SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Thursday

April 5, 2001

Eighty-eighth Day

Pursuant to adjournment the Senate was called to order by President Halford at 4:56 p.m.

The roll showed eighteen members present. Senators Cowdery, Green were absent.

The prayer was offered by the Chaplain, Jesse Kiehl of the Juneau Jewish Community. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

O God, Who is the truth of the world, we give thanks and praise for the successful operation of Juanita Cowdery, wife of Senator Cowdery. And for the continued healing we pray will come, we give our blessings.

Ata kadosh v'shimcha kadosh u'kedoshim bechol-yom yehalelucha selah. Baruch ata, Adonai, ha-eil hakadosh. You are holy, Your Name is holy, and those who strive to be holy declare Your glory day by day. Blessed is the Eternal, the holy God.

We pray for sanctification in our lives and our work, Oh God, for eyes opened to what is right and just, for hearts prepared to serve You in truth. Each person strives to be holy. Our pursuit of justice and mercy, our acts of study and service and loving kindness are themselves a blessing on our families, our communities, and ourselves.

Kadosh, kadosh, kadosh, Adonai tsvaot, m'lo kol ha-aretz k'vodo. Holy, holy, holy is the God of hosts. The fullness of the earth is God's glory.

Senator Leman led the Senate in the Pledge of Allegiance.

Senator Leman moved and asked unanimous consent that Senator Cowdery be excused from a call of the Senate. Without objection, Senator Cowdery was excused.

Certification

Senator Leman 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 House

SB 112

Message dated April 4 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 112(FIN) "An Act placing certain employees of the Alaska Mental Health Trust Authority in the exempt service; establishing a minimum salary for the long term care ombudsman; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

HCR 5

Message dated April 4 was read, stating the House concurred in the Senate amendment to HOUSE CONCURRENT RESOLUTION NO. 5(title am), thus adopting:

SENATE CS FOR HOUSE CONCURRENT RESOLUTION NO. 5(STA) Proposing amendments to Uniform Rules 20(a), 37, and 49(a)(4) of the Alaska State Legislature.

Message dated April 4 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HCR 1

CS FOR HOUSE CONCURRENT RESOLUTION NO. 1(RLS) am BY THE HOUSE RULES COMMITTEE,

Relating to establishing a Task Force on a Statewide Comprehensive Energy Plan.

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

Standing Committee Reports

SB 4

The Finance Committee considered SENATE BILL NO. 4 "An Act relating to a mandatory exemption from municipal property taxes for certain residences and to an optional exemption from municipal taxes for residential property; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 4(FIN)

Signing amend: Senator Donley, Cochair, Senator Leman. Signing no recommendation: Senator Kelly, Cochair, Senators Green, Austerman, Hoffman, Olson. Signing do pass: Senator Wilken.

The following fiscal information was published today: Fiscal Note No. 3, Department of Revenue

The bill was referred to the Rules Committee.

SB 154

The Finance Committee considered SENATE BILL NO. 154 "An Act relating to mental health treatment facilities; repealing the termination date of the mental health treatment assistance program; and providing for an effective date." Signing do pass: Senators Donley, Kelly, Cochairs, Senators Austerman, Hoffman, Green, Olson, Wilken, Leman, Ward.

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

The bill was referred to the Rules Committee.

HJR 22

The State Affairs Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 22(RLS) 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, and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 22(STA)

Signing do pass: Senator Therriault, Chair, Senators Phillips, Pearce, Davis.

The following previously published fiscal information applies: Fiscal Note No. 1, zero, House Rules Committee

The resolution was referred to the Rules Committee.

Introduction and Reference of Senate Bills

SB 176

SENATE BILL NO. 176 BY THE SENATE LABOR AND COMMERCE COMMITTEE BY REQUEST, entitled:

"An Act relating to distributorships."

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

Consideration of the Calendar

Third Reading of Senate Bills

SB 48

CS FOR SENATE BILL NO. 48(FIN) am "An Act relating to the determination of full and true value of taxable municipal property for purposes of calculating funding for education and certain other programs, to incorporation of third class boroughs, to incorporation of certain boroughs in the unorganized borough and annexation of portions of the unorganized borough to boroughs and unified municipalities, and to the formation of separate unorganized boroughs; and providing for an effective date" was read the third time.

Senator Leman moved and asked unanimous consent that CS FOR SENATE BILL NO. 48(FIN) am be held to the April 9 calendar. Without objection, it was so ordered.

The presence of Senator Green was noted.

