

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

March 26, 2004

#### Seventy-fifth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:12 a.m.

The roll showed seventeen members present. Senators Guess, Hoffman, Lincoln were excused from a call of the Senate.

The prayer was offered by the Chaplain, Pastor Robert Sherwood of Church of the Nazarene. Senator Ogan moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Once upon a time I had a young friend named Philip. Philip lived in a nearby city, and Philip was born a mongoloid. He was a pleasant child - happy, it seemed - but increasingly aware of the difference between himself and other children.

Philip went to Sunday School. And his teacher, also, was a friend of mine. My Sunday School teacher friend taught the third grade at a Methodist church. Philip was in his class, as well as nine other 8-year-old boys and girls.

My Sunday School teacher friend is a very creative teacher. Most of you know 8-year-olds. And Philip, with his differences, was not readily accepted as a member of this third-grade Sunday School class. But my teacher friend was a good teacher, and he had helped facilitate a good group of 8-year-old children. They learned and they laughed and they played together. And they really cared about each other - even though, as you know, 8-year-olds don't say that they care about each other out loud very often. But my teacher friend could see it. He knew it. He also knew that Philip was not really a part of that group of children. Philip, of course, did not choose nor did he want to be different. He just was. And that was just the way things were.

My Sunday School teacher friend had a marvelous design for his class on the Sunday after Easter last year. You know those things that panty hose come in - the containers look like great big eggs. My friend had collected ten of these to use on that Sunday. The children loved it when he brought them into the room. Each child was to get a great big egg. It was a beautiful spring day, and the assigned task was for each child to go outside on the church grounds and to find a symbol of new life, put it in the egg (the old panty hose containers), and bring it back to the classroom. They would then mix them all up, and then all open and share their new life symbols and surprises together one by one.

Well, they did this, and it was glorious. And it was confusing. And it was wild. They ran all around, gathered their symbols, and returned to the classroom. They put all the big eggs on a table, and then my teacher friend began to open them. All the children were standing around the table.

He opened one, and there was a flower, and they ooh-ed and aah-ed. He opened another, and there was a little butterfly. "Beautiful," the girls all said, since it is very hard for 8-year-old boys to say "beautiful."

He opened another, and there was a rock. And as third graders will, some laughed, and some said, "That's crazy! How's a rock supposed to be like new life?" But the smart little boy whose egg they were speaking of spoke up. He said, "That's mine. And I knew all of you would get flowers, and buds, and leaves, and butterflies, and stuff like that. So I got a rock because I wanted to be different. And for me, that's new life."

He (the teacher) opened the next one, and there was nothing there. The other children, as 8-year-olds will, said, "That's not fair - that's stupid! - somebody didn't do it right."

About that time my teacher friend felt a tug on his shirt, and he looked down and Philip was standing beside him. "It's mine," Philip said. "It's mine." And the children said, "You don't ever do things right, Philip. There's nothing there!"

“I did so do it,” Philip said. “I did do it. It’s empty - *the tomb is empty!*”

The class was silent, a very full silence. And for you people who don’t believe in miracles, I want to tell you that one happened that day last spring. From that time on, it was different. Philip suddenly became a part of that group of 8-year-old children. They took him in. He entered. He was set free from the tomb of his differentness.

Philip died last summer. His family had known since the time that he was born that he wouldn’t live out a full life span. Many other things had been wrong with his tiny, little body. And so, late last July, with an infection that most normal children could have quickly shrugged off, Philip died. The mystery simply enveloped him completely.

He was buried from that church. And on that day at that funeral nine 8-year-olds, with their Sunday School teacher, marched right up to that altar and laid on it an empty egg - an empty, old discarded holder of panty hose. (From “The Story of Philip” by Harry Pritchett, Jr. in *St. Luke’s Journal of Theology* - June 1976).

Father, a half hour ago I was in prison working with a recovery group; the only difference between those in prison and here is genetics and choices. Grant through the power of your resurrection that these men and women will make the best choices for our state and for themselves. In Jesus’ name, Amen.

