

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

May 1, 2001

One Hundred Fourteenth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:50 a.m.

The roll showed seventeen members present. Senators Austerman, Taylor, Torgerson were absent.

The prayer was offered by the Chaplain, Pastor Karl Clauson of the Grace Community Church, Anchorage. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Today we declare our thanks to You. Father, we thank You for the abundance in this great state. You have given us much. We thank You for the privilege of serving the people of this great state. Our diversity is an asset. We give You thanks. We thank You for the strategic placement of this great state, not only in our country, but in our world. We thank You for the challenges that face these men and women in the offices they hold this day because we know that even through challenge You make us stronger as individuals.

Today we confess our need for You. We need Your wisdom. We need Your power. We need Your protection. We need Your directions because no one loves this great state more than You. We pray these things in Jesus' Name, Amen.

Senator Cowdery led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Message dated April 30 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 4**

CS FOR HOUSE BILL NO. 4(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to motor vehicles and to operating a motor vehicle, aircraft, or watercraft; and providing for an effective date"

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

HB 43

CS FOR HOUSE BILL NO. 43(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to forgiveness of certain student loans; and providing for an effective date."

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

HB 51

CS FOR HOUSE BILL NO. 51(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"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; relating to the use of certain investment income for certain construction costs; and providing for an effective date."

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

HB 53

CS FOR HOUSE BILL NO. 53(STA) BY THE HOUSE STATE AFFAIRS COMMITTEE, entitled:

"An Act establishing the Alaska Seismic Hazards Safety Commission."

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

HB 106

CS FOR HOUSE BILL NO. 106(L&C) am BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the authorizations for certain state financial institutions of certain powers and limitations; relating to confidential records of depositors and customers of certain financial institutions; relating to the examination of certain institutions subject to AS 06; relating to the Alaska Banking Code, Mutual Savings Bank Act, Alaska Small Loans Act, and Alaska Credit Union Act; amending Rule 45, Alaska Rules of Civil Procedure, Rules 17 and 37, Alaska Rules of Criminal Procedure, and Rule 24, Alaska Bar Rules; and providing for an effective date."

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

HB 108

HOUSE BILL NO. 108 BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the accounting for and appropriation of fees for recording and related services by the Department of Natural Resources; and providing for an effective date."

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

HB 132

CS FOR HOUSE BILL NO. 132(2d RLS)(efd am) BY THE HOUSE RULES COMMITTEE, entitled:

"An Act relating to the possession, distribution, importation, and transportation of alcohol in a local option area; requiring liquor license applicants to submit fingerprints for the purpose of conducting a criminal history background check, and relating to the use of criminal justice information by the Alcoholic Beverage Control Board; relating to the offenses of operating a motor vehicle, aircraft, or watercraft while intoxicated and refusal to take a breath test; relating to implied consent to take a chemical test; relating to presumptions arising from the amount of alcohol in a person's breath or blood; and providing for an effective date."

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

The presence of Senator Austerman was noted.

HB 228

CS FOR HOUSE BILL NO. 228(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the accounting of fees from business license endorsements for tobacco products, to the disclosure of certain confidential cigarette and tobacco product information, to notification regarding a cigarette manufacturer's noncompliance with the tobacco product Master Settlement Agreement, to business license endorsements for sale of tobacco products, to citations and penalties for illegal sales of tobacco products; and providing for an effective date."

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

SB 103

Message dated April 29 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 103(FIN) "An Act relating to election campaigns and legislative ethics." with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO.
103(2d RLS) am H

Senator Leman moved that the Senate concur in the House amendments and recommended the body vote no.

The question being: "Shall the Senate concur in the House amendments?" The roll was taken with the following result:

HCS CSSB 103(2d RLS) am H
Shall the Senate concur in the House
amendments to CSSB 103(FIN)?

YEAS: 6 NAYS: 12 EXCUSED: 0 ABSENT: 2

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

Nays: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Pearce, Phillips, Therriault, Ward, Wilken

Absent: Taylor, Torgerson

and so, the Senate failed to concur in the House amendments to CS FOR SENATE BILL NO. 103(FIN).

The Secretary was requested to notify the House of the Senate's action and request the House to recede from its amendments.