Citations

In Memoriam – Dean R. Dewey Senator(s) Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Hoffman, Wilken, Donley, Halford

Honoring – Bob Byron, Marriage Savers Senator(s) Green, Ward, Wilken, Leman, Therriault, Pearce, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Hoffman, Halford

Honoring – Allen Kemplen Senator(s) Ellis, Phillips, Wilken, Leman, Therriault, Pearce, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Hoffman, Halford Representative(s) Guess

Honoring – Matanuska-Susitna Borough School District, Career Pathways

Representative(s) Ogan

Senator(s) Green, Ward, Wilken, Leman, Pearce, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Hoffman, Halford

Honoring – UAF Women's Basketball Team

Representative(s) Hayes, Davies

Senator(s) Wilken, Ward, Leman, Therriault, Pearce, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Hoffman, Halford

Honoring – Janet Tobuk

Representative(s) Foster

Senator(s) Olson, Ward, Wilken, Leman, Pearce, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Hoffman, Halford

Honoring – City of Nome, 100th Anniversary

Representative(s) Foster

Senator(s) Olson, Phillips, Ward, Wilken, Leman, Ellis, Pearce, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Hoffman, Halford, Donley

Honoring - Erik Oliver Dawson, Eagle Scout

Representative(s) Berkowitz

Senator(s) Phillips, Wilken, Leman, Ellis, Therriault, Pearce, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Hoffman, Ward, Halford, Donley

In Memoriam – Vern V. Hirsch, Jr.

Representative(s) Kerttula, Hudson

Senator(s) Elton, Wilken, Leman, Pearce, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Hoffman, Ward, Halford

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 Senate Bills

SB 60

Senator Taylor requested that the reconsideration on CS FOR SENATE BILL NO. 60(JUD) "An Act relating to agricultural facilities and operations as private nuisances; and to disclosures in transfers of certain real property located within one mile of an agricultural facility or an agricultural operation" be taken up. The bill was before the Senate on reconsideration.

Senator Taylor moved 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 Taylor offered Amendment No. 1:

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Page 1, line 2:
Delete "one mile"
Insert "the vicinity"
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Page 4, line 3:
Delete "one mile"
Insert "the vicinity"
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Senator Taylor moved for the adoption of Amendment No. 1. Senator Ellis objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSSB 60(JUD) Second Reading Amendment No. 1

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

Yeas: Austerman, Donley, Green, Halford, Kelly, Leman, Lincoln, Olson, Pearce, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Davis, Ellis, Elton, Hoffman

Excused: Cowdery

and so, Amendment No. 1 was adopted.

CS FOR SENATE BILL NO. 60(JUD) am was automatically in third reading.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 60(JUD) am "An Act relating to agricultural facilities and operations as private nuisances; and to disclosures in transfers of certain real property located within the vicinity of an agricultural facility or an agricultural operation" pass the Senate?" The roll was taken with the following result:

CSSB 60(JUD) am

Third Reading - On Reconsideration

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

Yeas: Austerman, Davis, Donley, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Pearce, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Ellis, Elton Excused: Cowdery

and so, CS FOR SENATE BILL NO. 60(JUD) am passed the Senate on reconsideration and was referred to the Secretary for engrossment.

SB 88

Senator Olson requested that the reconsideration on SENATE BILL NO. 88 be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE BILL NO. 88 "An Act relating to metropolitan planning organizations and to establishment of a metropolitan planning organization for the Anchorage metropolitan area; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 88

Third Reading - On Reconsideration

YEAS: 12 NAYS: 7 EXCUSED: 1 ABSENT: 0

Yeas: Austerman, Davis, Donley, Green, Halford, Leman, Pearce, Phillips, Taylor, Torgerson, Ward, Wilken

Nays: Ellis, Elton, Hoffman, Kelly, Lincoln, Olson, Therriault

Excused: Cowdery

Kelly changed from "Yea" to "Nay".

and so, SENATE BILL NO. 88 passed the Senate on reconsideration.

Senator Leman moved the effective date clause.

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

SB 88

Effective Date Clause

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Cowdery

and so, the effective date clause was adopted and the bill was referred to the Secretary for engrossment.

SB 37

The reconsideration on CS FOR SENATE BILL NO. 37(FIN) "An Act relating to collective negotiation by competing physicians with health benefit plans, to health benefit plan contracts, to the application of antitrust laws to agreements involving providers and groups of providers affected by collective negotiations, and to the effect of the collective negotiation provisions on health care providers" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Senator Ellis moved and asked unanimous consent to be excused from a call of the Senate through morning plane time on April 9. Without objection, Senator Ellis was excused.

Senator Therriault moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, April 6 through morning plane time, April 9. Without objection, Senator Therriault was excused.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 37

CS FOR SENATE BILL NO. 37(FIN) "An Act relating to collective negotiation by competing physicians with health benefit plans, to health benefit plan contracts, to the application of antitrust laws to agreements involving providers and groups of providers affected by collective negotiations, and to the effect of the collective negotiation provisions on health care providers" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 60

CS FOR SENATE BILL NO. 60(JUD) am "An Act relating to agricultural facilities and operations as private nuisances; and to disclosures in transfers of certain real property located within the vicinity of an agricultural facility or an agricultural operation" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 88

SENATE BILL NO. 88 "An Act relating to metropolitan planning organizations and to establishment of a metropolitan planning organization for the Anchorage metropolitan area; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment

SB 64

CS FOR SENATE BILL NO. 64(FIN) am H "An Act relating to the award of a high school diploma to certain World War II veterans" 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 9:50 a.m., April 5, 2001.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 6, 2001. Without objection, the Senate adjourned at 5:22 p.m.

