

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

March 26, 2003

Sixty-fifth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:13 a.m.

The roll showed eighteen members present. Senators Ogan, Taylor were absent.

The prayer was offered by the Chaplain, Senator Olson. Senator Bunde moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Lord Jesus in heaven, as we bow our heads this morning and our hearts and minds are occupied with the issues at hand, Lord, may we not forget those families that have been touched in a significant way by the happenings that are going on throughout the world and especially with the conflict arising in the Middle East. Lord, we pray that You would be especially with those children, wives, husbands, and mothers and fathers who have lost significant personalities in their lives. Lord, we pray that You would be especially with those this morning.

Lord, as we look out and we see the wonderful area that we are in down here in Juneau, with the mountains and the eagles flying and the land we consider free, we thank You that there is a force out there defending us.

Lord, continue to watch over and guide us as we take on the public's trust to exercise wisdom and responsibility with the issues that are starting to stack up on our desks. We realize that You are still in charge. Give us wisdom, give us safety and health for those families that are represented from throughout the state. In Your Name, Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

Certification

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

The presence of Senator Ogan was noted.

Messages from the House

SB 51

Message dated March 24 was read, stating the House passed and returned:

SENATE BILL NO. 51 "An Act relating to revenue bonds issued by the Alaska Municipal Bond Bank Authority and the total amount of bonds and notes outstanding of that authority; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

Standing Committee Reports

SB 8

The Health, Education and Social Services Committee considered SENATE BILL NO. 8 "An Act relating to tampering with public records." Signing amend: Senator Dyson, Chair. Signing no recommendation: Senators Guess, Wilken. Signing do pass: Senators Green, Davis.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Law

The bill was referred to the Judiciary Committee.

SB 26

The State Affairs Committee considered SENATE BILL NO. 26 "An Act relating to state employees who are called to active duty as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 26(STA)

Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Hoffman, Dyson, Guess.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Administration

The bill was referred to the Finance Committee.

SB 55

The Health, Education and Social Services Committee considered SENATE BILL NO. 55 "An Act relating to tampering with public records" and recommended it be replaced with

CS FOR SENATE BILL NO. 55(HES)

Signing do pass: Senator Dyson, Chair; Senators Green, Wilken. Signing no recommendation: Senator Guess. Signing amend: Senator Davis.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Law

The bill was referred to the Judiciary Committee.

SB 69

The State Affairs Committee considered SENATE BILL NO. 69 "An Act relating to participation in matters before the Board of Fisheries by members of the board; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senators Hoffman, Cowdery, Dyson, Guess.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Department of Fish and Game

The bill was referred to the Resources Committee.

SB 86

The Labor and Commerce Committee considered SENATE BILL NO. 86 "An Act relating to the rate of interest on delinquent taxes." Signing do pass: Senator Bunde, Chair; Senators Seekins, Gary Stevens. Signing no recommendation: Senators Davis, French.

The following fiscal information was published today:
Fiscal Note No. 1, indeterminate, Department of Revenue

The bill was referred to the Finance Committee.

SB 95

The Health, Education and Social Services Committee considered SENATE BILL NO. 95 "An Act relating to strikes by employees of a municipal school district, a regional educational attendance area, or a state boarding school, and requiring notice of at least 72 hours of a strike by those employees." Signing no recommendation: Senator Dyson, Chair; Senator Wilken. Signing do pass: Senators Guess, Green, Davis.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Department of Labor and Workforce
Development

The bill was referred to the Labor and Commerce Committee.

SB 103

The Transportation Committee considered SENATE BILL NO. 103 "An Act increasing certain motor vehicle registration fees; and providing for an effective date." Signing do pass: Senator Cowdery, Chair. Signing no recommendation: Senators Olson, Therriault, Wagoner. Signing do not pass: Senator Lincoln.

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

The bill was referred to the Finance Committee.

SB 153

The Transportation Committee considered SENATE BILL NO. 153 "An Act authorizing a long-term lease of certain Alaska Railroad Corporation land at Anchorage; and providing for an effective date." Signing do pass: Senator Cowdery, Chair; Senators Therriault, Wagoner. Signing no recommendation: Senators Olson, Lincoln.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

HB 139

The Resources Committee considered CS FOR HOUSE BILL NO. 139(RES) "An Act approving an interim classification by the commissioner of natural resources closing certain land within the Glacier Creek and Winner Creek drainages to new mineral entry; and providing for an effective date." Signing do pass: Senator Ogan, Chair; Senators Seekins, Ben Stevens, Dyson, Wagoner. Signing no recommendation: Senators Lincoln, Elton.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Natural Resources

The bill was referred to the Rules Committee.

