

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

April 29, 2002

One Hundred Sixth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:56 a.m.

The roll showed nineteen members present. Senator Green was absent.

Senator Lemman moved and asked unanimous consent that Senator Green be excused from a call of the Senate due to illness. Without objection, Senator Green was excused.

The prayer was offered by the Chaplain, Father Michael Nash of the Cathedral of the Nativity. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Creator God,

Once You chose a people and gave them a destiny. And, when You brought them out of bondage to freedom, they carried with them the promise that all could be free. That freedom, enshrined in our constitution and symbolized by our flag, is Your first and greatest gift to Your people. Grant that any laws enacted by the members of this Alaska State Senate may promote freedom, while respecting the needs of each individual.

We Pray You gracious God.

Amen.

Senator Lemman led the Senate in the Pledge of Allegiance.

Messages from the House**SCR 31**

Message dated April 26 was read, stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 31
Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 297, regarding
aggravating factors at sentencing.

The resolution was referred to the Secretary for enrollment.

SB 263

Message dated April 26 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 263(RLS) "An Act
relating to the subsequent acquisition of title to, or an
interest in, real property by a person to whom the
property has purportedly been granted in fee or fee
simple; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

HB 96

Message dated April 26 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 96(HES), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO.
96(FIN) "An Act relating to acquisition and
development of the Jesse Lee Home; and providing
for an effective date."

HB 297

Message dated April 26 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 297(JUD), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO.
297(JUD) "An Act relating to restitution and to
aggravating factors at sentencing."
(Title change authorized by SCR 31)

HB 403

Message dated April 29 was read, stating the House failed to concur in the Senate amendments to CS FOR HOUSE BILL NO. 403(FIN) am(brf sup maj fld)(efd fld) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds" and respectfully requests the Senate to recede from its amendments, namely:

SENATE CS FOR CS FOR HOUSE BILL NO.
403(FIN) am S(brf sup maj fld S) "An Act making
appropriations for the operating and loan program
expenses of state government, for certain programs,
and to capitalize funds; and providing for an effective
date." (technical title change)

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Mulder, Chair
Representative Williams
Representative Davies

Senator Leman moved that the Senate recede from its amendments and recommended the body vote no.

The question being: "Shall the Senate recede from its amendments?"
The roll was taken with the following result:

SCS CSHB 403(FIN)am S(brf sup maj fld S)
Shall the Senate Recede from its amendments to
CSHB 403(FIN) am(brf sup maj fld)(efd fld)?

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

Nays: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Halford,
Hoffman, Kelly, Leman, Lincoln, Olson, Phillips, Stevens, Taylor,
Torgerson, Ward, Wilken

Excused: Green

Absent: Therriault

and so, the Senate failed to recede.

The President appointed the following members to a Conference
Committee to meet with the like committee from the House:

Senator Donley, Chair
Senator Kelly
Senator Hoffman

The Secretary was requested to notify the House.

HB 404

Message dated April 29 was read, stating the House failed to concur in
the Senate amendment to CS FOR HOUSE BILL NO. 404(FIN) and
respectfully requests the Senate to recede from its amendment,
namely:

SENATE CS FOR CS FOR HOUSE BILL NO.
404(FIN) "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."

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Mulder, Chair
Representative Williams
Representative Davies

Senator Leman moved that the Senate recede from its amendment and recommended the body vote no.

The question being: "Shall the Senate recede from its amendment?"
The roll was taken with the following result:

SCS CSHB 404(FIN)
Shall the Senate Recede from its
amendment to CSHB 404(FIN)?

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

Nays: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Torgerson, Ward, Wilken

Excused: Green

Absent: Therriault

and so, the Senate failed to recede.

The President appointed the following members to a Conference Committee to meet with the like committee from the House:

Senator Donley, Chair
Senator Kelly
Senator Hoffman

The Secretary was requested to notify the House.

Standing Committee Reports**SB 324**

The Rules Committee considered SENATE BILL NO. 324 "An Act providing that a utility or electric operating entity owned and operated by a political subdivision of the state competing directly with a telecommunications utility is not subject to the Alaska Public Utilities Regulatory Act." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Ellis.

The bill is on today's calendar.

HB 349

The Rules Committee considered HOUSE BILL NO. 349 "An Act relating to agency programs and financial plans." Signing to calendar: Senator Phillips, Chair, Senators Therriault, Cowdery. Signing under other recommendations: Senator Ellis.