Senator Bunde led the Senate in the Pledge of Allegiance.

### **Certification**

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

**Messages from the House**

Message dated March 24 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of  
House Resolutions****HCR 31**

CS FOR HOUSE CONCURRENT RESOLUTION NO. 31(HES) BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE,

Proclaiming April 2004 as Traumatic Brain Injury Awareness Month.

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

Messages dated March 24 and March 25 were read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 447**

CS FOR HOUSE BILL NO. 447(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

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

**HB 486**

CS FOR HOUSE BILL NO. 486(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to reclamation bonding and financial assurance for certain mines; relating to financial assurance limits for lode mines; establishing the mine reclamation trust fund; and providing for an effective date."

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

**HB 494**

CS FOR HOUSE BILL NO. 494(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the methods of disbursement of money by the state, including employment compensation, unemployment payments, and permanent fund dividends, and to bank investments and deposits by the state; and providing for an effective date."

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

**HB 524**

HOUSE BILL NO. 524 am BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"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."

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

**Communications**

Disclosure letters received in accordance with AS 24.60 will be published in Senate Journal Supplement No. 7 and Senate and House Joint Journal Supplement No. 16.

**Standing Committee Reports****SB 276**

Forthcoming fiscal notes (page 2598) for the Finance Committee Substitute for SENATE BILL NO. 276 "An Act relating to the Alaska Insurance Guaranty Association; relating to joint insurance arrangements and assessments to the association; relating to the powers of the Alaska Industrial Development and Export Authority concerning the association; and providing for an effective date" were published today:

Fiscal Note No. 7, zero, Department of Administration

Fiscal Note No. 8, zero, Department of Community and Economic Development

Fiscal Note No. 9, zero, Department of Community and Economic Development

**SB 301**

The Finance Committee considered SENATE BILL NO. 301 "An Act relating to the Alaska Pioneers' Home, and the Alaska Veterans' Home; relating to eligibility for admission to the Alaska Pioneers' Home and Alaska Veterans' Home; relating to state veterans' home facilities; making conforming amendments; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 301(FIN) "An Act relating to the Alaska Pioneers' Home and the Alaska Veterans' Home; relating to eligibility for admission to the Alaska Pioneers' Home and Alaska Veterans' Home; relating to the eligibility of residents for the Alaska Pioneers' Home and the Alaska Veterans' Home for general relief assistance; relating to state veterans' home facilities; making conforming amendments; and providing for an effective date."

and further recommends the adoption of a Health, Education and Social Services Committee Letter of Intent (page 2364).

Signing do pass: Senators Wilken, Green, Cochairs; Senators Bunde, Ben Stevens, Dyson. Signing no recommendation: Senator Olson.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

**SB 329**

The Resources Committee considered SENATE BILL NO. 329 "An Act relating to control of nuisance moose" and recommended it be replaced with

CS FOR SENATE BILL NO. 329(RES)

Signing do pass: Senator Ogan, Chair; Senators Dyson, Wagoner, Ben Stevens, Seekins.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Fish and Game

The bill was referred to the Finance Committee.

**SB 345**

The Judiciary Committee considered SENATE BILL NO. 345 "An Act relating to civil liability associated with aircraft runways, airfields, and landing areas" and recommended it be replaced with

CS FOR SENATE BILL NO. 345(JUD)

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Transportation and Public Facilities

The bill was referred to the Rules Committee.

**SB 368**

The Labor and Commerce Committee considered SENATE BILL NO. 368 "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." Signing do pass: Senator Bunde, Chair; Senators Seekins, Davis, French, Gary Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Revenue  
Fiscal Note No. 2, Department of Public Safety

The bill was referred to the Finance Committee.

**HB 285**

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 285(JUD) "An Act adopting the Uniform Electronic Transactions Act; repealing certain statutes relating to electronic records and electronic signatures; amending Rule 402, Alaska Rules of Evidence; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senator Davis. Signing no recommendation: Senators French, Gary Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 2, zero, Department of Natural Resources

The bill was referred to the Judiciary Committee.

