

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

March 12, 2004

Sixty-first Day

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

Senator Seekins, Acting Majority Leader, moved and asked unanimous consent that all members not excused be shown as present. Without objection, it was so ordered. Senators Cowdery, Dyson, Ellis, Green, Hoffman, Ogan, Ben Stevens, Wagoner were excused from a call of the Senate.

The prayer was offered by the Chaplain, Reverend Bob Rooks, Pastor of Glacier Valley Baptist Church. Senator Bunde moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

O Lord our God, we pray to You today because we are weak, but You are strong. We seek Your wisdom because our wisdom is imperfect, but Your wisdom is always perfect. In Your grace and with Your mercy, You have guided and blessed our nation in the past with many victories over those who would destroy us, and even today You have granted a great degree of peace amidst the constant threats of those committed to destructive terror. We are glad today here in Alaska to share in these great blessings upon America.

O Lord, I ask Your special blessing upon this body of Senators that they may sense Your presence as they conduct their business in the best interests of Your people. Also, I pray Your protection upon those who travel this weekend. Bless their time with family and friends. In the name of Christ, I ask these blessings. Amen.

Senator Guess led the Senate in the Pledge of Allegiance.

Communications

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

Report from the Commissioner of the Department of Administration dated February 27 was received, stating the monetary terms for the collective bargaining agreement reached between the University of Alaska and the Alaska Higher Education Crafts and Trades Employees Local 6070 in accordance with AS 23.40.215.

Report from the Commissioner of the Department of Administration dated March 4 was received, stating the monetary terms for the collective bargaining agreement reached between the State and the Public Employees Local 71 representing the Labor, Trades and Crafts Bargaining Unit in accordance with AS 23.40.215.

President Therriault referred the reports to the Finance Committee.

Standing Committee Reports

SB 308

The State Affairs Committee considered SENATE BILL NO. 308 "An Act increasing the duration of certain provisions of domestic violence protective orders from six months to one year." Signing do pass: Senator Gary Stevens, Chair; Senators Stedman, Guess.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Administration

Fiscal Note No. 2, zero, Alaska Court System

President Therriault added a Finance Committee referral to the bill.

The bill was referred to the Judiciary, then Finance Committees.

SB 316

The Judiciary Committee considered SENATE BILL NO. 316 "An Act relating to motor vehicle safety belt violations." Signing do pass: Senator Seekins, Chair. Signing no recommendation: Senators French, Therriault.

The following previously published fiscal information applies:

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

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

The bill was referred to the Rules Committee.

SB 319

The Labor and Commerce Committee considered SENATE BILL NO. 319 "An Act relating to claims for personal injury or wrongful death against health care providers; and providing for an effective date." Signing no recommendation: Senator Bunde, Chair; Senators Seekins, Gary Stevens. Signing do not pass: Senators French, Davis.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Law

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

The bill was referred to the Judiciary Committee.

SB 344

The Labor and Commerce Committee considered SENATE BILL NO. 344 "An Act relating to the Uniform Probate Code and trusts, including pleadings, orders, nonprobate assets, estates of decedents, minors, protected persons, incapacitated persons, guardians, conservators, trustees, foreign trusts, principal and income, and transfer restrictions; relating to corporate voting trusts; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senators Davis, Seekins. Signing no recommendation: Senator French.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Community and Economic
Development

Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Judiciary Committee.

SB 346

The State Affairs Committee considered SENATE BILL NO. 346 "An Act approving the monetary terms of the collective bargaining agreement with the International Organization of Masters, Mates, and Pilots, Pacific Maritime Region, for the Masters, Mates, and Pilots Unit for fiscal year 2004; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senator Stedman. Signing no recommendation: Senator Guess.

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 350

The Labor and Commerce Committee considered SENATE BILL NO. 350 "An Act relating to the four dam pool joint action agency; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 350(L&C) "An Act allowing a joint action agency to encumber property interests for security purposes; declaring certain joint action agencies to be political subdivisions for certain purposes; restricting the sale of property of the joint action agency; allowing the joint action agency to transfer property to security interest holders under a security interest or to other parties without legislative approval; and providing for an effective date."

Signing do pass: Senator Bunde, Chair; Senators Davis, Seekins, Gary Stevens. Signing no recommendation: Senator French.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Community and Economic
Development

The bill was referred to the Finance Committee.

