

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

February 22, 2002

Fortieth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:09 a.m.

The roll showed fifteen members present. Senators Cowdery, Kelly, Olson, Taylor, Wilken were excused from a call of the Senate.

The prayer was offered by the Chaplain, Reverend C. Ronald Covey of the Douglas Community United Methodist Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Honorable Senators, staff, distinguished guests and visitors, with the deepest respect for the religious beliefs of all Alaskans, this prayer is offered. Let us pray:

Creator God, we proclaim a vision of government where there is liberty and justice for all: for all colors and races, for all religions, for all lifestyles and cultures; liberty and justice whether one lives in "The Valley" or in a village. In this time together, may Your spirit of wisdom guide us so that liberty and justice may be transformed from vision to reality throughout our land. Help us to see our own diversity as the many roots which feed our unity as one great people called Alaskans. Amen.

Senator Davis led the Senate in the Pledge of Allegiance.

Certification

Senator Leman moved and asked unanimous consent that the journals for the thirty-eighth and thirty-ninth legislative days and House and Senate Joint Journal Supplement No. 13 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

Letter dated and received February 22 was read, stating in accordance with AS 39.05.080, I submit the following names for legislative confirmation of appointment to the board noted:

Board of Game

Bruce Baker - Juneau

Appointed: 02/19/02 Expires: 03/01/05

Caleb Pungowiyi - Kotzebue

Appointed: 02/19/02 Expires: 03/01/05

Michelle Sparck - Bethel

Appointed: 02/19/02 Expires: 03/01/05

The appointments were referred to the Resources Committee.

The resumes for these appointments have been submitted to the Offices of the Senate Secretary and the Chief Clerk.

SB 336

Fiscal note for SENATE BILL NO. 336 "An Act giving notice of and approving the entry into, and the issuance of, certificates of participation for the upgrade, expansion, and replacement of certain correctional facilities and jails; giving notice of and approving the entry into, lease-financing agreements for certain of those projects; and providing for an effective date" (page 2260) was published today:

Fiscal Note No. 2, Department of Corrections

Messages from the House

Message dated February 20 was read, stating:

Pursuant to AS 24.55.020, the Speaker appointed the following members to the Ombudsman Selection Committee:

Representative Kott, Cochair
Representative McGuire
Representative Berkowitz

The Senate members were appointed February 20, 2002 (page 2267).

Message dated February 20 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 307**

HOUSE BILL NO. 307 BY REPRESENTATIVES FATE, Coghill, Whitaker, Hayes, James, Davies, Dyson, Green, Croft, entitled:

"An Act delaying to June 30, 2007, the last date by which hydrocarbon exploration geophysical work must be performed or drilling of a stratigraphic test well or exploratory well must be completed in order for a person to qualify for an exploration incentive credit."

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

Senators Therriault, Leman, Ellis moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

HB 343

CS FOR HOUSE BILL NO. 343(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act extending the termination date of the Board of Professional Counselors; and relating to licensing of professional counselors."

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

Communications

The following reports are on file in the Office of the Secretary of the Senate:

Training Program Performance 2000, Employment and Earnings of Training Program Participants Exiting Alaska Training Programs in FY 2000
from Mike Gutierrez, Alaska Human Resource Investment Council
in accordance with AS 23.15.580(b)(9)

Report Relating to Breast and Cervical Cancer
from Elmer Lindstrom, Deputy Commissioner, Department of Health and Social Services
in accordance with Section 2, Chapter 33, SLA 2001

Alaska Public Debt 2001-2002
from Wilson Condon, Commissioner, Department of Revenue

Report of Examination, Alaska Commercial Fishing and Agriculture Bank
from Deborah Sedwick, Commissioner, Department of Community and Economic Development
in accordance with AS 44.81.270(c)

Waivers and Appeals - SB 133: A Report to the Legislature
from Shirley Holloway, Commissioner, Department of Education and Early Development
in accordance with Chapter 94 SLA 2001

Standing Committee Reports**SB 235**

The Labor and Commerce Committee considered SENATE BILL NO. 235 "An Act relating to emergency and disaster relief forces as state employees for purposes of workers' compensation benefits; relating to the Emergency Management Assistance Compact and the implementation of the compact; and providing for an effective date" and recommended the adoption of the State Affairs Committee Substitute offered on page 2081.

Signing do pass: Senator Stevens, Chair, Senators Leman, Davis.

The following previously published fiscal information applies:

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

The bill was referred to the Judiciary Committee.

