

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

April 8, 2004

#### Eighty-eighth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:28 a.m.

The roll showed nineteen members present. Senator Hoffman was excused from a call of the Senate.

The prayer was offered by the Chaplain, Pastor Mike Rose of the Juneau Christian Center. Senator Ogan moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

O Lord, our Lord, how majestic is Your name in all the earth. Lord, we pause this morning to give You thanks for this beautiful day, and to praise You for You do all things well. The Word of God tells us that every good and perfect gift is from above and comes down from the Father of lights with whom is no variation or shadow of turning. God we thank You that in a rapidly changing world, You are an unchanging God. Jesus Christ the same yesterday, today and forever.

Lord, we ask that You will grant wisdom and understanding to the Senate today. Lord, we pray for the people of this great state. We pray for those who are burdened with circumstances that are overwhelming. Thank You that You are a God who hears and answers prayer. In 2 Chronicles 7:14 You said, "If my people who are called by my name will humble themselves and pray and seek my face, and turn from their wicked ways then will I hear from heaven and will forgive their sin and heal their land." Help us to be in proper alignment with Your purposes today.

Lord, we pray special blessing upon people meeting around the world this Sunday to celebrate the resurrection of Jesus Christ. May the true meaning of Easter impact and bless our lives. In Jesus' name. Amen.

Senator Ogan led the Senate in the Pledge of Allegiance.

### **Certification**

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

### **Messages from the Governor**

#### **SB 63**

Message dated April 6 and received April 7 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE CS FOR CS FOR SENATE BILL NO.  
63(CRA) "An Act relating to municipal property  
taxation in annexed, detached, and newly  
incorporated areas."

Chapter 12, SLA 2004  
Effective Date: 07/05/2004

#### **HB 98**

Message dated and received April 7 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE BILL NO. 98 "An Act relating to sport  
fishing seasons and areas for persons under 16 years  
of age."

Chapter 13, SLA 2004  
Effective Date: 07/06/2004

**Messages from the House****SB 264**

Message dated April 7 was read, stating the House passed and returned:

SENATE BILL NO. 264 "An Act repealing the time limitation on the authority of the Department of Natural Resources to enter into agreements with a person or persons desiring to own an oil or natural gas pipeline proposed to be located on state land for the purposes of providing for payment of the reasonable costs incurred in preparing for activities before receipt of an application under the Alaska Right-of-Way Leasing Act; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

**HB 397**

Message dated April 7 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 397(JUD), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 397(JUD) "An Act relating to defense contacts with and recordings of statements of victims and witnesses of sexual offenses."

Messages dated April 7 were read, stating the House passed and transmitted for consideration:

**First Reading and Reference of  
House Resolutions****HJR 41**

CS FOR HOUSE JOINT RESOLUTION NO. 41(RES) BY THE HOUSE RESOURCES COMMITTEE,

Relating to support for the Federal Land Recreational Visitor Protection Act.

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

**HJR 44**

CS FOR HOUSE JOINT RESOLUTION NO. 44(RES) am BY THE HOUSE RESOURCES COMMITTEE,

Relating to research into the decline of the Southwest Alaska population of the Northern Sea Otter in the western Gulf of Alaska.

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

Message dated April 7 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills**

**HB 339**

CS FOR HOUSE BILL NO. 339(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to opt-out marketing plans for sales, to free trial periods for goods or services, and to acts that are unlawful as unfair trade practices."

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

**HB 405**

CS FOR HOUSE BILL NO. 405(EDU) BY THE HOUSE SPECIAL COMMITTEE ON EDUCATION, entitled:

"An Act relating to reports on school and school district performance; and relating to accountability of public schools and school districts; and providing for an effective date."

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

**HB 496**

CS FOR HOUSE BILL NO. 496(STA) BY THE HOUSE STATE AFFAIRS COMMITTEE, entitled:

"An Act creating the youth vote ambassador program and relating to that program; authorizing the members of the program to be appointed to serve on election boards; relating to qualifications for appointment to election boards; and providing for an effective date."