**HB 337**

The State Affairs Committee considered CS FOR HOUSE BILL NO. 337(FIN) "An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, to motor vehicle licenses and registrations, and to state identification cards." Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Stedman. Signing amend: Senator Guess.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Health and Social Services  
Fiscal Note No. 2, Department of Administration

The bill was referred to the Finance Committee.

**HB 344**

The Resources Committee considered CS FOR HOUSE BILL NO. 344(RES) "An Act relating to annual rental fees, statements of annual labor, and production royalty for mining claims; and providing a cure for abandonment" and recommended it be replaced with



SENATE CS FOR CS FOR HOUSE BILL NO.  
344(RES)

Signing do pass: Senator Ogan, Chair; Senators Dyson, Wagoner, Ben Stevens, Seekins. Signing no recommendation: Senator Lincoln.

The following previously published fiscal information applies:  
Fiscal Note No. 2, Department of Natural Resources

The bill was referred to the Finance Committee.

**HB 350**

The State Affairs Committee considered CS FOR HOUSE BILL NO. 350(STA) "An Act adding personal injury and death from arson in the first degree to the injuries compensable by the Violent Crimes Compensation Board; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Stedman, Guess.

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

The bill was referred to the Judiciary Committee.

**SCR 12**

The State Affairs Committee considered SENATE CONCURRENT RESOLUTION NO. 12 Requesting the Local Boundary Commission to consider borough incorporation for certain unorganized areas. Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Stedman. Signing do not pass: Senator Guess.

The following fiscal information was published today:  
Fiscal Note No. 2, zero, Department of Community and Economic Development

The resolution was referred to the Rules Committee.

**Introduction and Reference of Senate Bills****SB 377**

SENATE BILL NO. 377 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the state's mechanical code, to mechanical contractors and mechanical administrators, to mechanical standards and inspections involved in certain housing loans, and to the adoption of the state's mechanical code; and providing for an effective date."

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

**SB 378**

SENATE BILL NO. 378 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to regulation of the discharge of pollutants from timber-related activities under the National Pollutant Discharge Elimination System; relating to waste treatment and disposal permits; making conforming amendments; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Department of Environmental Conservation

Governor's transmittal letter dated March 24:

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill that would allow the State of Alaska to tailor part of its water discharge program to fit state

concerns and environmental features. This bill would authorize the State of Alaska to administer National Pollutant Discharge Elimination System (NPDES) permits for the timber industry. Presently, NPDES permitting, compliance, and enforcement decisions are made pursuant to federal law designed to apply generically to all 50 states. The importance and value of assuming primacy is reflected by the fact that 45 other states have assumed primacy from the Environmental Protection Agency (EPA) for administering NPDES permits.

The Department of Environmental Conservation (DEC) has the capacity and experience to successfully implement primacy for the timber industry. DEC regulates a broad universe of technological and water-quality aspects for waste and wastewater disposal activities. These activities include regulation of timber industry discharges such as state certification of NPDES permits for log transfer facilities.

To accommodate NPDES primacy assumption, this bill would amend some existing permit requirements related to application submittals, public notice and comment opportunities, the maximum term of permits, and the causes for termination or modification of an authorization. These amendments would have the added benefit of streamlining and clarifying process requirements, to some extent, for all waste treatment or disposal authorizations.