SB 355

The Community and Regional Affairs Committee considered SENATE BILL NO. 355 "An Act relating to the protection of land and water from waste disposal; providing for the regulation of waste management; making conforming amendments; and providing for an effective date." Signing do pass: Senator Stedman, Chair. Signing no recommendation: Senators Lincoln, Gary Stevens, Elton.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Environmental
Conservation

The bill was referred to the Resources Committee.

HB 230

The State Affairs Committee considered CS FOR HOUSE BILL NO. 230(STA) "An Act relating to political signs on private property" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
230(STA)
(forthcoming)

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

The following fiscal information was published today:

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

The bill was referred to the Judiciary Committee.

SR 3

The State Affairs Committee considered SENATE RESOLUTION NO. 3 Relating to commemoration of Senator Frank R. Ferguson and other distinguished Senators. Signing do pass: Senator Gary Stevens, Chair; Senators Stedman, Guess.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Legislative Agency

The resolution was referred to the Finance Committee.

HCR 5

The State Affairs Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 5(FIN) am Establishing a task force to make recommendations regarding a new design for the official seal of the State of Alaska, and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE
CONCURRENT RESOLUTION NO. 5(STA)
(forthcoming)

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

The following fiscal information was published today:
Fiscal Note No. 3, Legislative Agency

The resolution was referred to the Finance Committee.

Consideration of the Calendar**Second Reading of House Resolutions****HJR 32**

President Therriault stated CS FOR HOUSE JOINT RESOLUTION NO. 32(FSH) am Relating to the labeling of fish and fishery food products, will be on the March 15 calendar.

Unfinished Business**SB 311**

President Therriault added a Judiciary Committee referral to SENATE BILL NO. 311 "An Act providing for a special deposit for workers' compensation insurers; relating to the board of governors of the Alaska Insurance Guaranty Association; relating to covered workers' compensation claims paid by the Alaska Insurance Guaranty Association; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to restructuring the Alaska workers' compensation system; eliminating the Alaska Workers' Compensation Board; establishing a division of workers' compensation within the Department of Labor and Workforce Development and assigning certain Alaska Workers' Compensation Board functions to the division and the Department of Labor and Workforce Development; establishing a Workers' Compensation Appeals Commission; assigning certain functions of the Alaska Workers' Compensation Board to the Workers' Compensation Appeals Commission; relating to agreements that discharge workers' compensation liability; providing for hearing officers in workers' compensation proceedings; relating to workers' compensation awards; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of- living adjustment for workers' compensation benefits; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to assigned risk pools and insurers; and providing for an effective date."

The bill was referred to the Judiciary, then Finance Committees.

EO 112

In accordance with AS 24.08.210, action was not taken on the following Executive Order and it was returned to the Governor's Office at 10:27 a.m., March 12, 2004:

Transferring international trade functions and duties
from the Department of Community and Economic
Development to the Office of the Governor

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Seekins, Acting Majority Leader, moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 15, 2004. Without objection, the Senate adjourned at 10:20 a.m.

Kirsten Waid
Secretary of the Senate

March 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

Mar 12	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Mar 15	Monday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Mar 17	Wednesday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Mar 19	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM

FINANCE

Mar 12	Friday	Senate Finance 532	9:00 AM
Mar 15	Monday	Senate Finance 532	9:00 AM

+ -- Teleconference <Listen Only> --
 State's Fiscal Picture - Looking Forward
 Presentation by Ms. Cheryl Frasca
 Office of Management & Budget, Director
 Conference of Alaskans
 Presentation by Mr. Mike Burns, Chair
 Comments by Senator Ben Stevens &
 Senator Kim Elton

FINANCE (continued)