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

**Standing Committee Reports****SB 308**

Forthcoming Judiciary Committee Substitute (page 2818) for SENATE BILL NO. 308 "An Act increasing the duration of certain provisions of domestic violence protective orders from six months to one year" was received today:

CS FOR SENATE BILL NO. 308(JUD) "An Act relating to warnings on domestic violence and stalking forms; and increasing the duration of certain provisions of domestic violence protective orders from six months to up to one year."

Forthcoming Letter of Intent (page 2818) for the Judiciary Committee Substitute for SENATE BILL NO. 308 was received today:

**Letter of Intent**

The purpose of Sections 1 and 3 of this Act is to require the Alaska Court System to include conspicuous warning language about penalty of

perjury on forms for petitions and protective orders, as well as instructions for their use by a person seeking a protective order under AS 18.65.850 – 18.65.860.

“It is the intent of the Senate Judiciary Committee that this requirement applies only to new material printed after the effective date of this Act. The Alaska Court System may continue to supply written material printed before the effective date of this Act until those materials are exhausted.”

**SB 318**

The Resources Committee considered SENATE BILL NO. 318 "An Act relating to the individual right of Alaska residents in the consumptive use of fish and game" and recommended it be replaced with

CS FOR SENATE BILL NO. 318(RES) "An Act relating to a preference for Alaska residents in the consumptive uses of fish and game."

Signing do pass: Senator Ogan, Chair; Senators Seekins, Ben Stevens.  
Signing do not pass: Senators Elton, Wagoner. Signing no recommendation: Senator Lincoln. Signing amend: Senator Dyson.

The following fiscal information was published today:  
Fiscal Note No. 1, zero, Department of Fish and Game

The bill was referred to the Judiciary Committee.

**SB 336**

The Finance Committee considered SENATE BILL NO. 336 "An Act imposing a correctional facility surcharge on persons convicted of a crime under state law, and on persons whose probation is revoked; relating to fees and expenses for interstate transfer of probation or parole; and providing for an effective date" and recommended the adoption of the Judiciary Committee Substitute offered on page 2481. Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Ben Stevens. Signing no recommendation: Senator Bunde.

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

The bill was referred to the Rules Committee.

**SB 385**

The Health, Education and Social Services Committee considered SENATE BILL NO. 385 "An Act relating to homeland security, to civil defense, to emergencies and to disasters, including disasters in the event of attacks, outbreaks of disease, or threats of attack or outbreak of disease; establishing the Alaska division of homeland security and emergency management in the Department of Military and Veterans' Affairs and relating to the functions of that division and that department; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 385(HES)

Signing do pass: Senator Dyson, Chair; Senator Wilken. Signing no recommendation: Senators Guess, Davis.

The following fiscal information was published today:  
Fiscal Note No. 1, indeterminate, Department of Military and Veterans' Affairs

The bill was referred to the Finance Committee.

**HCR 31**

The Health, Education and Social Services Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 31(HES) Proclaiming April 2004 as Traumatic Brain Injury Awareness Month, and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE  
CONCURRENT RESOLUTION NO. 31(HES)  
Proclaiming May 2004 as Traumatic Brain Injury  
Awareness Month.

Signing do pass: Senator Dyson, Chair; Senators Guess, Davis, Wilken.

The following previously published fiscal information applies:  
Fiscal Note No. 1, zero, Department of Health and Social Services

The resolution was referred to the Rules Committee.

### **Introduction and Reference of Senate Resolutions**

#### **SCR 24**

SENATE CONCURRENT RESOLUTION NO. 24 BY THE  
SENATE JUDICIARY COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),  
Uniform Rules of the Alaska State Legislature,  
concerning House Bill No. 252, relating to boards  
under AS 08.01.

