

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

April 16, 2003

Eighty-sixth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:21 a.m.

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

The prayer was offered by the Chaplain, Father Thomas Weise of St. Paul's Catholic Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

With the deepest respect for the religious beliefs of all Alaskans, I offer the following prayer.

"Have mercy on me, O Gracious One, according to Your steadfast love; According to Your abundant kindness forgive me where my thoughts and deeds have hurt others. Lead me in the paths of justice, guide my steps on paths of peace!

Teach me, that I may know my weakness, the shortcomings that bind me, the unloving ways that separate me, that keep me from recognizing Your life in me; for I keep company with fear, and dwell in the house of ignorance. Yet, I was brought forth in love, and love is my birthright." (Psalm 51)

Gracious God, You created us and placed us within families to learn how to love and be loved. We praise You for Your goodness; we thank You for Your gifts. Bless our state with Your love. Raise up in Alaska good and holy families, loving husbands and wives, devoted parents and children. Raise up from our families and friends dedicated and generous leaders who will serve as models in our communities. Amen.

Senator Dyson led the Senate in the Pledge of Allegiance.

Certification

Senator Ben Stevens moved and asked unanimous consent that the journal for the eighty-fifth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

Message dated April 15 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 11

HOUSE BILL NO. 11 BY REPRESENTATIVES ROKEBERG, Seaton, Hawker, McGuire, entitled:

"An Act relating to deposits to the Alaska permanent fund from mineral lease rentals, royalties, royalty sale proceeds, net profit shares under AS 38.05.180(f) and (g), federal mineral revenue sharing payments received by the state from mineral leases, and bonuses received by the state from mineral leases, and limiting deposits from those sources to the 25 percent required under art. IX, sec. 15, Constitution of the State of Alaska; and providing for an effective date."

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

HB 49

CS FOR HOUSE BILL NO. 49(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to the deoxyribonucleic acid (DNA) identification registration system and testing; and providing for an effective date."

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

Standing Committee Reports

SB 41

The Finance Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41 "An Act relating to medical care and crimes relating to medical care, including medical care and crimes relating to the medical assistance program" and recommended it be replaced with

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41(FIN) "An Act relating to medical care and crimes relating to medical care, including medical care and crimes relating to the medical assistance program, catastrophic illness assistance, and medical assistance for chronic and acute medical conditions."

Signing do pass: Senators Green, Wilken, Cochairs; Senators Taylor, Ben Stevens. Signing no recommendation: Senators Hoffman, Olson.

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Health and Social Services

The bill was referred to the Rules Committee.

SB 111

The Labor and Commerce Committee considered SENATE BILL NO. 111 "An Act relating to the submission of payroll information by contractors and subcontractors performing work on a public construction contract; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 111(L&C) "An Act relating to the submission of payroll information by contractors and subcontractors performing work on a public construction contract; requiring a notice of work by employers on public construction contracts; providing for the withholding of final payment for public construction contracts; and providing for an effective date."

Signing do pass: Senator Bunde, Chair; Senators Seekins, Gary Stevens. Signing amend: Senators Davis, French.

The following fiscal information was published today:
Fiscal Note No. 2, Department of Labor and Workforce
Development

The bill was referred to the Finance Committee.

SB 152

The State Affairs Committee considered SENATE BILL NO. 152 "An Act relating to concealed handguns." Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Dyson.

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

The bill was referred to the Judiciary Committee.

SB 156

The Labor and Commerce Committee considered SENATE BILL NO. 156 "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." Signing do pass: Senator Bunde, Chair; Senators Davis, Seekins, Gary Stevens. Signing no recommendation: Senator French.

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

The bill was referred to the Health, Education and Social Services Committee.

SB 162

The State Affairs Committee considered SENATE BILL NO. 162 "An Act relating to a tobacco product manufacturer's compliance with certain statutory requirements regarding cigarette sales; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Dyson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, zero, Department of Revenue

The bill was referred to the Judiciary Committee.

HB 34

The State Affairs Committee considered HOUSE BILL NO. 34 "An Act relating to negotiated regulation making; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Dyson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Office of the Governor

Fiscal Note No. 2, zero, Department of Revenue

The bill was referred to the Judiciary Committee.

HB 52

Forthcoming fiscal notes (page 782) for the State Affairs Senate Committee Substitute for CS FOR HOUSE BILL NO. 52(JUD) "An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense" published today:

Fiscal Note No. 3, zero, Department of Administration

Fiscal Note No. 4, zero, Department of Public Safety

HB 114

The State Affairs Committee considered CS FOR HOUSE BILL NO. 114(JUD)(title am) "An Act relating to the issuance of a search warrant upon the sworn testimony or affidavit of a person communicated by telephone, other appropriate means, or facsimile machine." Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Dyson.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Corrections
- Fiscal Note No. 2, zero, Alaska Court System
- Fiscal Note No. 3, zero, Department of Law
- Fiscal Note No. 4, zero, Department of Public Safety

The bill was referred to the Judiciary Committee.

