

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Thursday

April 19, 2001

#### One Hundred Second Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:32 a.m.

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

The prayer was offered by the Chaplain, Major Nila Fankhauser of the The Salvation Army. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord, the task You have given to this Senate body is not a small one. It looms like a huge boulder in our path needing to be moved. No man or woman could move it alone. Thank You for the resources You have provided to accomplish this monumental task. You remind us that we have not used all of our strength unless we ask for help. You have told us to bear one another's burdens. Help us to ask for help when the job is too big and to lend a hand when someone is struggling with their endeavor. Let us not forget to ask for Your guidance, strength and power. I ask today that You bless all those who work here, each Senator, and those who support them, their staff, secretaries, clerical workers, pages and maintenance crew. May each one realize that their part, no matter how small it may seem, is important. Each one is needed to make this special state in which we are privileged to live a better place and keep this Great Land great. Amen.

Senator Torgerson led the Senate in the Pledge of Allegiance.

**Certification**

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

**Messages from the Governor****HB 109**

Message dated and received April 18 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. 109 "An Act relating to failure by an election official to execute the voter's certificate on an absentee ballot or by a person authorized by law to execute the voter's certificate on a questioned ballot."

Chapter 12, SLA 2001  
Effective Date: 07/17/01

**Messages from the House**

Message dated April 18 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 121**

CS FOR HOUSE BILL NO. 121(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the issuance of qualified charitable gift annuities."

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

**HB 149**

CS FOR HOUSE BILL NO. 149(FIN)(title am) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act expressing legislative intent regarding correctional facility space; relating to correctional facility space; authorizing the Department of Corrections to enter into an agreement to lease facilities for the confinement and care of prisoners within the Kenai Peninsula Borough; and providing for an effective date."

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

**Standing Committee Reports**

Reports dated April 18 were read stating:

In accordance with AS 39.05.080, the Resources Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

**Alaska Commercial Fisheries Entry Commission**

Bruce C. Twomley - Juneau

Appointed: 10/06/82 Reappointed: 08/18/88, 07/21/92, 10/01/96,  
and 08/28/00 Expires: 03/01/05

**Alaska Oil and Gas Conservation Commission**

Julie M. Heusser - Anchorage

Appointed: 10/20/00 Reappointed: 12/31/00 Expires: 12/31/06

Signing the reports: Senator Torgerson, Chair, Senators Halford, Kelly, Taylor, Elton.

Report dated April 18 was read stating:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following, and recommends the appointment be forwarded to a joint session for consideration:

**Alaska Judicial Council**

Eleanor Andrews - Anchorage

There were no stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further sessions.

Signing the report: Senator Taylor, Chair, Senators Cowdery, Therriault, Ellis.

**HB 16**

The Community and Regional Affairs Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 16(CRA) "An Act relating to cities incorporated under state law that are home rule communities; and providing for an effective date." Signing no recommendation: Senator Torgerson, Chair, Senator Austerman. Signing do pass: Senator Phillips.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Law

President Halford added a Judiciary Committee referral to the bill.

The bill was referred to the Judiciary, then Finance Committee.

**SJR 26**

The Health, Education and Social Services Committee considered SENATE JOINT RESOLUTION NO. 26 Urging the President and the Congress to provide additional funding for special education services, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO.  
26(HES)

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate Health, Education and Social Services Committee

The resolution was referred to the Rules Committee.

**SB 50**

The Rules Committee considered SENATE BILL NO. 50 "An Act extending the termination date of the Board of Veterinary Examiners." Signing to calendar: Senator Cowdery, Vice Chair, Senators Ellis, Phillips.

The bill is on today's calendar.

**Introduction and Reference of Senate Bills**

**SB 195**

SENATE BILL NO. 195 BY SENATOR COWDERY BY REQUEST, entitled:

"An Act relating to the operation of the Anton Anderson Memorial Tunnel and related toll facilities by the City of Whittier; and providing for an effective date."

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

**SB 196**

SENATE BILL NO. 196 BY SENATOR COWDERY BY REQUEST, entitled:

"An Act relating to the toll for the use of the Anton Anderson Memorial Tunnel and the Portage Glacier Highway; and providing for an effective date."

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

**SB 197**

SENATE BILL NO. 197 BY SENATOR COWDERY BY REQUEST,  
entitled:

"An Act prohibiting the imposition of a toll or other fee for use of the Anton Anderson Memorial Tunnel and the Portage Glacier Highway; annulling certain regulations of the Department of Transportation and Public Facilities relating to tolls for use of the Anton Anderson Memorial Tunnel and the Portage Glacier Highway; and providing for an effective date."