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

### **Reconsideration of Senate Bills**

#### **SB 329**

Senator Guess requested that the reconsideration on CS FOR  
SENATE BILL NO. 329(RES) be taken up. The bill was before the  
Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO.  
329(RES) "An Act relating to control of nuisance moose" pass the  
Senate?" The roll was taken with the following result:



CSSB 329(RES)

Third Reading - On Reconsideration

**YEAS: 15 NAYS: 4 EXCUSED: 1 ABSENT: 0**

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

Nays: Ellis, Elton, French, Lincoln

Excused: Hoffman

and so, CS FOR SENATE BILL NO. 329(RES) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

### **Unfinished Business**

#### **HB 213**

Senators Wilken, Cowdery, Bunde, Ben Stevens, Elton, Wagoner, Dyson moved and asked unanimous consent to be shown as cross sponsors on CS FOR HOUSE BILL NO. 213(FIN) "An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date." Without objection, it was so ordered.

#### **HB 25**

Senators Wilken, Dyson, Bunde moved and asked unanimous consent to be shown as cross sponsors on CS FOR HOUSE BILL NO. 25(JUD) "An Act relating to health care decisions, including do not resuscitate orders, anatomical gifts, and mental health treatment decisions, and to powers of attorney relating to health care, including anatomical gifts and mental health treatment decisions; and providing for an effective date." Without objection, it was so ordered.

#### **SJR 3**

President Therriault stated, in accordance with Uniform Rule 30(d), the time for reconsideration on CS FOR SENATE JOINT RESOLUTION NO. 3(FIN) am(fld S) Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit, will be extended to April 13.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SB 329**

CS FOR SENATE BILL NO. 329(RES) "An Act relating to control of nuisance moose" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**Enrollment****SCR 23**

SENATE CONCURRENT RESOLUTION NO. 23 Authorizing a recess by the Senate and the House of Representatives for a period of more than three days, those days being April 9, 10, 11, and 12 of 2004, was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 9:07 a.m., April 8, 2004.

**Adjournment**

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 3:00 p.m., April 13, 2004. Without objection, the Senate adjourned at 11:20 a.m.

Kirsten Waid  
Secretary of the Senate

April 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>Apr 09</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>Apr 12</b>	<b>Monday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>Apr 14</b>	<b>Wednesday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	-- Rescheduled from 04/07/04 --		
+ SB 132	MINTO FLATS GAME REFUGE & TOWNSITE		
+ SB 382	EMINENT DOMAIN/REPLAT OF BOUNDARY CHANGES		
<b>Apr 16</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		

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**FINANCE**

<b>Apr 08</b>	<b>Thursday</b>	<b>Senate Finance 532</b>	<b>8:00 AM</b>
	-- Time Change --		
+ SB 336	CORRECTIONS: FEES/SURCHARGE		
+ HB 213	PROVISIONAL DRIVER'S LICENSE		
+	Bills Previously Heard/Scheduled		
<b>Apr 09</b>	<b>Friday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
	No Meeting Scheduled		

**FINANCE (continued)**

**Apr 12 Monday Senate Finance 532 9:00 AM**  
No Meeting Scheduled

**Apr 13 Tuesday Senate Finance 532 6:00 PM**  
-- Time Change --

+ = HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS

+ = HB 377 APPROP: MENTAL HEALTH BUDGET

+ Statewide Teleconference

(Public testimony will be limited to no more than 2 minutes. Juneau testimony will be taken during lags in the teleconference sites & following the final set of LIOs.)

6:00 Bethel, Nome, Kotzebue

6:30 Barrow, Tok, Delta Junction

7:00 Fairbanks, Mat-Su

7:30 Anchorage

+ Bills Previously Heard/Scheduled

**Apr 14 Wednesday Senate Finance 532 9:00 AM**

+ = HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS

+ = HB 377 APPROP: MENTAL HEALTH BUDGET

+ Statewide Teleconference - Off net Sites

(Public testimony limited to 2 minutes)

+ = SB 366 STATE SALES TAX

Public Testimony

**Apr 14 Wednesday Senate Finance 532 6:00 PM**

-- Time Change --

+ = HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS

+ = HB 377 APPROP: MENTAL HEALTH BUDGET

+ Statewide Teleconference

(Public testimony will be limited to no more than 2 minutes. Juneau testimony will be taken during lags in the teleconference sites and following the final set of LIOs.)