The bill also includes legislative findings and intent language, to underscore the fact that assuming partial primacy for the NPDES program for a single industry sector might facilitate future assumption of a larger part or all of the NPDES program. A single-sector pilot-project-type program would allow the state to expand the current level of expertise and gain valuable experience in administering the program and working to resolve program administration issues with the EPA, which retains oversight authority over state NPDES programs. Because administration of the NPDES program is complex and costly, and assumption of the full program would require DEC to develop additional expertise, it makes sense to take measured steps toward full assumption by beginning with a single industry sector.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski

Governor

**SB 379**

SENATE BILL NO. 379 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

"An Act providing that public members of the Board  
of Trustees of the Alaska Permanent Fund  
Corporation may be removed only for cause; and  
providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Revenue

Fiscal Note No. 2, zero, Department of Law

Governor's transmittal letter dated March 24:

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska  
Constitution, I am transmitting a bill relating to removal of public  
members of the Board of Trustees of the Alaska Permanent Fund  
Corporation.

This bill would provide that public members of the Board of Trustees  
may be removed only for cause. The bill would provide grounds for  
the removal of public members of the board which includes, neglect of  
duty, misconduct in office or conviction of certain misdemeanor or  
felony charges. The bill also grants Board members the opportunity to  
be heard at a public hearing and requires at least ten days notice of the  
hearing.

Under existing law, it is possible to remove all Board members at a change in administration. This bill would insulate the Alaska Permanent Fund from partisan politics by making it more likely that Board members would be retained until the expiration of their terms. The state invests a great deal in the experience and training provided to Board members. It is in our best interests to reap the full benefit of this investment. The Alaska Permanent Fund Corporation benefits from having experienced Board members direct policy for management of the Permanent Fund.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor

**SB 380**

SENATE BILL NO. 380 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the extension under the State Procurement Code of terms for leases for real estate and certain terms for certain state contracts for goods and services; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

Governor's transmittal letter dated March 24:

Dear President Therriault:

Under the authority of article III, section 18 of the Alaska Constitution, I am transmitting a bill relating to the extension of terms for leases and terms for contracts for goods and services under the State Procurement Code.

This bill would make several changes to the State Procurement Code. Section one of the bill would authorize the state to negotiate lease rate reductions on existing leases in exchange for certain term extensions when favorable lease rates are available. The current process only authorizes lease extensions if the property owner agrees to either (1) reduce the lease rate by ten percent and perform modifications to bring the property into Americans with Disabilities Act compliance, or (2) reduce the lease rate by 15 percent. The problem is, the current process does not take into account whether the current lease rate is already below market. Due to market conditions and current lease rates, this high discount is often not acceptable to property owners.

Many of our current lease rates are already below market and leave the lessor unwilling to meet the 10 or 15 percent reduction to extend the lease. In fact, only a small percentage of lease extensions have been negotiated under the existing provisions. The only option left for the state is to issue a new request for proposals. Often this results in additional moving costs and market rates, which can represent a substantial increase in costs to the state.

The method proposed in this bill would ensure that the state receives the best value for its leasing dollars. Lease extensions would only be authorized where the rates are a minimum of five percent below market. This would allow the state to maintain its presence in leases which are already well below market rates. Additional savings beyond the five percent would be negotiated depending on a number of factors such as location, current market value, existing vacancies, and market trends.

The bill also would authorize term extensions for up to five years for contracts for goods and services provided a minimum cost savings of at least five percent could be achieved on the price of the goods or services as set in the current contract. Under present law, at the end of the contract term, contracts for goods or services must be resolicited through a competitive process or a new contract awarded based upon alternative procurement methods regardless of price reductions that may be offered by the contractor if the contract were extended.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor

**SB 381**

SENATE BILL NO. 381 BY THE SENATE STATE AFFAIRS COMMITTEE BY REQUEST, entitled:

"An Act relating to the contracting and financing authority of the Alaska Industrial Development and Export Authority; authorizing the authority to issue bonds in a principal amount not to exceed \$101,000,000 to finance the acquisition, design, construction, inventory, and operation of natural gas, propane air, or manufactured gas public utility facilities; and providing for an effective date."

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

**Consideration of the Calendar**

**Second Reading of Senate Bills**

**SB 286**

SENATE BILL NO. 286 "An Act relating to direct marketing fisheries businesses, to the fisheries business tax, and to liability for payment of taxes and assessments on the sale or transfer of fishery resources; and providing for an effective date" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2624. Senator Ellis objected, then withdrew his objection. There being no further objections, CS FOR SENATE BILL NO. 286(FIN) was adopted.

