

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

March 19, 2004

#### Sixty-eighth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:29 a.m.

The roll showed seventeen members present. Senators Ellis, Lincoln were excused from a call of the Senate. Senator Wilken was absent.

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

Heavenly Father, we ask for Your assistance as we deliberate today. Give us Your guidance as we listen and speak on matters important to the people of Alaska. With Your assistance today we will be productive and successful. Also, let us be reminded one year ago today was the start of a military conflict that has wound down its major efforts and may You bless all the lost military and non-military citizens of America and our allies.

I'd like to speak for a moment from the Quran (9:11). "For it is written that a son of Arabia would awaken a fearsome Eagle. The wrath of the Eagle would be felt throughout the lands of Allah and lo, while some of the people trembled in despair still more rejoiced; for the wrath of the Eagle cleansed the lands of Allah; and there was peace."

Let us pray for peace.

Amen.

Senator Dyson led the Senate in the Pledge of Allegiance.

**Certification**

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

The presence of Senator Wilken was noted.

**Messages from the House**

Message dated March 18 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of  
House Resolutions****HJR 35**

CS FOR HOUSE JOINT RESOLUTION NO. 35(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

Relating to bovine spongiform encephalopathy, commonly known as mad cow disease, and country-of-origin labeling for meat products.

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

Message dated March 18 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 394**

CS FOR HOUSE BILL NO. 394(HES) BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act extending the termination date of the Alaska Commission on Aging and making technical revisions to citations related to the commission."

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

### **Communications**

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

Alaska Court System Travel for Justices, Judges, and Magistrates & Affidavit Information 2003 and Alaska Court System 2003 Time-to-Disposition Reports: Volumes 1 - 6  
from Stephanie Cole, Administrative Director, Alaska Court System  
in accordance with AS 22.20.310

### **Standing Committee Reports**

Report dated March 18 was read, stating:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee reviewed the following and recommends the appointments be forwarded to a Joint Session for consideration:

#### **Alcoholic Beverage Control Board**

Billy (William) G. Andrews - Anchorage  
Gail M. Niemi – Juneau

#### **Board of Chiropractic Examiners**

Dr. R. Clark Davis - Ketchikan

#### **Alaska Labor Relations Agency**

Randall C. Frank – Fairbanks

#### **Board of Marine Pilots**

Anthony (Tony) J. Joslyn – Anchor Point  
Robert (Tiny) Schasteen – Dutch Harbor

**Personnel Board**

Debra E. English – Anchorage

**Board of Certified Real Estate Appraisers**

Nelida Irvine – Anchorage

Gene H. Shafer – Fairbanks

**Real Estate Commission**

Lawrence (Larry) J. Bauer – Juneau

Glenn Clary - Anchorage

Rita C. Stuckart – Anchorage

**Board of Veterinary Examiners**

David J. Hunt – Sitka

There were no stated objections to the confirmation of the named individuals by committee members. This does not reflect an intent by any of the members to vote for or against the individuals during any further sessions.

Signing the report: Senator Bunde, Chair; Senator Seekins, Vice Chair; Senators Gary Stevens, French, Davis.

**SB 247**

The Resources Committee considered SENATE BILL NO. 247 "An Act amending the definition of 'project' in the Act establishing the Alaska Natural Gas Development Authority; and providing for an effective date." Signing no recommendation: Senator Ogan, Chair. Signing do pass: Senators Seekins, Ben Stevens, Wagoner.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Revenue

The bill was referred to the Finance Committee.

**SB 255**

The Judiciary Committee considered SENATE BILL NO. 255 "An Act relating to traffic preemption devices" and recommended the adoption of the State Affairs Committee Substitute offered on page 2427. Signing do pass: Senator Seekins, Chair; Senators Ogan, Therriault. Signing no recommendation: Senator French.

The following previously published fiscal information applies:

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

Fiscal Note No. 2, zero, Department of Public Safety

Fiscal Note No. 3, zero, Department of Law

The bill was referred to the Finance Committee.