6:00 Ketchikan, Wrangell, Petersburg

6:30 Sitka, Cordova, Valdez

7:00 Glennallen, Seward, Homer

7:30 Kenai, Kodiak, Dillingham

+ Bills Previously Heard/Scheduled

**FINANCE (continued)**

**Apr 15 Thursday Senate Finance 532 9:00 AM**  
 + State of Alaska Credit Outlook  
 Presentation  
 Mr. Gabriel Petek, Credit Analyst,  
 Standard and Poor's  
 += SB 65 CORRECTIONAL FACILITY EXPANSION  
 += SB 337 ENERGY PROGRAMS & FUNDS  
 += SB 350 4 DAM POOL JOINT ACTION AGENCY  
 += SB 255 ILLEGAL USE TRAFFIC PREEMPTION DEVICE  
 + SB 311 INSURANCE & WORKERS' COMPENSATION SYSTEM  
 <Pending Referral>  
 + Bills Previously Heard/Scheduled

**Apr 16 Friday Senate Finance 532 9:00 AM**  
 + SB 231 DECREASE TIME TO CLAIM UNCLAIMED PROPERTY  
 + SB 365 SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS  
 + SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE  
 + Bills Previously Heard/Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Apr 09 Friday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

**Apr 12 Monday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

**Apr 14 Wednesday Butrovich 205 1:30 PM**  
 += HB 25 HEALTH CARE SERVICES DIRECTIVES  
 + SB 383 CHILDREN'S TRUST GRANTS  
 + SB 376 PUBLIC ASSISTANCE AND SUBPOENA POWER  
 + Bills Previously Heard/Scheduled

**Apr 16 Friday Butrovich 205 1:30 PM**  
 + Confirmation Hearings  
 HB 385 AWARDDING CHILD CUSTODY  
 + Bills Previously Heard/Scheduled

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**JUDICIARY**

- Apr 09      Friday                              Butrovich 205              8:00 AM**  
 No Meeting Scheduled
- Apr 12      Monday                                      Butrovich 205              8:00 AM**  
 No Meeting Scheduled
- Apr 14      Wednesday                              Butrovich 205              8:00 AM**  
 += SB 318 CONSUMPTIVE USE OF FISH AND GAME  
 += SB 311 INSURANCE & WORKERS' COMPENSATION SYSTEM  
 + Bills Previously Heard/Scheduled  
 \*\*\* Meeting Will Recess Until 5:30 pm \*\*\*
- Apr 14      Wednesday                              Butrovich 205              5:30 PM**  
 \*\*\* After Recess \*\*\*  
 + SB 354 HUMAN RIGHTS COMMISSION PROCEDURES  
 += SB 323 WORKERS COMPENSATION AND CONTRACTORS  
 += SB 379 PERM FUND BOARD PUBLIC MEMBER REMOVAL  
 + Bills Previously Heard/Scheduled
- Apr 16      Friday                                      Butrovich 205              8:00 AM**  
 + SB 219 OFFENSES AGAINST UNBORN CHILDREN  
 + HB 451 THERAPEUTIC COURTS  
 + HB 503 TOBACCO MASTER SETTLEMENT AGREEMENT  
 + HB 514 CHILD SUPPORT ENFORCEMENT/ CRIMES  
 + Bills Previously Heard/Scheduled

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**LABOR & COMMERCE**

- Apr 08      Thursday                                      Beltz 211              1:30 PM**  
 No Meeting Scheduled
- Apr 13      Tuesday                                      Beltz 211              1:30 PM**  
 -- Meeting Canceled --  
 + HB 428 CIVIL PENALTY: UNDERAGE ALCOHOL PURCHASES  
 + HB 91 RETIRED PEACE OFFICER'S MEDICAL BENEFITS  
 + Bills Previously Heard/Scheduled  
 Including, but Not Limited to:  
 += SB 358 ALASKA RAILROAD TRACK WORK  
 += HB 15 SOLICITATIONS/CONSUMER PROTECTION