The bill is on today's calendar.

SJR 44

The Rules Committee considered SENATE JOINT RESOLUTION NO. 44 Relating to preparation of a joint state-federal research and development plan. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Therriault, Ellis.

The resolution is on today's calendar.

HJR 30

The Rules Committee considered HOUSE JOINT RESOLUTION NO. 30 Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault.

The resolution is on today's calendar.

HJR 48

The Rules Committee considered HOUSE JOINT RESOLUTION NO. 48 Relating to federal land withdrawals. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault.

The resolution is on today's calendar.

**Introduction and Reference of
Senate Resolutions****SCR 36**

SENATE CONCURRENT RESOLUTION NO. 36 BY THE SENATE RULES COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 262, relating to accounting for and appropriations of receipts from fees collected by the Department of Labor and Workforce Development for certain inspections and for certain plumbing and electrical worker certificates of fitness, establishing a building safety account, and providing for an effective date.

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

Introduction and Reference of Senate Bills**SB 368**

SENATE BILL NO. 368 BY THE SENATE TRANSPORTATION COMMITTEE, entitled:

"An Act relating to public building projects of the Alaska Housing Finance Corporation, authorizing the financing by the Alaska Housing Finance Corporation of a building in Anchorage for office space for state, federal, and municipal agencies and subdivisions; and providing for an effective date."

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

SB 369

SENATE BILL NO. 369 BY THE SENATE JUDICIARY COMMITTEE, entitled:

"An Act relating to trusts, including trust protectors, trustee advisors, and transfers of trust interests, and to creditors' claims against property subject to a power of appointment; and providing for an effective date."

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

SB 370

SENATE BILL NO. 370 BY THE SENATE STATE AFFAIRS COMMITTEE, entitled:

"An Act establishing procedures relating to constitutional conventions."

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

SB 371

SENATE BILL NO. 371 BY THE SENATE STATE AFFAIRS COMMITTEE, entitled:

"An Act exempting the use of munitions in certain areas from a waste disposal permit requirement of the Department of Environmental Conservation."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 324**

SENATE BILL NO. 324 "An Act providing that a utility or electric operating entity owned and operated by a political subdivision of the state competing directly with a telecommunications utility is not subject to the Alaska Public Utilities Regulatory Act" was read the second time.

Senator Stevens, Chair, moved and asked unanimous consent for the adoption of the Labor and Commerce Committee Substitute offered on page 2385. Senator Ellis objected, then withdrew his objection. There being no further objections, CS FOR SENATE BILL NO. 324(L&C) was adopted and read the second time.

CS FOR SENATE BILL NO. 324(L&C) will be on the April 30 calendar.

Second Reading of House Bills**HB 349**

HOUSE BILL NO. 349 "An Act relating to agency programs and financial plans" 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. Senator Ellis objected.

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

HB 349

Advance from Second to Third Reading?

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

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

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

Excused: Green

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

HOUSE BILL NO. 349 will be on the April 30 calendar.

Second Reading of Senate Resolutions

SJR 44

SENATE JOINT RESOLUTION NO. 44 Relating to preparation of a joint state-federal research and development plan, was read the second time.

Senator Stevens, Chair, moved and asked unanimous consent for the adoption of the Labor and Commerce Committee Substitute offered on page 2807. Without objection, CS FOR SENATE JOINT RESOLUTION NO. 44(L&C) 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 44(L&C)

Advance from Second to Third Reading?

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

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

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

Excused: Green

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

CS FOR SENATE JOINT RESOLUTION NO. 44(L&C) will be on the April 30 calendar.

Second Reading of House Resolutions**HJR 30**

HOUSE JOINT RESOLUTION NO. 30 Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States, was read the second time.

Senators Halford, Taylor, Leman, Wilken, Ward, Cowdery, Donley, Phillips, Austerman, Stevens 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. 30 was read the third time.

The question being: "Shall HOUSE JOINT RESOLUTION NO. 30 Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States, pass the Senate?" The roll was taken with the following result:

HJR 30

Third Reading - Final Passage

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

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

Nays: Elton

Excused: Green

and so, HOUSE JOINT RESOLUTION NO. 30 passed the Senate, was signed by the President and Secretary and returned to the House.

HJR 48

HOUSE JOINT RESOLUTION NO. 48 Relating to federal land withdrawals, was read the second time.