Standing Committee Reports

SB 94

The Health, Education and Social Services Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 94 "An Act relating to the financing of major maintenance of public school facilities; authorizing the commissioner of revenue to sell the right to receive a portion of the anticipated revenue from a certain tobacco litigation settlement to the Northern Tobacco Securitization Corporation; relating to the deposit of certain anticipated revenue from a certain tobacco litigation settlement; authorizing the issuance of bonds by the Northern Tobacco Securitization Corporation with proceeds to finance public school major maintenance; and providing for an effective date." Signing no recommendation: Senator Green, Chair, Senator Wilken. Signing amend: Senator Ward.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

Fiscal Note No. 2, Department of Revenue

Fiscal Note No. 3, zero, Department of Education and Early Development

The bill was referred to the Finance Committee.

SB 169

The Judiciary Committee considered SENATE BILL NO. 169 "An Act relating to the nonapplicability of the delinquency laws to certain minors accused of certain crimes against persons directed at certain victims." Signing do pass: Senator Taylor, Chair, Senators Cowdery, Therriault, Donley. Signing no recommendation: Senator Ellis.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Corrections

The bill was referred to the Finance Committee.

SB 170

The Judiciary Committee considered SENATE BILL NO. 170 "An Act relating to wage and hour protections for employees of the Alaska Railroad Corporation." Signing do pass: Senator Taylor, Chair, Senators Therriault, Cowdery.

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 192

The Health, Education and Social Services Committee considered SENATE BILL NO. 192 "An Act relating to child care grants; and providing for an effective date." Signing do pass: Senator Green, Chair, Senators Wilken, Davis, Ward.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Education and Early Development

The bill was referred to the Finance Committee.

HB 16

The Judiciary 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" and recommended it be replaced with

SENATE CS FOR CS FOR SPONSOR
SUBSTITUTE FOR HOUSE BILL NO. 16(JUD)

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

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Law

The bill was referred to the Finance Committee.

HB 142

The Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 142(HES) "An Act relating to the Alaska temporary assistance program; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
142(HES)

Signing do pass: Senator Green, Chair, Senators Davis, Ward. Signing no recommendation: Senator Wilken.

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

The bill was referred to the Finance Committee.

HB 154

The Resources Committee considered CS FOR HOUSE BILL NO. 154(FSH) "An Act relating to security for the payment of fishery business taxes and to payment of the fisheries resource landing tax." Signing do pass: Senator Torgerson, Chair, Senators Taylor, Pearce, Elton. Signing no recommendation: Senator Halford.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Revenue

The bill was referred to the Rules Committee.

HB 177

The State Affairs Committee considered CS FOR HOUSE BILL NO. 177(STA) "An Act placing certain special interest organizations within the definition of 'group' for purposes of Alaska's campaign finance statutes; and requiring disclosure of the true source of campaign contributions" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
177(STA) "An Act regulating nongroup entities
under Alaska's campaign finance statutes."
(Title change authorized by SCR 15)

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

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Administration

The bill was referred to the Finance Committee.

HB 193

The Judiciary Committee considered CS FOR HOUSE BILL NO.
193(FIN) "An Act relating to the primary election and to the
nomination of candidates for the general election; and providing for an
effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
193(JUD)

Signing do pass: Senator Taylor, Chair, Senator Cowdery. Signing do
not pass: Senator Ellis. Signing no recommendation: Senator
Therriault.

The following previously published fiscal information applies:
Fiscal Note No. 2, Office of the Governor

The bill was referred to the Finance Committee.

HB 230

The Judiciary Committee considered HOUSE BILL NO. 230 "An Act
relating to wage and hour protections for employees of the Alaska
Railroad Corporation; and providing for an effective date." Signing do
pass: Senator Taylor, Chair, Senators Ellis, Therriault. Signing no
recommendation: Senator Cowdery.

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.

HJR 26

The Resources Committee considered HOUSE JOINT RESOLUTION NO. 26 Requesting the National Marine Fisheries Service to relocate the Alaska Fisheries Science Center Steller sea lion research team to Alaska. Signing do pass: Senator Torgerson, Chair, Senators Taylor, Halford, Pearce, Elton.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Resources Committee

The resolution was referred to the Rules Committee.

HJR 27

The State Affairs Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 27(MLV) Supporting the erection of monuments in Alaska, Russia, and Canada to commemorate the World War II lend-lease program between the United States and the Union of Soviet Socialist Republics, and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE JOINT
RESOLUTION NO. 27(STA)

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Special Committee on Military and Veterans Affairs

The resolution was referred to the Rules Committee.

