SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

February 26, 2001

Fiftieth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:12 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Mary Lou Miller of the Juneau Baha'i Assembly. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

This Meeting is Blessed

Praise be to God! That ye are gathered in one assembly like unto the stars of the Pleiades, are illumined with the light of the knowledge of God and through the outpouring of the cloud of the love of God, ye are the fresh flowers of the meadow and plain; ye are intimate and familiar with infinite unity and love.

Therefore, this meeting is blessed. But if it is firmly established and become constant, it will bring forth great results and most weighty developments will be attained. Consequently, persevere ye in renewing your meetings and display utmost magnanimity in firmness and steadfastness. When the root of the tree of the garden is well established and its protection is safeguarded, it will bring forth luscious fruits.

Likewise, when the regiment of an army and the individuals of a cohort are united and related with ease, untold triumphs will be acquired. But if they come together one day and disperse another day, no fruits will be produced.

Therefore, as ye have prepared an army of heaven and become the host of life, ye must continue to hold meetings, have spiritual communications, be firm in resolution, steadfast in purpose and be constant and persevering so that ye may win celestial conquests.

(Abdu'l-Baha; Baha'i World Faith, Page 403)

Senator Hoffman led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

SJR₃

Message dated February 23 was read, stating the House passed and returned for consideration SENATE JOINT RESOLUTION NO. 3 with the following amendment:

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 3(MLV) Relating to the deployment of F-22 Raptor aircraft at Elmendorf Air Force Base.

Senator Leman moved that the Senate concur in the House amendment.

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

HCS SJR 3(MLV) Shall the Senate concur in the House Amendment to SJR 3?

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

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

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR SENATE JOINT RESOLUTION NO. 3(MLV) Relating to the deployment of F-22 Raptor aircraft at Elmendorf Air Force Base.

The Secretary was requested to notify the House.

The resolution was referred to the Secretary for enrollment.

Standing Committee Reports

SB 64

The Finance Committee considered SENATE BILL NO. 64 "An Act relating to the award of a high school diploma to certain World War II veterans" and recommended it be replaced with

CS FOR SENATE BILL NO. 64(FIN)

Signing do pass: Senators Kelly, Donley, Cochairs, Senators Green, Austerman, Hoffman, Olson, Wilken, Ward, Leman.

The following previously published fiscal information applies: Fiscal Note No. 1, zero, Department of Education and Early Development

The bill was referred to the Rules Committee.

SB 72

500

The Finance Committee considered SENATE BILL NO. 72 "An Act relating to 'take-a-child-hunting' seasons for big game" and recommended it be replaced with

CS FOR SENATE BILL NO. 72(FIN)

Signing do pass: Senators Donley, Kelly, Cochairs, Senators Green, Austerman, Wilken, Ward, Leman. Signing no recommendation: Senators Hoffman, Olson.

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

The bill was referred to the Rules Committee.

SB 81

The Judiciary Committee considered SENATE BILL NO. 81 "An Act relating to the nonademption of property transfers; and providing for an effective date." Signing do pass: Senator Taylor, Chair, Senators Therriault, Cowdery. Signing no recommendation: Senator Ellis.

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

The bill was referred to the Rules Committee.

SB 84

The Finance Committee considered SENATE BILL NO. 84 "An Act exempting joint action agencies from regulation by the state or municipalities; relating to the relationship between a joint action agency and the public utilities that form the joint action agency; relating to powers and immunities of a joint action agency; requiring filing of the joint action agency agreement; relating to the financial affairs of a joint action agency; declaring certain joint action agencies to be political subdivisions for certain purposes; relating to liability and indemnification of officers, employees, and agents of joint action agencies; and defining 'agency agreement' as used with reference to joint action agencies" and recommended it be replaced with

CS FOR SENATE BILL NO. 84(FIN) (forthcoming)

Signing no recommendation: Senators Kelly, Donley, Cochairs, Senators Green, Wilken. Signing do pass: Senators Austerman, Hoffman, Olson, Ward, Leman.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Community and Economic Development

Fiscal Note No. 2, zero, Department of Community and Economic Development

Fiscal Note No. 3, zero, Department of Community and Economic Development

The bill was referred to the Rules Committee.