Introduction and Reference of Senate Bills**SB 156**

SENATE BILL NO. 156 BY SENATOR DYSON, entitled:

"An Act relating to the posting and giving of certain warnings about drinking alcohol during pregnancy when selling or dispensing pregnancy testing kits, birth control devices, or birth control prescriptions."

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

SB 157

SENATE BILL NO. 157 BY SENATOR GREEN, entitled:

"An Act relating to inpatient psychiatric services for persons who are under 21 years of age and are either eligible for medical assistance or are in the custody of the Department of Health and Social Services."

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

SB 158

SENATE BILL NO. 158 BY THE SENATE FINANCE COMMITTEE, entitled:

"An Act transferring the Council on Domestic Violence and Sexual Assault from the Department of Public Safety to the Department of Health and Social Services; and providing for an effective date."

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

Consideration of the Calendar**Second Reading of Senate Resolutions****SJR 8**

SENATE JOINT RESOLUTION NO. 8 Relating to the division of the Ninth Circuit Court of Appeals, was read the second time.

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

SENATE JOINT RESOLUTION NO. 8 was read the third time.

The question being: "Shall SENATE JOINT RESOLUTION NO. 8 Relating to the division of the Ninth Circuit Court of Appeals, pass the Senate?" The roll was taken with the following result:

SJR 8

Third Reading - Final Passage

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

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Lincoln, Ogan, Olson, Seekins, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Hoffman

Absent: Taylor

and so, SENATE JOINT RESOLUTION NO. 8 passed the Senate.

Senator Hoffman gave notice of reconsideration.

SJR 10

SENATE JOINT RESOLUTION NO. 10 Relating to the Pledge of Allegiance, was read the second time.

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

SENATE JOINT RESOLUTION NO. 10 was read the third time.

The question being: "Shall SENATE JOINT RESOLUTION NO. 10 Relating to the Pledge of Allegiance, pass the Senate?" The roll was taken with the following result:

SJR 10

Third Reading - Final Passage

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

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Ogan, Olson, Seekins, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Absent: Taylor

and so, SENATE JOINT RESOLUTION NO. 10 passed the Senate and was referred to the Secretary for engrossment.

Citations

Honoring – Donna A. Peterson, Superintendent of the Year
Representative(s) Chenault
Senator(s) Wagoner, Therriault, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

In Memoriam – James Hesterberg
Senator(s) Green, Therriault, Cowdery, Davis, Dyson, Elton, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

Senator Ben 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 Wilken moved and asked unanimous consent to be excused from the Senate, not subject to a call, from March 28, afternoon plane time, to March 30, evening plane time. Without objection, Senator Wilken was excused.

The presence of Senator Taylor was noted.

Senator Olson moved and asked unanimous consent to be excused from the Senate, not subject to a call, from March 31 to April 2. Without objection, Senator Olson was excused.

Senator Bunde moved and asked unanimous consent to be excused from a call of the Senate from March 28, plane time, to March 30, 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, from April 7 to April 9, plane time. Without objection, Senator Taylor was excused.

Senator Ben Stevens moved and asked unanimous consent that President Therriault be excused from a call of the Senate from March 29 to March 30, evening plane time. Without objection, Senator Therriault was excused.

SB 45

Senator Wilken, Cochair, moved and asked unanimous consent that the Finance Committee referral be waived on SENATE BILL NO. 45 "An Act relating to the Legislative Budget and Audit Committee." Without objection, the bill was referred to the Rules Committee.

Announcements

Announcements are at the end of the journal.

Engrossment**SJR 10**

SENATE JOINT RESOLUTION NO. 10 Relating to the Pledge of Allegiance, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment**SB 51**

SENATE BILL NO. 51 "An Act relating to revenue bonds issued by the Alaska Municipal Bond Bank Authority and the total amount of bonds and notes outstanding of that authority; and providing for an effective date" 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 1:30 p.m., March 26, 2003.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., March 28, 2003. Without objection, the Senate adjourned at 11:43 a.m.