HCR 17

The Resources Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 17(RES) Expressing the legislature's support for sale of a portion of Alaska's North Slope natural gas for electrical generation to power data centers within the North Slope Borough. Signing do pass: Senator Torgerson, Chair. Signing no recommendation: Senators Pearce, Halford, Taylor, Elton.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate Resources Committee

The resolution was referred to the Judiciary Committee.

Recess

Senator Leman moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 12:10 p.m.

After Recess

The Senate reconvened at 2:09 p.m.

Recess

Senator Leman moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 2:10 p.m.

After Recess

The Senate reconvened at 2:19 p.m.

The presence of Senator Taylor was noted.

Standing Committee Reports (continued)**SB 83**

The Rules Committee considered SENATE BILL NO. 83 "An Act relating to construction of highways by the Department of Transportation and Public Facilities." Signing amend: Senator Pearce, Chair. Signing to calendar: Senators Phillips, Cowdery. Signing no recommendation: Senator Therriault. Signing do not pass: Senator Ellis.

The bill is on today's calendar.

SB 151

The Rules Committee considered SENATE BILL NO. 151 "An Act relating to the Bristol Bay Salmon Classic; and providing for an effective date." Signing do not pass: Senator Pearce, Chair, Senator Phillips. Signing to calendar: Senators Cowdery, Ellis. Signing no recommendation: Senator Therriault.

The bill is on today's calendar.

SB 176

The Rules Committee considered SENATE BILL NO. 176 "An Act relating to distributorships." Signing to calendar: Senator Pearce, Chair, Senators Phillips, Cowdery, Therriault, Ellis.

The bill is on today's calendar.

HB 99

The Rules Committee considered CS FOR HOUSE BILL NO. 99(HES) "An Act relating to school discipline and safety programs; and providing for an effective date." Signing to calendar: Senator Pearce, Chair, Senator Cowdery. Signing no recommendation: Senators Phillips, Therriault, Ellis.

The bill is on today's calendar.

HB 149

The Rules Committee considered CS FOR HOUSE BILL NO. 149(FIN)(title am) "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." Signing to calendar: Senator Pearce, Chair, Senator Cowdery. Signing no recommendation: Senator Therriault. Signing do not pass: Senator Ellis.

The bill is on today's calendar.

SJR 24

The Rules Committee considered SENATE JOINT RESOLUTION NO. 24 Proposing amendments to the Constitution of the State of Alaska relating to the budget reserve fund, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO.
24(RLS)

The following previously published fiscal information applies:
Fiscal Note No. 1, Office of the Governor

Signing to calendar: Senator Pearce, Chair, Senators Phillips, Cowdery, Therriault. Signing do not pass: Senator Ellis.

The resolution is on today's calendar.

**Introduction and Reference of
Senate Resolutions****SCR 14**

SENATE CONCURRENT RESOLUTION NO. 14 BY THE
SENATE RULES COMMITTEE,

Establishing the Joint Committee on Natural Gas
Pipelines.

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

The presence of Senator Torgerson was noted.

SCR 15

SENATE CONCURRENT RESOLUTION NO. 15 BY THE
SENATE STATE AFFAIRS COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 177, placing certain
special interest organizations within the definition of
"group" for purposes of Alaska's campaign finance
statutes; and requiring disclosure of the true source of
campaign contributions.

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

Introduction and Reference of Senate Bills

SB 217

SENATE BILL NO. 217 BY SENATORS DAVIS, Olson, entitled:

"An Act relating to testing public and private school
students for abnormal spinal curvature."

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

SB 218

SENATE BILL NO. 218 BY SENATOR COWDERY, entitled:

"An Act relating to international airports revenue
bonds and to the spending plan for the International
Airports Construction Fund; 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 83**

SENATE BILL NO. 83 "An Act relating to construction of highways by the Department of Transportation and Public Facilities" was read the second time.

Senator Donley, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 1257. Senator Ellis objected, then withdrew his objection. There being no further objections, CS FOR SENATE BILL NO. 83(FIN) was adopted and read the second time.

Amendment No. 1 was not offered.

Senator Ellis offered Amendment No. 2:

Page 1, line 14:

Delete "**\$500,000**"

Insert "**\$1,000,000**"

Senator Ellis moved for the adoption of Amendment No. 2. Without objection, Amendment No. 2 was adopted.

