and companionship no matter what we may go through.

It is in the spirit of asking for help, that we ask you to continue that watch service and to be with us. Make us the best we can be. Have us walk in Your ways and do the best we can do.

We ask these things in Jesus' name.

Amen.

Senator Olson led the Senate in the Pledge of Allegiance.

Certification

Senator Gary Stevens moved and asked unanimous consent that the journals for the tenth and eleventh legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

A Declaration of Disaster Emergency dated January 14, 2005, with an accompanying letter was received and is on file in the Senate Secretary's Office. The Declaration and letter had been copied to the Finance Committee.

Messages from the House

Message dated January 18 was read, stating:

Mr. President:

The House has confirmed Representatives Weyrauch and Gruenberg as House members and Representatives Harris and Gara as alternate House members to the Select Committee on Legislative Ethics.

Message dated January 19 was read, stating:

The House of Representatives respectfully invites the Senate to a Joint Session of the legislature at 11:00 a.m. on Wednesday, February 23 for the purpose of hearing Chief Justice Alexander O. Bryner's annual State of the Judiciary message.

Senator Gary Stevens moved and asked unanimous consent that the Senate accept the House invitation to meet in Joint Session. Without objection, it was so ordered.

The Secretary was requested to notify the House.

Message dated January 19 was read, stating:

The House of Representatives respectfully invites the Senate to a Joint Session of the legislature at 11:00 a.m. on Thursday, February 24 for the purpose of hearing Senator Ted Stevens' annual message.

Senator Gary Stevens moved and asked unanimous consent that the Senate accept the House invitation to meet in Joint Session. Without objection, it was so ordered.

The Secretary was requested to notify the House.

Communications

The following reports are on file in the Office of the Secretary of the Senate:

National Petroleum Reserve – Alaska, Impact Mitigation Program
from Michael Black, Director, Division of Community Advocacy,
Department of Commerce, Community, and Economic Development
in accordance with AS 37.05.530

Comprehensive Annual Financial Report (Teachers' Retirement
System), Fiscal Year Ended June 30, 2004
from Anselm Staack, Chief Financial Officer, Division of Retirement
and Benefits, Department of Administration
in accordance with AS 14.25.030(4)

Comprehensive Annual Financial Report (Public Employees'
Retirement System), Fiscal Year Ended June 30, 2004
from Anselm Staack, Chief Financial Officer, Division of Retirement
and Benefits, Department of Administration
in accordance with AS 39.35.020(5)

Alaska Division of Geological and Geophysical Surveys Annual
Report 2004
from Rodney A. Combellick, Acting Director
in accordance with AS 41.08.030
available at: www.dggs.dnr.state.ak.us

Alaska Marine Highway Vessel Replacement Fund and Alaska Marine Highway System Fund
from William A. Corbus, Commissioner, Department of Revenue
in accordance with AS 37.05.550(c) and AS 19.65.070(c)

Standing Committee Reports

SB 19

The Judiciary Committee considered SENATE BILL NO. 19 "An Act relating to the creation of a civil legal services fund" and recommended it be replaced with

CS FOR SENATE BILL NO. 19(JUD)

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

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

SB 56

The Judiciary Committee considered SENATE BILL NO. 56 "An Act relating to criminal law and procedure, criminal sentences, and probation and parole; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 56(JUD)

and further recommends the adoption of the following Judiciary Committee Letter of Intent.

Letter of Intent

It is the intent of the legislature in passing this bill to preserve the basic structure of Alaska's presumptive sentencing system, which is designed to avoid disparate sentences. With this bill the legislature sets out a sentencing framework, subject to judicial adjustment for

statutory aggravating or mitigating factors that are determined in a manner that is constitutional under the decision of the U.S. Supreme Court in *Blakely v. Washington*. The single, definite presumptive terms set out in current law can unduly constrain the sentencing process, particularly under the mandates of *Blakely v. Washington*. Although the presumptive terms are being replaced by presumptive ranges, it is not the intent of this bill in doing so to bring about an overall increase in the amount of active imprisonment for felony sentences. Rather, the bill is intended to give judges the authority to impose an appropriate sentence, with an appropriate amount of probation supervision, by taking into account the considerations set out in AS 12.55.005 and 12.55.015.

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

The following fiscal information was published today:

- Fiscal Note No. 1, zero, Department of Law
- Fiscal Note No. 2, zero, Department of Corrections
- Fiscal Note No. 3, zero, Department of Corrections
- Fiscal Note No. 4, zero, Department of Public Safety
- Fiscal Note No. 5, zero, Senate Judiciary Committee

President Stevens removed the Finance Committee referral. The bill was referred to the Rules Committee.

