SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

April 17, 2002

Ninety-fourth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:42 a.m.

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

The prayer was offered by the Chaplain, Father Tom Moffatt of the St. Nicholas Russian Orthodox Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord, to better serve You and all Your people, give unto all Your Senators health, prosperity, length of days and many years. Now may the blessings of Almighty God, Father, Son and Holy Spirit shower down on all of You!

Amen.

Senator Ward led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor

Letter dated April 12 and received April 16 was read, stating in accordance with AS 39.05.080, I submit the following name for legislative confirmation of appointment to the commission noted:

Alaska Public Offices Commission

John Dapcevich - Juneau

Appointed: 01/16/01 Reappointed: 04/12/02 Expires: 03/01/07

The appointment was referred to the State Affairs Committee.

The resume for this appointment has been submitted to the Offices of the Senate Secretary and the Chief Clerk.

Messages from the House

Message dated April 16 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HCR 27

HOUSE CONCURRENT RESOLUTION NO. 27 am BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE,

Relating to urging the Local Boundary Commission to adopt standards and procedures to enable the commission to return a petition for a local boundary change to the petitioner when the commission determines the petition is substantively deficient, in need of substantial amendment or supplementation, or the procedure used in preparing the petition was deficient.

was read the first time and referred to the Community and Regional Affairs Committee.

First Reading and Reference of House Bills

HB 501

HOUSE BILL NO. 501 BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to the use of unclaimed property to pay court-ordered restitution; and providing for an effective date."

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

Standing Committee Reports

SB 238

The Transportation Committee considered SENATE BILL NO. 238 "An Act relating to state plans and programs for the safety and security of facilities and systems in the state; and providing for an effective date" and recommended the adoption of the State Affairs Committee Substitute offered on page 2172.

Signing no recommendation: Senator Cowdery, Chair, Senators Wilken, Ward. Signing do pass: Senator Elton.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Transportation and Public Facilities

The bill was referred to the Rules Committee.

HB 216

The State Affairs Committee considered CS FOR HOUSE BILL NO. 216(RES) "An Act relating to the emergency order authority of the commissioner of fish and game and to meetings of the Board of Fisheries" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 216(STA)

Signing no recommendation: Senator Therriault, Chair, Senators Phillips, Davis. Signing do pass: Senator Stevens. Signing do not pass: Senator Halford.

The following previously published fiscal information applies: Fiscal Note No. 2, zero, Department of Fish and Game

The bill was referred to the Judiciary Committee.

HB 254

The State Affairs Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 254(FIN) "An Act relating to the teachers' retirement system, the judicial retirement system, and the public employees' retirement system and to the tax qualification under the Internal Revenue Code of those systems; amending the definition of 'actuarial adjustment' in the teachers' retirement system and the public employees' retirement system; repealing certain provisions of the teachers' retirement system and the public employees' retirement system; amending the statutory limitation on payment of warrants to make an exception for warrants making benefit payments or refunds under various state retirement and benefit programs; and providing for an effective date." Signing no recommendation: Senator Therriault, Chair, Senators Phillips, Stevens. Signing do pass: Senator Davis. Signing amend: Senator Halford.

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

The bill was referred to the Rules Committee.

SJR 13

The State Affairs Committee considered SENATE JOINT RESOLUTION NO. 13 Proposing amendments to the Constitution of the State of Alaska relating to inflation-proofing the permanent fund, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO. 13(STA) Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund.

Signing no recommendation: Senator Therriault, Chair, Senators Halford, Phillips. Signing do pass: Senators Davis, Stevens.

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

The bill was referred to the Judiciary Committee.

SJR 44

The Labor and Commerce Committee considered SENATE JOINT RESOLUTION NO. 44 Relating to preparation of a joint state-federal research and development plan, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO. 44(L&C)

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

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

The resolution was referred to the Finance Committee.

SB 295

The Rules Committee considered SENATE BILL NO. 295 "An Act relating to the disclosure of information regarding delinquent minors to certain licensing agencies; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Therriault.

The bill is on today's calendar.

SB 302

The Rules Committee considered SENATE BILL NO. 302 "An Act defining the term 'mental health professional' for the purpose of statutes relating to the evaluation of prisoners who may need psychological or psychiatric treatment, for the purpose of statutes relating to the evaluation of children in need of aid and delinquent minors who may need to be confined in a secure residential psychiatric treatment center or who should be released from such a center, for the purpose of statutes requiring certain professionals to report the possibility that a vulnerable adult has been abused or neglected, and for the purpose of statutes relating to mental health civil commitments." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Therriault.