Amendment No. 3 was not offered.

Senator Pearce offered Amendment No. 4:

Page 1, line 2, following "**Facilities**":

Insert "**and to contracts for the construction of highways**"

Page 2, following line 3:

Insert a new bill section to read:

"* **Sec. 2.** AS 19.10.170 is amended by adding a new subsection to read:

(d) This section does not in any way prohibit or restrict the department from entering into contracts with federal agencies or municipalities relating to the construction of highways."

Senator Pearce moved for the adoption of Amendment No. 4. Without objection, Amendment No. 4 was adopted.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

CSSB 83(FIN) am

Advance from Second to Third Reading?

YEAS: 14 NAYS: 6 EXCUSED: 0 ABSENT: 0

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

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

and so, the bill failed to advance to third reading.

CS FOR SENATE BILL NO. 83(FIN) am "An Act relating to construction of highways by the Department of Transportation and Public Facilities and to contracts for the construction of highways" will be on the May 2 calendar.

SB 151

SENATE BILL NO. 151 "An Act relating to the Bristol Bay Salmon Classic; and providing for an effective date" was read the second time.

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

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. 151 was read the third time.

The question being: "Shall SENATE BILL NO. 151 "An Act relating to the Bristol Bay Salmon Classic; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 151

Third Reading - Final Passage

Effective Date

YEAS: 14 NAYS: 6 EXCUSED: 0 ABSENT: 0

Yeas: Austerman, Cowdery, Davis, Ellis, Elton, Green, Halford, Hoffman, Lincoln, Olson, Taylor, Torgerson, Ward, Wilken

Nays: Donley, Kelly, Leman, Pearce, Phillips, Therriault

and so, SENATE BILL NO. 151 passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

SB 176

SENATE BILL NO. 176 "An Act relating to distributorships" was read the second time.

Senator Phillips, Chair, moved and asked unanimous consent for the adoption of the Labor and Commerce Committee Substitute offered on page 1259. Without objection, CS FOR SENATE BILL NO. 176(L&C) was adopted and read the second time.

Senator Phillips offered Title Amendment No. 1:

Page 1, line 1:

Delete "**relating to distributorships**"

Insert "**prohibiting certain coercive activity by distributors; relating to certain required distributor payments and purchases; prohibiting distributors from requiring certain contract terms as a condition for certain acts related to distributorship and ancillary agreements; allowing dealers to bring certain court actions against distributors for certain relief; and exempting from the provisions of the Act franchises regulated by the federal Petroleum**

Marketing Practices Act, situations regulated by the Alaska gasoline products leasing act, and distributorship agreements relating to motor vehicles required to be registered under AS 28.10"

Senator Phillips moved for the adoption of Title Amendment No. 1. Without objection, Title Amendment No. 1 was adopted.

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.

CS FOR SENATE BILL NO. 176(L&C)(title am) "An Act prohibiting certain coercive activity by distributors; relating to certain required distributor payments and purchases; prohibiting distributors from requiring certain contract terms as a condition for certain acts related to distributorship and ancillary agreements; allowing dealers to bring certain court actions against distributors for certain relief; and exempting from the provisions of the Act franchises regulated by the federal Petroleum Marketing Practices Act, situations regulated by the Alaska gasoline products leasing act, and distributorship agreements relating to motor vehicles required to be registered under AS 28.10" was read the third time.

Senators Wilken, Ellis moved and asked unanimous consent to be allowed to abstain from voting due to a conflict of interest. Objections were heard and Senators Wilken, Ellis were required to vote.

The question being: "Shall CS FOR SENATE BILL NO. 176(L&C)(title am) "An Act prohibiting certain coercive activity by distributors; relating to certain required distributor payments and purchases; prohibiting distributors from requiring certain contract terms as a condition for certain acts related to distributorship and ancillary agreements; allowing dealers to bring certain court actions against distributors for certain relief; and exempting from the provisions of the Act franchises regulated by the federal Petroleum Marketing Practices Act, situations regulated by the Alaska gasoline products leasing act, and distributorship agreements relating to motor vehicles required to be registered under AS 28.10" pass the Senate?" The roll was taken with the following result:

CSSB 176(L&C)(title am)
Third Reading - Final Passage

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

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

Nays: Wilken

Kelly changed from "Nay" to "Yea".

and so, CS FOR SENATE BILL NO. 176(L&C)(title am) passed the Senate.