The bill is on today's calendar.

Introduction and Reference of Senate Bills

SB 67

SENATE BILL NO. 67 BY SENATOR SEEKINS, entitled:

"An Act relating to claims for personal injury or wrongful death against health care providers; and providing for an effective date."

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

SB 68

SENATE BILL NO. 68 BY SENATORS DAVIS, Ellis entitled:

"An Act relating to newborn hearing screening."

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

SB 69

SENATE BILL NO. 69 BY THE SENATE RESOURCES COMMITTEE, entitled:

"An Act making special appropriations to promote the opening of the Arctic National Wildlife Refuge for oil and gas exploration and development; and providing for an effective date."

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

SB 70

SENATE BILL NO. 70 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to controlled substances regarding the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; and providing for an effective date."

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

The following fiscal information was published today:

- Fiscal Note No. 1, zero, Department of Public Safety
- Fiscal Note No. 2, zero, Department of Administration
- Fiscal Note No. 3, zero, Department of Law

Governor's transmittal letter dated January 20:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would make it manslaughter for a person to manufacture or deliver a controlled substance in violation of Alaska's drug laws if a person dies from ingesting the substance. The bill also would make it a class C felony to manufacture or attempt to manufacture methamphetamine in building where one or more children reside. It also would raise the penalty for possessing methamphetamine in solution with intent to extract methamphetamine salts from it.

In *Whitesides v. State*, 88 P. 3d 147 (Alaska App. 2004), the court held that the sentence for a person convicted of selling a controlled substance to another, when the other person dies as a result of ingesting the illegal substance, should not be enhanced by the occurrence of death. The court found that death caused by the controlled substance is not an aggravating factor under current law. This bill would provide that if a person manufactures or delivers a controlled substance that causes death, the person may be prosecuted for manslaughter.

According to the Alaska State Troopers Bureau of Alcohol and Drug Enforcement, the manufacture and distribution of methamphetamine in Alaska has reached alarming proportions. In 2003, a total of 66 clandestine labs were discovered in Alaska. Manufacturing methamphetamine is very dangerous and involves the use of ignitable, reactive, and toxic chemicals at the sites, which can result in explosions, fires, and toxic fumes. Children are particularly susceptible to the harmful effects of the chemicals used in the manufacture of methamphetamine.

This bill would make it a class C felony to manufacture or attempt to manufacture methamphetamine in a building with reckless disregard that the building is a dwelling for one or more children. This prohibition would apply to apartment units and other rooms or offices that are a part of the building.

An offender who manufactures methamphetamine may possess the methamphetamine in an organic solution and extract from the solution powdered methamphetamine for distribution. This extraction may occur several times from the same solution. Under current law, possession of methamphetamine is misconduct involving a controlled substance in the fourth degree, a class C felony. This bill would increase the penalty for possession of methamphetamine in organic solution with the intent to extract powdered methamphetamine to the same level as that for possession of a precursor with the intent to manufacture methamphetamine, a class A felony. The extraction from methamphetamine in solution of the powdered form that it is commonly ingested is as dangerous as possession of a precursor to methamphetamine with the intent to manufacture methamphetamine. It should have the same penalty.

Increasing the consequences for dangerous behavior with controlled substances will provide a potent tool to discourage the sale and abuse of dangerous drugs such as methamphetamine.

I urge your prompt and favorable consideration of this proposal.

Sincerely yours,

/s/

Frank H. Murkowski

Governor

SB 71

SENATE BILL NO. 71 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the compensation of certain public officials, officers, and employees not covered by collective bargaining agreements; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Office of the Governor

Governor's transmittal letter dated January 20:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the compensation of certain public officials, officers, and employees not covered by collective bargaining agreements.

This bill would revise the salary schedule for certain state officials, officers, and employees who are not covered by collective bargaining agreements to bring those salaries into line with employees in the supervisory bargaining unit.

Additionally, this bill would provide for a two percent increase in fiscal years 2006 and 2007, to parallel the offer the state extended to bargaining units with similarly situated employees. This proposal would cover employees in the executive, legislative, and judicial branches of state government who are not covered by a collective bargaining agreement.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski

Governor

SB 72

SENATE BILL NO. 72 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date."

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

The following fiscal information was published today:
Fiscal Note No. 1, Office of the Governor

Governor's transmittal letter dated January 20:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, verifications, and acknowledgements, to notaries public, and to fees for issuing certificates with the seal of the state affixed.