Heidi Vogel Secretary of the Senate

April 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

964

= indicates bill previously heard/scheduled

COMMUNITY & REGIONAL AFFAIRS

Apr 06	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 09	Monday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 11 += HB 16	Wednesday HOME RULE COMMUN	Fahrenkamp 203 ITIES	1:30 PM
Apr 13	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM

FINANCE

Apı	· 05	Thursday	Senate Finance 532	9:00 AM
+=	HB 103	APPROP: OPERATING	BUDGET	
+=	HB 104	APPROP: MENTAL HE	EALTH BUDGET	
+	SB 154	REPEAL SUNSET OF M	MENTAL HEALTH ASSISTA	ANCE
+=	SB 136	RESOURCE DEVELOP	MENT: BD./GRANTS/FUNI	D
+=	SB 123	LEGISLATIVE APPRO	VAL:RAILROAD FACILITI	ES
+		Bills Previously Heard/S	cheduled	

FINANCE (continued)

+=	HB 104 SB 172 HB 118 SB 158	APPROP: OPERATING APPROP: MENTAL HE COURT SYSTEM ANN SR. CIT./VETERAN PRO REPORT:STATE PART	BUDGET ALTH BUDGET UAL REPORT OPERTY TAX EXEMPTION ICIPATE IN NAT GAS PIPE NORTHERN DENALI ACC	·
Apı	SB 174	Monday EDUCATION FUNDING RIGHT-OF-WAY LEAS Bills Previously Heard/So	G ING ACT	9:00 AM
Apı	HB 72 SJR 22	Tuesday ASST.ADJUTANT GEN CONST. AM: JUDICIAI <pending referral=""> APPOINTMENT OF US <pending referral=""> Bills Previously Heard/Se</pending></pending>	.: MISSILE/SPACE DEFENS L OFFICERS' TERMS SENATORS	9:00 AM SE
А рі =		Wednesday APPROP: GOVERNOR' Telecommunications Ove Bills Previously Heard/So	S CAPITAL BUDGET erview	9:00 AM
Apı	· 12	Thursday Senate Bill AIDEA BONDS FOR GA <pending and="" bills="" heard="" introduction="" previously="" se<="" td=""><td>AS PUBLIC UTILITIES d Referral></td><td>9:00 AM</td></pending>	AS PUBLIC UTILITIES d Referral>	9:00 AM

HEALTH, EDUCATION & SOCIAL SERVICES

Apı	r 09	Monday	Butrovich 205	1:30 PM
+		Discussion of Medicaid Direct	tions	
+=	SB 86	TEACHER EMPLOYMENT	& SUBJECT EXPERTI	ISE
+=	SB 155	STUDENT LOANS/ COMN.	ON POSTSECONDAR	Y ED.
+	SB 135	MENTAL HEALTH INFORM	MATION AND RECOR	DS
+	SB 116	AK TEMP. ASSISTANCE PR	ROGRAM AMENDMEN	NTS
		Bills Previously Heard/Schedu	uled	

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Apr 11	Wednesday	Butrovich 205	1:30 PM
+	Continuation: Medica	aid Directions	

Alzheimer's/Dementia

Apr 13

Friday

No Meeting Scheduled

Breast and Cervical Cancer Bills Previously Heard/Scheduled

JUDICIARY

JUDICIARY				
Apı	r 05		Butrovich 205	1:30 PM
+	SB 161	Meeting Canceled NO PAY FOR JUDGES UNT <bill 01="" 4="" 9="" held="" over="" to=""></bill>	TIL DECISION	
+	SB 166		NATORS	
+=	HB 13	SERVICE AREAS: VOTER APPROVAL/TAX ZONES <bill 01="" 4="" 6="" held="" over="" to=""></bill>		
+=	SJR 22	Uniform Rule 23 Waived CONST. AM: JUDICIAL OF <bill 01="" 4="" 6="" held="" over="" to=""> Uniform Rule 23 Waived</bill>	FICERS' TERMS	
Apı	r 06	Friday	Beltz 211	1:30 PM
		APPOINTMENT OF US SEN	NATORS	
+=	HB 13	SERVICE AREAS: VOTER A	APPROVAL/TAX ZON!	ES
		Uniform Rule 23 Waived		
+=	SJR 22	CONST. AM: JUDICIAL OF	FICERS' TERMS	
		Uniform Rule 23 Waived		
+=	HB 150	INSURANCE PREMIUMS F	OR RENTAL VEHICL	ES
+	SB 91	Monday ABORTION: INFORMED C NO PAY FOR JUDGES UNT Bills Previously Heard/Sched	TIL DECISION	
+=	SB 145	Wednesday VILLAGE PUB.SAFETY OF INSURANCE PREMIUMS F Bills Previously Heard/Sched	FFICER PROGRAM OR RENTAL VEHICL	

