

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

March 20, 2002

Sixty-sixth Day

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

The roll showed fifteen members present. Senators Olson, Phillips were excused from a call of the Senate. Senators Hoffman, Lincoln, Taylor were absent.

Senator Leman moved and asked unanimous consent that Senators Lincoln and Taylor be excused due to illness. Without objection, it was so ordered.

The prayer was offered by the Chaplain, Pastor Richard Green of the Glacier Valley Church of God. Senator Cowdery moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Father, I come to You with great respect and awe. I am very thankful for every provision You have made for us. Thank You for the privilege to ask for the resources that are needed to be effective and productive in life. I pray that the wellspring of Your abundant mercies and all sufficient grace will overflow to the deep needs of the people of our state. Bless our nation and state. Bless and keep our leaders, protectors and defenders. Amen.

Senator Stevens led the Senate in the Pledge of Allegiance.

Certification

Senator Leman moved and asked unanimous consent that the journals for the sixty-fourth and sixty-fifth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

Messages dated March 18 and 19 were read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 215**

CS FOR HOUSE BILL NO. 215(L&C)(efd fld) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the use of pharmaceutical agents in the practice of optometry."

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

HB 312

CS FOR HOUSE BILL NO. 312(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the delay of the reduction of supplementary public school funding; relating to funding the Alaska Challenge Youth Academy program; and providing for an effective date."

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

HB 321

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 321(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act limiting the factors that may be considered in making a crime victims' compensation award in cases of sexual assault or sexual abuse of a minor."

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

HB 331

CS FOR HOUSE BILL NO. 331(STA) BY THE HOUSE STATE AFFAIRS COMMITTEE, entitled:

"An Act relating to appointment of persons to positions that require confirmation by the legislature; and providing for an effective date."

was read the first time and referred to the State Affairs Committee.

HB 403

CS FOR HOUSE BILL NO. 403(FIN) am(brf sup maj fld)(efd fld) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds."

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

HB 404

CS FOR HOUSE BILL NO. 404(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

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

Communications

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

Alaska Court System Travel for Justices, Judges, and Magistrates and Affidavit Information, 2001 and Alaska Court System, 2001 Time to Disposition Reports: Volumes 1 - 6
from Stephanie J. Cole, Administrative Director
in accordance with AS 22.20.310

Determination to Take Oil and Gas Royalty In-Value
from Pat Pourchot, Commissioner, Department of Natural Resources
in accordance with AS 38.05.182

Annual Alaska Salmon Production Report and Alaska Salmon Price Report
from Brett Fried, Economist, Department of Revenue, Tax Division
in accordance with AS 43.80.060

Annual Report on the Constitutional Budget Reserve Fund
from Wilson Condon, Commissioner, Department of Revenue
in accordance with AS 37.10.430

Report from the Commissioner of the Department of Administration dated March 6 was received, stating the monetary terms for the collective bargaining agreement reached between the Board of Regents of the University of Alaska and United Academic-Adjuncts in accordance with AS 23.40.215(b)

The above report was referred to the Finance Committee.

Standing Committee Reports**SB 240**

The Resources Committee considered SENATE BILL NO. 240 "An Act relating to the crimes of damaging an oil or gas pipeline or supporting facility, criminal mischief, and terroristic threatening; making conforming amendments; and providing for an effective date." Signing do pass: Senator Torgerson, Chair, Senators Taylor, Halford, Stevens, Wilken.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law
Fiscal Note No. 2, zero, Department of Administration

The bill was referred to the Judiciary Committee.

SB 280

The Resources Committee considered SENATE BILL NO. 280 "An Act permitting grants to certain regulated public utilities for water quality enhancement projects and water, wastewater, and solid waste systems" and recommended it be replaced with

CS FOR SENATE BILL NO. 280(RES) "An Act permitting grants to certain regulated public utilities for water quality enhancement projects and water supply and wastewater systems."

Signing do pass: Senator Torgerson, Chair, Senators Taylor, Halford.
Signing no recommendation: Senators Stevens, Wilken.

The following fiscal information was published today:

Fiscal Note No. 3, Department of Environmental Conservation

The following previously published fiscal information applies:

Fiscal Note No. 2, zero, Department of Environmental
Conservation

The bill was referred to the Finance Committee.