The primary purpose of the bill is to comprehensively update AS 44.50, the chapter that governs notaries public, which includes among its provisions the qualifications to become a notary public, duties of notaries public, and liability in the event of misconduct or neglect. AS 44.50 has not been comprehensively revised since it was enacted in 1961. These changes will allow the Lieutenant Governor to: focus on web-based education for notaries, allow businesses which employ large groups of notaries to keep track of their terms of office, lay a foundation for e-signatures for the future, and continue to provide information to notaries without internet access. Sections 7-14 of the bill would repeal obsolete provisions in AS 44.50, update antiquated language, and add new provisions as needed.

Sections 1-5 of the bill would update statutes in AS 09, the Alaska civil code, relating to the taking of oaths, affirmations, and acknowledgements and to notaries' responsibilities when notarizing, verifying, and acknowledging signed instruments. Section 6 of the bill would change the fee for the lieutenant governor's issuance of a certificate with the seal of the state affixed. Sections 15 and 16 of the bill contain applicability and transition provisions, respectively.

A more detailed description of the bill is found in a sectional analysis of the bill available from the office of the lieutenant governor.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

SB 73

SENATE BILL NO. 73 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks, on land provided by the University of Alaska, Fairbanks, to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

Fiscal Note No. 2, Department of Health and Social Services

Fiscal Note No. 3, Department of Health and Social Services

Governor's transmittal letter dated January 20:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks, on land provided by the University of Alaska, Fairbanks, to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; and relating to the use of certain investment income for certain construction and equipment costs for the laboratory.

It is imperative that Alaska maintains the capacity for rapid and accurate virological laboratory services as a core element of our public health system. Testing for significant diseases of public health concern such as rabies, measles, mumps, rubella, Norovirus, human immunodeficiency virus (HIV), and influenza, and the threat of emerging diseases, including severe acute respiratory syndrome (SARS) and West Nile virus, requires a modern, well-equipped laboratory.

A virology laboratory has been in operation in Alaska since 1948. The existing facility has been located on the University of Alaska, Fairbanks (UAF) campus since 1967. An independent assessment by the Association of Public Health Laboratories and the Centers for Disease Control and Prevention concluded that the existing facility has severe space limitations and the physical plant itself does not provide for the necessary bio-safety containment processes and facilities necessary for virological testing. The assessment team recommended that a new virology laboratory should be built on the UAF campus, which would preserve the existing technical expertise in virology and enhance the collaboration between the UAF and the Department of Health and Social Services.

The state Public Health Laboratory, located in Anchorage and built in 1999, lacks the space and physical infrastructure to perform the services provided by the existing Fairbanks virology laboratory. The Anchorage facility provides testing for diseases caused by bacteria, fungi, tuberculosis, and parasites, as well as analytical chemistry services for clinical diagnostics, forensic toxicology, and bio-monitoring. The Anchorage laboratory is also the only biological-safety-level-three facility in the state and thus serves as the central analytical agency for state and federal biological and chemical terrorism response.

The UAF has agreed to provide land and supporting infrastructure for the new state facility under a long-term lease at no cost. Co-location of the state's virology laboratory on the Fairbanks campus would have many advantages for both academic researchers and public health practitioners. This would include providing additional biological-

safety-level-three space that should fulfill the need for surge capacity and provision of basic services in the event of a natural disaster affecting the Anchorage laboratory. It also will provide opportunity for enhanced collaboration with UAF's health research program.

This bill would authorize a lease-purchase agreement under AS 36.30.085, subject to annual appropriation, to finance the new laboratory. It would authorize the state bond committee to issue certificates of participation in the aggregate principal amount of \$24,000,000 for the construction of the virology laboratory. Additionally, the bill would provide that the remaining balance and equipping costs be paid from investment income of \$200,000 earned on the proceeds of the sale of the certificates of participation. The estimated annual amount of rental obligations under the lease-purchase agreement would be \$2,375,000. The estimated total cost of construction, acquisition, and other costs of the project, would be \$24,200,000. An immediate effective date is requested in the bill.

Your support for this virology laboratory would further Alaska's commitment to provide a modern public health system.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski

Governor

SB 74

SENATE BILL NO. 74 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act making findings relating to marijuana use and possession; relating to marijuana and misconduct involving a controlled substance; and providing an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Public Safety

Fiscal Note No. 2, Department of Administration

Fiscal Note No. 3, zero, Department of Law

Fiscal Note No. 4, zero, Department of Health and Social Services

Governor's transmittal letter dated January 20:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to marijuana. I believe it is time for the Alaska Legislature to take a stand and debunk the myth that marijuana is a harmless recreational drug.

It is very troubling to me that our young people have access to the drug and are using it. In recent years, Alaska had the highest rate in the nation of persons over the age of 12 trying marijuana for the first time. Approximately two-thirds of these new smokers were children ages 12 - 17. This same age group of children made up over half of the state's 363 treatment admissions in 2003 for marijuana abuse. Many more go untreated each year.