The bill is on today's calendar.

HB 390

The Rules Committee considered HOUSE BILL NO. 390 "An Act extending the termination dates of certain activities and salmon marketing programs of the Alaska Seafood Marketing Institute and of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 390(RLS) "An Act delaying the repeal of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date." (Title change authorized by SCR 32)

Signing under other recommendations: Senator Phillips, Chair. Signing to calendar and do pass: Senators Cowdery, Therriault, Ellis.

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

The bill is on today's calendar.

SCR 32

The Rules Committee considered SENATE CONCURRENT RESOLUTION NO. 32 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 390, relating to the Alaska Seafood Marketing Institute and the salmon marketing tax. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Therriault.

The resolution is on today's calendar.

Introduction and Reference of Senate Bills

SB 362

SENATE BILL NO. 362 BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act relating to rights-of-way."

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

Consideration of the Calendar

Second Reading of Senate Bills

SB 295

SENATE BILL NO. 295 "An Act relating to the disclosure of information regarding delinquent minors to certain licensing agencies; and providing for an effective date" 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. 295 was read the third time.

Senators Halford, Leman, Cowdery, Austerman moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall SENATE BILL NO. 295 "An Act relating to the disclosure of information regarding delinquent minors to certain licensing agencies; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 295 Third Reading - Final Passage Effective Dates

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

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

Excused: Taylor

and so, SENATE BILL NO. 295 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 clauses. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

SB 302

SENATE BILL NO. 302 "An Act defining the term 'mental health professional' for the purpose of statutes relating to the evaluation of prisoners who may need psychological or psychiatric treatment, for the purpose of statutes relating to the evaluation of children in need of aid and delinquent minors who may need to be confined in a secure residential psychiatric treatment center or who should be released from such a center, for the purpose of statutes requiring certain professionals to report the possibility that a vulnerable adult has been abused or neglected, and for the purpose of statutes relating to mental health civil commitments" was read the second time.

Senator Leman moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 2729. Without objection, CS FOR SENATE BILL NO. 302(JUD) 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. 302(JUD) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 302(JUD) "An Act defining the term 'mental health professional' for the purpose of statutes relating to the evaluation of prisoners who may need psychological or psychiatric treatment, for the purpose of statutes relating to the evaluation of children in need of aid and delinquent minors who may need to be confined in a secure residential psychiatric treatment center or who should be released from such a center, for the purpose of statutes requiring certain professionals to report the possibility that a vulnerable adult has been abused or neglected, and for the purpose of statutes relating to mental health civil commitments" pass the Senate?" The roll was taken with the following result:

CSSB 302(JUD)

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, Stevens, Therriault, Torgerson, Ward, Wilken

Excused: Taylor

and so, CS FOR SENATE BILL NO. 302(JUD) passed the Senate and was referred to the Secretary for engrossment.

Second Reading of Senate Resolutions

SCR 32

SENATE CONCURRENT RESOLUTION NO. 32 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 32 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 390, relating to the Alaska Seafood Marketing Institute and the salmon marketing tax", pass the Senate?" The roll was taken with the following result:

SCR 32

Second 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, Stevens, Therriault, Torgerson, Ward, Wilken

Excused: Taylor

and so, SENATE CONCURRENT RESOLUTION NO. 32 passed the Senate and was referred to the Secretary for engrossment.

Second Reading of House Bills

HB 390

HOUSE BILL NO. 390 "An Act extending the termination dates of certain activities and salmon marketing programs of the Alaska Seafood Marketing Institute and of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date" was read the second time.

Senator Phillips, Chair, moved and asked unanimous consent for the adoption of the Rules Senate Committee Substitute offered on page 2808. Without objection, SENATE CS FOR HOUSE BILL NO. 390(RLS) "An Act delaying the repeal of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date" (Title change authorized by SCR 32) 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.

SENATE CS FOR HOUSE BILL NO. 390(RLS) was read the third time

Senator Leman moved and asked unanimous consent to be allowed to abstain from voting because of a conflict of interest. Objections were heard and Senator Leman was required to vote.