SB 250

The Health, Education and Social Services Committee considered SENATE BILL NO. 250 "An Act extending the dates for assignment of performance designations of public schools and the dates for reports and monitoring based on those designations; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 250(HES) "An Act relating to a report on the performance of public schools; and providing for an effective date."

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

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

SB 267

The Labor and Commerce Committee considered SENATE BILL NO. 267 "An Act establishing the Alaska veterans' memorial endowment fund and providing for credits against certain taxes for contributions to that fund; relating to other tax credits for certain contributions; and providing for an effective date." Signing do pass: Senator Stevens, Chair, Senators Leman, Davis.

The following previously published fiscal information applies:

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

Fiscal Note No. 2, indeterminate, Department of Revenue

Fiscal Note No. 3, indeterminate, Department of Community and Economic Development

The bill was referred to the Finance Committee.

SB 273

The Judiciary Committee considered SENATE BILL NO. 273 "An Act extending the termination date of the Board of Governors of the Alaska Bar Association." Signing do pass: Senator Taylor, Chair, Senator Ellis. Signing no recommendation: Senators Donley, Therriault.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Alaska Court System

The bill was referred to the Finance Committee.

SCR 25

The Judiciary Committee considered SENATE CONCURRENT RESOLUTION NO. 25 Relating to the public trust for fish and wildlife in Alaska, and recommended it be replaced with

CS FOR SENATE CONCURRENT RESOLUTION
NO. 25(JUD)

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

Signing do not pass: Senator Ellis.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Senate Judiciary Committee

The resolution was referred to the Resources Committee.

HB 96

The Finance Committee considered CS FOR HOUSE BILL NO. 96(HES) "An Act relating to acquisition and development of the Jesse Lee Home; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
96(FIN)

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

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

The bill was referred to the Rules Committee.

HB 245

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 245(L&C) am "An Act relating to marital and family therapists" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
245(L&C)

Signing do pass: Senator Stevens, Chair, Senators Leman, Davis.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Community and Economic Development

The bill was referred to the Health, Education and Social Services Committee.

HB 291

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 291(L&C) "An Act relating to the requirements for obtaining a residential contractor endorsement." Signing do pass: Senator Stevens, Chair, Senators Leman, Davis.

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 340**

SENATE BILL NO. 340 BY THE SENATE RULES COMMITTEE, entitled:

"An Act relating to treatment of permanent fund dividends for purposes of determining eligibility for certain benefits; and providing for an effective date."

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

SB 341

SENATE BILL NO. 341 BY THE SENATE FINANCE COMMITTEE, entitled:

"An Act making a special appropriation for a study of recipients of welfare and Medicaid; and providing for an effective date."

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

Consideration of the Calendar**Citations**

Honoring – Stan Stephens

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

Honoring – Tazlina Hotshots Fire Crew

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

Honoring – The Dragon Slayers: Youth Volunteer Fire Fighters - Emergency Responders

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

Representative(s) Morgan

Honoring – Vivian Montoya, 2002 Alaska Teacher of the Year

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

Representative(s) Kerttula, Hudson

Honoring – Thelma Johnson

Representative(s) Stevens

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

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 318**

Senator Ellis moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 318 "An Act relating to assignments of permanent fund dividends; and providing for an effective date." Without objection, it was so ordered.

HJR 33

Senator Ward moved and asked unanimous consent to be shown as a cross sponsor on CS FOR HOUSE JOINT RESOLUTION NO. 33(MLV) am Expressing gratitude to President George W. Bush, to the President's cabinet, to the men and women of the United States armed forces, and to the United States Congress and declaring support for the war on terrorism and for the President's effort to support democracies and promote peace worldwide. Without objection, it was so ordered.

Senator Ellis moved and asked unanimous consent to be excused from a call of the Senate on February 25 until morning plane time. Without objection, Senator Ellis was excused.

Senator Leman moved and asked unanimous consent to be excused from a call of the Senate on March 1. Without objection, Senator Leman was excused.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., February 25, 2002. Without objection, the Senate adjourned at 11:28 a.m.