- Mar 15 Monday Senate Finance 532 1:30 PM**
 -- Teleconference <Listen Only> --
 + SJR 18 CONST. AM: PF APPROPS/INFLATION-PROOFING
 + Bills Previously Heard/Scheduled
- Mar 16 Tuesday Senate Finance 532 9:00 AM**
 -- Teleconference <Listen Only> --
 + HB 233 INCREASE EDUCATION FUNDING
 + SJR 19 CONST. AM: PERMANENT FUND INCOME
 + SJR 32 CONST AM: PERM FUND INCOME FOR DIVIDENDS
 + Bills Previously Heard/Scheduled
- Mar 16 Tuesday Senate Finance 532 1:30 PM**
 -- Teleconference <Listen Only> --
 + Constitutional Budget Reserve Fund
 Presentation by Mr. William Corbus
 Department of Revenue, Commissioner
 + SJR 24 CONST AM: GUARANTEE PERM FUND DIVIDEND
 += SJR 3 CONST AM: APPROPRIATION/SPENDING LIMIT
 + Bills Previously Heard/Scheduled
- Mar 16 Tuesday Senate Finance 532 6:00 PM**
 -- Teleconference <Listen Only> --
 + Continuation of the Afternoon Hearing
 If Necessary
 + Bills Previously Heard/Scheduled
- Mar 17 Wednesday Senate Finance 532 9:00 AM**
 -- Teleconference <Listen Only> --
 + Additional Legislative Proposals
 Presentations Offered by Senators
 + Bills Previously Heard/Scheduled
- Mar 17 Wednesday Senate Finance 532 1:30 PM**
 + Statewide Public Testimony
 Public testimony may be limited to 2
 minutes.

FINANCE (continued)

Mar 17	Wednesday	Senate Finance 532	6:00 PM
+	Statewide Public Testimony - Legislative Off-Net Sites: 6 - 7 PM Statewide Public Testimony - Legislative Information Offices: 7 - 9 PM Public testimony may be limited to 2 minutes.		
Mar 18	Thursday	Senate Finance 532	9:00 AM
+	-- Teleconference <Listen Only> -- Senate Finance Committee Discussion Action		
+	Bills Previously Heard/Scheduled		
Mar 18	Thursday	Senate Finance 532	1:30 PM
+	-- Teleconference <Listen Only> -- Continuation Senate Finance Committee Discussion/Action, If Necessary		
+	Bills Previously Heard/Scheduled		
Mar 19	Friday	Senate Finance 532	9:00 AM
+	-- Teleconference <Listen Only> -- Continuation of Senate Finance Committee Discussion/Action, If Necessary		
+	Bills Previously Heard/Scheduled		
Mar 20	Saturday	Senate Finance 532	9:00 AM
+	-- Teleconference <Listen Only> -- Continuation of Senate Finance Committee Discussion/Action, if necessary		
+	Bills Previously Heard/Scheduled		

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 15	Monday	Butrovich 205	1:30 PM
+	-- Meeting Canceled -- Bills Previously Heard/Scheduled If Necessary		

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Mar 17 Wednesday Butrovich 205 1:30 PM
 + Bills Previously Heard/Scheduled
 If Necessary

Mar 19 Friday Butrovich 205 1:30 PM
 -- Meeting Canceled --
 + SB 364 LIMIT STATE AID FOR MENTAL HEALTH CARE
 + Bills Previously Heard/Scheduled
 If Necessary

JUDICIARY

Mar 12 Friday Butrovich 205 8:00 AM
 + SB 316 SEAT BELT VIOLATION AS PRIMARY OFFENSE
 + HB 513 CSED NAME CHANGE/DRIVER'S LIC.SUSPENSION
 Bills Previously Heard/Scheduled
 += SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE
 += HB 83 REVISED UNIFORM ARBITRATION ACT

Mar 15 Monday Butrovich 205 8:00 AM
 + HB 348 NOTICE TO CRIME VICTIMS
 + HB 349 ILLEGALLY OBTAINED EVIDENCE/EVID RULE 412
 + HB 357 RESTITUTION
 += HB 397 DEFENSE CONTACTS WITH VICTIMS & WITNESSES
 + HB 398 DOMESTIC VIOLENCE FATALITY REVIEW TEAM
 + Bills Previously Heard/Scheduled

Mar 17 Wednesday Butrovich 205 8:00 AM
 + SB 344 TRUSTS/ESTATES/PROPERTY TRANSFERS
 + SB 319 CLAIMS AGAINST HEALTH CARE PROVIDERS
 + SB 323 WORKERS COMPENSATION AND CONTRACTORS
 + SB 309 BLOOD PATHOGENS TESTING OF PRISONERS
 + Bills Previously Heard/Scheduled