Senator Leman moved and asked unanimous consent that the resolution be 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:

HJR 48

Advance from Second to Third Reading?

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

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

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

Excused: Green

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

HOUSE JOINT RESOLUTION NO. 48 will be on the April 30 calendar.

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., April 30, 2002. Without objection, the Senate adjourned at 12:48 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 29	Monday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
May 01	Wednesday	Fahrenkamp 203	1:30 PM
+ HB 521	MUNICIPAL IMPROVEMENT AREAS		
	Bills Previously Heard/Scheduled		
+ SB 312	ENTERPRISE ZONES		
May 03	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Apr 29	Monday	Senate Finance 532	9:00 AM
	-- Meeting Postponed to 4:00 pm --		
SB 367	PERS BENEFITS FOR JUV INSTIT EMPLOYEES		
= SB 353	AGRICULT. PROG.COORDINATOR/ANIMAL FEED		
SB 355	LET ME HELP ACCOUNT		
SB 359	MUNICIPAL ORGANIZATION GRANTS		
	Bills Previously Heard/Scheduled		
	-- Teleconference Upon Request --		

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FINANCE (Continued)

- Apr 29 Monday Senate Finance 532 4:00 PM**
 -- Rescheduled from 9:00 am --
 = SB 367 PERS BENEFITS FOR JUV INSTIT EMPLOYEES
 = SB 353 AGRICULT. PROG.COORDINATOR/ANIMAL FEED
 = SB 355 LET ME HELP ACCOUNT
 = SB 359 MUNICIPAL ORGANIZATION GRANTS
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --
- Apr 30 Tuesday Senate Finance 532 9:00 AM**
 HB 504 WAGES FOR WORKERS IN FISHERIES
 HB 128 APPROVAL FOR EMPLOYMENT OF MINORS
 HB 288 LIMITED ENTRY BUY-BACK PROGRAM/ASSESSMENT
 HB 515 OPERATING BUDGET MISSIONS AND MEASURES
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --
- Apr 30 Tuesday Senate Finance 532 4:00 PM**
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --
- May 01 Wednesday Senate Finance 532 9:00 AM**
 SB 311 STATE TRUST FUND MONIES
 HB 344 INCREASE DRIVER'S LICENSE/PERMIT FEES
 SB 54 ALASKA VETERANS ADVISORY COUNCIL
 SB 267 ALASKA VETERANS' MEM.ENDOWMENT FUND
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --
- May 01 Wednesday Senate Finance 532 4:00 PM**
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --
- May 02 Thursday Senate Finance 532 9:00 AM**
 SB 252 EMPLOYMENT AND TRAINING PROGRAM/BOARD
 HB 451 MUNICIPAL BOND REIMBURSEMENT
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --
- May 02 Thursday Senate Finance 532 4:00 PM**
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --

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FINANCE

May 03 Friday Senate Finance 532 9:00 AM
Bills Previously Heard/Scheduled
-- Teleconference Upon Request --

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 29 Monday Butrovich 205 1:30 PM
+ SB 55 PIONEERS' AND VETERANS' HOME/ADVISORY BD
HB 464 SCHOOL DISTRICT CORRESPONDENCE STUDY
<Pending Referral>

May 01 Wednesday Butrovich 205 1:30 PM
Bills Previously Heard/Scheduled

JUDICIARY

Apr 29 Monday Beltz 211 1:30 PM
+ HB 206 LIMITED ENTRY FOR COMM. FISHERIES
+ HB 332 COUNCIL ON DOMESTIC VIOLENCE
+ Bills Previously Heard/Scheduled
+ Confirmation Hearing:
Legislative Ethics -
Arthur S. Robinson, Soldotna

May 01 Wednesday Beltz 211 1:30 PM
+ HB 296 MUNICIPAL MERGER AND CONSOLIDATION
+ HB 52 COMPACT FOR ADULT OFFENDER SUPERVISION
+ HB 316 POWERS OF APPOINTMENTS/TRUSTS/CREDITORS
<Pending Referral>
SB 369 POWERS OF APPOINTMENTS/TRUSTS/CREDITORS
+ Bills Previously Heard/Scheduled

May 03 Friday Beltz 211 1:30 PM
+ SJR 13 CONST. AM: PERMANENT FUND
+ Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 30 Tuesday Beltz 211 1:30 PM
 + HB 27 HOME INSPECTORS/CONTRACTORS
 + HB 472 PAWNBROKERS/SECONDHAND DEALERS
 + HB 393 SALES OF BUSINESS OPPORTUNITIES
 HB 246 OMNIBUS INSURANCE BILL
 + Bills Previously Heard/Scheduled