SJR 37

The Judiciary Committee considered SENATE JOINT RESOLUTION NO. 37 Proposing an amendment to the Constitution of the State of Alaska relating to officers and employees of the executive branch. Signing do pass: Senator Taylor, Chair, Senators Cowdery, Therriault. Signing do not pass: Senator Ellis.

The following previously published fiscal information applies:

Fiscal Note No. 1, Office of the Governor

The bill was referred to the Finance Committee.

SJR 38

The Judiciary Committee considered SENATE JOINT RESOLUTION NO. 38 Proposing amendments to the Constitution of the State of Alaska relating to information regarding proposed expenditures. Signing do pass: Senator Taylor, Chair, Senators Cowdery, Therriault. Signing no recommendation: Senator Ellis.

The following previously published fiscal information applies:

Fiscal Note No. 1, Office of the Governor

The bill was referred to the Finance Committee.

HJR 33

The State Affairs Committee considered 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. Signing do pass: Senator Therriault, Chair, Senators Stevens, Davis.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

SB 243

The Rules Committee considered SENATE BILL NO. 243 "An Act extending the termination date of the Board of Chiropractic Examiners; and relating to chiropractors." Signing to calendar: Senator Phillips, Chair, Senators Therriault, Ellis.

The bill is on today's calendar.

HJR 37

The Rules Committee considered HOUSE JOINT RESOLUTION NO. 37 Congratulating Alaska Airlines on its 70th Anniversary. Signing to calendar: Senator Phillips, Chair, Senators Halford, Cowdery, Therriault.

The resolution is on today's calendar.

Introduction and Reference of Senate Bills**SB 350**

SENATE BILL NO. 350 BY THE SENATE TRANSPORTATION COMMITTEE, entitled:

"An Act relating to funding for transportation enhancement projects."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 243**

SENATE BILL NO. 243 "An Act extending the termination date of the Board of Chiropractic Examiners; and relating to chiropractors" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2383. Without objection, CS FOR SENATE BILL NO. 243(FIN) was adopted and 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.

CS FOR SENATE BILL NO. 243(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 243(FIN) "An Act extending the termination date of the Board of Chiropractic Examiners; and relating to chiropractors" pass the Senate?" The roll was taken with the following result:

CSSB 243(FIN)

Third Reading - Final Passage

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Kelly, Leman, Stevens, Therriault, Torgerson, Ward, Wilken

Excused: Lincoln, Olson, Phillips, Taylor

Absent: Hoffman

and so, CS FOR SENATE BILL NO. 243(FIN) passed the Senate and was referred to the Secretary for engrossment.

Second Reading of House Resolutions

HJR 37

HOUSE JOINT RESOLUTION NO. 37 Congratulating Alaska Airlines on its 70th Anniversary, was read the second time.

Senators Leman, Ellis, Elton, Austerman, Davis, Kelly, Wilken, Cowdery moved and asked unanimous consent to be shown as cross sponsors on the resolution. Without objection, it was so ordered.

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

HOUSE JOINT RESOLUTION NO. 37 was read the third time.

The question being: "Shall HOUSE JOINT RESOLUTION NO. 37 Congratulating Alaska Airlines on its 70th Anniversary, pass the Senate?" The roll was taken with the following result:

HJR 37

Third Reading - Final Passage

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Kelly, Leman, Stevens, Therriault, Torgerson, Ward, Wilken

Excused: Lincoln, Olson, Phillips, Taylor

Absent: Hoffman

and so, HOUSE JOINT RESOLUTION NO. 37 passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Honoring – Captain Jimmy Ng, United States Coast Guard
Senator(s) Austerman, Hoffman, Stevens, Therriault, Wilken, Halford, Leman, Elton, Davis, Lincoln, Taylor, Kelly, Green
Representative(s) Stevens

Honoring – Kim Dye, 2002 Alaska School Nurse of the Year
Senator(s) Stevens, Donley, Ellis, Hoffman, Therriault, Wilken, Halford, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Ward

Honoring – Mrs. Vanee Robinson
Senator(s) Davis, Hoffman, Stevens, Therriault, Wilken, Halford, Leman, Elton, Lincoln, Austerman, Taylor, Kelly, Green

Honoring – Lt. Commander Robert F. Otten
Representative(s) Mulder
Senator(s) Wilken, Donley, Hoffman, Stevens, Therriault, Halford,
Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Ward