**SB 292**

The State Affairs Committee considered SENATE BILL NO. 292 "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" and recommended it be replaced with

CS FOR SENATE BILL NO. 292(STA)

Signing do pass: Senator Gary Stevens, Chair; Senators Hoffman, Cowdery, Stedman, Guess.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

**SB 302**

The Judiciary Committee considered SENATE BILL NO. 302 "An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state; relating to notaries public; relating to fees for issuing certificates with the seal of the state affixed; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 302(JUD) "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."

Signing do pass: Senator Seekins, Chair; Senator Ogan. Signing no recommendation: Senator French.

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

The bill was referred to the Finance Committee.

**SB 338**

The State Affairs Committee considered SENATE BILL NO. 338 "An Act relating to actionable claims against state employees; relating to the state's defense and indemnification of its employees and former employees with respect to claims arising out of conduct that is within the scope of employment; amending the Public Employment Relations Act regarding claims against the state or state employees; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 338(STA) "An Act relating to actionable claims against state employees; and providing for an effective date."

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

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

The bill was referred to the Judiciary Committee.

**SJR 14**

The following updated fiscal information for SENATE JOINT RESOLUTION NO. 14 Requesting the Federal Aviation Administration to fully staff and maintain flight service stations in Alaska, was published today:

Fiscal Note No. 2, zero, Senate Rules Committee

**SJR 31**

The State Affairs Committee considered SENATE JOINT RESOLUTION NO. 31 Relating to urging the United States Congress to compensate the State of Alaska for the effect of federal land ownership on the state's ability to fund public education, and recommended it be replaced with

## CS FOR SENATE JOINT RESOLUTION NO. 31(STA)

Signing do pass: Senator Gary Stevens; Chair; Senators Hoffman, Cowdery, Stedman, Guess.

The following fiscal information was published today:  
Fiscal Note No. 1, zero, Senate State Affairs Committee

The resolution was referred to the Resources Committee.

**Introduction and Reference of Senate Bills****SB 367**

SENATE BILL NO. 367 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the levy, collection, and administration of sales and use taxes on tourism services; and providing for an effective date."

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

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 Community and Economic Development  
Fiscal Note No. 3, Department of Revenue

Governor's transmittal letter dated March 16:

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill that would impose a five percent sales and use tax on tourism and other services in our state. This tax would apply to a broad range of activities, such as: taxes on items sold or used on cruise ships, shore side activities, transient

accommodations, and guided tours. The tax would raise approximately \$19 million in FY 05 and \$49 million for the state's general fund on an annual basis thereafter.

In many regards, this proposal represents a modest "user-pay" approach. The state would be partially reimbursed for costs of providing a wide variety of services related to the travel industry. The Office of Management and Budget recently completed an informal survey of state agencies to determine the amount of tourism related expenditures in their respective FY 04 budgets. The resulting list of costs potentially attributable to the cruise industry totaled \$116 million, some of which is currently offset by other "user-pay" revenues.

Some local communities have benefited over the years as passengers and crewmembers purchased goods and services in communities and paid local sales, use, and "head" taxes. At the same time local communities were taxing the cruise ship industry, passenger traffic increased dramatically. For example, cruise ship passenger traffic to Ketchikan increased from 321,780 passengers in 1993 to an expected 830,000 passengers in 2004. The increase in passenger traffic occurred despite the effects of the SARS epidemic, global terrorism, and moderate economic growth, a record 9.52 million passengers cruised worldwide in 2003 -- a 10.2 percent increase over 2002. Cruise lines anticipate another record year in 2004, with approximately 10.6 million guests.

Given the growth of the industry and the fact Alaska is such a unique and wonderful destination for cruise ship companies and their passengers, I am convinced Alaska can recover part of its costs through reasonable taxes without appreciably affecting the growth of the Alaska cruise ship industry.

Alaska will always welcome its guests. However, Alaska should join 48 of the other 49 states and such countries as Jamaica and the Bahamas that raise revenue from transient accommodation through some form of tax or fee. This is only fair. Alaska residents have been paying, and will continue to pay, such taxes when travelling or cruising within these states or abroad.



