

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

April 7, 2003

Seventy-seventh Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:09 a.m.

The roll showed seventeen members present. Senators Bunde, Taylor were excused from a call of the Senate. Senator Ogan was absent.

Senator Ben Stevens moved and asked unanimous consent that Senator Ogan be excused from a call of the Senate from April 7 to April 9, morning plane time. Without objection, Senator Ogan was excused.

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

With due respect for our religious differences and beliefs, I invite you all to join me in this prayer.

Almighty God, be present with this body through the course of their deliberations today. Guide everyone's thought and speech so that today's proceedings may yield lasting fruits of deeper understanding of the full potentialities of this land, plus a greater and sustained ability to make Alaska a land of blessing and fulfillment for all, especially the less privileged. We thank You for the natural bounty with which You have blessed and beautified this land, and we pray that Your hand of protection be upon this state and nation whenever it is threatened with danger. We also continue to pray that

You shield this state from all that will disrupt the life and comfort of its people, banish every disease that will confound our physicians and keep us safe from any form of natural or social disaster. Solidify our hope for a greater Alaska where the leaders and the governed will live together in abundance, harmony and peace. Amen.

Senator Olson led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

SB 20

Message dated April 4 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 20(FIN) "An Act relating to the Board of Marine Pilots and to marine pilotage; extending the termination date of the Board of Marine Pilots; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

Message dated April 4 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HCR 11

CS FOR HOUSE CONCURRENT RESOLUTION NO. 11(FSH)
am BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES,

Relating to Alaska Wild Salmon Week, June 30 -
July 4, 2003.

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

SCR 4

Message dated April 4, 2003 was read, stating the House passed and returned for consideration CS FOR SENATE CONCURRENT RESOLUTION NO. 4(STA), with the following amendments:

HOUSE CS FOR CS FOR SENATE
CONCURRENT RESOLUTION NO. 4(STA) am
H, Relating to Avalanche Awareness Month.

Senator Ben Stevens moved that the Senate concur in the House amendments. Senator Ellis objected, then withdrew his objection.

The question being: "Shall the Senate concur in the House amendments?" The roll was taken with the following result:

HCS CSSCR 4(STA) am H
Shall the Senate Concur in the House amendments
to CSSCR 4(STA)?

YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: Bunde, Ogan, Taylor

and so, the Senate concurred in the House amendments, thus adopting HOUSE CS FOR CS FOR SENATE CONCURRENT RESOLUTION NO. 4(STA) am H.

The Secretary was requested to notify the House.

The resolution was referred to the Secretary for enrollment.

Standing Committee Reports**SB 116**

The Resources Committee considered SENATE BILL NO. 116 "An Act relating to the emission control permit program; relating to fees for that program and to the accounting of receipts deposited in the emission control permit receipts account; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 116(RES)

Signing do pass: Senator Ogan, Chair; Senators Seekins, Ben Stevens, Wagoner, Lincoln, Elton, Dyson.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

SB 137

Forthcoming State Affairs Committee Substitute (page 689) for SENATE BILL NO. 137 "An Act imposing a tax on employment; and providing for an effective date" was received today:

CS FOR SENATE BILL NO. 137(STA)

HB 82

The Judiciary Committee considered CS FOR HOUSE BILL NO. 82(L&C) "An Act making certain activity related to commercial electronic mail unlawful and an unfair method of competition or an unfair or deceptive act or practice under the Act enumerating unfair trade practices and consumer protections." Signing do pass: Senator Seekins, Chair; Senators Ellis, Therriault, Ogan.

The following previously published fiscal information applies:

Fiscal Note No. 2, zero, Department of Law
Fiscal Note No. 3, zero, Department of Public Safety

The bill was referred to the Rules Committee.

**Introduction and Reference of
Senate Resolutions****SJR 16**

SENATE JOINT RESOLUTION NO. 16 BY SENATOR BUNDE,

Encouraging the federal government to end the federal subsidy of ethanol, and requesting the Congress of the United States to mandate that land currently used to grow corn for the production of ethanol be returned to its natural state.

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

Introduction and Reference of Senate Bills**SB 175**

SENATE BILL NO. 175 BY SENATOR SEEKINS, entitled:

"An Act relating to civil liability for commercial recreational activities and for guest passengers on an aircraft or watercraft; and providing for an effective date."

was read the first time and referred to the Labor and Commerce and Judiciary Committees.

SB 176

SENATE BILL NO. 176 BY SENATOR SEEKINS, entitled:

"An Act relating to civil liability for injuries or death resulting from livestock activities."

was read the first time and referred to the Labor and Commerce and Judiciary Committees.

SB 177

SENATE BILL NO. 177 BY SENATOR BEN STEVENS, entitled:

"An Act relating to cost-of-living benefits for retired members in the public employees' retirement system and the teachers' retirement system who are called to active military duty; and providing for an effective date."

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

Consideration of the Calendar**Second Reading of Senate Resolutions****SJR 12**

SENATE JOINT RESOLUTION NO. 12 Supporting the halibut by-catch utilization project of the Alaska Food Coalition, was read the second time.

