

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Thursday

April 12, 2001

Ninety-fifth Day

Pursuant to adjournment the Senate was called to order by President pro tempore Leman at 11:21 a.m.

The roll showed sixteen members present. Senators Halford, Hoffman were excused from a call of the Senate. Senators Taylor, Therriault were absent.

The prayer was offered by the Chaplain, Pastor Mike Rose of the Bethel Assembly of God. Senator Lincoln moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Heavenly Father, thank You for this day and the opportunity to live life to its fullest. Lord, help us to live today without the burden of yesterday's regrets, and the heaviness of tomorrow's worries. Lord, Your Word tells us that You didn't design us to carry a load of care. Help us to remember the words of Paul the apostle when he wrote: "Be anxious about nothing, but in everything with prayer and supplication, with thanksgiving let your requests be made known unto God and the peace that passes all understanding will keep your hearts and minds in Christ Jesus."

During this week of focus on the resurrection of Jesus in our society, grant us divine perspective regarding the brevity of life and the scope of eternity. Give hope to those who are ready to give up. Give peace to those who are in turmoil, and comfort to those who are grieving. In short, help us as a people live our national motto: "In God we trust."

Lord, may this upcoming break be a time of rest and refreshing for all Senators and their staff. May each be protected and blessed during this Easter holiday. I pray this in the name of the resurrected Lord. Amen.

Senator Ward led the Senate in the Pledge of Allegiance.

Certification

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

The presence of Senators Taylor, Therriault was noted.

Messages from the House

Message dated April 11 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 99

CS FOR HOUSE BILL NO. 99(HES) BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act relating to school discipline and safety programs; and providing for an effective date."

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

HB 111

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 111(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to civil liability for injuries or death resulting from livestock activities."

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

HB 115

CS FOR HOUSE BILL NO. 115(HES) BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act relating to the definition of 'mental health professional' for certain mental health proceedings and treatments; relating to the services of certain medical professionals in civil proceedings for the commitment of certain intoxicated persons; allowing a physician assistant or advanced nurse practitioner to certify the need for emergency treatment as a result of intoxication; and providing for an effective date."

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

Senator Olson was added as a cross sponsor on the bill.

HB 186

CS FOR HOUSE BILL NO. 186(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to a municipal enhanced 911 surcharge on wireless telephones."

was read the first time and referred to the Community and Regional Affairs and Labor and Commerce Committees.

Communications

The following report is on file in the Senate Secretary's Office:

Alaska State Commission for Human Rights, 2000 Annual Report
from Kathy Wisthoff, Chairperson
in accordance with AS 18.80.150

Standing Committee Reports

SB 24

The Resources Committee considered SENATE BILL NO. 24 "An Act giving notice of and approving the entry into, and the issuance of certificates of participation for, a lease-purchase agreement for a seafood and food safety laboratory facility; and providing for an effective date." Signing do pass: Senator Torgerson, Chair, Senators Pearce, Kelly, Lincoln. Signing no recommendation: Senator Elton.

The following fiscal information was published today:

Fiscal Note No. 4, Department of Environmental Conservation

The following previously published fiscal information applies:

Fiscal Note No. 2, Department of Revenue

Fiscal Note No. 3, Department of Administration

The bill was referred to the Finance Committee.

SB 91

The Judiciary Committee considered SENATE BILL NO. 91 "An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency" and recommended the adoption of the Health, Education and Social Services Committee Substitute offered on page 919. Signing do pass: Senator Taylor, Chair. Signing do pass and amend to work with the department to control cost while implementing: Senator Cowdery. Signing amend to work with the department to control cost while implementing: Senator Therriault.

The following previously published fiscal information applies:

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

The bill was referred to the Finance Committee.

SB 116

The Health, Education and Social Services Committee considered SENATE BILL NO. 116 "An Act relating to the Alaska temporary assistance program; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 116(HES)

Signing do pass: Senator Green, Chair, Senators Leman, Wilken, Ward, Davis.

The following previously published fiscal information applies:

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

The bill was referred to the Judiciary Committee.

SB 123

The Finance 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(FIN) "An Act relating to the program of federally funded construction projects of the Alaska Railroad Corporation."

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

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

SB 135

The Health, Education and Social Services Committee considered SENATE BILL NO. 135 "An Act relating to mental health information and records; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 135(HES)

Signing do pass: Senator Green, Chair, Senators Leman, Wilken, Ward, Davis.

The following fiscal information was published today:

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

The bill was referred to the Judiciary Committee.

SB 139

The Resources Committee considered SENATE BILL NO. 139 "An Act relating to fees for certain uses of state water and the accounting and appropriation of those fees; relating to authorizations for the temporary use of state water; making other amendments to the Alaska Water Use Act; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 139(RES) "An Act relating to fees for certain uses of state water and to the accounting and appropriation of those fees; relating to authorizations for the temporary use of state water; making other amendments to the Alaska Water Use Act; and providing for an effective date."

Signing do pass: Senator Torgerson, Chair, Senator Lincoln. Signing no recommendation: Senators Pearce, Elton.