Honoring – Joe and Bobbi Fagg, and Ken and Christy Huizenga,
Alaska's Official Santa Family
Representative(s) James
Senator(s) Therriault, Hoffman, Stevens, Wilken, Halford, Leman,
Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green

In Memoriam – Mr. James Henry Thomas
Senator(s) Davis, Hoffman, Stevens, Therriault, Wilken, Halford,
Leman, Elton, Lincoln, Austerman, Taylor, Kelly, Green

In Memoriam – Mr. Charles Lewis II
Senator(s) Davis, Hoffman, Stevens, Therriault, Wilken, Halford,
Leman, Elton, Lincoln, Austerman, Taylor, Kelly, Green

In Memoriam – Mrs. Shirlin Esther Rennie
Senator(s) Davis, Hoffman, Stevens, Therriault, Wilken, Halford,
Leman, Elton, Lincoln, Austerman, Taylor, Kelly, Green

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 222

The reconsideration on CS FOR SENATE BILL NO. 222(FIN) "An
Act relating to certain motor vehicles that are required to yield to
following traffic" was not taken up this legislative day and the bill was
referred to the Secretary for engrossment.

HB 276

President Halford added a Finance Committee referral to CS FOR
HOUSE BILL NO. 276(L&C) "An Act relating to temporary permits
and licenses by endorsement issued by the Board of Nursing; and
relating to the delegation of nursing duties."

The bill was referred to the Labor and Commerce, Health, Education and Social Services, then Finance Committees.

Announcements

Announcements are at the end of the journal.

Recess

President Halford stated that the Senate would stand in recess to a call of the Chair. Without objection, the Senate recessed at 11:45 a.m.

After Recess

The Senate reconvened at 11:50 a.m.

Engrossment

SB 222

CS FOR SENATE BILL NO. 222(FIN) "An Act relating to certain motor vehicles that are required to yield to following traffic" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 243

CS FOR SENATE BILL NO. 243(FIN) "An Act extending the termination date of the Board of Chiropractic Examiners; and relating to chiropractors" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment

SB 208

HOUSE CS FOR CS FOR SENATE BILL NO. 208(RES) "An Act relating to the labeling of, the advertising of, the identification of, and the disclosure of certain information about halibut, salmon, sablefish,

halibut products, salmon products, and sablefish products" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 10:37 a.m., March 20, 2002.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 22, 2002. Without objection, the Senate adjourned at 11:52 a.m.

Heidi Vogel
Secretary of the Senate

March 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

Mar 20 Wednesday Fahrenkamp 203 1:30 PM
 + SB 231 CORRECTIONAL FACILITY EXPANSION

Mar 22 Friday Fahrenkamp 203 1:30 PM
 No Meeting Scheduled

FINANCE

Mar 20 Wednesday Senate Finance 532 9:30 AM
 = SB 291 SUPPLEMENTAL APPROPRIATIONS: FAST TRACK
 = SB 182 PRO RATA REDUCTIONS IN BENEFIT PROGRAMS
 = SB 185 PCE BASED ON HIGHEST COST
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --

Mar 21 Thursday Senate Finance 532 9:00 AM
 SB 226 HIGHWAY DESIGN & CONSTRUCTION
 = SB 181 SMALL COMMUNITY HOUSING LOANS
 SB 279 SPORT FISH LICENSES FOR 9/11 RESPONDERS
 SB 277 DEFINITIONS OF FISHERIES BUSINESSES
 SB 308 COASTAL ZONE MGMT PROGRAM
 = SB 4 MUNICIPAL PROPERTY TAX EXEMPTION
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --

FINANCE (continued)

Mar 22 Friday Senate Finance 532 9:00 AM
 = SCR 29 HIRING FREEZE
 SJR 37 CONST AM: HIRING FREEZE
 SJR 38 CONST AM: PRIORITY OF EXPENDITURES
 = HB 349 AGENCY PROGRAM AND FINANCIAL PLANS
 SB 299 WORKERS' COMPENSATION BOARD PANELS
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 20 Wednesday Butrovich 205 1:30 PM
 + Dept Ed and Early Development Overview:
 Minimum Expenditure for
 Instruction Requirement
 + Bills Previously Heard/Scheduled

Mar 22 Friday Butrovich 205 1:30 PM
 + Dept Ed and Early Development Overview:
 ESEA Implementation
 Statewide School Safety/McQueen School
 + Bills Previously Heard/Scheduled