I urge your support for this bill.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor

**SB 368**

SENATE BILL NO. 368 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to taxes on cigarettes and tobacco products; relating to tax stamps on cigarettes; relating to forfeiture of cigarettes and of property used in the manufacture, transportation, or sale of unstamped cigarettes; relating to licenses and licensees under the Cigarette Tax Act; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

Fiscal Note No. 2, Department of Public Safety

Governor's transmittal letter dated March 16:

Dear President Therriault:

Under the authority of article III, section 18 of the Alaska Constitution, I am transmitting a bill that would increase the cigarette excise tax from five cents per cigarette to ten cents per cigarette. The tax on "other tobacco products" such as smokeless tobacco would be increased from 75 percent to 100 percent of the wholesale cost.

This bill provides the multiple benefits of saving Alaskan lives, reducing health related expenditures, and raising state revenue. Increasing the price of tobacco is one of the most effective ways of reducing tobacco use, especially among youths. It is well substantiated

that as the price of cigarette increases, rates of smoking decline. As youths are especially sensitive to such price increases, we can expect the proposed \$1.00 per pack cigarette tax increase will add to the 50 percent drop in youths smoking rates we have seen in Alaska since 1995. A further drop in youths smoking rates of just 15 percent from current levels would translate into 1,800 lives saved from premature death due to tobacco addiction among Alaska high school students alive today.

Among current adult smokers, 3,500 will quit smoking because of the tax, and of those, 800 will be saved from a smoking-caused death. Smoking among expectant mothers would also be reduced significantly, resulting in 850 babies being spared from exposure to maternal smoking while in utero during the next five years. The impact of tobacco taxes on health is not unprecedented in Alaska. Within a year of the implementation of the \$1.00 per pack cigarette tax in October 1997, the number of cigarettes consumed in Alaska had dropped by 15 percent, and sales have not rebounded since then.

Alaska Natives should particularly see the benefits from reduced smoking. While smoking rates are declining within the U.S. general population, the rate of smoking is unchanged among Alaska Native adults and, at 44 percent, is almost double that of non-Natives. Currently, 44 percent of Alaska Native high school students smoke, almost four times the rate among non-Native students. One-third of Alaska Native high school boys use smokeless tobacco, as do one-sixth of their female counterparts. Use of smokeless tobacco among Alaska Native girls is nine times higher than the national rate. Lung cancer, the leading cause of cancer deaths, is increasing at an alarming rate among Alaska Natives of both sexes. Cardiovascular disease, including heart disease and stroke, is also linked with tobacco use, and kills approximately 120 Alaska Natives each year.

In addition to the devastating health impacts, smoking is a fiscal disaster for Alaska. The state receives nearly \$47 million in cigarette and other tobacco product tax revenues, but this amount doesn't even begin to cover the economic and social costs associated with smoking-related illnesses. The Centers for Disease Control and Prevention (CDCP) estimates that in 1998 the cost for direct medical expenses attributed to smoking-related disease and death in Alaska was nearly

\$133 million. In addition, CDCP estimates Alaska's total cost of lost productivity due to early tobacco-related deaths in 2001 was \$137 million.

Alaska can expect to see fiscal savings relatively soon following implementation of this proposed tax. Within five years, the health care savings from fewer smoking affected pregnancies and births will amount to \$1.6 million, according to the Campaign for Tobacco-Free Kids. This group estimates that the savings in the state from fewer smoking-related heart attacks and strokes will be \$1.8 million, and the long-term health care savings from adult and youth smoking declines will be \$146.3 million.

While saving in medical and lost-productivity expenditures, the proposed tax would also generate an estimated \$35.5 million in new tax revenues for the state annually. In addition, an estimated \$350,000 in new revenues will be generated for those municipalities in the state that levy a sales tax on the retail price of cigarettes.

With cigarette taxes at \$2.00 a pack, there will be incentive for tax evasion and smuggling. The new tobacco tax stamp, as passed into law last year, will help address this issue by serving to identify illegal cigarettes. To further advance this enforcement effort, my proposed bill allows the Department of Public Safety to seize and dispose of equipment, vehicles, money, and other assets used in cigarette smuggling and tax evasion activities. These types of seizures will make cigarette smuggling and tax evasion less attractive and protect state revenues.

