

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

February 4, 2004

Twenty-fourth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:50 a.m.

The roll showed eighteen members present. Senators Davis, Hoffman were excused from a call of the Senate.

The prayer was offered by the Chaplain, Pastor Tom Matthews of the Douglas Island Bible Church. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Respecting the many religious beliefs that are no doubt represented here today, I do invite you to join with me in a time of prayer, as we seek the face of God. Let us pray.

Dear Lord:

Another day is upon this group and it is our desire that Your will is done in the proceedings that are soon to follow.

Most Holy God, we acknowledge that You are the sovereign Lord of our nation. That is indeed a mouthful as we know that we are a nation who loves our independence. We are grateful that there is no other nation to which we must answer. Through the dedication and great sacrifices of those who have gone before us we have been given a freedom to which we dearly cling. Yet, Lord, in our freedom, in our independence, please help us never to forget that we are dependent on You.

Your Word tells us to: "Trust in the Lord with all your heart and lean not on your own understanding, in all your ways acknowledge Him and He shall direct your paths." We want to acknowledge You Lord, and pray that today You will lead in the paths the Senate will be taking. We ask You to direct them in the ways of justice and goodness. We ask You to make clear Your direction, Your will in the decisions to be made.

In the name of Jesus Christ, Your beloved Son, I raise these requests today. Amen.

Senator Guess led the Senate in the Pledge of Allegiance.

Certification

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

Recess

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in recess to the Joint Session. Without objection, the Senate recessed at 10:56 a.m.

After Recess

Joint Session in the House

Speaker Kott called the House to order and in accordance with Uniform Rule 51 turned the gavel over to President Therriault, who called the Joint Session to order at 11:05 a.m.

The purpose of the Joint Session was to hear an update on the administration's actions regarding a gas pipeline by Governor Frank H. Murkowski.

Senator Ben Stevens moved and asked unanimous consent that the roll call of the Senate be waived and all members be shown as present. Without objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that the roll call of the House be waived and all members be shown as present. Without objection, it was so ordered.

President Therriault appointed Representative Joule and Senator Gary Stevens to escort Governor Murkowski to the Joint Session.

The Senate Sergeant at Arms, Jamiann Stevens, announced Governor Murkowski's entrance to the House Chamber.

The Honorable Frank H. Murkowski was escorted to the rostrum and introduced by President Therriault.

Governor Murkowski delivered his address. This address appears in Senate and House Joint Journal Supplement No. 12.

The Governor received a standing ovation and was escorted from the chamber by Senator Gary Stevens and Representative Joule.

Senator Ben Stevens moved and asked unanimous consent that the Joint Session stand in adjournment. Without objection, President Therriault adjourned the Joint Session at 11:36 a.m.

After Recess

In the Senate

The Senate reconvened at 11:43 a.m.

Messages from the House

Message dated February 2 was read, stating the House has confirmed the appointments of H. Conner Thomas and Ann Rabinowitz as public members to the Select Committee on Legislative Ethics.

The Senate confirmed members on January 30 (page 2035).

Communications

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

Compensation and Travel Report of Executive Positions for 2003
from Michael W. Miller, Commissioner, Department of
Administration
in accordance with AS 37.05.210

Standing Committee Reports**SB 266**

The Community and Regional Affairs Committee considered SENATE BILL NO. 266 "An Act approving an interim classification by the commissioner of natural resources closing certain land within the area of the proposed Bristol Bay (Alaska Peninsula) competitive oil and gas areawide lease sale to oil and gas exploration licensing and shallow natural gas leasing; and providing for an effective date." Signing do pass: Senator Stedman, Chair; Senators Wagoner, Gary Stevens. Signing no recommendation: Senators Lincoln, Elton.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Natural Resources

The bill was referred to the Resources Committee.

SB 270

The State Affairs Committee considered SENATE BILL NO. 270 "An Act establishing November as Avalanche Awareness Month." Signing do pass: Gary Stevens, Chair; Senator Guess. Signing no recommendation: Senator Stedman.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Department of Public Safety

The bill was referred to the Rules Committee.

HB 98

The Resources Committee considered HOUSE BILL NO. 98 "An Act relating to sport fishing seasons and areas for persons under 16 years of age." Signing do pass: Senator Ogan, Chair; Senators Wagoner, Dyson. Signing no recommendation: Senators Seekins, Elton.

The following fiscal information was published today:

Fiscal Note No. 3, zero, Department of Fish and Game

Fiscal Note No. 4, zero, Department of Public Safety

The bill was referred to the Rules Committee.