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

**Consideration of the Calendar****Second Reading of Senate Bills****SB 50**

SENATE BILL NO. 50 "An Act extending the termination date of the Board of Veterinary Examiners" was 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.

SENATE BILL NO. 50 was read the third time.

The question being: "Shall SENATE BILL NO. 50 "An Act extending the termination date of the Board of Veterinary Examiners" pass the Senate?" The roll was taken with the following result:

#AKS00216 04-19-2001 11:49:18

SB 50

Third Reading - Final Passage

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

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

Excused: Pearce

#AKS00216 END

and so, SENATE BILL NO. 50 passed the Senate and was referred to the Secretary for engrossment.

### **Third Reading of Senate Bills**

#### **SB 166**

SENATE BILL NO. 166 was read the third time.

The question being: "Shall SENATE BILL NO. 166 "An Act relating to the time of filling by appointment a vacancy in the office of United States senator" pass the Senate?" The roll was taken with the following result:

#AKS00217 04-19-2001 11:50:09

SB 166

Third Reading - Final Passage

**YEAS: 14 NAYS: 5 EXCUSED: 1 ABSENT: 0**

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

Nays: Davis, Ellis, Elton, Hoffman, Lincoln

Excused: Pearce

#AKS00217 END

and so, SENATE BILL NO. 166 passed the Senate.

Senator Ellis gave notice of reconsideration.

**Third Reading of House Bills****HB 13**

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13(RLS) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13(RLS) "An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas" pass the Senate?" The roll was taken with the following result:

#AKS00218 04-19-2001 11:51:11

SCS CSSSHB 13(RLS)

Third Reading - Final Passage

**YEAS: 13 NAYS: 6 EXCUSED: 1 ABSENT: 0**

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Davis, Ellis, Elton, Hoffman, Lincoln, Olson

Excused: Pearce

#AKS00218 END

and so, SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13(RLS) passed the Senate.

Senator Lincoln gave notice of reconsideration.

**Citations**

Honoring – Carlos Boozer

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

Representative(s) Hudson, Kerttula

Senator Leman 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 123**

Senator Donley requested that the reconsideration on CS FOR SENATE BILL NO. 123(FIN)(title am) "An Act relating to the program of construction projects of the Alaska Railroad Corporation" be taken up. The bill was before the Senate on reconsideration.

Senator Donley moved that the Senate rescind its previous action in adopting Title Amendment No. 1. Senator Taylor objected.

The question being: "Shall the Senate rescind its previous action?" The roll was taken with the following result:

#AKS00219 04-19-2001 11:57:49

CSSB 123(FIN)(title am)

Rescind Previous Action

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

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

Nays: Taylor, Ward

Excused: Pearce

#AKS00219 END

and so, the Senate rescinded its previous action in adopting Title Amendment No. 1.

Senator Donley moved and asked unanimous consent to withdraw Title Amendment No. 1. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 123(FIN) was before the Senate in third reading on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 123(FIN) "An Act relating to the program of federally funded construction projects of the Alaska Railroad Corporation" pass the Senate?" The roll was taken with the following result:

#AKS00220 04-19-2001 11:58:47

CSSB 123(FIN)

Third Reading - On Reconsideration

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

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

Nays: Davis, Elton, Hoffman, Olson

Excused: Pearce

#AKS00220 END

and so, CS FOR SENATE BILL NO. 123 (FIN) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

### **Announcements**

Announcements are at the end of the journal.

### **Engrossment**

#### **SB 50**

SENATE BILL NO. 50 "An Act extending the termination date of the Board of Veterinary Examiners" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

#### **SB 123**

CS FOR SENATE BILL NO. 123(FIN) "An Act relating to the program of federally funded construction projects of the Alaska Railroad Corporation" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**Adjournment**

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 20, 2001. Without objection, the Senate adjourned at 12:05 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

= indicates bill previously heard/scheduled

**FINANCE**

**Apr 19 Thursday Senate Finance 532 9:00 AM**  
 SB 181 SMALL COMMUNITY HOUSING LOANS  
 SB 145 VILLAGE PUB.SAFETY OFFICER PROGRAM  
 HB 81 DENTISTS/DENTAL HYGIENISTS & ASSISTANTS  
 Bills Previously Heard/Scheduled

**Apr 20 Friday Senate Finance 532 9:00 AM**  
 SB 86 TEACHER EMPLOYMENT & SUBJECT EXPERTISE  
 SB 186 LIMIT MUNICIPAL G.O.BOND DEBT  
 Bills Previously Heard/Scheduled