Given the health impact, cost savings, and revenue to be generated from the proposed tobacco tax, I urge your support for this legislation.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor

**SB 369**

SENATE BILL NO. 369 BY THE SENATE JUDICIARY  
COMMITTEE, entitled:

"An Act exempting a person who allows a student of the University of Alaska to gain practical work experience with the person while participating in a practicum from vicarious liability as an employer, and exempting the student participating in a practicum from the Alaska Wage and Hour Act and workers' compensation coverage."

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

**SB 370**

SENATE BILL NO. 370 BY THE SENATE JUDICIARY COMMITTEE, entitled:

"An Act relating to the income of and appropriations from the Alaska permanent fund under art. IX, sec. 15(b), Constitution of the State of Alaska, and making conforming amendments; and providing for an effective date."

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

**SB 371**

SENATE BILL NO. 371 BY THE SENATE STATE AFFAIRS COMMITTEE, entitled:

"An Act relating to the powers and duties of the Department of Transportation and Public Facilities; relating to a long-range program for highway construction and maintenance; repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; and providing for an effective date."

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

**SB 372**

SENATE BILL NO. 372 BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act relating to secondary school assessments for students with disabilities; and providing for an effective date."

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

**SB 373**

SENATE BILL NO. 373 BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act relating to residency and internship permits issued by the State Medical Board; and providing for an effective date."

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

**Consideration of the Calendar****Second Reading of Senate Bills****SB 309**

SENATE BILL NO. 309 "An Act relating to testing the blood of prisoners and those in custody for bloodborne pathogens" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 2536. Without objection, CS FOR SENATE BILL NO. 309(JUD) 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. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 309(JUD) was read the third time.

Senator Wagoner moved and asked unanimous consent that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Without objection, the bill was returned to second reading.

Senator Wagoner offered Amendment No. 1:

Page 5, line 2, following "occurred;":

Insert: "or"

Page 5, line 5, following "officer;":

Insert: "or"

Senator Wagoner moved and asked unanimous consent for the adoption of Amendment No. 1. Without objection, Amendment No. 1 was adopted.

CS FOR SENATE BILL NO. 309(JUD) am was automatically in third reading.

The question being: "Shall CS FOR SENATE BILL NO. 309(JUD) am "An Act relating to testing the blood of prisoners and those in custody for bloodborne pathogens" pass the Senate?" The roll was taken with the following result:

CSSB 309(JUD) am

Third Reading - Final Passage

**YEAS: 18 NAYS: 0 EXCUSED: 2 ABSENT: 0**

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

Excused: Ellis, Lincoln

and so, CS FOR SENATE BILL NO. 309(JUD) am passed the Senate.

Senator Wagoner gave notice of reconsideration.

**SB 327**

SENATE BILL NO. 327 "An Act relating to pedestrians using rollerblades, roller skates, and similar devices" was read the second time.

Senator Gary Stevens, Chair, moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 2312. Without objection, CS FOR SENATE BILL NO. 327(STA) "An Act relating to pedestrians using rollerblades, roller skates, and rollerskis" 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. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 327(STA) was read the third time.

Senators Wilken, Green, Ben Stevens, French, Dyson, Elton moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE BILL NO. 327(STA) "An Act relating to pedestrians using rollerblades, roller skates, and rollerskis" pass the Senate?" The roll was taken with the following result:

CSSB 327(STA)  
Third Reading - Final Passage

**YEAS: 17 NAYS: 1 EXCUSED: 2 ABSENT: 0**

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

Nays: Wagoner

Excused: Ellis, Lincoln

and so, CS FOR SENATE BILL NO. 327(STA) passed the Senate and was referred to the Secretary for engrossment.

**Third Reading of Senate Bills****SB 347**

CS FOR SENATE BILL NO. 347(RES) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 347(RES) "An Act relating to moratoria on entry of new participants or vessels into a commercial fishery; relating to vessel permits for, and the establishment of a moratorium on entry of new vessels into, state Gulf of Alaska groundfish fisheries; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 347(RES)

Third Reading - Final Passage

Effective Date

**YEAS: 18 NAYS: 0 EXCUSED: 2 ABSENT: 0**

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

Excused: Ellis, Lincoln

and so, CS FOR SENATE BILL NO. 347(RES) 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 clause. Without objection, it was so ordered.