Senator Wagoner, Vice Chair, moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 691. Without objection, CS FOR SENATE JOINT RESOLUTION NO. 12 (RES) was adopted.

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.

CS FOR SENATE JOINT RESOLUTION NO. 12(RES) was read the third time.

Senators Ellis, Elton, Davis, Lincoln, Olson, Hoffman, Therriault, Cowdery moved and asked unanimous consent to be shown as cosponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE JOINT RESOLUTION NO. 12(RES) Supporting the halibut by-catch utilization project of the Alaska Food Coalition, pass the Senate?"
The roll was taken with the following result:

CSSJR 12(RES)

Third Reading - Final Passage

YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: Bunde, Ogan, Taylor

and so, CS FOR SENATE JOINT RESOLUTION NO. 12(RES) passed the Senate and was referred to the Secretary for engrossment.

Unfinished Business

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate on April 8. Without objection, Senator Hoffman was excused.

Announcements

Announcements are at the end of the journal.

Engrossment

SJR 12

CS FOR SENATE JOINT RESOLUTION NO. 12(RES) Supporting the halibut by-catch utilization project of the Alaska Food Coalition, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 8, 2003. Without objection, the Senate adjourned at 11:28 a.m.

Kirsten Waid
Secretary of the Senate

April 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

Apr 07	Monday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Apr 09	Wednesday	Fahrenkamp 203	1:30 PM
+	Legislative Directive for Unorganized Borough Review: Local Boundary Commission <Testimony by Invitation Only>		
Apr 11	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Apr 07	Monday	Senate Finance 532	10:00 AM
	-- Meeting Canceled --		
	SB 105	MEDICAID:CHILDREN/PREGNANT WOMEN/FACILITY <Pending Referral>	
=	SB 106	FEE FOR STUDDDED TIRES Bills Previously Heard/Scheduled	
Apr 08	Tuesday	Senate Finance 532	9:00 AM
=	SB 106	FEE FOR STUDDDED TIRES <Previously scheduled for 4/7/03>	
	SB 82	ALCOHOLIC BEVERAGE TAX FOR WINE & OTHERS	

FINANCE (continued)

SB 120 CLAIMS BY STATE-EMPLOYED SEAMEN
 HB 9 HOME INSPECTORS/CONTRACTORS
 Bills Previously Heard/Scheduled

Apr 09 Wednesday Senate Finance 532 9:00 AM

SB 153 LONG-TERM LEASES OF ALASKA RR LAND
 SB 173 SCIENCE & TECH FOUNDATION/BIDCO/INT. TRADE
 Bills Previously Heard/Scheduled

Apr 10 Thursday Senate Finance 532 9:00 AM

SB 136 RESIDENTIAL PROPERTY TAX EXEMPTION
 Bills Previously Heard/Scheduled

Apr 11 Friday Senate Finance 532 9:00 AM

Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 07 Monday Butrovich 205 1:30 PM

+ Bills Previously Heard/Scheduled
 += SB 105 MEDICAID:CHILDREN/PREGNANT
 WOMEN/FACILITY
 += SB 110 UNDER SCHOOL AGE STUDENTS
 + HB 51 LABELING OF PRESCRIBED DRUGS
 + SB 104 REPEAL CHARTER SCHOOL GRANTS
 + SB 121 COMMUNITY SCHOOLS

Apr 09 Wednesday Butrovich 205 1:30 PM

+ Bills Previously Heard/Scheduled
 += SB 121 COMMUNITY SCHOOLS
 += SB 30 ABORTION: INFORMED CONSENT; INFORMATION
 + SB 157 INPATIENT PSYCHIATRIC SERVICES
 + SB 84 TEACHER LOAN REPAYMENT PROGRAM
 + SB 154 NURSE EDUC LOAN REPAYMENT PROGRAM

Apr 11 Friday Butrovich 205 1:30 PM

+ Bills Previously Heard/Scheduled
 + SB 160 CIVIL LIABILITY FOR DEFIBRILLATOR USE

JUDICIARY

Apr 07 Monday Beltz 211 1:30 PM
 += SB 53 REVOKE DRIVER'S LIC. FOR FATAL ACCIDENT
 + HB 23 RESTITUTION FOR CRIME VICTIMS
 += SB 49 2003 REVISOR'S BILL
 + Bills Previously Heard/Scheduled

Apr 09 Wednesday Beltz 211 1:30 PM
 += SB 97 ATTY FEES: PUBLIC INTEREST LITIGANTS
 <Pending Referral>
 + SB 24 SPECIAL ABSENTEE BALLOTS
 + HB 46 PRIMARY ELECTION BALLOTS
 + Bills Previously Heard/Scheduled

Apr 11 Friday Beltz 211 1:30 PM
 + SB 41 MEDICAID COSTS AND CRIMES
 SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 08 Tuesday Beltz 211 2:00 PM
 -- Time Change --
 Bills Previously Heard/Scheduled
 + HB 118 TRANSPORTATION OF COMMERCIAL FISH
 + SB 13 INSURANCE DISCRIMINATION BY CREDIT RATING