Senator Ben Stevens moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated CS FOR SENATE BILL NO. 286(FIN) will be on the March 29 calendar.

**SB 300**

SENATE BILL NO. 300 "An Act relating to an attorney's lien, to court actions, and to other proceedings where attorneys are employed" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2625. Without objection, CS FOR SENATE BILL NO. 300(FIN) "An Act relating to an attorney's lien, to court actions, and to other proceedings where attorneys are employed; and providing for an effective date" was adopted.

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

CS FOR SENATE BILL NO. 300(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 300(FIN) "An Act relating to an attorney's lien, to court actions, and to other proceedings where attorneys are employed; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 300(FIN)

Third Reading - Final Passage

Effective Date

**YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0**

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

Excused: Guess, Hoffman, Lincoln

and so, CS FOR SENATE BILL NO. 300(FIN) 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 Ellis gave notice of reconsideration.

**SB 373**

SENATE BILL NO. 373 "An Act relating to residency and internship permits issued by the State Medical Board; and providing for an effective date" was read the second time.

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.

SENATE BILL NO. 373 was read the third time.

The question being: "Shall SENATE BILL NO. 373 "An Act relating to residency and internship permits issued by the State Medical Board; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 373

Third Reading - Final Passage

Effective Date

**YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0**

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

Excused: Guess, Hoffman, Lincoln

and so, SENATE BILL NO. 373 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 and the bill was referred to the Secretary for engrossment.

**Third Reading of Senate Bills****SB 273**

CS FOR SENATE BILL NO. 273(FIN) was read the third time.

Senator Wagoner declared a conflict of interest.

The question being: "Shall CS FOR SENATE BILL NO. 273(FIN) "An Act amending the size, membership, and powers of the board of directors of the Alaska Seafood Marketing Institute and making a corresponding change in the quorum requirement; authorizing the establishment of the seafood marketing assessment at a rate of 0.5 percent or 0.6 percent of the value of seafood products produced; providing for an election to retain, terminate, or increase the seafood marketing assessment; providing for the repeal of the salmon marketing tax and provisions related to the salmon marketing tax; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 273(FIN)

Third Reading - Final Passage

**YEAS: 13 NAYS: 4 EXCUSED: 3 ABSENT: 0**

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

Nays: Ellis, Elton, Olson, Wagoner

Excused: Guess, Hoffman, Lincoln

and so, CS FOR SENATE BILL NO. 273(FIN) passed the Senate.

Senator Ben Stevens moved for the adoption of the effective date clauses.

The question being: "Shall the effective date clauses be adopted?" The roll was taken with the following result:

CSSB 273(FIN)  
Effective Date Clauses

**YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0**

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

Excused: Guess, Hoffman, Lincoln

and so, the effective date clauses were adopted.

Senator Olson gave notice of reconsideration.

### **Citations**

Honoring – The Courageous and Heroic Alaskans on the 40th Anniversary of the Great Alaska Earthquake  
Representative(s) Kohring, Kerttula, Gatto, Harris, Masek, Stoltze  
Senator(s) Therriault, Green, Ogan, Cowdery, Davis, Dyson, Ellis, Elton, French, 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**

#### **Reconsideration of Senate Bills**

##### **SB 227**

Senator Ellis requested that the reconsideration on CS FOR SENATE BILL NO. 227(STA) am be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 227(STA) am "An Act relating to municipal runoff elections and to municipal initiative and referendum elections" pass the Senate?" The roll was taken with the following result:

CSSB 227(STA) am  
Third Reading - On Reconsideration

**YEAS: 11 NAYS: 6 EXCUSED: 3 ABSENT: 0**

Yeas: Cowdery, Dyson, Green, Ogan, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Bunde, Davis, Ellis, Elton, French, Olson

Excused: Guess, Hoffman, Lincoln

and so, CS FOR SENATE BILL NO. 227(STA) am passed the Senate on reconsideration and was referred to the Secretary for engrossment.