Senator French gave notice of reconsideration.

**Second Reading of Senate Resolutions****SJR 14**

SENATE JOINT RESOLUTION NO. 14 Requesting the Federal Aviation Administration to fully staff and maintain flight service stations in Alaska, was read the second time.

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



SENATE JOINT RESOLUTION NO. 14 was read the third time.

The question being: "Shall SENATE JOINT RESOLUTION NO. 14 Requesting the Federal Aviation Administration to fully staff and maintain flight service stations in Alaska, pass the Senate?" The roll was taken with the following result:

SJR 14

Third Reading - Final Passage

**YEAS: 18 NAYS: 0 EXCUSED: 2 ABSENT: 0**

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

Excused: Ellis, Lincoln

and so, SENATE JOINT RESOLUTION NO. 14 passed the Senate and was referred to the Secretary for engrossment.

#### **Citations**

Honoring – Alice and Reverend Lincoln Snow

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

Honoring – Michael Odell

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 – 2003 Kenai Cardinals Varsity Football Team

Representative(s) Wolf

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

In Memoriam – Withers V. Tolbert, Sr.  
Representative(s) Samuels, Moses  
Senator(s) Cowdery, Therriault, Bunde, Davis, Dyson, Elton, Green,  
Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben Stevens,  
Gary Stevens, Wagoner, Wilken

In Memoriam – Robert O. “Bob” Bowen  
Representative(s) Berkowitz  
Senator(s) French, Therriault, Bunde, Cowdery, Davis, Dyson, 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.

### **Reconsideration of Senate Bills**

#### **SB 316**

Senator Hoffman requested that the reconsideration on SENATE BILL NO. 316 be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE BILL NO. 316 "An Act relating to motor vehicle safety belt violations" pass the Senate?"  
The roll was taken with the following result:

#### SB 316

Third Reading - On Reconsideration

**YEAS: 11 NAYS: 7 EXCUSED: 2 ABSENT: 0**

Yeas: Bunde, Cowdery, Davis, French, Guess, Seekins, Stedman,  
Stevens B, Stevens G, Wagoner, Wilken

Nays: Dyson, Elton, Green, Hoffman, Ogan, Olson, Therriault

Excused: Ellis, Lincoln

and so, SENATE BILL NO. 316 passed the Senate on reconsideration and was referred to the Secretary for engrossment.

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**

#### **Citations**

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.

Honoring – Mitchell “Mitch” B. Seavey

Representative(s) Seaton

Senator(s) Gary Stevens, Therriault, Cowdery, Davis, Dyson, Elton, French, Green, Guess, Hoffman, Lincoln, 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.

### **Unfinished Business**

#### **SB 35**

Senator Ben Stevens moved and asked unanimous consent that the Senate rescind its previous action in passing CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35(FIN) am(brf sup maj fld)(efd fld) "An Act making appropriations to the Department of Education and Early Development for K-12 educational programs; and making appropriations to the University of Alaska."

The question being: "Shall the Senate rescind its previous action in passing CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35(FIN) am(brf sup maj fld)(efd fld)?" The roll was taken with the following result:

CSSSSB 35(FIN) am(brf sup maj fld)(efd fld)  
Rescind Action in Passing?

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

Yeas: Bunde, Cowdery, Davis, Dyson, Elton, Green, Hoffman, Ogan, Olson, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: French, Guess

Excused: Ellis, Lincoln

and so, the Senate rescinded its previous action and CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35(FIN) am "An Act making appropriations to the Department of Education and Early Development for K-12 educational programs; making appropriations to the University of Alaska; making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2004 into the constitutional budget reserve fund; making appropriations of the amount necessary to balance revenue and general fund appropriations for fiscal years 2004 and 2005; making an appropriation for investment management fees for the constitutional budget reserve fund; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date" was before the Senate in third reading.