The problem is particularly great for Alaska Natives. In 2003, the self-reported rate of current use for Alaska Native students in the ninth grade (age 15) was 36.96 percent, nearly three times the rate for non-Native Alaska students. For tenth graders, the rate of current use by Alaska Native students was 41.77 percent. Alaska Natives also made up approximately 35 percent of the statewide treatment admissions for marijuana abuse in 2003. The numbers of our youths trying marijuana for the first time and entering treatment foretells a dim future if nothing is done.

Although marijuana smoke contains hundreds of substances, some of them carcinogenic, the principal psychoactive ingredient is delta-9 tetrahydrocannabinol (commonly known as THC). In the 1960's and 70's, marijuana was primarily used by college students and "hippies," and the average THC content was less than one percent. But today, the average THC content in marijuana is six times that level, at 6.4 percent. Drug dealers in Alaska have turned indoor marijuana

growing into a science and marijuana grown here has been found with a THC content in excess of 20 percent. Our young people thus have access to, and are using, marijuana that is a potent hallucinogenic.

In 1975, the Alaska Supreme Court studied marijuana and concluded, in *Ravin v. State*, that the scientific evidence on its effects did not justify making it a crime for adults to possess small amounts in private. More recently, the Alaska Supreme Court has shown an unwillingness to reconsider the latest scientific evidence on the harmful effects of marijuana. A rational evaluation of marijuana's harmful effects must occur, and the Legislature should do that -- not the courts. This bill would provide a forum for the Legislature to hear expert testimony on the effects of marijuana and to make findings that the courts can rely on in cases where marijuana is an issue.

In addition to educating the Legislature, courts, and the public about the harmful effects of marijuana, this bill would deter possession and use of marijuana by increasing criminal penalties for certain types of possession. It also would provide a fair and efficient process for determining the usable weight of live marijuana plants in criminal prosecutions.

Current law makes it a class B felony to give or sell marijuana, and schedule IVA and VA controlled substances, to someone age 18 or younger, but only if the dealer is at least three years older. Right now, if a 19-year-old gives a small amount of marijuana to a 17-year-old, it is the lowest level misdemeanor offense. When the law classifies such conduct as such a low-level offense, it provides no deterrence for young adults.

Marijuana is particularly harmful for young users, and it should be a serious crime to give or sell marijuana to someone under age 21, no matter how old the "dealer" may be. Expanding the current class B felony penalty for providing marijuana, and schedule IVA and VA controlled substances, to someone under age 21, regardless of the age difference between the user and the dealer, would allow the Superior Court to punish adults who supply our youths.

The bill also would make it a class C felony (the lowest felony level) to possess four ounces or more of marijuana, compared to current law, which reserves this felony level only for those who possess a whole pound or more. Four ounces of high-THC marijuana has a street value of up to \$2,000. Given the increase in the value and potency of marijuana, it is appropriate to apply higher penalties to possession of this amount.

The bill also would adjust misdemeanor penalties related to marijuana. The bill would make it a class A misdemeanor to possess one ounce or more of marijuana, as compared with current law, which allows misdemeanor penalties even for those who possess from a half-pound to up to one pound of marijuana. The bill would reserve the lowest misdemeanor penalties (class B misdemeanor), for possession of less than one ounce of marijuana, which is still a significant amount, both in dosage and cost.

The bill also tackles marijuana and driving, which even the Supreme Court in *Ravin* recognized as a potentially serious problem back in 1975. Unlike alcohol, there is no effective way for law enforcement officers to quickly and easily test the amount of marijuana in a person's blood, breath, or urine. Thus, the best way to deter using marijuana and driving is to prohibit it in motor vehicles. This bill would make it a class A misdemeanor for the driver of a motor vehicle to possess any amount while driving or operating a motor vehicle. This is the same level of offense as driving under the influence, although this bill does not require mandatory penalties as required for driving under the influence (DUI) offenses. The bill also would make it a class B misdemeanor if a passenger in a motor vehicle possesses any marijuana, or if the driver allows a passenger to do so.

