SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska Friday March 23, 2001

Seventy-fifth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:24 a.m.

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

The prayer was offered by the Chaplain, Father Michael Nash of the Cathedral of the Nativity. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

All powerful Creator, You made the human family to Your own image and set us in the midst of a beautiful creation. Once, You chose a people and gave them a destiny, with the promise that in one corner of this great world all would be blessed, and all would be free. That people built a nation on the proposition that all are created equal and have certain inalienable rights. Here in these chambers, may equality of persons be held in the highest esteem; and may the laws and statutes enacted here always uphold freedom and promote equal opportunity. We pray You gracious God. Amen.

Senator Pearce led the Senate in the Pledge of Allegiance.

Certification

Senator Leman moved and asked unanimous consent that the journal for the seventy-fourth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

SB 21

Message dated March 22 was read, stating the House passed and returned:

SENATE BILL NO. 21 "An Act increasing the maximum civil fine that may be imposed by the State Medical Board as a disciplinary sanction"

and adopted the Legislative Letter of Intent.

The bill was referred to the Secretary for enrollment.

Message dated March 22 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HJR 22

CS FOR HOUSE JOINT RESOLUTION NO. 22(RLS) BY THE HOUSE RULES COMMITTEE,

Relating to a diverse community; condemning a recent racially motivated attack; and requesting the Municipality of Anchorage police department to continue their conclusive investigation and requesting the criminal justice system to take rapid action to reach the determination of this case.

was read the first time and referred to the State Affairs Committee.

Communications

Disclosure letters received in accordance with AS 24.60 will be published in Senate Journal Supplement No. 3 and Senate and House Joint Journal Supplement No. 6.

Standing Committee Reports

SB 103

The Finance Committee considered SENATE BILL NO. 103 "An Act relating to election campaigns and legislative ethics; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 103(FIN) "An Act relating to election campaigns and legislative ethics."

Signing do pass: Senators Kelly, Donley, Cochairs, Senator Leman. Signing no recommendation: Senators Hoffman, Olson.

The following fiscal information was published today: Fiscal Note No. 2, Department of Administration

The bill was referred to the Rules Committee.

SB 123

The Transportation Committee considered SENATE BILL NO. 123 "An Act relating to legislative approval for the design and construction of facilities of the Alaska Railroad Corporation" and recommended it be replaced with

> CS FOR SENATE BILL NO. 123(TRA) "An Act relating to legislative approval for the design and construction of facilities of the Alaska Railroad Corporation and railroad line realignment and railroad corridor projects of the Alaska Railroad Corporation."

Signing do pass: Senator Cowdery, Chair. Signing no recommendation: Senators Taylor, Elton.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

SB 65

The Rules Committee considered SENATE BILL NO. 65 "An Act requiring a study to determine if gender is a determinant in state employee compensation." Signing to calendar: Senator Pearce, Chair, Senators Phillips, Cowdery, Therriault, Ellis.

The following fiscal information was published today: Fiscal Note No. 2, Senate Rules Committee

The bill is on today's calendar.

HJR 10

The Rules Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 10(FSH) Relating to the management of the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries and the protection and restoration of the Steller sea lion. Signing to calendar: Senator Pearce, Chair, Senators Cowdery, Phillips. Signing under other recommendations: Senator Ellis.

The resolution is on today's calendar.

Introduction and Reference of Senate Resolutions

SJR 22

SENATE JOINT RESOLUTION NO. 22 BY THE SENATE JUDICIARY COMMITTEE,

Proposing an amendment to the Constitution of the State of Alaska relating to the retention elections for justices of the Alaska supreme court and judges of the superior court.

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

Introduction and Reference of Senate Bills

SB 158

SENATE BILL NO. 158 BY THE SENATE RESOURCES COMMITTEE, entitled:

"An Act directing the commissioner of revenue to prepare a report to the legislature relating to the state's participation in owning or financing a gas pipeline project; and providing for an effective date."

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

SB 159

SENATE BILL NO. 159 BY THE SENATE JUDICIARY COMMITTEE, entitled:

"An Act relating to retention elections for judges of the court of appeals."