Kirsten Waid
Secretary of the Senate

March 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

| | | | |
|---------------|--|-----------------------|----------------|
| Mar 26 | Wednesday No Meeting Scheduled | Fahrenkamp 203 | 1:30 PM |
| Mar 28 | Friday No Meeting Scheduled | Fahrenkamp 203 | 1:30 PM |

FINANCE

| | | | |
|---------------|---|---------------------------|----------------|
| Mar 26 | Wednesday = SB 100 APPROP: CAPITAL PROJECTS University of Alaska, Dept Transportation & Public Facilities Bills Previously Heard/Scheduled | Senate Finance 532 | 9:00 AM |
| Mar 27 | Thursday = SB 100 APPROP: CAPITAL PROJECTS <Follow-up Discussion, if Necessary> HB 12 HARASSMENT BY ELECTRONIC COMMUNICATION <Bill Hearing Postponed to 3/28/03> SB 123 ELIMINATE REVIEW OF ADOPTION SUBSIDIES <Bill Hearing Postponed to 3/28/03> Bills Previously Heard/Scheduled | Senate Finance 532 | 9:00 AM |

FINANCE (continued)

Mar 28 Friday Senate Finance 532 9:00 AM
 = HB 12 HARASSMENT BY ELECTRONIC COMMUNICATION
 <Bill Hearing Rescheduled from 3/27/03>
 = SB 123 ELIMINATE REVIEW OF ADOPTION SUBSIDIES
 <Bill Hearing Rescheduled from 3/27/03>
 SB 40 CONSTRUCTION OF HIGHWAYS BY DOTPF
 SB 106 FEE FOR STUDED TIRES
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 26 Wednesday Butrovich 205 1:30 PM
 + SB 105 MEDICAID:CHILDREN/PREGNANT WOMEN/FACILITY
 + SB 108 HEALTH FACILITY MEDICAID RATES/ADV. COM'N
 + SB 109 MEDICAID COST CONTAINMENT & PRIORITY LIST
 += SB 30 ABORTION: INFORMED CONSENT; INFORMATION
 + Bills Previously Heard/Scheduled

JUDICIARY

Mar 26 Wednesday Beltz 211 1:30 PM
 + SB 89 DEFINITION OF LOBBYING

Mar 28 Friday Beltz 211 1:30 PM
 No Meeting Scheduled

LABOR & COMMERCE

Mar 27 Thursday Beltz 211 1:30 PM
 Bills Previously Heard/Scheduled
 + HB 124 COMMERCIAL MOTOR VEHICLE DRIVERS/EMPLOYER
 + HB 64 PURCHASE OF STRUCTURED SETTLEMENTS
 + HB 146 CHILD SUPPORT/SOCIAL SECURITY NUMBERS
 + SB 151 GAS PIPELINE TRANSPORTATION TARIFFS

RESOURCES

- Mar 26 Wednesday Butrovich 205 3:30 PM**
 + SB 50 ROYALTY GAS CONTRACTS
 Bills Previously Heard/Scheduled
- Mar 27 Thursday Butrovich 205 11:00 AM**
 Subcommittee Meeting
 = HB 69 REGULATION OF SHALLOW NATURAL GAS
- Mar 28 Friday Butrovich 205 3:30 PM**
 + SB 122 NONRES.GAME TAG FEES/WILDLIFE TOUR PASS
 + SB 97 ATTY FEES: PUBLIC INTEREST LITIGANTS
 Bills Previously Heard/Scheduled
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STATE AFFAIRS

- Mar 27 Thursday Beltz 211 3:30 PM**
 + SB 117 ELIMINATING LONGEVITY BONUS PROGRAM
 HJR 18 SUPPORTING MILITARY ACTION AGAINST IRAQ
 <Pending Referral>
 Uniform Rule 23 Waived
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TRANSPORTATION

- Mar 27 Thursday Butrovich 205 1:30 PM**
 = SB 31 RAILROAD UTILITY CORRIDOR TO & IN CANADA
 Bills Previously Heard/Scheduled
-