SCR 4

The Rules Committee considered SENATE CONCURRENT RESOLUTION NO. 4 Relating to declaring April 6, 2001, as Alaska Tartan Day. Signing to calendar: Senator Pearce, Chair, Senators Therriault, Phillips, Cowdery. Signing under other recommendations: Senator Ellis.

The resolution is on today's calendar.

HJR 7

The Rules Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 7(RES) am Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production. Signing to calendar: Senator Pearce, Chair, Senators Cowdery, Phillips, Therriault, Ellis.

The resolution is on today's calendar.

Introduction and Reference of Senate Bills

SB 117

SENATE BILL NO. 117 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act making a civil remedy available to the state or a municipality against persons who make false claims for, or certain misrepresentations regarding, state or municipal money or other property; and providing for an effective date."

was read the first time and referred to the Community and Regional Affairs, Judiciary and Finance Committees.

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

Governor's transmittal letter dated February 22:

Dear President Halford:

This bill I transmit today would fill a gap in our statutory law by providing general authority for the civil prosecution of a person who makes a false claim for, or a misrepresentation regarding, money or property against the state or a municipality. The public needs some way of ensuring that persons who make demands on the public treasury by seeking to recover money or property from the state or a municipality are doing so in good faith. The most effective means of doing this is to provide clear consequences for unlawful conduct. This bill would allow for a civil penalty of up to three times the amount suffered as well as court costs and attorney fees from persons who make a misrepresentation or false claim against the state or a municipality.

The bill would provide incentives to cooperate in the prosecution of a misrepresentation or false claim. Also, the bill would apply only to matters involving at least \$500 and would not apply to unemployment, workers' compensation, state tax, public assistance, or temporary assistance claims, or to permanent fund dividend applications. These programs have specific authority elsewhere in statute providing for the prosecution of false claims.

The bill requires the attorney general to investigate misrepresentations and false claims against the state and requires the prosecuting authority for a municipality to investigate misrepresentations and false claims against the municipality. It also provides procedures for circumstances in which both state and municipal money or property are involved and sets a limitation period of 10 years after which suits for misrepresentations and false claims are barred.

Nearly all states and the federal government have false claims statutes. It is time that Alaska had similar authority to protect the public treasury from wrongful and fraudulent claims.

Sincerely, /s/ Tony Knowles Governor

SB 118

SENATE BILL NO. 118 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the issuance of certificates of participation to finance deferred maintenance and construction projects for certain public harbor facilities; giving notice of and approving the entry into, and the issuance of certificates of participation in, lease- financing agreements for those public harbor facility projects; repealing a provision relating to the financing of construction and renovation of facilities for certain ports and harbors; and providing for an effective date."

was read the first time and referred to the Transportation, Judiciary, and Finance Committees

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

Governor's transmittal letter dated February 22:

Dear President Halford:

The Department of Transportation and Public Facilities has a long-term goal of bringing state-owned harbor facilities up to suitable standard and divesting ownership to the municipalities that operate them. Once deferred maintenance needs are addressed, the municipalities can support operation and maintenance of these valuable facilities through moorage and other fees. In recent years when transferring harbor ownership to the municipalities, the state has provided grant money as well to address deferred maintenance needs. This bill I transmit today would continue the policy, but leverages state general funds through issuance of certificates of participation. From the municipalities' perspective, this is essentially the same as a grant program.

Certificates of participation (COPs) are an accepted form of financing that the state has used for many capital projects with high credit ratings -- just one notch below the state's general obligation rating. Pooling the group of harbor transfers in this bill into one bond sale also adds efficiency.

The bill identifies the marine motor fuel tax as the likely source of appropriations to retire the certificates. The bill also authorizes payments for the harbor facilities projects to be made from any other valid revenue source, subject to appropriation.

The bill repeals AS 29.60.700 passed by the Legislature last year, which required municipalities to pass general obligation bonds for harbor upgrades and transfers with the state reimbursing the cost of bond payments after a two-year delay. All of the affected municipalities found that plan to be burdensome and ultimately unworkable and city councils or local assemblies in seven of nine

municipalities passed resolutions opposing the bonding provisions. The financing method in this bill is acceptable to the municipalities and will, therefore, achieve the state's goal of upgrading and transferring ownership of locally operated harbor facilities.

