

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

February 12, 2003

Twenty-third Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:07 a.m.

The roll showed eighteen members present. Senator Ellis was excused from a call of the Senate. Senator Austerman resigned effective February 10.

The prayer was offered by the Chaplain, Pastor Robert Sherwood of the Church of the Nazarene. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Today let us remember Abraham Lincoln's birthday. He wrote this perspective: "Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God who made us."

Lincoln knew the first law of recovery: "I am not God" and with the apostle Peter understood "Humble yourself in the eyes of the Lord and He will lift you up."

The most worn place in Lincoln's Bible was Psalm 37. The core is verses three through five: "Trust in the Lord, and do good, dwell in the land and feed on His faithfulness. Delight yourself also in the Lord, and He shall give you the desires of your heart. Commit your way to the Lord, trust also in Him and He shall bring it to pass."

Protect this body and this state in a day when civilians and children are considered a target rich environment. In the words of the writer, be to those gathered: "A shield about them, be their Glory. Be the lifter of their heads."

Now to the God who made us, the God of Lincoln and your God. Amen. Amen. Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

Certification

Senator Stevens moved and asked unanimous consent that the journals for the twenty-first and twenty-second legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

Executive Orders

EO 106

EXECUTIVE ORDER NO. 106

Transferring the Alaska Coastal Policy Council and the functions of the office of coastal management to the Department of Natural Resources

was read the first time.

Senator Elton rose to a point of order regarding the Senate's acceptance of Executive Order No. 106. President Therriault ruled the point out of order, stating the Executive Order was legally accepted. Senator Elton challenged the ruling of the Chair.

The question being "Shall the ruling of the Chair be upheld?" The roll was taken with the following result:

EO 106

Uphold ruling of the Chair?

YEAS: 10 NAYS: 7 EXCUSED: 1 ABSENT: 1 VACANT: 1

Yeas: Bunde, Cowdery, Dyson, Green, Seekins, Stevens B, Taylor, Therriault, Wagoner, Wilken

Nays: Davis, Elton, French, Guess, Hoffman, Lincoln, Olson

Excused: Ellis

Absent: Ogan

and so, the ruling of the Chair was upheld.

The Executive Order was referred to the State Affairs and Resources Committees.

Governor's transmittal letter dated February 10:

Dear President Therriault:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an Executive Order transferring the Alaska Coastal Policy Council and the functions of the office of coastal management to the Department of Natural Resources.

The Alaska Coastal Policy Council (CPC) develops and oversees the Alaska coastal management program (ACMP). The office of coastal management (office) is the lead agency for coordinating the ACMP and serves as staff to the CPC. The office is currently part of the office of management and budget and is known administratively as the division of governmental coordination. Both the office and the CPC are located in the Office of the Governor.

I believe that in the interest of efficient administration, it is appropriate to relocate the CPC and the functions of the office to the Department of Natural Resources. My intent is to establish a project office that will coordinate and streamline the state review of development activities throughout Alaska. The Department of Natural Resources would assume the functions of the office and would act as the designated state agency to receive and administer federal grants for implementing

the ACMP and rendering, on behalf of the state, all federal consistency determinations and certifications, and multi-agency state consistency determinations.

Sincerely,

/s/

Frank H. Murkowski
Governor

EO 107

Senator Elton rose to a point of order regarding the Senate's acceptance of Executive Order No. 107. President Therriault ruled the point out of order, stating the Executive Order was legally accepted. Senator Elton challenged the ruling of the Chair.

Senator Taylor called the Senate. The call was satisfied.

The question being "Shall the ruling of the Chair be upheld?" The roll was taken with the following result:

EO 107

Uphold ruling of the Chair?

YEAS: 11 NAYS: 7 EXCUSED: 1 ABSENT: 0 VACANT: 1

Yeas: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stevens B, Taylor, Therriault, Wagoner, Wilken

Nays: Davis, Elton, French, Guess, Hoffman, Lincoln, Olson

Excused: Ellis

and so the ruling of the Chair was upheld.