The following fiscal information was published today:

Fiscal Note No. 2, Department of Natural Resources

The bill was referred to the Finance Committee.

SB 145

The Judiciary Committee considered SENATE BILL NO. 145 "An Act relating to the expansion of the village public safety officer program to include the provision of probation and parole supervision services, and to retirement benefits for village public safety officers" and recommended it be replaced with

CS FOR SENATE BILL NO. 145(JUD) "An Act relating to regional and village public safety officers; relating to the expansion of the village public safety officer program to include the provision of probation and parole supervision services; and relating to retirement benefits for village public safety officers."

Signing do pass: Senator Taylor, Chair, Senators Therriault, Cowdery.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Public Safety

Fiscal Note No. 2, Department of Corrections

Fiscal Note No. 3, zero, Department of Administration

The bill was referred to the Finance Committee.

HB 72

The Finance Committee considered HOUSE BILL NO. 72 am "An Act relating to an assistant adjutant general for space and missile defense in the Department of Military and Veterans' Affairs" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 72(FIN)
(forthcoming)

Signing do pass: Senators Donley, Kelly, Cochairs, Senators Austerman, Olson, Leman, Wilken, Ward.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Military and Veterans Affairs

The bill was referred to the Rules Committee.

HB 150

The Judiciary Committee considered HOUSE BILL NO. 150 "An Act relating to insurance premiums for rental motor vehicles." Signing do pass: Senator Taylor, Chair, Senator Cowdery. Signing no recommendation: Senator Therriault.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

Introduction and Reference of Senate Bills**SB 191**

SENATE BILL NO. 191 BY SENATORS TAYLOR, Austerman, Cowdery, Olson, Leman, entitled:

"An Act relating to insurance pooling by members of an airline employers association."

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

SB 192

SENATE BILL NO. 192 BY SENATOR PEARCE, entitled:

"An Act relating to child care grants; and providing for an effective date."

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

Consideration of the Calendar**Reconsideration of House Resolutions****HJR 22**

Senator Wilken requested that the reconsideration on SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 22(STA) am S be taken up. The resolution was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 22(STA) am S 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, pass the Senate?" The roll was taken with the following result:

SCS CSHJR 22(STA) am S
Third Reading - On Reconsideration

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

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

Nays: Green

Excused: Halford, Hoffman

and so, SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 22(STA) am S passed the Senate on reconsideration and was referred to the Secretary for engrossment.

Citations

Honoring – Chris Vance, Special Olympian
Representative(s) McGuire
Senator(s) Ward, Wilken, Donley, Leman, Austerman, Taylor, Lincoln, Kelly, Davis, Pearce, Green, Elton, Ellis

Honoring – Timothy P. Shriver, Ph.D.
Representative(s) McGuire
Senator(s) Ward, Wilken, Donley, Leman, Austerman, Taylor,
Lincoln, Kelly, Davis, Pearce, Green, Elton

Honoring – Travis Clontz, Special Olympian
Representative(s) McGuire
Senator(s) Ward, Wilken, Donley, Leman, Austerman, Taylor,
Lincoln, Kelly, Davis, Pearce, Green, Elton, Ellis

Honoring – Mandy Gentleman, Special Olympian
Representative(s) McGuire
Senator(s) Ward, Wilken, Donley, Leman, Austerman, Taylor,
Lincoln, Kelly, Davis, Pearce, Green, Elton, Ellis

Honoring – Bryan Knight, Special Olympian
Representative(s) McGuire
Senator(s) Ward, Wilken, Donley, Leman, Austerman, Taylor,
Lincoln, Kelly, Davis, Pearce, Green, Elton, Ellis

Honoring – Valerie Mothershead, Special Olympian
Representative(s) McGuire
Senator(s) Ward, Wilken, Donley, Leman, Austerman, Taylor,
Lincoln, Kelly, Davis, Pearce, Green, Elton, Ellis

Honoring – Dorothy Jones
Representative(s) Hayes, Davies
Senator(s) Wilken, Austerman, Taylor, Lincoln, Kelly, Davis, Pearce,
Green, Elton

Honoring – Valdez High School Girls Varsity 2001 State Basketball
Champions
Representative(s) Harris
Senator(s) Lincoln, Wilken, Leman, Austerman, Taylor, Kelly, Davis,
Pearce, Green, Elton

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

Announcements

Announcements are at the end of the journal.

Engrossment**HJR 22**

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 22(STA) am S 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 engrossed, signed by the President pro tempore and Secretary and returned to the House for consideration.