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

SB 160

SENATE BILL NO. 160 BY SENATOR TAYLOR, entitled:

"An Act relating to the powers and duties of the commissioner of fish and game, the Department of Fish and Game, and the Board of Game, to certain nonresident hunters, to nuisance game animals, and to consideration of the budget of the Department of Fish and Game by the legislature; and providing for an effective date."

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

SB 161

SENATE BILL NO. 161 BY THE SENATE JUDICIARY COMMITTEE, entitled:

"An Act relating to the withholding of salary of justices, judges, and magistrates; relating to requiring prompt decisions by justices, judges, and magistrates; and relating to judicial retention elections for judicial officers."

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

SB 162

SENATE BILL NO. 162 BY THE SENATE JUDICIARY COMMITTEE, entitled:

"An Act relating to the Wildlife Violator Compact."

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

SB 163

SENATE BILL NO. 163 BY SENATORS LINCOLN, Davis, Ellis, Hoffman, Elton, entitled:

"An Act relating to the commission of a crime when the defendant directed the conduct constituting the crime at the victim based on the victim's race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin."

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

SB 164

SENATE BILL NO. 164 BY SENATORS TORGERSON, Halford, Pearce, Leman, Donley, Kelly, Phillips, Taylor, Green, Wilken, Ward, Austerman, Cowdery, Therriault, Davis, Ellis, Elton, Hoffman, Lincoln, Olson, entitled:

March 23, 2001

"An Act prohibiting leases under the Right-of-Way Leasing Act on state land in or adjacent to the Beaufort Sea; and providing for an effective date."

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

Consideration of the Calendar

Second Reading of Senate Bills

SB 65

SENATE BILL NO. 65 "An Act requiring a study to determine if gender is a determinant in state employee compensation" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 633. Without objection, CS FOR SENATE BILL NO. 65(FIN) "An Act requiring a study regarding equal pay for equal work of certain state employees" was adopted and read the second time.

Senator Leman 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.

Senator Pearce moved and asked unanimous consent to be shown as a cosponsor on the bill. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 65(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 65(FIN) "An Act requiring a study regarding equal pay for equal work of certain state employees" pass the Senate?" The roll was taken with the following result:

CSSB 65(FIN) Third Reading - Final Passage

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

Yeas: Cowdery, Davis, Donley, Ellis, Elton, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Pearce, Phillips, Taylor, Therriault, Torgerson, Wilken

Nays: Green

Excused: Austerman, Ward

and so, CS FOR SENATE BILL NO. 65(FIN) passed the Senate and was referred to the Secretary for engrossment.

Second Reading of House Resolutions

HJR 10

CS FOR HOUSE JOINT RESOLUTION NO. 10(FSH) Relating to the management of the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries and the protection and restoration of the Steller sea lion, was read the second time.

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

CS FOR HOUSE JOINT RESOLUTION NO. 10(FSH) was read the third time.

The question being: "Shall CS FOR HOUSE JOINT RESOLUTION NO. 10(FSH) Relating to the management of the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries and the protection and restoration of the Steller sea lion, pass the Senate?" The roll was taken with the following result:

CSHJR 10(FSH) Third Reading - Final Passage

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

Yeas: Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Pearce, Phillips, Taylor, Therriault, Torgerson, Wilken

Excused: Austerman, Ward

and so, CS FOR HOUSE JOINT RESOLUTION NO. 10(FSH) passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Commemorating - National Correctional Officers Week, May 6 - 12, 2001 Senator(s) Torgerson, Wilken, Hoffman, Pearce, Elton, Green, Davis, Kelly, Lincoln, Taylor, Austerman, Leman, Ellis Honoring – Azella Perryman, Alaskan Student of the Year Senator(s) Leman, Davis, Donley, Wilken, Hoffman, Pearce, Elton, Green, Kelly, Taylor, Austerman, Ellis, Lincoln

Honoring – August G. "Augie" Hiebert, Alaskan of the Year Senator(s) Leman, Phillips, Donley, Wilken, Hoffman, Pearce, Elton, Green, Davis, Kelly, Lincoln, Taylor, Austerman, Ellis