Heidi Vogel
Secretary of the Senate

February 2002

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

Feb 22	Friday	Fahrenkamp 203	1:30 PM
	-- Meeting Canceled --		
	SJR 34 DISAPPROVE HOMER BOUNDARY CHANGES		
	<Testimony by Invitation Only>		
Feb 25	Monday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Feb 27	Wednesday	Fahrenkamp 203	1:30 PM
+ SB 264	MUNICIPAL BOND REIMBURSEMENT		
+ SB 278	TAKING PROPERTY BY EMINENT DOMAIN		
+ SB 323	MANDATORY INCORPORATION OF BOROUGHES		
	<Above Bill-Testimony by Invitation Only>		
Mar 01	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Feb 22	Friday	Senate Finance 532	9:00 AM
+= SB 291	SUPPLEMENTAL APPROPRIATIONS: FAST TRACK		
+= SB 292	SUPPLEMENTAL APPROPRIATIONS		
+=	Bills Previously Heard/Scheduled		

FINANCE (continued)

- Feb 26 Tuesday Senate Finance 532 9:00 AM**
 SCR 29 HIRING FREEZE
 SB 223 PRISONERS:PAROLE/GOOD TIME
 SB 97 PROBATION AND PAROLE FEES
 Bills Previously Heard/Scheduled
- Feb 27 Wednesday Senate Finance 532 9:00 AM**
 = SB 247 REAPPROPRIATIONS & CAPITAL APPROPRIATIONS
 Capital Budget Overview
 Bills Previously Heard/Scheduled
- Feb 28 Thursday Senate Finance 532 9:00 AM**
 SB 337 ELIGIBILITY FOR MUNICIPAL TAX EXEMPTION
 SB 338 INELIGIBILITY FOR PFD/ CRIME VICTIMS COMP
 HB 106 FINANCIAL INSTITUTIONS
 Bills Previously Heard/Scheduled
- Mar 01 Friday Senate Finance 532 9:00 AM**
 SB 182 PRO RATA REDUCTIONS IN BENEFIT PROGRAMS
 SB 222 REQUIRE SLOW DRIVERS TO PULL OVER
 SB 266 FISHERY ENHANCEMENT LOANS
 <Pending Referral>
 Bills Previously Heard/Scheduled
-

HEALTH, EDUCATION & SOCIAL SERVICES

- Feb 22 Friday Butrovich 205 1:30 PM**
 -- Meeting Canceled --
 SB 293 ALASKA TEMPORARY ASSISTANCE PROGRAM
 Bills Previously Heard/Scheduled
- Feb 25 Monday Butrovich 205 1:30 PM**
 = SB 293 ALASKA TEMPORARY ASSISTANCE PROGRAM
 Bills Previously Heard/Scheduled
- Feb 27 Wednesday Butrovich 205 1:30 PM**
 Susan Sciafani,
 Counselor to US Secretary of Education:
 No Child Left Behind Act (ESEA)
 SB 283 REGULATION OF NURSING
 SB 325 CIVIL LIABILITY FOR DEFIBRILLATOR USE
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Mar 01 Friday Butrovich 205 1:30 PM
 Bills Previously Heard/Scheduled

JUDICIARY

Feb 22 Friday Beltz 211 1:30 PM
 -- Meeting Rescheduled --
 = SB 248 EXTENDING COUNCIL ON DOMESTIC VIOLENCE
 <Bill Postponed to 2/25/02>

Feb 25 Monday Beltz 211 1:30 PM
 = SB 248 EXTENDING COUNCIL ON DOMESTIC VIOLENCE
 <Above Item Removed from Agenda>
 <Bill Rescheduled from 2/22/02>
 = HB 111 CIVIL LIABILITY AND LIVESTOCK
 <Above Item Removed from Agenda>
 + SB 263 REAL PROPERTY CONVEYANCES
 Bills Previously Heard/Scheduled

Feb 27 Wednesday Beltz 211 1:30 PM
 -- Meeting Canceled --
 HB 196 RIGHT OF ACTION FOR LEGAL SEPARATION

Mar 01 Friday Beltz 211 1:30 PM
 -- Meeting Canceled --
 = SB 204 WILDFIRES AND NATURAL DISASTERS

LABOR & COMMERCE

Feb 26 Tuesday Beltz 211 1:30 PM
 + SB 299 WORKERS' COMPENSATION BOARD PANELS
 + SB 282 ALASKA SEAFOOD MARKETING INSTITUTE/TAX
 Bills Previously Heard/Scheduled

Feb 28 Thursday Beltz 211 1:30 PM
 += SB 274 PHYSICIANS' LOCUM TENENS PERMITS
 + SB 31 PENALTIES: OSHA VIOLATIONS CAUSING DEATH
 Bills Previously Heard/Scheduled