Adjournment

Senator Phillips, Acting Majority Leader, moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 17, 2001. Without objection, the Senate adjourned at 11:54 a.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

= indicates bill previously heard/scheduled

COMMUNITY & REGIONAL AFFAIRS

Apr 13 Friday Fahrenkamp 203 1:30 PM
 No Meeting Scheduled

FINANCE

Apr 12 Thursday Senate Finance 532 9:00 AM
 SB 179 AIDEA BONDS FOR GAS PUBLIC UTILITIES
 <Above Item Removed from Agenda>
 += SJR 22 CONST. AM: JUDICIAL OFFICERS' TERMS
 += SB 123 LEGISLATIVE APPROVAL:RAILROAD FACILITIES
 += SB 136 RESOURCE DEVELOPMENT: BD./GRANTS/FUND
 += HB 72 ASST.ADJUTANT GEN.: MISSILE/SPACE DEFENSE
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 16 Monday Butrovich 205 1:30 PM
 No Meeting Scheduled

Apr 18 Wednesday Butrovich 205 1:30 PM
 + Continuation- Medicaid Directions:
 Alzheimer's/Dementia
 School-based Claims
 Medicaid Refinancing
 + SJR 26 FEDERAL AID FOR SPECIAL EDUCATION
 + SB 188 EDUCATION FUND/ LAND ENDOWMENT
 + SJR 25 CONST. AM: EDUCATION FUND
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Apr 20 Friday Butrovich 205 1:30 PM
 + Continuation- Medicaid Directions
 + HB 162 ABSENCES UNDER LONGEVITY BONUS PROGRAM
 + SB 178 DETENTION OF DELINQUENT MINORS
 Bills Previously Heard/Scheduled

JUDICIARY

Apr 13 Friday Beltz 211 1:30 PM
 No Meeting Scheduled

Apr 16 Monday Beltz 211 1:30 PM
 No Meeting Scheduled

Apr 18 Wednesday Beltz 211 1:30 PM
 + SJR 11 CONST AM: PERM FUND INCOME DISTRIBUTION
 + Confirmation:
 Alaska Judicial Council- Eleanor Andrews
 + Bills Previously Heard/Scheduled

Apr 20 Friday Beltz 211 1:30 PM
 + HB 32 SEX CRIME AND PORNOGRAPHY FORFEITURES
 += SB 161 NO PAY FOR JUDGES UNTIL DECISION
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 12 Thursday Beltz 211 1:30 PM
 += HB 81 DENTISTS/DENTAL HYGIENISTS & ASSISTANTS
 += SB 138 INSURANCE CODE AMENDMENTS
 += SB 30 UNEMPLOYMENT COMPENSATION BENEFITS
 <Above Item Removed from Agenda>
 + SB 165 EDUCATION TAX ON EMPLOYMENT
 + SB 170 RAILROAD EMPLOYEE SALARIES AND WAGES
 + SB 168 COMMERCIAL FISHING LOAN PROGRAM

LABOR & COMMERCE (continued)

Apr 17	Tuesday	Beltz 211	1:30 PM
+	Confirmation Hearings:		
	Alcoholic Beverage Control-		
	Duane S. Udland, Anchorage		
	Occupational Safety and Health-		
	The Honorable Cliff Davidson, Kodiak		
+	SB 191	INSURANCE POOLING FOR AIRLINE EMPLOYERS	
+		Bills Previously Heard/Scheduled	
Apr 19	Thursday	Beltz 211	1:30 PM
+=	SB 168	COMMERCIAL FISHING LOAN PROGRAM	
+	SB 176	DISTRIBUTORSHIPS	
+	SB 189	MOTOR VEHICLE SALES AND DEALERS	
+		Bills Previously Heard/Scheduled	

RESOURCES

Apr 13	Friday	Butrovich 205	3:30 PM
	No Meeting Scheduled		
Apr 16	Monday	Butrovich 205	3:30 PM
	No Meeting Scheduled		
Apr 18	Wednesday	Butrovich 205	3:30 PM
+	Governor's Confirmations:		
	AK CFEC- Bruce C. Twomley		
	Board of Game- William H. Dennerlein,		
	Ben Grussendorf, Dr. Julie Maier		
	AK Oil and Gas Conservation-Julie Heusser		

RULES

Apr 17	Tuesday	Fahrenkamp 203	10:45 AM
	SB 166	APPOINTMENT OF US SENATORS	
	HB 13	SERVICE AREAS:VOTER APPROVAL/TAX ZONES	
	SB 123	LEGISLATIVE APPROVAL:RAILROAD FACILITIES	

SENATE JOURNAL

April 12, 2001

1101

STATE AFFAIRS

Apr 12 Thursday Beltz 211 3:30 PM
-- Meeting Canceled --
HB 177 CAMPAIGN FINANCE: GROUPS & DISCLOSURE
<Pending Referral>
Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 12 Thursday Butrovich 205 1:30 PM
No Meeting Scheduled

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

Apr 17 Tuesday Capitol 102 2:45 PM
-- Meeting Canceled --

Apr 24 Tuesday Capitol 102 2:45 PM
+ Proposed/Approved Regulations
+ Mariculture Regulations
+ Department on Pioneer Homes

OTHER MEETINGS

CHILDREN'S CAUCUS

Apr 17 Tuesday Fahrenkamp 203 12:00 PM
-- Meeting Canceled --
+ ASSETS: Building a framework for development of youth

Apr 24 Tuesday Fahrenkamp 203 12:00 PM
+ Alaska Humanities Forum:
Intrastate Urban/Rural Student Exchange