May 02 Thursday Beltz 211 1:30 PM
 Bills Previously Heard/Scheduled

RESOURCES

Apr 29 Monday Butrovich 205 3:30 PM
 + HB 53 SEISMIC HAZARDS SAFETY COMMISSION
 + HB 302 ALASKA GAS CORPORATION
 + HB 382 CLEANUP OF ILLEGAL DRUG SITES
 + HB 508 DIVE FISHERY ASSOCIATIONS/PSP REPORTS
 + HJR 47 LOW SULFUR DIESEL FUEL REQUIREMENTS
 + Bills Previously Heard/Scheduled

May 01 Wednesday Butrovich 205 3:30 PM
 + Confirmation Hearings: Board of Game-
 Bruce Baker
 Caleb Pungowiyi
 Michelle Sparck
 George Matz
 J. Dana Pruhs

May 03 Friday Butrovich 205 3:30 PM
 + Confirmation Hearings:
 AK Commercial Fisheries Entry Commission-
 Mary McDowell
 Board of Fisheries-
 Art Nelson
 Gerry Merrigan
 Brett Huber

RULES

Apr 29 Monday Fahrenkamp 203 10:30 AM
 HB 262 BUILDING SAFETY ACCOUNT
 HB 306 EUTHANASIA FOR DOMESTIC ANIMALS
 HB 358 EXEMPTION FROM PROPERTY TAX: TIMBER
 HB 375 REVISOR'S BILL
 SCR 34 SUSPEND UNIFORM RULES FOR HB 439
 HB 439 COASTAL ZONE MANAGEMENT PETITIONS
 HB 444 ALASKA PUBLIC BUILDING FUND
 HJR 45 SALMON LABELING
 HJR 46 BC MORATORIUM ON FISH FARMING
 HCR 27 LOCAL BOUNDARY COMMISSION PROCEDURES

Apr 30 Tuesday Fahrenkamp 203 10:30 AM
 HB 106 FINANCIAL INSTITUTIONS
 SCR 36 SUSPEND UNIFORM RULES FOR HB 262
 = HB 262 BUILDING SAFETY ACCOUNT
 HB 307 OIL/GAS EXPLORATION INCENTIVE CREDIT
 SCR 35 SUSPEND UNIFORM RULES FOR HB 405
 HB 405 CRIMES ON OR AGAINST STATE VESSELS
 HB 438 DISABLED VETERANS LICENSE PLATES
 = HB 470 COMMON INTEREST OWNERSHIP:OFFERING STMTS

STATE AFFAIRS

Apr 30 Tuesday Beltz 211 3:30 PM
 SCR 33 OVARIAN CANCER AWARENESS MONTH
 HB 458 STATE EMPLOYEE PROBATIONARY PERIOD
 HB 509 ALASKA CHILDREN'S TRUST LICENSE PLATES
 Bills Previously Heard/Scheduled

May 02 Thursday Beltz 211 3:30 PM
 SB 327 MOTOR VEHICLE LIABILITY INSURANCE
 HB 165 KENAI RIVER SPECIAL MANAGEMENT AREA
 HB 212 WORKERS' COMP:CONTRACTORS & SUBCONTRACTOR
 HB 300 PROCUREMENT OF TRAVEL SERVICES
 Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 30 Tuesday Butrovich 205 1:30 PM
 = SB 271 MARINE AND RAIL TRANSPORTATION AUTHORITY
 = SJR 32 CONST. AM:MARINE/RAIL TRANSPORTATION FUND
 HB 474 ANCHORAGE COASTAL WILDLIFE REFUGE
 = HB 397 NO DRIVERS' LIC. FOR OFF HWY VEHICLES
 Bills Previously Heard/Scheduled

May 02 Thursday Butrovich 205 1:30 PM
 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

LEGISLATIVE COUNCIL

Apr 29 Monday House Finance 519 5:00 PM
 North Pole, Bethel, Fairbanks
 Lease Renewals
 Capitol Fire Escape Upgrade Approval
 Legislative Affairs Agency Records Policy
 Per Diem Request
 Information Technology Subcommittee Rpt

OTHER MEETINGS**MAJORITY CAUCUS**

Apr 29 Monday Capitol 107 1:00 PM