HB 118

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 118(RES) am "An Act relating to the transportation and sale of certain commercially caught fish by an agent of a commercial fishing permit holder and to the sale of fish; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
118(L&C)

Signing no recommendation: Senator Bunde, Chair; Senators Davis, French, Gary Stevens. Signing do pass: Senator Seekins.

The following fiscal information was published today:

- Fiscal Note No. 4, zero, Department of Public Safety
- Fiscal Note No. 5, zero, Department of Fish and Game

The following previously published fiscal information applies:

- Fiscal Note No. 3, zero, Department of Law

The bill was referred to the Resources Committee.

HB 124

The Transportation Committee considered HOUSE BILL NO. 124 "An Act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 124(TRA)

Signing do pass: Senator Cowdery, Chair; Senators Olson, Wagoner.
Signing no recommendation: Senator Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

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

Fiscal Note No. 4, zero, Department of Transportation and Public
Facilities

The bill was referred to the Rules Committee.

HB 160

The Finance Committee considered CS FOR HOUSE BILL NO. 160(FIN) "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." Signing do pass: Senators Wilken, Green, Cochairs; Senators Taylor, Bunde, Ben Stevens. Signing no recommendation: Senator Hoffman.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

**Introduction and Reference of
Senate Resolutions****SCR 10**

SENATE CONCURRENT RESOLUTION NO. 10 BY SENATOR
DYSON,

Establishing the Joint Legislative Charter School Task Force.

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

Introduction and Reference of Senate Bills

SB 189

SENATE BILL NO. 189 BY SENATOR WAGONER, entitled:

"An Act naming the Jonathan H. Link Courthouse in Kenai."

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

SB 190

SENATE BILL NO. 190 BY SENATOR WAGONER, entitled:

"An Act adding certain state-owned land and water to the Kenai River Special Management Area; relating to the mineral estate of the state-owned land and water in the Kenai River Special Management Area; amending the qualifications for members of the Kenai River Special Management Area advisory board; and providing for an effective date."

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

Consideration of the Calendar

Second Reading of Senate Bills

SB 87

SENATE BILL NO. 87 "An Act relating to principal and income in the administration of trusts and decedents' estates and the mental health trust fund; adopting a version of the Uniform Principal and Income Act; and providing for an effective date" was read the second time.

Senator Ben Stevens moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated SENATE BILL NO. 87 will be on the April 17 calendar.

SB 163

President Therriault stated that SENATE BILL NO. 163 "An Act relating to trusts, including trust protectors, trustee advisors, transfers of property in trust, and transfers of trust interests, and to creditors' claims against property subject to a power of appointment" would be returned to the Rules Committee. Without objection, SENATE BILL NO. 163 was returned to the Rules Committee.

Third Reading of Senate Bills**SB 95**

SENATE BILL NO. 95 was read the third time.

The question being: "Shall 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" pass the Senate?" The roll was taken with the following result:

SB 95

Third Reading - Final Passage

YEAS: 17 NAYS: 2 EXCUSED: 1 ABSENT: 0

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

Nays: Ellis, Elton

Excused: Guess

and so, SENATE BILL NO. 95 passed the Senate.

Senator Ellis gave notice of reconsideration.

SB 120

SENATE BILL NO. 120 was read the third time.

The question being: "Shall SENATE BILL NO. 120 "An Act relating to the state's sovereign immunity for certain actions regarding injury, illness, or death of state-employed seamen and to workers' compensation coverage for those seamen; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 120

Third Reading - Final Passage

Effective Date

YEAS: 15 NAYS: 4 EXCUSED: 1 ABSENT: 0

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

Nays: Ellis, Elton, Lincoln, Taylor

Excused: Guess

and so, SENATE BILL NO. 120 passed the Senate.

Senator Ben Stevens 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.

Senator Ellis gave notice of reconsideration.

Citations

Honoring – Private First Class Jessica Lynch

Senator(s) Cowdery, Therriault, Bunde, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Ogan, Olson, Seekins, Ben Stevens, Gary Stevens, Taylor, Wagoner, Wilken

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

Unfinished Business

Senator Ellis moved and asked unanimous consent to be excused from a call of the Senate on April 22 to plane time. Without objection, Senator Ellis was excused.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., April 17, 2003. Without objection, the Senate adjourned at 11:47 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 16	Wednesday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 18	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM

FINANCE

Apr 16	Wednesday	Senate Finance 532	9:00 AM
+ SB 35	APPROP: OPERATING BUDGET/LOANS/FUNDS		
+ HB 75	APPROP: OPERATING BUDGET/LOANS/FUNDS		
+ SB 36	APPROP:MENTAL HEALTH BUDGET		
+ HB 76	APPROP:MENTAL HEALTH BUDGET		
	Statewide Teleconference - Offnet Sites: (Public testimony limited to no more than 2 minutes)		
	HB 160	EMISSION CONTROL PERMIT PROGRAM	
	HB 59	CLEANUP OF ILLEGAL DRUG SITES	
	SB 65	CORRECTIONAL FACILITY EXPANSION	
	Bills Previously Heard/Scheduled		