**LABOR & COMMERCE (continued)**

**Apr 15 Thursday Beltz 211 1:30 PM**  
 + HB 29 REAL PROPERTY TRANSACTIONS/LICENSEES  
 += HB 428 CIVIL PENALTY: UNDERAGE ALCOHOL PURCHASES  
 += HB 91 RETIRED PEACE OFFICER'S MEDICAL BENEFITS  
 + Bills Previously Heard/Scheduled  
 Including but Not Limited to:  
 += SB 272 DEFERRED DEPOSIT ADVANCES (PAYDAY LOANS)  
 += SB 377 STATE MECHANICAL CODE  
 += SB 358 ALASKA RAILROAD TRACK WORK  
 + Confirmation Hearings:  
 State Board of Registration - Architects,  
 Engineers and land Surveyors  
 Clifford E. Baker - Kenai  
 Boyd J. Brownfield - Anchorage  
 Richard A. Hughes - Fairbanks  
 Kenneth D. Maynard - Anchorage  
 Alaska Labor Relations Agency  
 Gary P. Bader - Anchorage  
 Dennis Niedermeyer - Eagle River  
 James S. Spalding - Anchorage

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**RESOURCES**

**Apr 09 Friday Butrovich 205 3:30 PM**  
 No Meeting Scheduled

**Apr 12 Monday Butrovich 205 3:30 PM**  
 No Meeting Scheduled

**Apr 14 Wednesday Butrovich 205 3:30 PM**  
 + HB 409 SEINE VESSEL LENGTH  
 + HJR 44 SEA OTTER RESEARCH/ENDANGERED SPECIES  
 + Bills Previously Heard/Scheduled

**Apr 16 Friday Butrovich 205 3:30 PM**  
 + Confirmation Hearings:  
 Board of Fisheries  
 Board of Agriculture & Conservation  
 + Bills Previously Heard/Scheduled

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**STATE AFFAIRS**

**Apr 08 Thursday Beltz 211 3:30 PM**  
No Meeting Scheduled

**Apr 13 Tuesday Beltz 211**  
--- Upon Adjournment ---  
+ Confirmation Hearing: Roger E. Holl  
Alaska Public Offices Commission  
+ HB 93 BOATING SAFETY,REGISTRATION, NUMBERING  
+= SB 224 LOWER DWI FOR MINORS TO .02  
+ Bills Previously Heard/Scheduled

**Apr 15 Thursday Beltz 211 3:30 PM**  
No Meeting Scheduled

**TRANSPORTATION**

**Apr 08 Thursday Butrovich 205 1:30 PM**  
No Meeting Scheduled

**Apr 13 Tuesday Butrovich 205 1:30 PM**  
No Meeting Scheduled

**Apr 15 Thursday Butrovich 205 1:30 PM**  
+ SB 384 ROUTE OF NAT GAS PIPELINE FUNDED BY RR

**JOINT COMMITTEES****LEGISLATIVE BUDGET & AUDIT**

**Apr 15 Thursday House Finance 519 12:00 PM**  
Veteran's Home Feasibility Study  
Presented by ASCG



**JOINT COMMITTEES (continued)**

**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

**Apr 14**      **Wednesday**                      **Anch Lio Conf Rm**                      **8:30 AM**  
-- Teleconference <Listen Only> --  
\*\*SUBCOMMITTEE MEETING\*\*  
+              Open Meetings  
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**OTHER MEETINGS**

**ENERGY POLICY TASK FORCE**

**Apr 10**      **Saturday**                                      **Anchorage**                      **10:00 AM**  
AIDEA/AEA Board Room  
813 W. Northern Lights Blvd., Third Floor