I urge your prompt and favorable action on this measure.

Sincerely, /s/ Tony Knowles Governor

SB 119

SENATE BILL NO. 119 BY SENATORS WILKEN, Kelly, Therriault, Pearce, Leman, Torgerson, Halford, Lincoln, entitled:

"An Act naming the Bill Wood Fairbanks International Airport; and providing for an effective date."

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

Consideration of the Calendar

Second Reading of Senate Resolutions

SCR 4

SENATE CONCURRENT RESOLUTION NO. 4 Relating to declaring April 6, 2001, as Alaska Tartan Day, was read the second time.

Senator Therriault, Chair, moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 452. Without objection, CS FOR SENATE CONCURRENT RESOLUTION NO. 4(STA) was adopted, read the second time and was before the Senate on final passage.

Senators Cowdery, Taylor 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 CONCURRENT RESOLUTION NO. 4(STA) Relating to declaring April 6, 2001, as Alaska Tartan Day, pass the Senate?" The roll was taken with the following result:

CSSCR 4(STA)

Second Reading - Final Passage

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

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

and so, CS FOR SENATE CONCURRENT RESOLUTION NO. 4(STA) passed the Senate and was referred to the Secretary for engrossment.

Second Reading of House Resolutions

HJR 7

CS FOR HOUSE JOINT RESOLUTION NO. 7(RES) am Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production, was read the second time.

Senators Pearce, Leman, Ward, Donley, Green, Taylor, Kelly, Therriault, Cowdery, Phillips, Halford 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.

CS FOR HOUSE JOINT RESOLUTION NO. 7(RES) am was read the third time.

The question being: "Shall CS FOR HOUSE JOINT RESOLUTION NO. 7(RES) am Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production, pass the Senate?" The roll was taken with the following result:

CSHJR 7(RES) am

Third Reading - Final Passage

YEAS: 18 NAYS: 2 EXCUSED: 0 ABSENT: 0

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

Nays: Elton, Lincoln

and so, CS FOR HOUSE JOINT RESOLUTION NO. 7(RES) am passed the Senate.

Senator Lincoln gave notice of reconsideration.

Citations

Honoring – Dr. Paul Eneboe, Homer Chamber of Commerce 2000 Citizen of the Year

Senator(s) Torgerson, Wilken, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Ward, Halford, Hoffman

Honoring – Maritime Helicopters, Homer Chamber of Commerce Outstanding Business of the Year 2000

Senator(s) Torgerson, Wilken, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Ward, Halford, Olson, Hoffman

Senator Leman 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

SB 110

President Halford added a Transportation Committee referral to SENATE BILL NO. 110 "An Act relating to charitable gaming and to gaming on state ferries; and providing for an effective date."

The bill was referred to the Labor and Commerce, then Transportation and Finance Committees.

SB 19

The reconsideration on CS FOR SENATE BILL NO. 19(HES) "An Act relating to federal child support enforcement requirements regarding social security number information, employer reports about employees, and certain kinds of automated data matching with financial institutions; repealing the termination date of changes made by ch. 87, SLA 1997, and ch. 132, SLA 1998, regarding child support enforcement and related programs; repealing the nonseverability provision of ch. 132, SLA 1998; repealing uncodified laws relating to ch. 87, SLA 1997, and ch. 132, SLA 1998; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 19

CS FOR SENATE BILL NO. 19(HES) "An Act relating to federal child support enforcement requirements regarding social security number information, employer reports about employees, and certain kinds of automated data matching with financial institutions; repealing the termination date of changes made by ch. 87, SLA 1997, and ch. 132, SLA 1998, regarding child support enforcement and related programs; repealing the nonseverability provision of ch. 132, SLA 1998; repealing uncodified laws relating to ch. 87, SLA 1997, and ch. 132, SLA 1998; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration

SCR 4

CS FOR SENATE CONCURRENT RESOLUTION NO. 4(STA) Relating to declaring April 6, 2001, as Alaska Tartan Day, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment

SB 10

SENATE BILL NO. 10 "An Act extending the termination date of the Board of Public Accountancy" 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 10:20 a.m., February 23, 2001.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., February 27, 2001. Without objection, the Senate adjourned at 12:06 p.m.