The question being: "Shall SENATE CS FOR HOUSE BILL NO. 390(RLS) "An Act delaying the repeal of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS HB 390(RLS) Third Reading - Final Passage Effective Date

YEAS: 18 NAYS: 1 EXCUSED: 1 ABSENT: 0

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

Nays: Torgerson Excused: Taylor

and so, SENATE CS FOR HOUSE BILL NO. 390(RLS) 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.

Unfinished Business

SB 340

The reconsideration on CS FOR SENATE BILL NO. 340(FIN)(efd fld) "An Act relating to public notice of information relating to permanent fund dividends, and to treatment of permanent fund dividends for purposes of determining eligibility for certain benefits" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 295

SENATE BILL NO. 295 "An Act relating to the disclosure of information regarding delinquent minors to certain licensing agencies; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 302

CS FOR SENATE BILL NO. 302(JUD) "An Act defining the term 'mental health professional' for the purpose of statutes relating to the evaluation of prisoners who may need psychological or psychiatric treatment, for the purpose of statutes relating to the evaluation of children in need of aid and delinquent minors who may need to be confined in a secure residential psychiatric treatment center or who should be released from such a center, for the purpose of statutes requiring certain professionals to report the possibility that a vulnerable adult has been abused or neglected, and for the purpose of statutes relating to mental health civil commitments" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 340

CS FOR SENATE BILL NO. 340(FIN)(efd fld) "An Act relating to public notice of information relating to permanent fund dividends, and to treatment of permanent fund dividends for purposes of determining eligibility for certain benefits" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HB 390

SENATE CS FOR HOUSE BILL NO. 390(RLS) "An Act delaying the repeal of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

SCR 32

SENATE CONCURRENT RESOLUTION NO. 32 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 390, relating to the Alaska Seafood Marketing Institute and the salmon marketing tax, 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 18, 2002. Without objection, the Senate adjourned at 12:29 p.m.

Heidi Vogel Secretary of the Senate

April 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

Apr	17	Wednesday	Fahrenkamp 203	1:30 PM
+	SB 359	MUNICIPAL ORGANIZA	ATION GRANTS	
+	HB 312	SUPP. PUBLIC SCHOOL	L FUNDING/YOUTH AC	CADEMY
+	HB 455	MUNICIPAL TAXATIO	N OF AGRICULTURAL	LAND
+=	HB 296	MUNICIPAL MERGER	AND CONSOLIDATION	1
Apr	19	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM

FINANCE

Apı	· 17	Wednesday	Senate Finance 532	9:00 AM
	SJR 43	MAINTENANCE OF E	FFORT ON FEDERAL PR	OGRAMS
	SB 353	AGRICULT. PROG.CO	ORDINATOR/ANIMAL F	EED
=	HB 4	MOTOR VEHICLES &	DRUNK DRIVING	
	HB 131	FOREST RESOURCES	& PRACTICES STANDA	RDS
		Bills Previously Heard/S	Scheduled	
		Teleconference Upon	Request	

FINANCE (Continued)

+= SB 289	APPROP: OPERATING APPROP: MENTAL HE	ALTH BUDGET NFERENCE omer,Seward,Valdez ai, Kodiak, Bethel etersburg, Sitka	4:00 PM
+= SB 289 += HB 404		ALTH BUDGET NFERENCE a Junction, ome,Kotzebue,Barrow	9:00 AM
+= SB 289		ALTH BUDGET NFERENCE	4:00 PM

FINANCE (Continued)

= = = =	SB 289 HB 404	APPROP: OPERATING	ALTH BUDGET FATION ONLY	9:00 AM
Apr	· 19	Friday	Senate Finance 532	4:00 PM
=	HB 403	APPROP: OPERATING	BUDGET/LOANS/FUNDS	
=	SB 289	APPROP: OPERATING	BUDGET/LOANS/FUNDS	
=	HB 404	APPROP: MENTAL HE	ALTH BUDGET	
=	SB 288	APPROP:MENTAL HEA	ALTH BUDGET	
		TESTIMONY BY INVI	ΓATION ONLY	
		Bills Previously Heard/S	cheduled	
Apı	20	Saturday	Senate Finance 532	10:00 AM
=	HB 403	APPROP: OPERATING	BUDGET/LOANS/FUNDS	
=	SB 289	APPROP: OPERATING	BUDGET/LOANS/FUNDS	
=	HB 404	APPROP: MENTAL HE	ALTH BUDGET	
=	SB 288	APPROP:MENTAL HEA	ALTH BUDGET	
		TESTIMONY BY INVI		
		Bills Previously Heard/S	cheduled	
	Ī	 HEALTH, EDUCATION		