FINANCE SUBCOMMITTEES

COMMUNITY AND ECONOMIC DEVELOPMENT

- Mar 27 Thursday Terry Miller 104 8:00 AM**
 Budget Discussion Continued
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FINANCE SUBCOMMITTEES (continued)**CORRECTIONS**

| | | | |
|---------------|--|---------------------------|----------------|
| Apr 04 | Friday | Senate Finance 532 | 4:30 PM |
| | Review Agency Programs Proposed FY04 Budget | | |
| Apr 07 | Monday | Senate Finance 532 | 4:30 PM |
| | Review Agency Programs Proposed FY04 Budget | | |
| Apr 09 | Wednesday | Senate Finance 532 | 4:30 PM |
| | Preliminary FY04 Budget Close-out | | |
| Apr 10 | Thursday | Senate Finance 532 | 5:00 PM |
| | FY04 Budget Close-out and Agency Response ----- | | |

ENVIRONMENTAL CONSERVATION

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|---------------|---------------------|-----------------------|----------------|
| Mar 27 | Thursday | Fahrenkamp 203 | 1:00 PM |
| | Department Overview | | |
| Apr 10 | Thursday | Fahrenkamp 203 | 1:00 PM |
| | ----- | | |

FISH & GAME

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|---------------|-----------------|---------------------------|----------------|
| Apr 03 | Thursday | Senate Finance 532 | 3:30 PM |
| | ----- | | |

HEALTH & SOCIAL SERVICES

| | | | |
|---------------|--|---------------------------|-----------------|
| Mar 26 | Wednesday | Senate Finance 532 | 4:30 PM |
| | Review Agency Programs Proposed FY04 Budget | | |
| Mar 27 | Thursday | Senate Finance 532 | 11:30 AM |
| | Review Agency Programs Proposed FY04 Budget | | |

FINANCE SUBCOMMITTEES (continued)**HEALTH & SOCIAL SERVICES (continued)**

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|---------------|------------------|--|----------------|
| Mar 31 | Monday | Senate Finance 532 | 4:30 PM |
| | | Review Agency Programs Proposed FY04 Budget | |
| Apr 01 | Tuesday | Senate Finance 532 | 4:30 PM |
| | | Review Agency Programs Proposed FY04 Budget | |
| Apr 02 | Wednesday | Senate Finance 532 | 4:30 PM |
| | | Review Agency Programs Proposed FY04 Budget | |
| Apr 08 | Tuesday | Senate Finance 532 | 4:30 PM |
| | | Preliminary FY04 Budget Close-out | |
| Apr 10 | Thursday | Senate Finance 532 | 4:30 PM |
| | | FY04 Budget Close-out and Agency Response | |

MILITARY AND VETERANS AFFAIRS

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|---------------|-----------------|-----------------------|-----------------|
| Apr 03 | Thursday | Fahrenkamp 203 | 1:30 PM |
| | | Department Overview | |
| Apr 08 | Tuesday | Fahrenkamp 203 | 11:00 AM |
| | | -- Time Change -- | |

PUBLIC SAFETY

| | | | |
|---------------|----------------|-----------------------|----------------|
| Apr 01 | Tuesday | Fahrenkamp 203 | 4:00 PM |
| Apr 08 | Tuesday | Fahrenkamp 203 | 4:00 PM |

FINANCE SUBCOMMITTEES (continued)**REVENUE**

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|---------------|---------------------------------------|----------------------|----------------|
| Mar 28 | Friday Department Overview | Butrovich 205 | 8:00 AM |
| Apr 09 | Wednesday -- Time Change -- | Beltz 211 | 4:00 PM |

TRANSPORTATION & PUBLIC FACILITIES

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|---------------|---|---------------------------|----------------|
| Mar 27 | Thursday -- Meeting Canceled -- FY04 Operating Budget Overview | Senate Finance 532 | 8:00 AM |
|---------------|---|---------------------------|----------------|

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

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|---------------|--|--------------------------|----------------|
| Mar 27 | Thursday Audits and Other Committee Business Including an Executive Session | House Finance 519 | 4:00 PM |
|---------------|--|--------------------------|----------------|

OTHER MEETINGS**JOINT SESSION**

| | | | |
|---------------|---|----------------------|-----------------|
| Mar 31 | Monday Address by U.S. Senator Ted Stevens | House Chamber | 11:00 AM |
| Apr 25 | Friday Address by U.S. Senator Lisa Murkowski | House Chamber | 11:00 AM |