Finally, the bill would provide a fair and efficient process for determining the usable weight of live marijuana plants. Under current statutory law, to determine the weight of marijuana from a growing plant, the law enforcement officers must harvest, dry, and process the marijuana just like a marijuana grower would. This is required for two reasons. First, the plants cannot be allowed to remain damp, or a mold will form that not only destroys the evidence, but is also dangerous to the officers handling the plants. Second, this processing is statutorily required because the plant can only be weighed after it has been

"reduced to its commonly used form." (AS 11.71.080.) The obvious problem with this statute is that it forces the law enforcement officers to operate large marijuana drying and processing facilities at great expense and effort. The plants must be spread out and dried, and then the law enforcement officers must begin the laborious task of separating the less usable stalks from the leaves, buds, and flowers. Even then, there are often arguments in court about whether the law enforcement officers correctly processed the plants, or whether they left in too many stalks. This bill solves the problem by allowing the law enforcement officers to weigh the unprocessed harvested plants, and declares that one-sixth of that weight is used for determining what level of crime is involved. The one-sixth ratio was determined by experimentation of the Alaska State Troopers, and represents an average of several test batches of live marijuana plants that were dried and processed to their "commonly used form."

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

SB 75

SENATE BILL NO. 75 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to public health and public health emergencies and disasters; relating to duties of the public defender and office of public advocacy regarding public health matters; relating to certain claims for public health matters; making conforming amendments; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Health and Social Services

Governor's transmittal letter dated January 20:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to public health and public health emergencies and disasters; relating to duties of the public defender and Office of Public Advocacy regarding public health matters; relating to certain claims for public health matters; and making conforming amendments.

Alaska's disease control laws were originally adopted by the Territorial Legislature in 1949. Some changes have been made to the laws since statehood. However, the recent severe acute respiratory syndrome crisis demonstrated the need to modernize them. Alaska is no longer protected from world disease outbreaks by geographical isolation. Modern air links rapidly put Alaskans at risk from infectious diseases originating on the other side of the globe. In a recent study, Alaska was noted as the only state in the nation with inadequate legal authority to respond to a public health emergency.

The Department of Health and Social Services (department) routinely uses the traditional public health disease control tools of epidemiological surveillance and investigation, and historically has used isolation and quarantine to stop the spread of disease in the rare times it has been warranted. Today, new global health threats, coupled with heightened expectations in the modern American social and legal environment for protection of individual rights, require the department to have more clearly defined legal authorities to act to protect the public while protecting the due process rights of infected individuals. This bill would give the department the needed flexibility to protect Alaskans from public health threats. The department would be authorized to offer medication to infected individuals who wish to take it. However, the department would not have authority to force medication upon infected individuals.

The bill also would provide for powers to deal with public health issues that could arise in a declared disaster emergency.

I urge your support of this important bill.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

SB 76

SENATE BILL NO. 76 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through a power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum, recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date."

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

The following fiscal information was published today:

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

Governor's transmittal letter dated January 20:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the state's elections statutes.

This bill would update statutes on qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with a political party, early and absentee voting, ballot counting, ballot design, voting by mail, voting machines and vote tallying, independent candidates for president, initiative, referendum, recall, and definitions.

The updates are necessary to reflect current practices of the Division of Elections and to bring the statutes into compliance with recent court decisions and federal law.

Section 1 of the bill would amend two provisions in AS 15.05.020 on rules for determining the residence of a voter. It would amend AS 15.05.020(2) to clarify that "temporary work sites" do not constitute a dwelling place; this provision formerly referenced "construction camps." Section 1 also would amend AS 15.05.020(10) to reference the official voter registration "record," rather than "card."

Section 2 of the bill would amend AS 15.07.050 to allow voter registration through a power of attorney.

Section 3 of the bill would amend AS 15.07.060(a)(4) on required registration information, to specify that the applicant must provide the applicant's Alaska residence address.

Section 4 of the bill would amend AS 15.07.070(b) to allow voter registration by scanned transmissions and to allow voter registration through a power of attorney.

Section 5 of the bill amends AS 15.07.127 on preparation of the master register of voters to recognize that confidential information will not be disclosed.

Section 6 of the bill would amend AS 15.10.090 on notice of precinct boundary designation and modification, to require that notice be published on the Division of Elections' Internet website, and to clarify requirements for publication of notice in a newspaper and for posting notices.

Section 7 of the bill would amend AS 15.15.030(7) to specifically recognize that names of independent candidates for President of the United States be included on the general election ballot.

Section 8 of the bill would amend AS 15.15.350(a), on the general procedure for a ballot count, to require that the accounting for all ballots prepared by the election board include the number of ballots returned to the elections supervisor for destruction.

Section 9 of the bill would amend AS 15.20.064(a) on early voting, to specify that the director of elections will designate locations for early voting by January 1 of each election year.

Section 10 of the bill would amend AS 15.20.066(b) on absentee voting by electronic transmission, to lower the number of witnesses required from two to one.

Section 11 of the bill would amend AS 15.20.081(a) to allow voters to apply for absentee ballots by scanning documents or through a written power of attorney.