EXECUTIVE ORDER NO. 107

Transferring certain functions relating to the protection of fish habitat from the Department of Fish and Game to the Department of Natural Resources

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

Governor's transmittal letter dated February 10:

Dear President Therriault:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an Executive Order transferring certain functions relating to the protection of fish habitat from the Department of Fish and Game to the Department of Natural Resources (DNR).

Currently, the division of habitat and restoration in the Department of Fish and Game oversees the requirements of AS 16.05.840, relating to maintaining fish passage whenever a stream frequented by fish is obstructed. The same division oversees the permitting function laid out in AS 16.05.870, which ensures the protection of water bodies important for anadromous fish. To better coordinate these complex and important functions with the management of our state's resources, it makes sense to transfer them to the DNR under the supervision of a deputy commissioner of that department. I envision that the expert staff needed to carry out these functions will join the DNR.

Because this function now will reside in the DNR, the important consultative role of the Department of Fish and Game under the Forest Resources and Practices Act (AS 41.17) (Act) also must be moved to the DNR; the Executive Order assigns that role to the same DNR deputy commissioner. At the same time, the role currently assigned to the commissioner of natural resources in the Act is transferred to the state forester in the division of forestry, preserving the balance between forest stewardship and stream preservation that the legislature envisioned.

These changes will help us achieve efficient, fair, and balanced review of projects that seek to tap our state's natural resources.

Sincerely,

/s/

Frank H. Murkowski
Governor

Communications

The following message dated February 10 was read, stating:

Dear President Therriault:

The purpose of this letter is to submit my resignation from the Alaska State Senate for District R. This resignation is effective at 10:00 a.m. today.

It has been a pleasure working with you these last eight years and I look forward to a good working relationship in the future.

Best regards,

/s/

Alan Austerman
Senator, District R

Standing Committee Reports

Report dated February 10 was read, stating:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration:

Attorney General

Gregg D. Renkes

There were no stated objections to the confirmation of the named individual by committee members. This does not reflect an intent by any of the members to vote for or against the individual during any further sessions.

Signing the report: Senator Seekins, Chair; Senators Therriault, Ogan.

SB 9

The State Affairs Committee considered SENATE BILL NO. 9 "An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 9(STA)

Signing do pass: Senator Taylor, Chair; Senators Hoffman, Dyson, Guess. Signing no recommendation: Senator Cowdery.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Environmental Conservation

Fiscal Note No. 2, zero, Department of Public Safety

The bill was referred to the Judiciary Committee.

SCR 1

The State Affairs Committee considered SENATE CONCURRENT RESOLUTION NO. 1 Relating to economic development generated by new road construction and to the design and construction of the Hot Springs Loop Road to connect Chena Hot Springs and Circle Hot Springs, and recommended it be replaced with

CS FOR SENATE CONCURRENT RESOLUTION
NO. 1(STA)
(forthcoming)

Signing do pass: Senator Taylor, Chair; Senators Cowdery, Dyson. Signing no recommendation: Senators Guess, Hoffman.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Transportation and Public Facilities

The resolution was referred to the Transportation Committee.

SJR 5

The State Affairs Committee considered SENATE JOINT RESOLUTION NO. 5 Urging the President of the United States and the Congress to act to ensure that federal agencies do not retain records relating to lawful purchase or ownership of firearms gathered through the Brady Handgun Bill instant check system, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO.
5(STA)

Signing do pass: Senator Taylor, Chair; Senators Cowdery, Dyson, Guess. Signing no recommendation: Senator Hoffman.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Legislative Agency

The resolution was referred to the Judiciary Committee.

Introduction and Reference of Senate Bills**SB 66**

SENATE BILL NO. 66 BY SENATOR GUESS, entitled:

"An Act relating to mining."