Honoring – Domenik Sweat Representative(s) Whitaker Senator(s) Kelly, Wilken, Hoffman, Pearce, Elton, Green, Davis, Lincoln, Taylor, Austerman, Leman

Honoring – Douglas Penn Representative(s) Harris Senator(s) Lincoln, Wilken, Hoffman, Pearce, Elton, Green, Davis, Kelly, Taylor, Austerman, Leman Honoring – Matthew Sharp, Eagle Scout Representative(s) Harris Senator(s) Lincoln, Phillips, Wilken, Hoffman, Pearce, Elton, Green, Davis, Kelly, Taylor, Austerman, Leman, Ellis

In Memoriam – William Alex Stolt Senator(s) Leman, Halford, Phillips, Donley, Wilken, Hoffman, Pearce, Elton, Green, Davis, Kelly, Lincoln, Taylor, Austerman

In Memoriam – Arnold "Arne" Espe Representative(s) Bunde Senator(s) Cowdery, Phillips, Donley, Wilken, Hoffman, Pearce, Elton, Green, Davis, Kelly, Lincoln, Taylor, Austerman, Leman

In Memoriam – Mary Ann Dineen Representative(s) Harris Senator(s) Lincoln, Wilken, Hoffman, Pearce, Elton, Green, Davis, Kelly, Taylor, Austerman, Leman

Senator Leman moved and asked unanimous consent that the citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Unfinished Business

Reconsideration of House Resolutions

HCR 7

Senator Kelly requested that the reconsideration on CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(HES) am Relating to proclaiming April 2001 as Sexual Assault Awareness Month, be taken up. The resolution was before the Senate on reconsideration.

Senator Kelly offered Amendment No. 1:

Page 1, line 7, following "in": Delete "their lives" Insert "her life" March 23, 2001

Page 1, line 11, following "one": Delete "are" Insert "is"

Page 1, line 16, following "childhood": Insert "innocence"

Page 2, line 8, following "effects on our": Insert "families and"

- Page 2, line 9, following "WHEREAS it": Delete "would be" Insert "is"
- Page 2, line 17, following "urges": Insert "secondary"
- Page 2, line 20, following "Alaska": Insert "and how it can be combated"

Senator Kelly moved for the adoption of Amendment No. 1. Senator Ellis objected.

Senator Leman moved and asked unanimous consent that the reconsideration on CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(HES) am, with Amendment No. 1 pending, be held to the March 26 calendar. Without objection, it was so ordered.

Reconsideration of House Bills

HB 100

Senator Ellis requested that the reconsideration on SENATE CS FOR HOUSE BILL NO. 100(STA) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR HOUSE BILL NO. 100(STA) "An Act establishing the third Saturday of each June as Juneteenth Day" pass the Senate?" The roll was taken with the following result:

SCS HB 100(STA) Third Reading - On Reconsideration

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

Yeas: Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Pearce, Phillips, Taylor, Therriault, Torgerson, Wilken

Excused: Austerman, Ward

and so, SENATE CS FOR HOUSE BILL NO. 100(STA) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 65

CS FOR SENATE BILL NO. 65(FIN) "An Act requiring a study regarding equal pay for equal work of certain state employees" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HB 100

SENATE CS FOR HOUSE BILL NO. 100(STA) "An Act establishing the third Saturday of each June as Juneteenth Day" was engrossed, signed by the President and Secretary and returned to the House for consideration.

Enrollment

SJR 6

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 6(FIN) Urging the Congress of the United States to provide federal education funds as a block grant to the state, 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 1:50 p.m., March 23, 2001.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 26, 2001. Without objection, the Senate adjourned at 12:18 p.m.