Senator Ben Stevens moved and asked unanimous consent that CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 35(FIN) am be returned to the Finance Committee. Without objection, the bill was returned to the Finance Committee.

Senator Olson moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 19 to plane time, March 22. Without objection, Senator Olson was excused.

Senator Ogan moved and asked unanimous consent to be excused from a call of the Senate from plane time, March 27 to plane time, March 29. Without objection, Senator Ogan was excused.

Senator Elton moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, April 15 to evening plane time, April 18. Without objection, Senator Elton was excused.

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate from noon, April 1 to April 4. Without objection, Senator Hoffman was excused.

**SB 309**

Senator Dyson moved and asked unanimous consent to be shown as a cosponsor on CS FOR SENATE BILL NO. 309(JUD) am "An Act relating to testing the blood of prisoners and those in custody for bloodborne pathogens." Without objection, it was so ordered.

**HB 233**

Senator Olson moved and asked unanimous consent to be shown as a cross sponsor on CS FOR HOUSE BILL NO. 233(EDU) am "An Act increasing the base student allocation used in the formula for state funding of public education; and providing for an effective date." Without objection, it was so ordered.

**HB 356**

Senator Olson moved and asked unanimous consent to be shown as a cross sponsor on HOUSE BILL NO. 356 "An Act relating to operation of alcoholic beverage delivery sites; and providing for an effective date." Without objection, it was so ordered.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SB 316**

SENATE BILL NO. 316 "An Act relating to motor vehicle safety belt violations" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 327**

CS FOR SENATE BILL NO. 327(STA) "An Act relating to pedestrians using rollerblades, roller skates, and rollerskis" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SJR 14**

SENATE JOINT RESOLUTION NO. 14 Requesting the Federal Aviation Administration to fully staff and maintain flight service stations in Alaska, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**Adjournment**

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 22, 2004. Without objection, the Senate adjourned at 11:17 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**

<b>Mar 19</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>Mar 22</b>	<b>Monday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>Mar 24</b>	<b>Wednesday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
+ SB 267	SENIOR WIDOW(ER) PROPERTY TAX EXEMPTION		
	Bills Previously Heard/Scheduled		
<b>Mar 26</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		

-----

**FINANCE**

<b>Mar 19</b>	<b>Friday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
	-- Meeting Canceled --		
	-- Teleconference <Listen Only> --		
+	Continuation of Senate Finance		
	Committee Discussion/Action, If Necessary		
+	Bills Previously Heard/Scheduled		

**FINANCE (continued)**

- Mar 20 Saturday Senate Finance 532 9:00 AM**  
 -- Meeting Canceled --  
 -- Teleconference <Listen Only> --  
 + Continuation of Senate Finance  
 Committee Discussion/Action, if necessary  
 + Bills Previously Heard/Scheduled
- Mar 22 Monday Senate Finance 532 9:00 AM**  
 += SB 279 AHFC WATER & SEWER BONDS  
 += SB 274 HOUSING PROGRAMS  
 += SB 273 ASMI BOARD/ SEAFOOD TAXES & ASSESSMENTS  
 += SB 277 STUDENT LOAN PROGRAMS  
 += SB 276 ALASKA INSURANCE GUARANTY ASSOCIATION  
 += HB 233 INCREASE EDUCATION FUNDING  
 += SB 35 APPROPRIATIONS: K-12, UNIVERSITY  
 + Bills Previously Heard/Scheduled
- Mar 23 Tuesday Senate Finance 532 9:00 AM**  
 += SB 271 NATURAL GAS DEVEL AUTHORITY PROJECTS  
 += SB 300 ATTORNEY'S LIEN  
 += SB 322 SALMON ENHANCEMENT TAX  
 + Bills Previously Heard/Scheduled
- Mar 24 Wednesday Senate Finance 532 9:00 AM**  
 += SB 328 NATIONAL FOREST INCOME PROGRAM/DCED REGS  
 + SB 286 DIRECT MARKETING FISHERIES BUSINESS  
 + SB 366 STATE SALES TAX  
 + Bills Previously Heard/Scheduled
- Mar 25 Thursday Senate Finance 532 9:00 AM**  
 += SB 306 NATUROPATHIC MEDICINE  
 + SB 298 OFF-ROAD VEHICLE USE ON DALTON HIGHWAY  
 + Bills Previously Heard/Scheduled
- Mar 26 Friday Senate Finance 532 9:00 AM**  
 + SB 301 PIONEERS' HOMES/VETERANS' HOMES  
 + SB 256 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 + SB 258 APPROP:MENTAL HEALTH BUDGET  
 + Bills Previously Heard/Scheduled
-