**FINANCE
(continued)**

Apr 16 Wednesday Senate Finance 532 5:00 PM

-- Time Change --

- + SB 35 APPROP: OPERATING BUDGET/LOANS/FUNDS
- + HB 75 APPROP: OPERATING BUDGET/LOANS/FUNDS
- + SB 36 APPROP:MENTAL HEALTH BUDGET
- + HB 76 APPROP:MENTAL HEALTH BUDGET

Statewide Teleconference: (Public testimony limited to no more than 2 min.)
 5:00 - 5:45 Nome, Kotzebue, Barrow
 5:45- 6:30 Tok, Ketchikan, Delta Junction
 6:30 - 7:15 Kodiak, Bethel, Glennallen
 7:15 - 8:00 Petersburg, Sitka, Wrangell
 8:00 - 9:00 Juneau
 Bills Previously Heard/Scheduled

Apr 17 Thursday Senate Finance 532 9:00 AM

- SB 58 PFD INELIGIBILITY/MOTOR VEHICLE INSURANCE
 - SB 59 PERMANENT FUND INELIGIBILITY FOR DUI
 - SB 148 PFD: ALLOWABLE ABSENCE FOR MILITARY SVC
 - HB 159 FINANCIAL INSTITUTION EXAMINATIONS/CFAB
- Bills Previously Heard/Scheduled

Apr 18 Friday Senate Finance 532 9:00 AM

No Meeting Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 16 Wednesday Butrovich 205 1:30 PM

- + Bills Previously Heard/Scheduled
- + Confirmation Hearings:
 - Board of Nursing
 - Board of Professional Counselors
- + SB 179 TEACHER CERTIFICATION : FINGERPRINTS
- + SB 138 PHARMACIST/DOCTOR COLLABORATIVE PROTOCOLS

JUDICIARY

Apr 16	Wednesday	Beltz 211	1:00 PM
	-- Permanent Time Change --		
+	Confirmation Hearing:		
	Commission on Judicial Conduct - Richard Burton		
+ SB 93	ADVERSE POSSESSION		
+ SB 64	CREDIT INFORMATION		
+	Confirmation Hearing:		
	Select Committee on Legislative Ethics - Shirley McCoy		
+	Bills Previously Heard/Scheduled		
Apr 18	Friday	Beltz 211	1:00 PM
	No Meeting Scheduled		
Apr 21	Monday	Beltz 211	1:00 PM
	No Meeting Scheduled		
Apr 23	Wednesday	Beltz 211	1:00 PM
+= SB 97	ATTY FEES: PUBLIC INTEREST LITIGANTS		
+ SB 98	LIABILITY: PLANE AND BOAT PASSENGERS		
+	Bills Previously Heard/Scheduled		
Apr 24	Thursday	Butrovich 205	4:00 PM
	-- Time and Location Change --		
+= SB 170	CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE		
Apr 25	Friday	Beltz 211	1:00 PM
+ SB 8	TAMPERING WITH PUBLIC RECORDS		
+ SB 55	TAMPERING WITH PUBLIC RECORDS		
+ SB 161	MONOPOLY AND RESTRAINT OF TRADE ACTIONS		
+ SB 171	SUITS & CLAIMS: MILITARY/FIRE/DEFENSE		
+	Bills Previously Heard/Scheduled		

LABOR & COMMERCE

Apr 17	Thursday	Beltz 211	1:30 PM
	No Meeting Scheduled		

RESOURCES

Apr 16 Wednesday Butrovich 205 3:30 PM
 + HB 90 TAX CREDIT:SALMON DEVELOPMENT/UTILIZATION
 + SB 147 CONTROL OF NUISANCE WILD ANIMALS
 + Bills Previously Heard/Scheduled

Apr 18 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

STATE AFFAIRS

Apr 17 Thursday Beltz 211 3:30 PM
 No Meeting Scheduled

TRANSPORTATION

Apr 22 Tuesday Butrovich 205 1:30 PM
 No Meeting Scheduled

Apr 24 Thursday Butrovich 205 1:30 PM
 + HB 81 MOTOR VEHICLE EMISSIONS INSPECTION
 + HB 127 ROADSIDE MEMORIALS
 Bills Previously Heard/Scheduled

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

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

OTHER MEETINGS**CHILDREN'S CAUCUS**

Apr 29 **Tuesday** **Fahrenkamp 203** **12:00 PM**
+ How Child Abuse is Being Addressed:
AK Children's Alliance and Children's
Advocacy Center Working Group

FISH CAUCUS

Apr 16 **Wednesday** **Butrovich 205** **12:00 PM**
Presentations:
Kachemak Bay Research Reserve
Prince William Sound Fisheries Research
Applications and Planning

JOINT SESSION

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