Heidi Vogel Secretary of the Senate

March 2001

Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

STANDING COMMITTEES

- + indicates teleconference
- = indicates bill previously heard/scheduled

COMMUNITY & REGIONAL AFFAIRS

Mar 23	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Mar 26	Monday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Mar 28 + HB 118 + HB 156	Wednesday SR. CIT./VETERAN PRO MUNICIPAL DEBT FOR		
Mar 30	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM

FINANCE

Ma	r 23	Friday	Senate Finance 532	9:00 AM
	HB 103	APPROP: OPERATING	BUDGET	
		<above item="" removed<="" td=""><td>from Agenda></td><td></td></above>	from Agenda>	
	HB 104	APPROP: MENTAL H	EALTH BUDGET	
		<above item="" removed<="" td=""><td></td><td></td></above>		
=	SB 4	MUNICIPAL PROPER	FY TAX EXEMPTION	
=	SB 103	ELECTION CAMPAIG	NS AND LEGISLATIVE ET	HICS

Bills Previously Heard/Scheduled

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FINANCE (continued)

Mar 26	Monday Time Change	Senate Finance 532	6:00 PM
+ SB 133 += SB 88		ANNING ORGANIZATIONS	5
Mar 27	Tuesday Time Change	Senate Finance 532	6:00 PM
SB 136 SB 59	RESOURCE DEVELO	PMENT: BD./GRANTS/FUN MUNICIPALITIES FOR RC Scheduled	
Mar 28 SB 37 SB 143 SB 123 SB 104	RIGHT-OF-WAY LEA LEGISLATIVE APPRO		COST
Mar 28	Wednesday Time Change Bills Previously Heard/S	Senate Finance 532 Scheduled	6:00 PM
Mar 29	Thursday University of Alaska Bu Committee of the Whole Bills Previously Heard?	5	9:00 AM
	Friday APPROP: OPERATING APPROP: MENTAL H Budget Subcommittee R no public testimony no testimony by invita Bills Previously Heard/S	EALTH BUDGET eeports ation	9:00 AM

HEALTH, EDUCATION & SOCIAL SERVICES

M٤	ır 26	Monday	Butrovich 205	1:30 PM
		No Meeting Scheduled		
M٤	ır 28	Wednesday	Butrovich 205	1:30 PM
+		AK Association School Adm	inistrators	
+	SJR 21	EXTEND FEDERAL TANF	GRANTS	
+	SB 154	REPEAL SUNSET OF MEN	TAL HEALTH ASSIS	TANCE
+	SB 1	FOUNDATION FORMULA	INCREASE	
		Bills Previously Heard/Sched	uled	

JUDICIARY

Mar 23	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		
		D 1. 444	• • • • • • • •
Mar 26	Monday	Beltz 211	2:00 PM
	Time Change		
+= HB 34	RULE AGAINST PERPETUITIES		
+ SB 145	VILLAGE PUB.SAFETY OFFICE	R PROGRAM	
Mar 28	Wednesday	Beltz 211	1:30 PM
+ HB 24	BOROUGH REVENUES FOR TO	URISM MARKET	TNG
Mar 30	Friday	Beltz 211	1:30 PM
+ SB 60	FARM OPERATIONS: DISCLOSU	IRE /NUISANCES	3
52 00			·
	LABOR & COMMER	CE	
	EABOR & COMMER		
Mar 27	Tuesdav	Reltz 211	1·30 PM

Ma	r 27	Tuesday	Beltz 211	1:30 PM
+	HB 150	INSURANCE PREMIUMS FOR	RENTAL VEHIC	LES
	••		D 1/ 011	1 20 014
Ma	r 29	Thursday	Beltz 211	1:30 PM
+=	SB 66	FINANCIAL INSTITUTIONS		

March 23, 2001

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RESOURCES

Mar 23	Friday No Meeting Scheduled	Butrovich 205	3:30 PM
Mar 26	Monday No Meeting Scheduled	Butrovich 205	3:30 PM
Mar 28	Wednesday	Butrovich 205	3:30 PM
+ SB 156	BEST INTEREST FINDING	UNDER AK LAND A	АСТ
+ SB 158	REPORT:STATE PARTICIP	ATE IN NAT GAS PI	PE.
+ SB 164	NO GAS PIPELINE OVER H	BEAUFORT SEA	
Mar 30 += SB 121	Friday RIGHT-OF-WAY LEASING	Butrovich 205 ACT	3:30 PM
+ SB 148	REMOTE WATER STORAG	GE FOR FIRE DEPAR	TMENTS
+ SB 153	UNDERGROUND STORAG	E TANK LOAN FUN	D