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

Senators French, Elton moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

Consideration of the Calendar**Citations**

Honoring – Ross Baker, Outstanding Acts of Individual Heroism
Representative(s) Harris
Senator(s) Therriault, Cowdery, Davis, Elton, Green, Hoffman,
Lincoln, Taylor, Wilken, Bunde, Guess, Ogan, Stevens, Seekins

In Memoriam – Jeannette Sachs Ballard
Senator(s) Taylor, Cowdery, Davis, Elton, Green, Hoffman, Lincoln,
Therriault, Wilken, Guess, Ogan, Stevens, Seekins
Representative(s) Wilson

In Memoriam – Nina von Imhof
Senator(s) Bunde, Cowdery, Davis, Elton, Green, Hoffman, Lincoln,
Taylor, Therriault, Wilken, Olson, Guess, Ogan, Stevens, Seekins
Representative(s) Hawker

In Memoriam – Mrs. Elva Ruth Scott
Representative(s) Coghill, Morgan
Senator(s) Therriault, Lincoln, Bunde, Cowdery, Davis, Elton, Green,
Hoffman, Taylor, Wilken, Guess, Ogan, Stevens, Seekins

In Memoriam – Mrs. Mabel Olmstead
Representative(s) Coghill, Harris
Senator(s) Therriault, Cowdery, Davis, Elton, Green, Hoffman,
Lincoln, Taylor, Wilken, Guess, Ogan, Stevens, Seekins

Senator Stevens 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

Senator Stevens moved and asked unanimous consent that the following citation be made a special order of business. Without objection, it was so ordered.

Special Order of Business

Honoring – Alaska Heart Institute and Providence Hospital Cardiac Care Unit

Senator(s) Ogan, Cowdery, Davis, Elton, Green, Hoffman, Lincoln, Stevens, Taylor, Therriault, Wilken, Guess, French, Dyson, Olson

Senator Stevens moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

Senator Bunde moved and asked unanimous consent to be excused from a call of the Senate from February 14, afternoon plane time, through February 18, plane time. Without objection, Senator Bunde was excused.

Senator Taylor moved and asked unanimous consent to be excused from the Senate, not subject to a call, on February 14. Without objection, Senator Taylor was excused.

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate from February 14, evening plane time, through February 18, plane time. Without objection, Senator Wagoner was excused.

Senator Seekins moved and asked unanimous consent to be excused from a call of the Senate from February 14, evening plane time, through February 18, morning plane time; from March 20, evening plane time through March 25, morning plane time; and from April 17, evening plane time, through April 22, morning plane time. Without objection, Senator Seekins was excused.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., June 14, 2003. Without objection, the Senate adjourned at 11:44 a.m.

Kirsten Waid
Secretary of the Senate

June 2003

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 12	Wednesday	Senate Finance 532	8:00 AM
	-- Time and Location Change --		
+	Joint w/(H) Community & Regional Affairs Local Boundary Commission Annual Report		
Feb 12	Wednesday	Fahrenkamp 203	1:30 PM
+ SB 51	BONDS OF BOND BANK AUTHORITY		
Feb 14	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Feb 12	Wednesday	Senate Finance 532	9:00 AM
	Presentation: Permanent Fund Corp Board of Trustees		

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 12	Wednesday	Butrovich 205	1:30 PM
	Confirmation Hearing: Commissioner, Dept of Health and Social Services- Joel Gilbertson		
SB 25	AHFC LOANS TO EDUCATORS		

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Feb 19	Wednesday	Butrovich 205	1:30 PM
+	Joint w/(H) Health, Education and Social Services and (H) Special Committee on Education Alaska School District Cost Study Jay Chambers, American Institute for Research		

JUDICIARY

Feb 12	Wednesday	Capitol 120	1:00 PM
	-- Time and Location Change -- Joint w/(H) Judiciary Overview: Dept of Corrections Marc Antrim, Commissioner Portia Parker, Assistant Commissioner Overview: Office of Public Advocacy Brant McGee, Director Overview: Public Defender Agency Barbara Brink, Public Defender		