Senator Taylor gave notice of reconsideration.

Second Reading of House Bills

HB 99

CS FOR HOUSE BILL NO. 99(HES) "An Act relating to school discipline and safety programs; and providing for an effective date" was read the second time.

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

CS FOR HOUSE BILL NO. 99(HES) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 99(HES) "An Act relating to school discipline and safety programs; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 99(HES)
Third Reading - Final Passage
Effective Date

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

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

Nays: Therriault

and so, CS FOR HOUSE BILL NO. 99 (HES) passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

HB 149

CS FOR HOUSE BILL NO. 149(FIN)(title am) "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 second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 1300. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 149(FIN) was adopted and read the second time.

Senator Torgerson offered Amendment No. 1:

Page 1, line 13, following "facility":
Insert "procured by competitive bids"

Page 2, lines 24 - 27:

Delete "process. A municipality exercising its powers under AS 29.35.010(15) for procurement of land, design, construction, and operation of a facility, that follows its municipal ordinances and

resolutions and procurement procedures, satisfies the procurement requirements of this subsection."

Insert "in which bids are submitted so that a comparison of costs can be made and the low qualified bidder is then selected on the basis of those bids."

Page 3, line 12, following "state":

Insert ";

(4) the commissioner may not enter into the lease unless the contract between the Kenai Peninsula Borough and the operator requires the operator to provide

(A) counseling services by Alaska Natives for incarcerated Alaska Natives;

(B) staffing levels sufficient to meet standards used by public correctional facilities;

(C) training to employees that is similar to that training provided to employees in public correctional facilities."

Senator Torgerson moved for the adoption of Amendment No. 1. Senator Ward objected.

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

SCS CSHB 149(FIN)

Second Reading

Amendment No. 1

YEAS: 7 NAYS: 13 EXCUSED: 0 ABSENT: 0

Yeas: Ellis, Elton, Olson, Pearce, Phillips, Therriault, Torgerson

Nays: Austerman, Cowdery, Davis, Donley, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Taylor, Ward, Wilken

and so, Amendment No. 1 failed.

Senator Ellis offered Amendment No. 2:

Page 2, line 6, following "dollars":

Delete "; and, from the passage of this Act, should be adjusted annually for changes in the cost of operations as measured by an appropriate cost-of-living index."

Senator Ellis moved for the adoption of Amendment No. 2. Senator Ward objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

SCS CSHB 149(FIN)

Second Reading

Amendment No. 2

YEAS: 12 NAYS: 8 EXCUSED: 0 ABSENT: 0

Yeas: Austerman, Davis, Ellis, Elton, Hoffman, Leman, Lincoln, Olson, Pearce, Phillips, Therriault, Torgerson

Nays: Cowdery, Donley, Green, Halford, Kelly, Taylor, Ward, Wilken

and so, Amendment No. 2 was adopted.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

SCS CSHB 149(FIN) am S

Advance from Second to Third Reading?

YEAS: 13 NAYS: 7 EXCUSED: 0 ABSENT: 0

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

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

and so, the bill failed to advance to third reading.

SENATE CS FOR CS FOR HOUSE BILL NO. 149(FIN) am S will be on the May 2 calendar.

Third Reading of Senate Bills

SB 29

CS FOR SENATE BILL NO. 29(FIN) am was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 29(FIN) am "An Act making and amending appropriations and reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 29(FIN) am
Third Reading - Final Passage
Effective Dates

YEAS: 14 NAYS: 6 EXCUSED: 0 ABSENT: 0

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

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

and so, CS FOR SENATE BILL NO. 29(FIN) am passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered.

Senator Leman moved that the constitutional budget reserve fund sections be adopted.

The question being: "Shall the constitutional budget reserve fund section (Article IX, Section 17(c) Constitution of the State of Alaska) be adopted?" The roll was taken with the following result:

CSSB 29(FIN) am
Adopt Constitutional Budget
Reserve Fund Section?

YEAS: 14 NAYS: 6 EXCUSED: 0 ABSENT: 0

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

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

and so, the constitutional budget reserve fund section failed to be adopted.

Senator Ellis gave notice of reconsideration.