Sections 12 and 13 of the bill would amend AS 15.20.081(d) on absentee voting by mail or electronic transmission, to lower the number of witnesses required from two to one, and AS 15.20.081(h) to change the reference to military addresses from "APO or FPO address" to an "overseas voter qualifying under AS 15.05.011."

Section 14 of the bill would amend AS 15.20.800(b) on voting by mail to specify that a ballot will not be sent to a voter whose address has been identified as undeliverable.

Section 15 of the bill would add a proposed new section, AS 15.20.910, on voting system standards, incorporating recent federal requirements under the Help America Vote Act.

Section 16 of the bill would add a proposed new section, AS 15.30.026, on qualifications for independent candidates for President.

Sections 17 and 18 of the bill would amend AS 15.30.050 and 15.30.090 to conform to the qualifications set out in new AS 15.30.026 on independent candidates for President.

Section 19 of the bill would amend AS 15.45.030 on the form of application for an initiative petition, to require additional information from the sponsors.

Section 20 of the bill would amend AS 15.45.060 on designation of sponsors for an initiative, to specify that sponsors support the bill proposed by the initiative application and that the date of birth of any additional sponsors designated by the initiative committee be included in the notice information sent to the lieutenant governor.

Section 21 of the bill would repeal and reenact AS 15.45.090 on preparation of petitions, to require the printed name and date of birth of those signing an initiative petition. This section also would require that initiative petitions be sequentially numbered, and would remove the requirement that the lieutenant governor keep a record of petitions delivered to sponsors. These changes are proposed to comply with the state superior court's decision in the case of *Hinterberger v. State*, 3AN-03-4092 CI (October 21, 2003).

Section 22 of the bill would add a proposed new section, AS 15.45.105, to specify the qualifications of an initiative petition circulator.

Section 23 of the bill would amend AS 15.45.120 on the manner of signing and withdrawing a name from an initiative petition, to require additional information from initiative petition signers.

Section 24 of the bill would repeal and reenact AS 15.45.130 on the certification of circulators for an initiative petition, to reference the proposed new section on qualifications of an initiative petition circulator, and to delete the requirement that the circulator's name be prominently displayed on the petition. This latter requirement has not been enforced for some time in order to comply with the United States Supreme Court opinion in *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182 (1999), under advice from a formal opinion of the state attorney general's office, 2000 Op. Att'y Gen. No. 3 (September 22).

Section 25 of the bill would amend AS 15.45.200 on display of the proposed law, to reduce the number of copies of a law proposed by an initiative that must be provided to the election board from 10 to five, and that must be displayed in the polling place from three to one.

Section 26 of the bill would amend AS 15.45.270 on the form of the application, to conform the requirements for a referendum application to those required for an initiative application.

Section 27 of the bill would amend AS 15.45.290 on designation of sponsors, to conform the requirements for a referendum sponsor to those required for an initiative sponsor.

Section 28 of the bill would repeal and reenact AS 15.45.320 on preparation of a petition, to conform the requirements for a referendum petition to those required for an initiative petition.

Section 29 of the bill would add a proposed new section, AS 15.45.335, to set out the qualifications for a circulator of a referendum petition.

Section 30 of the bill would amend AS 15.45.340 on circulation, to incorporate the prohibitions and penalties applicable to initiative petitions and apply these to circulation of referendum petitions.

Section 31 of the bill would amend AS 15.45.350 on the manner of signing and withdrawing a name from a petition, to require additional information for signing a referendum petition.

Section 32 of the bill would repeal and reenact AS 15.45.360 on the certification of circulators, to conform the requirements for circulation of a referendum petition to those required for circulation of an initiative petition.

Section 33 of the bill would amend AS 15.45.430 on display of the act being referred to in the referendum, to reduce the number of copies of the act that must be provided to the election board from ten to five, and that must be displayed in the polling place from three to one.

Section 34 of the bill would amend AS 15.45.500 on the form of the application, to specify similar requirements for a recall application to those required for an initiative application, including deleting the requirement that recall petition circulators be registered voters.

Section 35 of the bill would add a proposed new section, AS 15.45.515, on designation of sponsors for a recall application using language similar to the statute on initiative petition sponsors.

Section 36 of the bill would repeal and reenact AS 15.45.560 on preparation of the recall petition, to impose requirements similar to the requirements for an initiative petition.

Section 37 of the bill would amend AS 15.45.570 regarding the statement of warning on recall petitions similar to the requirements for an initiative petition.

Section 38 of the bill would add a proposed new section, AS 15.45.575, on qualifications of circulators to set out the qualifications for circulation of a recall petition.