HB 288

The State Affairs Committee considered 2d CS FOR HOUSE BILL NO. 288(RLS) "An Act changing the name of the Department of Community and Economic Development to the Department of Commerce and Community and Economic Development" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
288(STA) "An Act changing the name of the
Department of Community and Economic
Development to the Department of Commerce,
Community, and Economic Development."
(Title change authorized by forthcoming SCR)

Signing do pass: Senator Gary Stevens, Chair; Senator Stedman.
Signing no recommendation: Senator Guess.

The following previously published fiscal information applies:

Fiscal Note No. 2, zero, Department of Commerce and Economic
Development

The bill was referred to the Labor and Commerce Committee.

**Introduction and Reference of
Senate Resolutions****SJR 24**

SENATE JOINT RESOLUTION NO. 24 BY SENATORS OGAN,
Wagoner, Green,

Proposing amendments to the Constitution of the
State of Alaska to guarantee the permanent fund
dividend, establishing the earnings reserve account,
and relating to the Alaska permanent fund; and
providing for an effective date.

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

SR 2

SENATE RESOLUTION NO. 2 BY SENATOR THERRIAULT,

Recognizing February 6, 2004, as Ronald Reagan
Day in Alaska.

was read the first time and held on the Secretary's desk.

Introduction and Reference of Senate Bills**SB 291**

SENATE BILL NO. 291 BY THE SENATE LABOR AND
COMMERCE COMMITTEE, entitled:

"An Act extending the transition period for activities
involving unstamped cigarettes; and providing for an
effective date."

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

SB 292

SENATE BILL NO. 292 BY SENATOR STEDMAN, entitled:

"An Act relating to youth courts and to the recommended use of criminal fines to fund the activities of youth courts; and relating to accounting for criminal fines."

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

SB 293

SENATE BILL NO. 293 BY SENATOR DAVIS, entitled:

"An Act making an appropriation to the Department of Education and Early Development for distribution to school districts for direct classroom instruction; and providing for an effective date."

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

SB 294

SENATE BILL NO. 294 BY SENATOR DAVIS, entitled:

"An Act adding birthing centers to the list of health facilities eligible for payment of medical assistance for needy persons."

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

SB 295

SENATE BILL NO. 295 was not introduced.

SB 296

SENATE BILL NO. 296 BY SENATORS ELLIS, Elton, entitled:

"An Act requiring an auditable paper trail for electronic voting machines."

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

Unfinished Business**Special Order of Business****Second Reading of Senate Resolutions****SR 2**

Senator Ben Stevens moved and asked unanimous consent that SENATE RESOLUTION NO. 2 Recognizing February 6, 2004, as Ronald Reagan Day in Alaska, which had been held on the Secretary's desk (page 2068), be taken up as a special order of business. Without objection, SENATE RESOLUTION NO. 2 was read the second time and was before the Senate on final passage.

Senators Wilken, Green, Cowdery, Olson, Ben Stevens, Bunde, Seekins, Wagoner, Gary Stevens, Dyson, Stedman moved and asked unanimous consent to be shown as cosponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall SENATE RESOLUTION NO. 2 Recognizing February 6, 2004, as Ronald Reagan Day in Alaska, pass the Senate?" The roll was taken with the following result:

SR 2

Second Reading - Final Passage

YEAS: 16 NAYS: 0 EXCUSED: 2 ABSENT: 2

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

Excused: Davis, Hoffman

Absent: French, Ogan

and so, SENATE RESOLUTION NO. 2 passed the Senate and was referred to the Secretary for engrossment and enrollment.

Citations

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

Special Order of Business

In Memoriam – Chief Harry Johns, Sr.

Representative(s) Morgan

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

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

Senator Ellis moved and asked unanimous consent to be excused from a call of the Senate on February 6, 9, 11, 13 and on February 16, to morning plane time. Without objection, Senator Ellis was excused.

Senator Elton moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, February 9 to morning plane time, February 13. Without objection, Senator Elton was excused.

Senator Dyson moved and asked unanimous consent to be excused from a call of the Senate on February 9, to plane time and on February 16, to plane time. Without objection, Senator Dyson was excused.

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 10:00 a.m., February 6, 2004. Without objection, the Senate adjourned at 12:03 p.m.