Second Reading of Senate Resolutions

SJR 24

SENATE JOINT RESOLUTION NO. 24 Proposing amendments to the Constitution of the State of Alaska relating to the budget reserve fund, was read the second time.

Senator Pearce, Chair, moved and asked unanimous consent for the adoption of the Rules Committee Substitute offered on page 1401. Without objection, CS FOR SENATE JOINT RESOLUTION NO. 24(RLS) was adopted and read the second time.

Senator Leman moved and asked unanimous consent that the resolution be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the resolution be advanced to third reading?" The roll was taken with the following result:

CSSJR 24(RLS)

Advance from Second to Third Reading?

YEAS: 14 NAYS: 6 EXCUSED: 0 ABSENT: 0

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

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

and so, the resolution failed to advance to third reading.

CS FOR SENATE JOINT RESOLUTION NO. 24(RLS) will be on the May 2 calendar.

Citations

Honoring – Gruening Middle School Science Olympiad Team, 2001 State Champions

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

Honoring – Chugiak High School Science Olympiad Team, 2001 State Champions

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

Honoring – Skye Rubadeau

Representative(s) Halcro

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

Honoring – Dimond Lynx Hockey, 4A State Champions

Representative(s) Rokeberg

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

Honoring – Justin Roberts, Special Olympian

Representative(s) Hudson

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

Honoring – Sara Muehlberg, Special Olympian
Representative(s) Hudson, Kerttula
Senator(s) Elton, Ward, Leman, Wilken, Hoffman, Ellis, Pearce,
Davis, Green, Kelly, Lincoln, Austerman, Taylor, Halford

Honoring – Evvanne Menefee, Special Olympian
Representative(s) Hudson, Kerttula
Senator(s) Elton, Ward, Leman, Wilken, Hoffman, Ellis, Pearce,
Davis, Green, Kelly, Lincoln, Austerman, Taylor, 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

SB 103

In the event the House fails to recede from its amendments to CS FOR SENATE BILL NO. 103(FIN) "An Act relating to election campaigns and legislative ethics" President Halford appointed a Conference Committee to meet with a like committee from the House to consider CS FOR SENATE BILL NO. 103(FIN) and HOUSE CS FOR CS FOR SENATE BILL NO. 103(2d RLS) am H:

Senator Therriault, Chair
Senator Ellis
Senator Cowdery

Announcements

Announcements are at the end of the journal.

Engrossment

SB 151

SENATE BILL NO. 151 "An Act relating to the Bristol Bay Salmon Classic; and providing for an effective date" 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., May 2, 2001. Without objection, the Senate adjourned at 4:08 p.m.

Heidi Vogel
Secretary of the Senate

May 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

May 01 Tuesday Senate Finance 532 9:00 AM
+ HB 101 CHARTER SCHOOLS
+ HB 203 APPROP: STUDY OF SCHOOL COST FACTORS
+ HB 250 OPERATING BUDGET MISSIONS AND MEASURES
+ Bills Previously Heard/Scheduled

May 01 Tuesday Senate Finance 532 6:00 PM
+ Bills Previously Heard/Scheduled

May 02 Wednesday Senate Finance 532 9:00 AM
+ SB 139 STATE WATER USE
+ HB 76 NEW FACILITIES FOR API
+ HB 242 TRS & PERS REEMPLOY & MED BENEFITS; COLA
+ HB 204 STUDENT LOANS/COMN. ON POSTSECONDARY ED.
+ Bills Previously Heard/Scheduled

May 02 Wednesday Senate Finance 532 6:00 PM
+ Bills Previously Heard/Scheduled

JUDICIARY

May 02 Wednesday Beltz 211 1:30 PM
+ HB 187 VANDALISM OF CEMETERIES & GRAVES
+ HB 102 THEFT OF PROPELLED VEHICLES
+ HB 210 STATUTE OF LIMITATIONS:SEXUAL ASSAULT
+ HB 214 CIVIL ACTION AGAINST MINORS IN BARS
+ Bills Previously Heard/Scheduled

JUDICIARY (continued)

May 04 Friday Beltz 211 1:30 PM
 + HB 49 EXTEND TERMINATION DATE FOR BD OF PAROLE
 + HB 121 CHARITABLE GIFT ANNUITIES
 + HB 179 UNDERAGE DRINKING & DRUG OFFENSES
 + SB 210 LIMITS ON RIGHT TO PRIVACY
 + HB 184 INSURANCE CODE AMENDMENTS
 <Pending Referral>
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