Beltz 211

1:30 PM

LABOR & COMMERCE

Apr 05	Thursday	Beltz 211	1:30 PM
+= SB 138 + SB 30			
Apr 10 += SB 138 += SB 30 + HB 81	UNEMPLOYMENT COMPI	ENSATION BENEFITS	1:30 PM
Apr 12 += SB 138 += SB 30 + SB 165 + SB 170 + SB 168	UNEMPLOYMENT COMPI EDUCATION TAX ON EMI RAILROAD EMPLOYEE S.	ENSATION BENEFITS PLOYMENT ALARIES AND WAGE	1:30 PM
	RESOURC	ES	
Apr 06 + += SB 140 + SB 115 +	Governor's Confirmations: Bruce C. Twomley, AK CFE William H. Dennerlein, Board Ben Grussendorf, Board of G Dr. Julie Maier, Board of Ga Julie M. Heusser, AK Oil and SMALL WATER-POWER D <bill canceled=""> EXTEND BD. OF STORAG Bills Previously Heard/Sched</bill>	d of Game ame ne I Gas Conservation Com DEVELOPMENT PROJI E TANK ASSISTANCE	ECTS
Apr 09 += SB 153 + HJR 19 +	UNDERGROUND STORAG	Y AND ELEVATION D	
Apr 11 += SB 24 += SB 139 +			

RESOURCES (continued)

Apr 13 Friday **Butrovich 205** 3:30 PM No Meeting Scheduled

STATE AFFAIRS

Apr 05 **Thursday** 3:30 PM Beltz 211

HJR 22 DIVERSE COMMUNITY/CONDEMN HATE CRIMES SB 34 COMMISSIONERS' SALARIES

Bills Previously Heard/Scheduled

Apr 10 Tuesday Beltz 211 3:30 PM

No Meeting Scheduled

Apr 12 **Thursday** Beltz 211 3:30 PM

HB 177 CAMPAIGN FINANCE: CONTRIB/DISCLOS/GROUPS

<Pending Referral>

Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 05 **Thursday Butrovich 205** 1:30 PM

-- Meeting Canceled --

HB 8 LEGIS.PIONEER ROAD DEVELOPMENT TASK FORCE

SB 130 ALASKA MARINE HIGHWAY AUTHORITY

Apr 10 Tuesday **Butrovich 205** 1:30 PM

SB 152 DOTPF-RELATED CONTRACT CLAIMS

HB 8 LEGIS.PIONEER ROAD DEVELOPMENT TASK FORCE

SB 44 ALASKA TOLL BRIDGE AND CAUSEWAY AUTHORITY

SB 45 APPROP: DESIGN OF KNIK ARM CROSSING

Bills Previously Heard/Scheduled

Apr 12 **Thursday Butrovich 205** 1:30 PM

No Meeting Scheduled

FINANCE SUBCOMMITTEES

NATURAL RESOURCES

Apr 09	Monday Fire Suppression/Water Sco	Fahrenkamp 203 ooping Aircraft	1:00 PM	
	JOINT COM	MITTEES		
	ADMINISTRATIVE REC	GULATION REVIEW		
Apr 10	Tuesday Meeting Canceled	Capitol 102	2:45 PM	
Apr 17	Tuesday Meeting Canceled	Capitol 102	2:45 PM	
Apr 24 + + +	Tuesday Proposed/Approved Regula Mariculture Regulations Department on Pioneer Ho		2:45 PM	
OTHER MEETINGS				
CHILDREN'S CAUCUS				
Apr 10 +	Tuesday Alaskans for Tobacco-Free	Fahrenkamp 203 Kids	12:00 PM	
Apr 17 +	Tuesday ASSETS: Building a frame development of youth	Fahrenkamp 203 work for	12:00 PM	

Tuesday Alaska Humanities Forum: Apr 24 Fahrenkamp 203

Intrastate Urban/Rural Student Exchange

12:00 PM

FISCAL POLICY CAUCUS

Apr 06 Friday Butrovich 205 8:00 AM
Apr 11 Wednesday Butrovich 205 8:00 AM

FISH CAUCUS

Apr 06 Friday Butrovich 205 12:00 PM Local Area Management Plans

JOINT SESSION

Apr 11 Wednesday House Chamber US Senator Ted Stevens' Annual Message