**HEALTH, EDUCATION & SOCIAL SERVICES**

**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

**Mar 22 Monday Butrovich 205 1:30 PM**  
 SB 373 PHYSICIAN INTERNS AND RESIDENTS  
 = SB 364 LIMIT STATE AID FOR MENTAL HEALTH CARE

**Mar 24 Wednesday Butrovich 205 1:30 PM**  
 += HB 25 HEALTH CARE SERVICES DIRECTIVES  
 Bills Previously Heard/Scheduled

**Mar 26 Friday Butrovich 205 1:30 PM**  
 + CONFIRMATION HEARINGS  
 Bills Previously Heard/Scheduled

-----

**JUDICIARY**

**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

**Mar 22 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 24 Wednesday Butrovich 205 8:00 AM**  
 + HB 414 U.S.SENATE VACANCY/DEF OF POLITICAL PARTY  
 <Pending Referral>  
 + SB 338 CLAIMS AGAINST STATE EMPLOYEES  
 += SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE  
 + Bills Previously Heard/Scheduled

**JUDICIARY (continued)**

**Mar 26 Friday Butrovich 205 8:00 AM**  
 + SB 311 INSURANCE & WORKERS' COMPENSATION SYSTEM  
 + HB 230 POLITICAL SIGNS ON PRIVATE PROPERTY  
 + SB 308 DOMESTIC VIOLENCE PROTECTIVE ORDERS  
 += SB 345 LIABILITY FOR AIRPORTS AND AIRSTRIPS  
 + Bills Previously Heard/Scheduled

-----  
**LABOR & COMMERCE**

**Mar 23 Tuesday Beltz 211 1:30 PM**  
 + HJR 34 FED TRAINING AND ASSISTANCE FOR FISHERMEN  
 += HB 409 SEINE VESSEL LENGTH  
 + SB 358 ALASKA RAILROAD TRACK WORK  
 Bills Previously Heard/Scheduled  
 Including but Not Limited to:  
 += SB 357 INSURANCE  
 += HB 340 DAMAGES IN CONSTRUCTION CLAIMS

**Mar 25 Thursday Beltz 211 1:30 PM**  
 + SB 368 TOBACCO TAX; LICENSING; PENALTIES  
 + HB 285 ELECTRONIC TRANSACTIONS & SIGNATURES  
 + HB 15 SOLICITATIONS/CONSUMER PROTECTION  
 Bills Previously Heard/Scheduled  
 Including but Not Limited to:  
 += SB 337 ENERGY PROGRAMS & FUNDS

-----  
**RESOURCES**

**Mar 19 Friday Butrovich 205 3:30 PM**  
 -- Rescheduled from 03/08/04 --  
 + 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

**RESOURCES (continued)**

- Mar 22 Monday Butrovich 205 3:30 PM**  
 + SB 355 WASTE MANAGEMENT/DISPOSAL  
 + Bills Previously Heard/Scheduled
- Mar 24 Wednesday Butrovich 205 3:30 PM**  
 + SB 329 NUISANCE MOOSE  
 + HB 344 MINING FEES/LABOR/ROYALTIES/ABANDONMENT  
 + Bills Previously Heard/Scheduled
- Mar 26 Friday Butrovich 205 3:30 PM**  
 + Bills Previously Heard/Scheduled