Section 39 of the bill would amend AS 15.45.580 on circulation, to add requirements on circulation of a recall petition similar to those for circulation of initiative petitions.

Section 40 of the bill would amend AS 15.45.590 on the manner of signing and withdrawing a name from a petition, to require additional information from recall petition signers.

Section 41 of the bill would repeal and reenact AS 15.45.600 on certification of circulators for a recall petition, to add similar requirements to those for circulation of an initiative petition.

Section 42 of the bill would amend AS 15.45.680 on display of grounds for and against recall, to reduce the number of copies provided to the election board from ten to five, and the number displayed in the polling place from three to one.

Section 43 of the bill would add a proposed new section, AS 15.60.003, to set up voter registration categories for voters who are unaffiliated with a political party.

Section 44 of the bill would add a proposed new section, AS 15.60.008, to set out the procedural requirements for parties to obtain recognized political party status.

Section 45 of the bill would amend AS 15.60.010 by adding a new definition of "reregistration."

Section 46 of the bill would amend AS 29.05.110(b) to clarify the requirements for voter registration for municipal elections.

Section 47 of the bill would amend AS 29.05.110(c) to clarify that qualified voters registered to vote in the proposed borough may vote on adoption of a non-area-wide power.

Section 48 of the bill would add a new subsection to AS 29.05.110 defining a "qualified voter" as that term is defined in AS 15.60.010.

Section 49 of the bill would repeal AS 15.10.020(b). This provision is now set out in AS 15.10.090(*l*) as amended by this bill. It also would repeal AS 15.20.048 on absentee voting in offices of election supervisors.

Section 50 of the bill would provide that the changes made by secs. 19 - 42 of the bill apply to an application for an initiative, referendum, or recall that is filed with the lieutenant governor on or after the effective date of the bill.

Section 51 of the bill would provide that the elections statutes, as they existed before the amendments made by secs. 19 - 42 of this bill, would apply to an initiative, referendum, or recall for which the application was filed before the effective date of the bill.

Section 52 of the bill would establish an immediate effective date for the bill.

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 56

SENATE BILL NO. 56 "An Act relating to criminal law and procedure, criminal sentences, and probation and parole; 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 102. Without objection, CS FOR SENATE BILL NO. 56(JUD) was adopted.

The bill will advance to third reading on the January 24 calendar.

Citations

Honoring – Kodiak High School Boys Baseball Team

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

Representative(s) LeDoux

Honoring – Monique Barteaux, Mothers Against Drunk Driving, Youth Activist of the Year

Representative(s) Weyhrauch, Kerttula

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

In Memoriam – Christine J. “Chris” Blackburn
Senator(s) Gary Stevens, Ben Stevens, Cowdery, Davis, Dyson, Ellis,
Elton, Green, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman,
Therriault, Wagoner, Wilken
Representative(s) LeDoux

In Memoriam – Madeleine Calkins Mirow Spears
Representative(s) Foster
Senator(s) Olson, Ben Stevens, Cowdery, Davis, Dyson, Ellis, Elton,
Green, Hoffman, Huggins, Kookesh, Seekins, Stedman, Gary Stevens,
Therriault, Wagoner, Wilken

Senator Gary 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

President Stevens made the following appointment:

Legislative Budget and Audit Committee Senator Hoffman

Majority members appointed January 19 (page 93).

SB 40

Senator Hoffman moved and asked unanimous consent to be shown as a joint prime sponsor on SENATE BILL NO. 40 "An Act relating to the establishment of the Kuskokwim Port Authority; and providing for an effective date" (Prefile released 1/7/05). Without objection, it was so ordered.

SB 63

Senator Ellis moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 63 "An Act relating to road signs encouraging the use of safety belts." Without objection, it was so ordered.

SB 56

Senator Green moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 56 "An Act relating to criminal law and procedure, criminal sentences, and probation and parole; and providing for an effective date." Without objection, it was so ordered.

SB 12

Senator French moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 12 "An Act relating to the prohibition or elimination of financial relationships with persons that conduct business in countries that support or ignore slavery and trafficking in persons." Without objection, it was so ordered.

Senator Therriault moved and asked unanimous consent to be excused from a call of the Senate on January 24. Without objection, Senator Therriault was excused.

Senator Seekins moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, January 27 through morning plane time, February 1. Without objection, Senator Seekins was excused.

Senator Green moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, February 4 through evening plane time, February 8. Without objection, Senator Green was excused.

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate on January 24, to morning plane time. Without objection, Senator Wagoner was excused.

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate on January 26 and 28. Without objection, Senator Hoffman was excused.