May 01 Tuesday Beltz 211 1:30 PM
 SJR 28 LONG-TERM CARE INSURANCE
 HB 152 BREWPUB LICENSES
 Bills Previously Heard/Scheduled
 = SB 191 JOINT AVIATION INSURANCE ARRANGEMENTS

May 02 Wednesday Fahrenkamp 203 2:00 PM
 -- Time and Location Change --
 + SB 208 FARMED SALMON DISCLOSURES
 + HB 181 COMMUNITY PROPERTY
 + Bills Previously Heard/Scheduled

RESOURCES

May 02 Wednesday Butrovich 205 3:30 PM
 + Governor's Confirmations:
 Board of Fisheries- Russell Nelson,
 Dr. John White
 Commissioner DNR- Pat Pourchot

May 03 Thursday Butrovich 205 3:30 PM
 += HB 236 AIDEA BONDS FOR GAS PUBLIC UTILITIES
 += HB 244 RIGHT-OF-WAY TO DENALI BOR. FOR RR/UTIL.
 + Bills Previously Heard/Scheduled

RULES

- May 01 Tuesday Fahrenkamp 203 12:15 PM**
 -- Time Change --
 SB 83 CONSTRUCTION OF HIGHWAYS BY DOTPF
 SB 151 BRISTOL BAY SALMON CLASSIC
 SB 176 DISTRIBUTORSHIPS
 = SJR 24 AMEND CONSTITUTIONAL BUDGET RESERVE FUND
 HB 99 SCHOOL DISCIPLINE AND SAFETY
 HB 149 PRIVATE PRISON IN KENAI
- May 01 Tuesday Fahrenkamp 203 2:15 PM**
 = HB 149 PRIVATE PRISON IN KENAI
- May 02 Wednesday Fahrenkamp 203 10:45 AM**
 HB 48 NO SOC SEC. # REQ'D ON HUNT/FISH LICENSE
 HB 110 SOCIAL SECURITY # & DRIVER'S LICENSES
 HB 194 ENTRY PERMIT FEES
 HJR 26 STELLER SEA LION RESEARCH TEAM TO ALASKA
 HJR 27 WWII ALASKA-USSR LEND-LEASE MONUMENTS

STATE AFFAIRS

- May 01 Tuesday Beltz 211 4:15 PM**
 -- Time Change --
 += HB 177 CAMPAIGN FINANCE: GROUPS & DISCLOSURE
 + HB 200 DRUNK DRIVING VICTIMS REMEMBRANCE DAY
 += HJR 27 WWII ALASKA-USSR LEND-LEASE MONUMENTS
- May 02 Wednesday Beltz 211 5:00 PM**
 -- Time Change --
 Confirmation Hearings:
 Commissioner Administration- Jim Duncan
 Commissioner Public Safety- Glenn Godfrey
 Human Rights- Judge Roy Harding Madsen,
 Martha Gore
 Alaska Public Offices Commission-
 John Dapcevich, Mark T. Handley
 Army National Guard Brigadier General-
 Colonel Craig Noel Christensen
-

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TRANSPORTATION

May 01 Tuesday Butrovich 205 4:15 PM
-- Time Change --
SB 218 INTERNATIONAL AIRPORTS:BONDS/CONSTR. FUND

May 02 Wednesday Beltz 211 12:00 PM
-- Time and Location Change --
HB 191 FINANCING FOR TRANSPORTATION PROJECTS

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

May 01 Tuesday Capitol 102 2:45 PM
+ Continued Review: Mariculture Regulations

CONFERENCE COMMITTEES ON HB 103 & HB 104

May 01 Tuesday Senate Finance 532 3:00 PM
-- Meeting Postponed to 5/2/01 --
= HB 103 APPROP: OPERATING BUDGET
= HB 104 APPROP: MENTAL HEALTH BUDGET
Depts to be Announced

May 02 Wednesday Senate Finance 532 3:00 PM
-- Rescheduled from 5/1/01 --
= HB 103 APPROP: OPERATING BUDGET
= HB 104 APPROP: MENTAL HEALTH BUDGET
Depts to be Announced

OTHER MEETINGS

FISCAL POLICY CAUCUS

May 02 Wednesday House Finance 519 8:00 AM
Alaskans United