Mar 19 Friday Butrovich 205 8:00 AM
 + SB 255 ILLEGAL USE TRAFFIC PREEMPTION DEVICE
 + SB 302 OATHS; NOTARIES PUBLIC; STATE SEAL
 + SB 340 DETENTION OF MINORS
 + Bills Previously Heard/Scheduled

RESOURCES

Mar 12 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

Mar 15 Monday Butrovich 205 3:30 PM
 += SB 247 AK NATURAL GAS DEV. AUTHORITY INITIATIVE
 += SB 127 PRIORITY TREATMENT OF PERMIT APPLICATIONS
 + Bills Previously Heard/Scheduled

Mar 17 Wednesday Butrovich 205 3:30 PM
 + SB 297 TAKING BLACK, BROWN, & GRIZZLY BEAR/GUIDES
 + Bills Previously Heard/Scheduled

Mar 19 Friday Butrovich 205 3:30 PM
 + Confirmation Hearings:
 Frank Homan - Commercial Fisheries Entry
 Commission
 John K. Norman - Alaska Oil & Gas
 Conservation Commission
 Charles Cole - Royalty & Gas Development
 Advisory Board
 Ken Stout - Royalty & Gas Development
 Advisory Board
 + SB 69 BOARD OF FISHERIES CONFLICTS OF INTEREST
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Mar 16 Tuesday Beltz 211 3:30 PM
 No Meeting Scheduled

Mar 18 Thursday Beltz 211 3:30 PM
 + HB 91 RETIRED PEACE OFFICER'S MEDICAL BENEFITS
 + HB 414 U.S.SENATE VACANCY/DEF OF POLITICAL PARTY
 + SB 292 USE CRIMINAL FINES FOR YOUTH COURTS
 + SJR 31 FEDERAL FUNDING FOR EDUCATION
 Bills Previously Heard/Scheduled

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TRANSPORTATION

Mar 16 Tuesday Butrovich 205 1:30 PM
+ SB 345 LIABILITY FOR AIRPORTS AND AIRSTRIPS

Mar 18 Thursday Butrovich 205 1:30 PM
Bills Previously Heard/Scheduled

FINANCE SUBCOMMITTEES

COMMUNITY AND ECONOMIC DEVELOPMENT

Mar 19 Friday Terry Miller 104 4:00 PM
DCED FY 05 Operating Budget

CORRECTIONS

Mar 19 Friday Senate Finance 532 4:30 PM
FY 05 Budget Overview
-- Subject to Adjournment of the Senate
Finance Committee --

COURT SYSTEM

Mar 17 Wednesday Senate Finance 532 12:00 PM
FY 05 Budget Request

FISH & GAME

Mar 16 Tuesday Butrovich 205 4:00 PM
Closeout

GOVERNOR

Mar 18 Thursday Senate Finance 532 12:00 PM
FY 05 Budget Request

FINANCE SUBCOMMITTEES (continued)**HEALTH & SOCIAL SERVICES**

Mar 15 Monday Senate Finance 532 4:30 PM
 FY 05 Budget: Medicaid, Seniors, and DD
 Services
 --Subject to Adjournment of the Senate
 Finance Committee--

Mar 18 Thursday Senate Finance 532 4:30 PM
 FY 05 Budget: Behavioral Health
 -- Subject to Adjournment of the Senate
 Finance Committee --

LEGISLATURE

Mar 16 Tuesday Senate Finance 532 11:30 AM
 FY 05 Budget Request

PUBLIC SAFETY

Mar 16 Tuesday Beltz 211 8:00 AM
 Closeout

TRANSPORTATION & PUBLIC FACILITIES

Mar 18 Thursday Senate Finance 532 4:00 PM
 DOT&PF FY 05 Operating Budget

JOINT COMMITTEES**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

Mar 16 Tuesday Anch Lio Conf Rm 8:30 AM
 -- Time Change --
 <Subcommittee Meeting on Open Meetings>
 Review 2003 Proposed Open Meetings
 Guidelines
 + -- Teleconference <Listen Only> --

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OTHER MEETINGS

FISH CAUCUS

Mar 18 Thursday Butrovich 205 12:00 PM
By-product Development: Getting the Most
Out of Our Salmon

JOINT SESSION

Apr 02 Friday House Chamber 11:00 AM
Address by US Senator Lisa Murkowski