Ap	r 17	Wednesday	House Finance 519	1:30 PM
		Time and Location C	hange	
+		Joint w/(H) Health, Edu	cation and Social	
		Services, (H) Finance, (H) Special	
		Committee on Educatio	· / •	
		Baldridge Award/Chuga	ach School,	
		Gates Foundation,	,	
		Standards Based Educat	tion	
Ap	r 17	Wednesday	Butrovich 205	2:30 PM
		Time Change		
+	HB 239	VOCATIONAL EDUC	ATION PILOT PROGRAM	I
+	SB 306	PRESCRIPTION DRUG	G ASSISTANCE TASK FO	RCE
		Uniform Rule 23 Waive	ed	
+		Bills Previously Heard/	Scheduled	

JUDICIARY

Ap	r 17	Wednesday	Beltz 211	1:30 PM
+	HB 381	FAILURE TO STOP FOR PEACE	OFFICER	
+	HJR 30	DESECRATION OF U.S. FLAG		
Api	r 19	Friday	Beltz 211	1:30 PM
+		VERIFY AGE REQD FOR DEFEN	NSE IN SEX CRIM	IES
+		Confirmation Hearing:		
		Bd of Governors of the Alaska Bar-		
		Dr. Sheila Selkregg, Anchorage		
		I ADOD & COMMED	CE	

LABOR & COMMERCE

Apı	· 18	Thursday	Beltz 211	1:30 PM
+=	SB 320	MOTOR VEHICLE INSURANCE	& REPAIRS	
+=	SB 252	EMPLOYMENT AND TRAINING	PROGRAM/BOA	ARD
+		Bills Previously Heard/Scheduled		
=	HB 504	MINIMUM WAGE FOR WORKE	RS IN FISHERIES	
		< Pending Referral-Postponed from	4/16/02>	

RESOURCES

Ap	r 17	Wednesday	Butrovich 205	3:30 PM
		Harold Heinze:North Slope C	as Development	
+=	SB 360	ALASKA NATURAL GAS	PROJECT ACT	
+	SCR 30	ALASKA SALMON DAY		
+=	HB 206	LIMITED ENTRY FOR CO	MM. FISHERIES	
		Bills Previously Heard/Sched	luled	
		Ž		
Ap	r 19	Friday	Butrovich 205	3:30 PM
+	HJR 48	TERMINATION OF FED LA	AND WITHDRAWALS	
+	HB 358	EXEMPTION FROM PROP	ERTY TAX: TIMBER	
+	HB 447	COM FISH & AGRICULTU	RE BANK INTEREST F	RATE
		Bills Previously Heard/Sched	luled	

RULES

Apr 17	Wednesday	Fahrenkamp 203	10:30 AM
SB 219	FED/STATE NA	AVIGABLE WATERS COMMISSI	ON
SB 280	WATER/SEWE	R/WASTE GRANTS TO UTILITIE	ES

RULES (Continued)

Apr 18 Thursday Fahrenkamp 203 10:30 AM

SB 185 PCE BASED ON HIGHEST COST

STATE AFFAIRS

Apr 18 Thursday Beltz 211 3:30 PM

HB 53 SEISMIC HAZARDS SAFETY COMMISSION

Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 18 Thursday Butrovich 205 1:30 PM

SB 327 MOTOR VEHICLE LIABILITY INSURANCE

Bills Previously Heard/Scheduled

JOINT COMMITTEES

ARMED SERVICES COMMITTEE

May 03 Friday House Finance 519 1:30 PM

Admiral Thomas Barrett, US Coast Guard Pat Ladner, AK Aerospace Development Corp

CONFERENCE COMMITTEE ON SB 291

Apr 17 Wednesday Senate Finance 532 2:30 PM

SB 291 SUPPLEMENTAL APPROPRIATIONS: FAST TRACK

LEGISLATIVE COUNCIL

Apr 17 Wednesday Capitol 208 8:30 AM

Information Technology Subcommittee

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OMBUDSMAN SELECTION COMMITTEE

Apr 17 Wednesday Terry Miller 104 2:00 PM

Apr 18 Thursday Terry Miller 104 2:00 PM