**HEALTH, EDUCATION & SOCIAL SERVICES**

**Apr 20 Friday Butrovich 205 1:30 PM**  
 + SB 178 DETENTION OF DELINQUENT MINORS  
 += SB 11 COMPULSORY SCHOOL AGE  
 + SB 41 KINDERGARTEN & DEFINITION OF "SCHOOL AGE"  
 + HB 99 SCHOOL DISCIPLINE AND SAFETY  
 + HB 203 APPROP: STUDY OF SCHOOL COST FACTORS  
 += SB 149 TEACHER/HEALTH CARE PROVIDER INCENTIVES  
 += SB 188 EDUCATION FUND/ LAND ENDOWMENT  
 += SJR 25 CONST. AM: EDUCATION FUND  
 + HB 162 ABSENCES UNDER LONGEVITY BONUS PROGRAM  
 Bills Previously Heard/Scheduled

**JUDICIARY**

**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

**Apr 23 Monday Beltz 211 1:30 PM**  
 + SB 116 AK TEMP. ASSISTANCE PROGRAM AMENDMENTS  
 + SB 135 MENTAL HEALTH INFORMATION AND RECORDS  
 += SJR 11 CONST AM: PERM FUND INCOME DISTRIBUTION  
 + Bills Previously Heard/Scheduled

**Apr 25 Wednesday Beltz 211 1:30 PM**  
 + SB 138 INSURANCE CODE AMENDMENTS  
 += SB 142 LEASE-PURCHASE CORRECTIONAL FACILITY  
 + Bills Previously Heard/Scheduled

**Apr 27 Friday Beltz 211 1:30 PM**  
 + SB 170 RAILROAD EMPLOYEE SALARIES AND WAGES  
 + SB 177 DRIVING WHILE INTOXICATED:BAC LEVEL/FINES  
 + Bills Previously Heard/Scheduled

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**LABOR & COMMERCE**

**Apr 19 Thursday Beltz 211 1:30 PM**  
 + SB 176 DISTRIBUTORSHIPS  
 + SB 189 MOTOR VEHICLE SALES AND DEALERS  
 += SB 168 COMMERCIAL FISHING LOAN PROGRAM  
 += SB 191 INSURANCE POOLING FOR AIRLINE EMPLOYERS  
 + Bills Previously Heard/Scheduled

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**RESOURCES**

**Apr 20 Friday Butrovich 205 3:30 PM**  
 += SB 153 UNDERGROUND STORAGE TANK LOAN FUND  
 += SB 115 EXTEND BD. OF STORAGE TANK ASSISTANCE  
 + HB 111 CIVIL LIABILITY AND LIVESTOCK

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**RULES**

**Apr 19 Thursday Fahrenkamp 203 10:45 AM**  
 SB 50 EXTENDING BOARD OF VETERINARY EXAMINERS

**Apr 20 Friday Fahrenkamp 203 10:45 AM**  
 SJR 26 FEDERAL AID FOR SPECIAL EDUCATION

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**STATE AFFAIRS**

**Apr 19 Thursday Beltz 211 3:30 PM**  
 += HB 177 CAMPAIGN FINANCE: GROUPS & DISCLOSURE  
 SB 193 STUDY: EFFECTS OF PERMANENT FUND DIVIDEND  
 SB 187 ABSENTEE VOTING STATIONS  
 Bills Previously Heard/Scheduled

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**JOINT COMMITTEES**

**ADMINISTRATIVE REGULATION REVIEW**

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

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**ARMED SERVICES COMMITTEE**

**Apr 27 Friday Senate Finance 532 3:30 PM**  
 Fire Island Logistics Project  
 National Missile Defense System Update

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**CONFERENCE COMMITTEES ON HB 103 & HB 104**

**Apr 19 Thursday Senate Finance 532 3:00 PM**  
 = HB 103 APPROP: OPERATING BUDGET  
 = HB 104 APPROP: MENTAL HEALTH BUDGET  
 Alaska Court System  
 Dept of Fish and Game  
 Dept of Labor and Workforce Development  
 Dept of Law  
 Dept of Natural Resources  
 Dept of Revenue

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**OTHER MEETINGS**

**CHILDREN'S CAUCUS**

<b>Apr 24</b>	<b>Tuesday</b>	<b>Fahrenkamp 203</b>	<b>12:00 PM</b>
+	Alaska Humanities Forum: Intrastate Urban/Rural Student Exchange		
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**FISCAL POLICY CAUCUS**

<b>Apr 20</b>	<b>Friday</b>	<b>Butrovich 205</b>	<b>8:00 AM</b>
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