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

#### **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**

Honoring – William Tyson Elementary School  
Representative(s) Gruenberg  
Senator(s) Guess, Therriault, Cowdery, Davis, Dyson, Ellis, Elton, Green, 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.

**HB 282**

Senators Seekins, Dyson, Wilken moved and asked unanimous consent to be shown as cross sponsors on HOUSE BILL NO. 282 "An Act relating to contracts between the University of Alaska and its employees involving research or other development of intellectual property and to the authority of the president of the University of Alaska regarding employee contracts for development of intellectual property." Without objection, it was so ordered.

**SB 344**

The reconsideration on 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" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SB 227**

CS FOR SENATE BILL NO. 227(STA) am "An Act relating to municipal runoff elections and to municipal initiative and referendum elections" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 344**

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" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 373**

SENATE BILL NO. 373 "An Act relating to residency and internship permits issued by the State Medical Board; and providing for an effective date" 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 29, 2004. Without objection, the Senate adjourned at 10:52 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 26</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
		No Meeting Scheduled	
<b>Mar 29</b>	<b>Monday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
		No Meeting Scheduled	
<b>Mar 31</b>	<b>Wednesday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
+ SB 361	SMALL CRUISE SHIP DISCHARGES		
<b>Apr 02</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
		No Meeting Scheduled	

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**FINANCE**

<b>Mar 26</b>	<b>Friday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
+ SB 301	PIONEERS' HOMES/VETERANS' HOMES		
+ SB 256	APPROP: OPERATING BUDGET/LOANS/FUNDS		
+ SB 258	APPROP:MENTAL HEALTH BUDGET		
+	Bills Previously Heard/Scheduled		
+ SB 3	CONST AM: APPROPRIATION/SPENDING LIMIT		
<b>Mar 29</b>	<b>Monday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
+ SB 328	NATIONAL FOREST INCOME PROGRAM/DCED REGS		
+ SB 322	SALMON ENHANCEMENT TAX		
+ SB 374	PERMANENT FUND INCOME DISTRIBUTION		
+ SB 326	PERMANENT FUND INVESTMENTS		
+	Bills Previously Heard/Scheduled		

**FINANCE (continued)**

**Mar 30 Tuesday Senate Finance 532 9:00 AM**  
 += SB 40 CONSTRUCTION OF HIGHWAYS BY DOTPF  
 + HB 394 COMMISSION ON AGING  
 += SB 306 NATUROPATHIC MEDICINE  
 += SB 298 OFF-ROAD VEHICLE USE ON DALTON HIGHWAY  
 + Bills Previously Heard/Scheduled

**Mar 31 Wednesday Senate Finance 532 9:00 AM**  
 + SB 357 INSURANCE  
 += SB 366 STATE SALES TAX  
 + Bills Previously Heard/Scheduled

**Apr 01 Thursday Senate Finance 532 9:00 AM**  
 + SB 255 ILLEGAL USE TRAFFIC PREEMPTION DEVICE  
 + SB 350 4 DAM POOL JOINT ACTION AGENCY  
 + Monetary Terms of Collective Bargaining  
 Units  
 + Bills Previously Heard/Scheduled

**Apr 02 Friday Senate Finance 532 9:00 AM**  
 += SB 313 FIRST SUPPLEMENTAL APPROPRIATION  
 + Bills Previously Heard/Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

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

**Mar 29 Monday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

**Mar 31 Wednesday Butrovich 205 1:30 PM**  
 -- Teleconference <Listen Only> --  
 + SB 248 HIGH SCHOOL COMPETENCY EXAMS/DIPLOMAS  
 + SB 372 SECONDARY SCHOOL ASSESSMENTS  
 + Bills Previously Heard/Scheduled