Heidi Vogel Secretary of the Senate

February 2001

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

COMMUNITY & REGIONAL AFFAIRS

Feb 26	Monday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Feb 28	Wednesday Bills Previously Heard/So	Fahrenkamp 203	1:30 PM
+ SB 4 += SB 48	MUNICIPAL PROPERTY TAX EXEMPTION		
Mar 01	Thursday No Meeting Scheduled	Fahrenkamp 203	1:30 PM

FINANCE

Feb	26		Monday	Senate Finance 532	9:00 AM
+=	SB	72	TAKE A CHILD HUN	TING SEASON	
=	SB	65	PAY EQUITY FOR ST	TATE EMPLOYEES	
=	SB	84	PUBLIC UTILITY JOI	NT ACTION AGENCIES	
=	SB	64	HIGH SCHOOL DIPL	OMA FOR CERTAIN WW	II VETS
			Bills Previously Heard	Scheduled	
			•		

Feb 27 Tuesday Senate Finance 532 9:00 AM += HB 117 SUPPLEMENTAL APPROPRIATIONS: FAST TRACK += SB 73 SUPPLEMENTAL APPROPRIATIONS/AMEND APPROP.

FINANCE (continued)

= SB 73 + SB 58	Wednesday Senate Finance 532 9:00 AM SUPPLEMENTAL APPROPRIATIONS: FAST TRACK SUPPLEMENTAL APPROPRIATIONS/AMEND APPROP. ADD PHYSICIAN ASST TO STATE MEDICAL BOARD NET PROFIT SHARE UNDER/OVERPAYMENTS ARCTIC WINTER GAMES TEAM ALASKA TRUST Bills Previously Heard/Scheduled		
Mar 01 += SB 29	Thursday Senate Finance 532 9:00 AM		
Feb 26 + +	Monday Butrovich 205 1:30 PM Quality Schools/Quality Students Update: Association of Alaska School Boards Senate Bill: HIGH SCHOOL GRADUATION QUALIFYING EXAM <pending and="" introduction="" referral=""> Testimony from School Boards Only Bills Previously Heard/Scheduled</pending>		
Feb 28 + + SB 96 + SB 112 +			
JUDICIARY			
Feb 26 + SB 97	Monday Beltz 211 1:30 PM PROBATION AND PAROLE FEES		

JUDICIARY (continued)

Feb	28	Wednesday	Beltz 211	1:30 PM
+	SB 99	DNA REGISTRATION OF BUR	RGLARS	
+	SB 105	VICTIMS' RIGHTS/ PRISONER	S'S PFD	

Beltz 211

1:30 PM

No Meeting Scheduled

Mar 02

Friday

LABOR & COMMERCE **Feb 27** Tuesday **Terry Miller 104** 1:30 PM -- Location Change --Joint w/(H) Confirmation Hearings: Kathleen B. Schreiber, Eagle River Linda C. Thomas, Juneau Daphne E. Brown, Anchorage Patrick H. Kalen, Fairbanks Dr. Robert E. Miller, Anchorage Darae Crews, Anchorage Sheryl L. Sutton, Juneau Larry Allen Ungerecht, Anchorage Richard D. Brickley, Fairbanks Aaron T. Isaacs, Klawock Anthony (Tony) J. Joslyn, Anchor Point Jeffrey L. Thompson, Anchorage The Honorable Cliff Davidson, Kodiak Carla L. Meek, Juneau James A. Hage, Fairbanks Stephen F. Turner, Anchorage Clarence Bolden, Anchorage Gail Dossman, Anchorage Lottie M. Michael, Anchorage James S. Strandberg, Anchorage Col William (Bill) McDonald, Fairbanks John A. Abshire, Wasilla Valerie K. Baffone, Anchorage Richard H. Behrends, Juneau John Giuchici, Fairbanks Stephen T. Hagedorn, Anchorage Andrew (Bear) J. Piekarski, Eagle River