JUDICIARY

Mar 20 Wednesday Beltz 211 1:30 PM
 + SJR 25 CONST. AM: EDUCATION FUND
 + HB 362 EXTEND BOARD OF GOVERNORS OF AK BAR ASSN
 += SB 324 PUBLIC UTILITIES EXEMPT FROM REGULATION
 + Bills Previously Heard/Scheduled

Mar 22 Friday Beltz 211 1:30 PM
 + SB 278 TAKING PROPERTY BY EMINENT DOMAIN
 + SB 295 LICENSING:DISCLOSURE OF MINORS RECORDS
 + SB 302 MENTAL HEALTH PROFESSIONALS
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 21	Thursday	Beltz 211	1:30 PM
=	SB 317	NAT'L FOREST INCOME AND REGS OF DCED	
=	HB 418	ELECTRONIC PROXY VOTING & NOTIFICATION	
=	HB 281	CIVIL LIABILITY FOR PROVIDING ALCOHOL	
		--Above Bills Rescheduled from 3/19/02--	
+	SB 321	REVISION OF VETERINARY STATUTES	
+	HB 262	BUILDING SAFETY ACCOUNT	
Mar 26	Tuesday	Beltz 211	1:30 PM
+	HB 56	MINIMUM WAGE	
+=	SB 320	MOTOR VEHICLE INSURANCE & REPAIRS	
Mar 28	Thursday	Beltz 211	1:30 PM
+		Confirmation Hearings:	
		AK State Board of Public Accountancy	
		Alcoholic Beverage Control Board	
		Architects, Engineers and Land Surveyors	
		Board of Barbers and Hairdressers	
		Board of Chiropractic Examiners	
		AK Workers' Compensation Board	
Apr 02	Tuesday	Beltz 211	1:30 PM
		No Meeting Scheduled	
Apr 04	Thursday	Beltz 211	1:30 PM
+		Confirmation Hearings:	
		AK Labor Relations Agency	
		Board of Marine Pilots	
		Certified Real Estate Appraisers	
		Real Estate Commission	
		Regulatory Commission of Alaska	
Apr 09	Tuesday	Senate Finance 532	1:30 PM
		-- Location Change --	
		Joint w/(H)	
+		Nursing Workforce Issues Forum	

RESOURCES

Mar 20 Wednesday Butrovich 205 3:30 PM
 += SB 329 ALLOW CDQ GROUPS TO HOLD ENTRY PERMITS
 + HB 206 LIMITED ENTRY FOR COMM. FISHERIES
 + HB 298 LEGISLATIVE APPROVAL OF RAILROAD LEASES
 + HB 131 FOREST RESOURCES & PRACTICES STANDARDS
 + Bills Previously Heard/Scheduled

Mar 22 Friday Butrovich 205 3:30 PM
 Bills Previously Heard/Scheduled

STATE AFFAIRS

Mar 21 Thursday Beltz 211 3:30 PM
 HJR 35 REPEAL ESTATE TAX
 SB 306 PRESCRIPTION DRUG ASSISTANCE TASK FORCE
 Bills Previously Heard/Scheduled

JOINT COMMITTEES**ADMINISTRATIVE REGULATION REVIEW**

Mar 20 Wednesday Capitol 102 8:30 AM
 + Regulation Changes for Special
 (Correspondence) Schools
 Public Comment

LEGISLATIVE COUNCIL

Mar 22 Friday Capitol 208 8:30 AM
 Information Technology Subcommittee

OMBUDSMAN SELECTION COMMITTEE

Mar 26 Tuesday Beltz 211 9:00 AM

SELECT CMTE ON LEGISLATIVE ETHICS

Mar 26	Tuesday	Butrovich 205	11:00 AM
	Public Comment		
	Committee Members and Officers		
	Review of State Benefit & Loan Programs		
	Staff Reports, Late Disclosures		
	Advisory Opinion 02-01		

OTHER MEETINGS

CHILDREN'S CAUCUS

Mar 26	Tuesday	Fahrenkamp 203	12:00 PM
+	Youth in Action		
Apr 02	Tuesday	Fahrenkamp 203	12:00 PM
+	Smart Start/Strong Future		

FISH CAUCUS

Mar 21	Thursday	Butrovich 205	12:00 PM
+	Jessie Gharrett, Natl Marine Fisheries:		
	Federal IFQ Fisheries for Halibut and		
	Black Cod in AK		