Feb 14	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		

Feb 17	Monday	Beltz 211	1:30 PM
	No Meeting Scheduled		

Feb 19	Wednesday	Beltz 211	1:30 PM
+ SB 58	PFD INELIGIBILITY/MOTOR VEHICLE INSURANCE		
+ SB 59	PERMANENT FUND INELIGIBILITY FOR DUI		

Feb 21	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		

LABOR & COMMERCE

Feb 13	Thursday	Beltz 211	1:30 PM
+= SB 20	EXTEND BOARD OF MARINE PILOTS		

LABOR & COMMERCE (continued)

Feb 26	Wednesday	Senate Finance 532	3:15 PM
	-- Time and Location Change --		
	Joint w/(H) Labor and Commerce		
	Confirmation Hearings:		
	Regulatory Commission of Alaska-		
	Dave Harbour		
	Mark Johnson		

RESOURCES

Feb 12	Wednesday	Butrovich 205	3:30 PM
	Confirmation Hearing:		
	Commissioner, Dept of Natural Resources-		
	Tom Irwin		
	Overview: Dept of Environmental Conservation		
Feb 14	Friday	Butrovich 205	3:30 PM
	No Meeting Scheduled		
Feb 17	Monday	Butrovich 205	3:30 PM
	No Meeting Scheduled		
Feb 19	Wednesday	Senate Finance 532	1:00 PM
	-- Time and Location Change --		
	Joint w/(H) Resources		
	Mining Industry Overview		
Feb 21	Friday	Butrovich 205	3:30 PM
	No Meeting Scheduled		

STATE AFFAIRS

Feb 13	Thursday	Beltz 211	3:30 PM
	No Meeting Scheduled		

TRANSPORTATION

Feb 18	Tuesday	Butrovich 205	1:30 PM
+ SB 40	CONSTRUCTION OF HIGHWAYS BY DOTPF		
SB 53	REVOKE DRIVER'S LIC. FOR FATAL ACCIDENT		
SCR 1	SUPPORT ROADS/HOT SPRINGS LOOP ROAD		
	Bills Previously Heard/Scheduled		
Feb 20	Thursday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Feb 25	Tuesday	Butrovich 205	1:30 PM
+ SB 31	RAILROAD UTILITY CORRIDOR TO & IN CANADA		
Feb 27	Thursday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

FINANCE SUBCOMMITTEES**LABOR & WORKFORCE DEVELOPMENT**

Feb 13	Thursday	Beltz 211	8:00 AM
	Budget Overview:		
	Dept of Labor and Workforce Development		

NATURAL RESOURCES

Feb 12	Wednesday	Beltz 211	8:00 AM
	-- Rescheduled to 2/20/03 --		
	Budget Overview:		
	Dept of Natural Resources		
Feb 20	Thursday	Beltz 211	8:00 AM
	-- Rescheduled from 2/12/03 --		
+	Budget Overview:		
	Dept of Natural Resources		

FINANCE SUBCOMMITTEES (continued)**PUBLIC SAFETY**

Feb 18	Tuesday	Senate Finance 532	4:00 PM
	Joint w/(H) Public Safety Budget Subcmte		
	Budget Overview: Dept of Public Safety		

REVENUE

Feb 19	Wednesday	Senate Finance 532	4:00 PM
	-- Rescheduled from 2/10/03 --		
	Budget Overview: Dept of Revenue		

JOINT COMMITTEES**ADMINISTRATIVE REGULATION REVIEW**

Feb 19	Wednesday	Fahrenkamp 203	8:30 AM
	Discussion of Central Panels to create		
	independent hearing office functions		
	Committee administrative function re:		
	continuous service		

LEGISLATIVE BUDGET & AUDIT

Feb 19	Wednesday	House Finance 519	12:00 PM
	Audits and Other Committee Business		

OTHER MEETINGS**JOINT SESSION**

Mar 05	Wednesday	House Chamber	11:00 AM
	State of the Judiciary		
	Chief Justice Dana Fabe		