> Marc D. Stemp, Bethel Robin E. Ward, Anchorage

LABOR & COMMERCE (continued)

Export a commence (community)			
Mar 01 + SB 6 + SB 37	Thursday Confirmation Hearings: Vince Coan, Wasilla Ronald L. Otte, Anchorage MOBILE HOME PARK EV PHYSICIAN NEGOTIATIO		1:30 PM
	RESOURC	ES	
Feb 26 +	Monday Trails and Easements: Dept	Butrovich 205 Fish & Game	3:30 PM
Feb 28 +	Wednesday Supply and Demand of Futu Market: Cambridge Energy		3:30 PM
Mar 02	Friday No Meeting Scheduled	Butrovich 205	3:30 PM
	RULES		
SCR 4 SB 79	Monday F ENDORSING ANWR LEA ALASKA TARTAN DAY FRED ZHAROFF MEMOR EAGLE RIVER VETERAN	RIAL BRIDGE	10:45 AM
STATE AFFAIRS			
+ SB 102	Tuesday OPPOSE CANADIAN FEE SOCIAL SECURITY # & I ELECTION CAMPAIGNS	DRIVER'S LICENSES	REARMS
Mar 01 SB 92	Thursday REMOVAL OF MEMBER	Beltz 211 S of the PF Board	3:30 PM

= SB 82 2001 REVISOR'S BILL

TRANSPORTATION

Feb	27	Tuesday No Meeting Scheduled	Butrovich 205	1:30 PM
Ma	r 01	Thursday No Meeting Scheduled	Butrovich 205	1:30 PM
Ma	r 06	Tuesday No Meeting Scheduled	Butrovich 205	1:30 PM
Ma	r 08	Thursday	Butrovich 205	1:30 PM
	SB 100	REGULATION OF AERON	IAUTICS	
=	SB 59	FEDERAL FUNDS TO MU	NICIPALITIES FOR I	ROADS
	SB 83	CONSTRUCTION OF HIGH	HWAYS BY DOTPF	
	SB 119	WILLIAM R. WOOD FAIR	BANKS INTL AIRPO	RT

FINANCE SUBCOMMITTEES

EDUCATION & EARLY DEVELOPMENT

Feb 27 Tuesday House Finance 519 3:30 PM
Joint w/(H) Pupil Transportation Review

ENVIRONMENTAL CONSERVATION

Feb 28 Wednesday Senate Finance 532 12:00 PM

+ Missions and Measures
Capital Budget Requests
(other than Village Safe Water Program)

LABOR & WORKFORCE DEVELOPMENT

Feb 27 Tuesday Terry Miller 104 3:45 PM
Administrative Services/
Office of the Commissioner

LAW

Mar 01 Thursday Terry Miller 104 8:00 AM
Overview: FY02 Operating Budget

PUBLIC SAFETY

	TOBLIC SATETT			
Mar 08	Thursday Fahrenkamp 203 Overview: Operating Budget	3:45 PM		
Mar 15	Thursday Fahrenkamp 203 Specific GF Increments/Decrements	3:45 PM		
	JOINT COMMITTEES			
	ADMINISTRATIVE REGULATION REVIEW			
Feb 27 +	Tuesday Capitol 102 "Best Value" Procurement by UAF	2:45 PM		
	LEGISLATIVE BUDGET & AUDIT			
Feb 28	Wednesday House Finance 519 Executive Session: Preliminary Audit Rpts Final Audit Report: DPS/Board of Parole Audit Reports: Release of Final Audit to Public Release of Preliminary Audits for Agency Response	12:00 PM		
LEGISLATIVE COUNCIL				
Feb 26	Monday House Finance 519 FY02 Legislative Affairs Agency Budget Request FY02 Office of the Ombudsman Budget Request	5:00 PM		
OTHER MEETINGS				
FISH CAUCUS				
Mar 09	Friday Butrovich 205 Impact of Fishing Gear on Marine Habitat	12:00 PM		

JOINT SESSION

Feb 28 Wednesday House Chamber 11:00 AM

-- Rescheduled from 02/23/01 --Chief Justice Dana Fabe's State of the Judiciary Message