RESOURCES

- Feb 22 Friday Butrovich 205 3:30 PM**
 -- Meeting Canceled --
 = SB 141 AQUATIC FARMS FOR SHELLFISH
 = SB 266 FISHERY ENHANCEMENT LOANS
 SB 277 DEFINITIONS OF FISHERIES BUSINESSES
- Feb 25 Monday Butrovich 205 3:30 PM**
 += SB 141 AQUATIC FARMS FOR SHELLFISH
 += SB 266 FISHERY ENHANCEMENT LOANS
 += SB 277 DEFINITIONS OF FISHERIES BUSINESSES
 + Bills Previously Heard/Scheduled
- Feb 26 Tuesday Senate Finance 532 12:00 PM**
 -- Time and Location Change --
 + Joint w/(H) Resources Committee
 Mining Industry Overview
- Feb 27 Wednesday Butrovich 205 3:30 PM**
 + HB 241 RAIL AND UTILITY CORRIDOR TO CANADA
 + SB 319 SHALLOW NATURAL GAS LEASING
 + SCR 28 JOINT LEGIS SALMON INDUSTRY TASK FORCE
 + Bills Previously Heard/Scheduled
- Mar 01 Friday Butrovich 205 3:30 PM**
 No Meeting Scheduled

RULES

- Feb 22 Friday Fahrenkamp 203 10:30 AM**
 -- Rescheduled from 02/21/02 --
 = SB 242 CONCEALED HANDGUN PERMITTEES
 = SB 260 HISTORIC/ANTIQUE MOTOR VEHICLES
 = SJR 31 TAX EXEMPT BONDS TO FUND VETERANS LOANS
 = SCR 22 SOBRIETY AWARENESS MONTH
 = SCR 23 ALASKA TARTAN DAY
 SCR 27 RECESS OF THE LEGISLATURE: LATE MARCH
- Feb 25 Monday Fahrenkamp 203 10:30 AM**
 -- Time Change --
 HB 320 AUTHORIZING ELECTRONIC BALLOTS

STATE AFFAIRS

Feb 26 Tuesday Beltz 211 3:30 PM
 SB 313 NO LEGIS APPROVAL OF AEROSPACE PROJECT
 SJR 37 CONST AM: HIRING FREEZE
 SJR 38 CONST AM: PRIORITY OF EXPENDITURES

Feb 28 Thursday Beltz 211 3:30 PM
 SB 297 MENTAL HEALTH TRUST LAND UNIT EMPLOYEES
 SCR 26 AVALANCHE AWARENESS MONTH
 Bills Previously Heard/Scheduled

TRANSPORTATION

Feb 22 Friday Anch Lio Conf Rm 10:00 AM
 + -- Time and Location Change --
 Problems Associated with the Construction
 Claim Processes set forth in Alaska Procurement Code

Feb 26 Tuesday Butrovich 205 1:30 PM
 SB 269 NAMING BONDSTEEL BRIDGE OF HONOR
 SB 271 MARINE AND RAIL TRANSPORTATION AUTHORITY
 SJR 32 CONST. AM:MARINE/RAIL TRANSPORTATION FUND

Feb 28 Thursday Butrovich 205 1:30 PM
 SB 320 MOTOR VEHICLE INSURANCE & REPAIRS

FINANCE SUBCOMMITTEES

EDUCATION & EARLY DEVELOPMENT

Feb 26 Tuesday Terry Miller 104 8:00 AM
 + Discussion on Child Care Issues
 Yvonne Chase, Deputy Commissioner, DEED

Feb 28 Thursday Terry Miller 104 8:00 AM
 Discussion on Child Care Issues
 Yvonne Chase, Deputy Commissioner, DEED

JOINT COMMITTEES**ADMINISTRATIVE REGULATION REVIEW**

Mar 01 Friday Capitol 102 8:30 AM
 Proposed Regulations for Special Schools

OTHER MEETINGS**ANCHORAGE CAUCUS**

Feb 23 Saturday Assembly Chamber 10:00 AM
 +
 Presentations:
 AK Railroad Corporation
 University of Alaska Anchorage
 Ted Stevens International Airport
 Child Advocacy Team
 Municipality of Anch: Mayor, Assembly,
 Port of Anch, Anch 2020-Town Centers
 University Medical District:
 Providence Medical Center,
 Alaska Regional Hospital,
 Alaska Native Tribal Health Consortium,
 Alaska Psychiatric Institute
 North Star Behavioral Health System
 Public testimony will be taken
 <Mtg location: Loussac Library-Anchorage>

Feb 25 Monday Senate Finance 532 12:00 PM
 Presentation by Anchorage School District

FISCAL POLICY CAUCUS

Feb 24 Sunday Butrovich 205 1:00 PM
 -- Meeting Canceled --