Senator French moved and asked unanimous consent to be excused from a call of the Senate on January 24, to morning plane time. Without objection, Senator French was excused.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., January 24, 2005. Without objection, the Senate adjourned at 10:25 a.m.

Kirsten Waid
Secretary of the Senate

January 2005

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

Jan 24	Monday	Senate Finance 532	1:30 PM
+		JOINT W/(H) COMMUNITY & REGIONAL AFFAIRS	
		Local Boundary Commission Report	
		Overview of Annual Report	
		<Listen Only>	
Jan 26	Wednesday	Fahrenkamp 203	1:30 PM
+	SB 14	MUNICIPAL ELECTIONS	
+	SB 51	PUBLIC ASSISTANCE PROGRAMS	
Jan 28	Friday	Fahrenkamp 203	1:30 PM
		No Meeting Scheduled	

FINANCE

Jan 21	Friday	Senate Finance 532	9:00 AM
		No Meeting Scheduled	
Jan 24	Monday	Senate Finance 532	9:00 AM
		No Meeting Scheduled	
Jan 25	Tuesday	Senate Finance 532	9:00 AM
+	SB 62	APPROP: DIVISION OF ELECTIONS	
Jan 26	Wednesday	Senate Finance 532	9:30 AM
		-- Note Time Change --	
+		Department of Administration:	
		Public Employee's & Teacher's Retirement	
		Systems Overview	

FINANCE (continued)

Jan 27 Thursday Senate Finance 532 9:30 AM
 -- Note Time Change --
 + Department of Revenue:
 Role of ASPIB & Treasury Division
 Department of Administration:
 Tier Redesign Project Report

Jan 28 Friday Senate Finance 532 9:00 AM
 + Continuation of Tier Redesign Project
 Report (if needed)

HEALTH, EDUCATION & SOCIAL SERVICES

Jan 21 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

Jan 24 Monday Butrovich 205 1:30 PM
 No Meeting Scheduled

Jan 26 Wednesday Butrovich 205 1:30 PM
 += SB 10 PARENTAL LIABILITY FOR CHILD'S DAMAGE
 += SB 22 MEDICAID COVERAGE FOR BIRTHING CENTERS

Jan 28 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

JUDICIARY

Jan 25 Tuesday Butrovich 205 8:30 AM
 + Overview of the Department of Law & the
 Attorney General

Jan 26 Wednesday Butrovich 205 8:30 AM
 + Continuation of Overview if Necessary
 + SB 65 OFFENSES BY MINORS/AGAINST TEACHERS

Jan 27 Thursday Butrovich 205 8:30 AM
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Jan 25	Tuesday	Beltz 211	1:30 PM
	L&C Committee Organizational Meeting		
Jan 27	Thursday	Beltz 211	1:30 PM
+ SB 42	NATUROPATHIC MEDICINE TASK FORCE		
+ SB 2	LIEN REQUIREMENTS		

RESOURCES

Jan 21	Friday	Butrovich 205	3:30 PM
	No Meeting Scheduled		
Jan 24	Monday	Butrovich 205	3:30 PM
	Natural Gas 102 (Continuation of Presentation of 1/19/05) Testimony by Invitation Only		
Jan 26	Wednesday	Butrovich 205	3:30 PM
+ SJR 2	ENDORSING ANWR LEASING		
+ SB 32	WATER/SEWER/WASTE GRANTS TO UTILITIES		
+ SB 69	APPROP: GRANT TO ARCTIC POWER FOR ANWR		
Jan 28	Friday	Butrovich 205	3:30 PM
	No Meeting Scheduled		

STATE AFFAIRS

Jan 25	Tuesday	Beltz 211	3:30 PM
	No Meeting Scheduled		
Jan 27	Thursday	Beltz 211	3:30 PM
	No Meeting Scheduled		

TRANSPORTATION

Jan 25	Tuesday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Jan 27	Thursday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Jan 21	Friday	Location Tba	8:00 AM
	Organizational Meeting & Work Session Gas Pipeline Issues		
Jan 26	Wednesday	Senate Finance 532	1:00 PM
	Approval of Request for Proposals for Economic Analysis & Modeling - Alaska Natural Gas Pipeline Project Presentation by the Alaska Gasline Port Authority Other Committee Business		

OTHER MEETINGS**JOINT LEGISLATIVE HEALTH CAUCUS**

Jan 26	Wednesday	Butrovich 205	1:00 PM
	"Your Health Depends on Research: What's Going on in Alaska?!"		

JOINT SESSION

Feb 23	Wednesday	House Chamber	11:00 AM
	State of the Judiciary Chief Justice Alexander O. Bryner		
Feb 24	Thursday	House Chamber	11:00 AM
	Address by U.S. Senator Ted Stevens		