**HEALTH, EDUCATION & SOCIAL SERVICES (continued)**

**Apr 02 Friday Butrovich 205 1:30 PM**  
 += HB 25 HEALTH CARE SERVICES DIRECTIVES  
 + Bills Previously Heard/Scheduled

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**JUDICIARY**

**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

**Mar 29 Monday Butrovich 205 8:00 AM**  
 += SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE  
 + Bills Previously Heard/Scheduled

**Mar 31 Wednesday Butrovich 205 8:00 AM**  
 + HB 340 DAMAGES IN CONSTRUCTION CLAIMS  
 += SB 340 DETENTION OF MINORS  
 += HB 349 ILLEGALLY OBTAINED EVIDENCE/EVID RULE 412  
 += HB 513 CSED NAME CHANGE/DRIVER'S LIC.SUSPENSION  
 + Bills Previously Heard/Scheduled

**Apr 02 Friday Butrovich 205 8:00 AM**  
 + SB 318 CONSUMPTIVE USE OF FISH AND GAME  
 <Pending Referral>  
 += SB 319 CLAIMS AGAINST HEALTH CARE PROVIDERS  
 += SB 323 WORKERS COMPENSATION AND CONTRACTORS  
 + Bills Previously Heard/Scheduled

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**LABOR & COMMERCE**

**Mar 30 Tuesday Beltz 211 1:30 PM**  
 + Confirmation Hearing: Personnel Board  
 Laura Plenert  
 + HB 478 COMMERCIAL FISHING INTERIM USE PERMITS  
 + HJR 35 MAD COW DISEASE/COUNTRY OF ORIGIN LABELS  
 Bills Previously Heard/Scheduled  
 Including but Not Limited to:  
 += HB 409 SEINE VESSEL LENGTH

**LABOR & COMMERCE (continued)**

**Apr 01 Thursday Beltz 211 1:30 PM**  
 Senate Bill:  
 SAFETY CODE DEPARTMENT MOVE  
 <Pending Introduction & Referral>  
 + SB 365 SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS  
 + HB 341 DIVE FISHERY MANAGEMENT ASSESSMENT  
 Bills Previously Heard/Scheduled  
 Including but Not Limited to:  
 = SB 358 ALASKA RAILROAD TRACK WORK

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**RESOURCES**

**Mar 26 Friday Butrovich 205 3:30 PM**  
 + Bills Previously Heard/Scheduled

**Mar 29 Monday Butrovich 205 3:30 PM**  
 + SJR 31 FEDERAL FUNDING FOR EDUCATION  
 + HB 524 WASTE MANAGEMENT/DISPOSAL  
 + Bills Previously Heard/Scheduled

**Mar 31 Wednesday Butrovich 205 3:30 PM**  
 + HJR 34 FED TRAINING AND ASSISTANCE FOR FISHERMEN  
 Alaska Stranded Gas Act Applications -  
 Testimony by Invitation Only  
 + Bills Previously Heard/Scheduled

**Apr 02 Friday Butrovich 205 3:30 PM**  
 + Bills Previously Heard/Scheduled

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**STATE AFFAIRS**

**Mar 30 Tuesday Beltz 211 3:30 PM**  
 + HCR 25 ALASKA WILD SALMON WEEK  
 + SJR 25 FLOODING AND EROSION CONTROL ASSISTANCE  
 += SB 356 VOTERS/VOTING/POLITICAL PARTIES/ELECTIONS  
 Bills Previously Heard/Scheduled

**STATE AFFAIRS (continued)**

**Apr 01 Thursday Beltz 211 3:30 PM**  
 + SB 231 DECREASE TIME TO CLAIM UNCLAIMED PROPERTY  
 + SJR 30 AMEND & FUND NO CHILD LEFT BEHIND ACT  
 += SB 354 HUMAN RIGHTS COMMISSION PROCEDURES  
 Bills Previously Heard/Scheduled  
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**TRANSPORTATION**