-----  
**STATE AFFAIRS**

- Mar 23 Tuesday Beltz 211 3:30 PM**  
 + SB 246 HATE CRIMES/DISCRIMINATION/TOLERANCE PROG  
 + SB 356 VOTERS/VOTING/POLITICAL PARTIES/ELECTIONS  
 + SB 354 HUMAN RIGHTS COMMISSION PROCEDURES  
 + SB 224 LOWER DWI FOR MINORS TO .02  
 Bills Previously Heard/Scheduled
- Mar 25 Thursday Beltz 211 3:30 PM**  
 += SCR 12 BOROUGH INCORPORATION: UNORG AREAS  
 + HB 213 PROVISIONAL DRIVER'S LICENSE  
 + HB 337 ANATOMICAL GIFTS REGISTRY  
 + HB 350 CRIME VICTIMS' COMPENSATION FOR ARSON  
 Bills Previously Heard/Scheduled

-----  
**TRANSPORTATION**

- Mar 23 Tuesday Butrovich 205 1:30 PM**  
 No Meeting Scheduled
- Mar 25 Thursday Butrovich 205 1:30 PM**  
 + HB 93 BOATING SAFETY,REGISTRATION, NUMBERING
-

**FINANCE SUBCOMMITTEES****ADMINISTRATION**

**Mar 26      Friday                      Fahrenkamp 203              8:00 AM**  
 FY 05 Budget Close-out

-----

**COMMUNITY AND ECONOMIC DEVELOPMENT**

**Mar 19      Friday                      Terry Miller 104              4:00 PM**  
 -- Meeting Canceled --  
 DCED FY 05 Operating Budget

**Mar 25      Thursday                      Senate Finance 532              4:00 PM**  
 Close-out

-----

**CORRECTIONS**

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

**Mar 24      Wednesday                      Senate Finance 532              5:00 PM**  
 FY 05 Budget Close-out

-----

**COURT SYSTEM**

**Mar 25      Thursday                      Senate Finance 532              1:00 PM**  
 FY 05 Budget Request

-----

**EDUCATION & EARLY DEVELOPMENT**

**Mar 25      Thursday                      Senate Finance 532              5:00 PM**  
 FY 05 Operating Budget Close-out

-----

**FINANCE SUBCOMMITTEES (continued)****FISH & GAME**

**Mar 22      Monday                      Fahrenkamp 203              2:00 PM**  
 Fish & Game Budget

-----

**GOVERNOR**

**Mar 25      Thursday                      Senate Finance 532              8:15 AM**  
 FY 05 Budget Request

-----

**HEALTH & SOCIAL SERVICES**

**Mar 22      Monday                      Senate Finance 532              5:00 PM**  
 FY 05 Budget: Medicaid, Seniors and  
 DD Services

**Mar 23      Tuesday                      Senate Finance 532              4:00 PM**  
 FY 05 Budget: Child Protection

-----

**LABOR & WORKFORCE DEVELOPMENT**

**Mar 23      Tuesday                      Fahrenkamp 203              8:00 AM**  
 FY 05 Budget Close-out

-----

**LAW**

**Mar 23      Tuesday                      Fahrenkamp 203              4:00 PM**  
 FY 05 Budget Close-out

-----

**LEGISLATURE**

**Mar 23      Tuesday                      Senate Finance 532              8:30 AM**  
 FY 05 Budget Request

-----

**FINANCE SUBCOMMITTEES (continued)****NATURAL RESOURCES**

**Mar 24**      **Wednesday**                      **Fahrenkamp 203**                      **8:00 AM**  
 FY 05 Budget Close-out

-----

**PUBLIC SAFETY**

**Mar 23**      **Tuesday**                                      **Beltz 211**                                      **8:00 AM**  
 Public Safety Budget

-----

**TRANSPORTATION & PUBLIC FACILITIES**

**Mar 25**      **Thursday**                                      **Senate Finance 532**                      **4:30 PM**  
 Close-out

-----

**JOINT COMMITTEES****SALMON INDUSTRY TASK FORCE**

**Mar 28**      **Sunday**                                      **House Finance 519**                      **11:00 AM**  
 Final Task Force Discussion, Work-group  
 Recommendations

-----

**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

**Mar 22**      **Monday**                                      **Beltz 211**                                      **8:00 AM**  
 -- Teleconference --  
 Full Committee Meeting to Discuss  
 "Open Meetings"  
 Public Comment is limited to 3 minutes  
 or as time allows

-----