Kirsten Waid
Secretary of the Senate

February 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

Feb 04 Wednesday Fahrenkamp 203 1:30 PM
 + SB 250 NATURAL GAS LEASES ON THE KENAI PENINSULA
 ** Teleconference <Listen Only> **
 ** No Public Testimony Will Be Heard**

Feb 06 Friday Fahrenkamp 203 1:30 PM
 -- Rescheduled to 02/09/04 --
 = SB 260 METROPOLITAN PLANNING ORGANIZATIONS

Feb 09 Monday Fahrenkamp 203 1:30 PM
 -- Rescheduled from 02/06/04 --
 + SB 260 METROPOLITAN PLANNING ORGANIZATIONS

FINANCE

Feb 04 Wednesday Senate Finance 532 9:00 AM
 No Meeting Scheduled

Feb 05 Thursday Senate Finance 532 9:00 AM
 Alaska Mental Health Trust Authority
 Presentation by Mr. Jeff Jessee, Executive Director
 Veteran's Home Project Update
 Presentation by Governor Murkowski's Administration
 HB 374 SENIORCARE
 <Pending Referral>
 Bills Previously Heard/Scheduled

FINANCE (continued)

Feb 06 Friday Senate Finance 532 9:00 AM
 No Meeting Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 04 Wednesday Butrovich 205 1:30 PM
 + SB 201 HOME & RESPITE CARE: CRIMINAL RECORDS
 + SB 277 STUDENT LOAN PROGRAMS
 + SB 239 LENGTH OF SCHOOL TERM
 + Bills Previously Heard/Scheduled

JUDICIARY

Feb 04 Wednesday Butrovich 205 8:00 AM
 No Meeting Scheduled

Feb 06 Friday Butrovich 205 8:00 AM
 + SB 217 GENETIC PRIVACY
 += SB 203 OFFICE OF ADMINISTRATIVE HEARINGS

LABOR & COMMERCE

Feb 05 Thursday Beltz 211 1:30 PM
 Committee Work Session on Pull-tab Regulations
 <Teleconference and Testimony by Invitation Only>

RESOURCES

Feb 04 Wednesday Butrovich 205 3:30 PM
 + SB 265 OIL&GAS LEASE SALE SCHEDULE/NOTIFICATION
 + SB 266 BRISTOL BAY OIL & GAS LEASE SALE CLOSURE
 + Bills Previously Heard/Scheduled

Feb 06 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

STATE AFFAIRS

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|---------------|----------------------------------|------------------|----------------|
| Feb 05 | Thursday | Beltz 211 | 3:30 PM |
| | *****Canceled***** | | |
| + | Bills Previously Heard/Scheduled | | |

TRANSPORTATION

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|---------------|----------------------|----------------------|----------------|
| Feb 05 | Thursday | Butrovich 205 | 1:30 PM |
| | No Meeting Scheduled | | |

JOINT COMMITTEES

ARMED SERVICES COMMITTEE

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|---------------|--|---------------------------|----------------|
| Feb 25 | Wednesday | Senate Finance 532 | 3:00 PM |
| | Alaskan Command's Annual Address by Lt.General Carrol H. "Howie" Chandler Testimony by Invitation Only | | |

JOINT LEGISLATIVE HEALTH CAUCUS

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|---------------|---|----------------------|-----------------|
| Feb 04 | Wednesday | Butrovich 205 | 12:00 PM |
| | Stop Fiscal Hemorrhaging in Health Services: A discussion of how to decrease health cost drivers -- Chronic Conditions and Crisis Prevention | | |

LEGISLATIVE BUDGET & AUDIT

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|---------------|-------------------------------------|--------------------------|-----------------|
| Feb 19 | Thursday | House Finance 519 | 12:00 PM |
| | Audits and Other Committee Business | | |

JOINT COMMITTEES (continued)**LEGISLATIVE COUNCIL**

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|---------------|-----------------|---------------------------|----------------|
| Feb 05 | Thursday | Senate Finance 532 | 4:00 PM |
|---------------|-----------------|---------------------------|----------------|

Roll Call
 Approval of January 15, 2004 Minutes
 Approval of Intro. of 2004 Revisor's Bill
 Approval of Flag and Walrus Pins
 Copies of FY03 Legislature Audit
 Presentation of FY05 Proposed LAA Budget
 Presentation of FY05 Office of Ombudsman Budget
 Appointment of IT Subcommittee
 Protest on RFP #391

OTHER MEETINGS**JOINT SESSION**

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|---------------|------------------|----------------------|-----------------|
| Feb 04 | Wednesday | House Chamber | 11:00 AM |
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Address by Governor Murkowski
 Administration's Actions Regarding a Gas Pipeline

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| Feb 25 | Wednesday | House Chamber | 11:00 AM |
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State of the Judiciary
 Chief Justice Alexander O. Bryner

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|---------------|----------------|----------------------|-----------------|
| Mar 16 | Tuesday | House Chamber | 11:00 AM |
|---------------|----------------|----------------------|-----------------|

Address by U.S. Senator Lisa Murkowski