**Mar 30 Tuesday Butrovich 205 1:30 PM**  
 SB 371 POWERS/DUTIES DOTPF  
 Senate Bill:  
 REPLAT ON CONDEMNATION PROCEEDINGS  
 <Pending Introduction & Referral>  
 Bills Previously Heard/Scheduled

**Apr 01 Thursday Butrovich 205 1:30 PM**  
 Bills Previously Heard/Scheduled  
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**FINANCE SUBCOMMITTEES**

**ADMINISTRATION**

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

**Apr 01 Thursday Senate Finance 532 12:00 PM**  
 FY 05 Budget Close-out  
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**FISH & GAME**

**Mar 30 Tuesday Fahrenkamp 203 4:00 PM**  
 Close-out  
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**FINANCE SUBCOMMITTEES (continued)****HEALTH & SOCIAL SERVICES**

**Apr 01      Thursday                      Senate Finance 532              4:00 PM**  
 FY 05 Budget: Unfinished Business &  
 Preliminary Close-out

**Apr 03      Saturday                      Senate Finance 532              10:00 AM**  
 FY 05 Budget Close-out

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**MILITARY AND VETERANS AFFAIRS**

**Mar 26      Friday                                      Butrovich 205              7:30 AM**  
 Budget Close-out

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**PUBLIC SAFETY**

**Mar 30      Tuesday                                      Beltz 211              8:00 AM**  
 Close-out

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**TRANSPORTATION & PUBLIC FACILITIES**

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

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

**Mar 29      Monday                                      Speakers Chambers              4:00 PM**  
 Joint w/(H) Economic Development  
 Committee  
 USDA International Trade Representative  
 for Alaska

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**JOINT COMMITTEES**

**LEGISLATIVE BUDGET & AUDIT**

- |               |  |                          |                 |
|---------------|--|--------------------------|-----------------|
| <b>Mar 29</b> | <b>Monday</b><br>Discussion:<br>Hiring Stranded Gas Act Consultant       | <b>House Finance 519</b> | <b>12:00 PM</b> |
| <b>Apr 15</b> | <b>Thursday</b><br>Veteran's Home Feasibility Study<br>Presented by ASCG | <b>House Finance 519</b> | <b>12:00 PM</b> |
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**SALMON INDUSTRY TASK FORCE**

- |               |   |                          |                 |
|---------------|---|--------------------------|-----------------|
| <b>Mar 28</b> | <b>Sunday</b><br>Final Task Force Discussion, Work-group<br>Recommendations | <b>House Finance 519</b> | <b>11:00 AM</b> |
|---------------|---|--------------------------|-----------------|
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**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

- |               |  |                         |                |
|---------------|--|-------------------------|----------------|
| <b>Apr 01</b> | <b>Thursday</b><br>-- Teleconference <Listen Only> --<br>** SUBCOMMITTEE MEETING **<br>Open Meetings | <b>Anch Lio Conf Rm</b> | <b>8:30 AM</b> |
|---------------|--|-------------------------|----------------|
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**OTHER MEETINGS**

**ENERGY POLICY TASK FORCE**

- |               |  |                  |                |
|---------------|--|------------------|----------------|
| <b>Mar 30</b> | <b>Tuesday</b><br>AIDEA/AEA Board Room<br>813 W. Northern Lights Blvd., Third Floor<br>1:00 PM - 5:00 PM | <b>Anchorage</b> | <b>1:00 PM</b> |
|---------------|--|------------------|----------------|
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**JOINT SESSION**

- |               |   |                      |                 |
|---------------|---|----------------------|-----------------|
| <b>Apr 02</b> | <b>Friday</b><br>Address by US Senator Lisa Murkowski | <b>House Chamber</b> | <b>11:00 AM</b> |
|---------------|---|----------------------|-----------------|

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**MAJORITY CAUCUS**

<b>Mar 26</b>	<b>Friday</b> Majority Caucus	<b>Butrovich 205</b>	<b>11:00 AM</b>
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