RULES

Mar 27	Tuesday	Fahrenkamp 203	10:45 AM
SJR 15	CHILEAN FARM	MED SALMON	

STATE AFFAIRS

Mar 27	Tuesday No Meeting Scheduled	Beltz 211	3:30 PM
	Thursday STATE GOVERNMENT ACTIV Bills Previously Heard/Scheduled	Beltz 211 ITIES	3:30 PM

TRANSPORTATION

Mar 27	Tuesday No Meeting Scheduled	Butrovich 205	1:30 PM
Mar 29	Thursday No Meeting Scheduled	Butrovich 205	1:30 PM

FINANCE SUBCOMMITTEES

COMMUNITY AND ECONOMIC DEVELOPMENT

Mar 27	TuesdaySenate Finance 532 Rescheduled from 3/22/01Budget Closeout	3:30 PM		
	COURT SYSTEM			
Mar 27 +	Tuesday Terry Miller 104 Budget Closeout	12:00 PM		
	EDUCATION & EARLY DEVELOPMENT			
Mar 28	Wednesday Terry Miller 104 Budget Closeout	5:00 PM		
	HEALTH & SOCIAL SERVICES			
Mar 26	Monday Senate Finance 532 Budget Closeout	12:00 PM		
	LABOR & WORKFORCE DEVELOPMENT			
Mar 27	Tuesday Fahrenkamp 203 Rescheduled from 3/20/01 Budget Closeout	5:00 PM		
LAW				
Mar 27	Tuesday Terry Miller 104 Budget Closeout	8:00 AM		
	MILITARY AND VETERANS AFFAIRS			

Mar 28Wednesday
Budget CloseoutFahrenkamp 2038:00 AM

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FINANCE SUBCOMMITTEES (continued)

NATURAL RESOURCES

Mar 27	Tuesday Time and Location Change Budget Closeout	Beltz 211	5:00 PM
	č		

PUBLIC SAFETY

Mar 29	Thursday Budget Closeout	Fahrenkamp 203	8:00 AM	

SENATE BILL 48

Ma	ır 26	Monday	Senate Finance 532	4:00 PM
+	SB 48	MUNICIPALITI	ES: PROPERTY VALUATION	
		Public Testimony	У	

SPECIAL COMMITTEES

WORLD TRADE AND STATE/FEDERAL RELATIONS

Mar 27	Tuesday	House Finance 519	8:30 AM
	Joint w/House Ec	onomic Development Trade	
	and Tourism		
	Northwest Territories Delegation:		
	Partnership Opportunities for Economic		
	Development		

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

Mar 27	Tuesday	Capitol 102	2:45 PM
+	Review of proposed/approved regulations		
+	Proposed Pioneers' Homes rate increases		
	T 1	G	A 47 DI 4
Apr 03	Tuesday	Capitol 102	2:45 PM
+	To Be Announced		

ADMINISTRATIVE REGULATION REVIEW (continued)

 Apr 10
 Tuesday
 Capitol 102
 2:45 PM

 +
 To Be Announced

LEGISLATIVE BUDGET & AUDIT

Mar 29ThursdayHouse Finance 51912:00 PMExecutive Session: Final Audit ReportsAudit ReportsAudit Reports

OTHER MEETINGS

CHILDREN'S CAUCUS

Mar 27	Tuesday	Fahrenkamp 203	12:00 PM
	Teleconference <listen only=""></listen>		
+	Victims for Justice: Grief Recovery for		
	Children and Adults		
Apr 03	Tuesdav	Fahrenkamp 203	12:00 PM
1101 00	Iucsuay	rancinkanip 205	14.00 1 111

+ Child Abuse Prevention Network

FISH CAUCUS

Mar 23	Friday	Butrovich 205	12:00 PM
+	Dept of Fish & Game's use of commercial test fisheries		

JOINT SESSION

Apr 11WednesdayHouse Chamber11:00 AMUS Senator Ted Stevens' Annual Message