Apr 10 Thursday Beltz 211 1:30 PM
 Bills Previously Heard/Scheduled
 + SB 128 COMMON CARRIER LIQUOR LICENSE

RESOURCES

Apr 07 Monday Butrovich 205 3:30 PM
 + Confirmation Hearing:
 Commissioner, Dept of Fish and Game -
 Kevin Duffy
 + Bills Previously Heard/Scheduled

RESOURCES (continued)

Apr 09 Wednesday Butrovich 205 3:30 PM
 += SB 142 DNR LEAD RESOURCE DEVELOPMENT PROJECTS
 + SB 164 EXTEND BOARD OF STORAGE TANK ASSISTANCE
 + Bills Previously Heard/Scheduled

Apr 11 Friday Butrovich 205 3:30 PM
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 08 Tuesday Beltz 211 3:30 PM
 + SCR 6 LOCATION OF NEW SEAFOOD LAB
 SB 22 CRIME VICTIMS' COMP.:SEXUAL ABUSE/ASSAULT
 <Bill Hearing Postponed to 4/10/03>
 + SB 158 MOVE DOMESTIC VIOLENCE COUNCIL TO DHSS
 += HB 52 SEX CRIME AND PORNOGRAPHY FORFEITURES
 <Bill Hearing Rescheduled from 4/3/03>
 += SB 148 PFD: ALLOWABLE ABSENCE FOR MILITARY SVC
 <Bill Hearing Rescheduled from 4/3/03>
 += SB 146 COMMEMORATIVE VETERANS LICENSE PLATE
 <Bill Hearing Rescheduled from 4/3/03>
 Bills Previously Heard/Scheduled

Apr 10 Thursday Beltz 211 3:30 PM
 + SB 159 PAROLE FOR MEDICAL / COGNITIVE DISABILITY
 + HB 2 CIVIL STATUTE OF LIMITATIONS/SEX OFFENSES
 += SB 22 CRIME VICTIMS' COMP.:SEXUAL ABUSE/ASSAULT
 <Bill Hearing Rescheduled from 4/8/03>
 += SB 85 REPEAT SERIOUS SEX OFFENSES
 <Bill Hearing Rescheduled from 4/3/03>
 Bills Previously Heard/Scheduled
 += SB 119 ELIMINATE APOC

TRANSPORTATION

Apr 08 Tuesday Butrovich 205 1:30 PM
 = SB 140 ROAD SIGNS TO PLACES OF PUBLIC ASSEMBLY
 + SB 98 LIABILITY: PLANE AND BOAT PASSENGERS
 Bills Previously Heard/Scheduled

TRANSPORTATION (continued)

Apr 10 Thursday Butrovich 205 1:30 PM
 SJR 14 FAA FLIGHT SERVICE STATIONS
 Bills Previously Heard/Scheduled

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Apr 10 Thursday Beltz 211 8:00 AM
 -- Rescheduled from 4/3/03 --
 FY04 Budget Close-out

CORRECTIONS

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

COURT SYSTEM

Apr 10 Thursday Senate Finance 532 11:30 AM
 FY04 Budget Close-out

EDUCATION & EARLY DEVELOPMENT

Apr 10 Thursday Senate Finance 532 5:30 PM
 Operating Budget Close-out

FINANCE SUBCOMMITTEES (continued)**ENVIRONMENTAL CONSERVATION**

Apr 10 Thursday Fahrenkamp 203 1:00 PM

HEALTH & SOCIAL SERVICES

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

LABOR & WORKFORCE DEVELOPMENT

Apr 09 Wednesday Beltz 211 12:00 PM
-- Rescheduled from 4/3/03 --
FY04 Budget Close-out

LAW

Apr 11 Friday Beltz 211 8:00 AM
-- Rescheduled from 4/4/03 --
FY04 Budget Close-out

MILITARY AND VETERANS AFFAIRS

Apr 08 Tuesday Fahrenkamp 203 11:00 AM
-- Meeting Canceled --

Apr 11 Friday Butrovich 205 12:30 PM

FINANCE SUBCOMMITTEES (continued)**NATURAL RESOURCES**

Apr 09 **Wednesday** **Beltz 211** **8:30 AM**
 -- Time Change --
 -- Rescheduled from 4/2/03 --
 FY04 Budget Close-out

PUBLIC SAFETY

Apr 08 **Tuesday** **Fahrenkamp 203** **4:00 PM**

REVENUE

Apr 09 **Wednesday** **Beltz 211** **4:00 PM**
 -- Time Change --

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Apr 09 **Wednesday** **Senate Finance 532** **7:00 AM**
 Commissioner Joel Gilbertson
 Dept of Health and Social Services

Apr 29 **Tuesday** **House Finance 519** **8:00 AM**
 Audits and Other Committee Business

OTHER MEETINGS**JOINT SESSION**

Apr 25 **Friday** **House Chamber** **11:00 AM**
 Address by U.S. Senator Lisa Murkowski