

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

February 28, 2001

Fifty-second Day

Pursuant to adjournment the Senate was called to order by President Halford at 10:58 a.m.

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

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

O Thou merciful God! O Thou Who art mighty and powerful! O Thou most kind Father! These servants have gathered together, turning to Thee, supplicating Thy threshold, desiring Thine endless bounties from Thy great assurance. They have no purpose save Thy good pleasure. They have no intention save service to the world of humanity.

O God! Make this assemblage radiant. Make the hearts merciful. Confer the bounties of the Holy Spirit. Endow them with a power from heaven. Bless them with heavenly minds. Increase their sincerity, so that with all humility and contrition they may turn to Thy kingdom and be occupied with service to the world of humanity. May each one become a radiant candle. May each one become a brilliant star. May each one become beautiful in color and redolent of fragrance in the Kingdom of God.

O kind Father! Confer Thy blessings. Consider not our shortcomings. Shelter us under Thy protection. Remember not our sins. Heal us with Thy mercy. We are weak; Thou art mighty. We are poor; Thou art rich. We are sick; Thou art the Physician. We are needy; Thou art most generous.

O God! Endow us with Thy providence. Thou art the Powerful. Thou art the Giver. Thou art the Beneficent. (Abdu'l-Baha: *Promulgation of Universal Peace*, Pages: 55-56)

Senator Green led the Senate in the Pledge of Allegiance.

Certification

Senator Leman moved and asked unanimous consent that the journal for the fifty-first legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Recess

Senator Leman moved and asked unanimous consent that the Senate stand in recess to the Joint Session. Without objection, the Senate recessed at 11:03 a.m.

After Recess

Joint Session in the House

Speaker Porter called the House to order and in accordance with Uniform Rule 51 turned the gavel over to President Halford, who called the Joint Session to order at 11:14 a.m.

The purpose of the Joint Session was to hear an address by the Honorable Dana Fabe, Chief Justice of the Alaska Supreme Court.

Senator Lemman moved and asked unanimous consent that the roll call of the Senate be waived and all members be shown as present. Without objection, it was so ordered.

Representative James moved and asked unanimous consent that the roll call of the House be waived and all members be shown as present. Without objection, it was so ordered.

President Halford appointed Representative Kerttula and Senator Donley to escort the Chief Justice to the Joint Session.

The House Sergeant at Arms, Sean Riley, announced Chief Justice Fabe's entrance to the House Chamber.

The Honorable Dana Fabe was escorted to the rostrum and introduced by President Halford.

Chief Justice Fabe delivered the State of the Judiciary Address. This address appears in House and Senate Joint Journal Supplement No. 5.

Following the address, the Honorable Dana Fabe received a standing ovation and was escorted from the chamber by Senator Donley and Representative Kerttula.

Senator Lemman moved and asked unanimous consent that the Joint Session stand in adjournment. Without objection, President Halford adjourned the Joint Session at 11:42 a.m.

After Recess

In the Senate

The Senate reconvened at 12:11 p.m.

Messages from the Governor

Letter dated and received February 27 was read, stating in accordance with Article III Section 19 of the Alaska Constitution, I submit the following name for legislative confirmation of appointment to the position noted:

Alaska Army National Guard - Brigadier General
Colonel Craig Noal Christensen - Fort Richardson

The appointment was referred to the State Affairs Committee.

The resume for this appointment has been submitted to the Offices of the Senate Secretary and the Chief Clerk.

Standing Committee Reports

SB 102

The State Affairs Committee considered SENATE BILL NO. 102 "An Act relating to the information required in an application for, and to display of social security numbers on, certain licenses and instructional permits; and providing for an effective date." Signing do pass: Senator Therriault, Chair, Senators Phillips, Davis, Halford. Signing no recommendation: Senator Pearce.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the Finance Committee.

SB 103

The State Affairs Committee considered SENATE BILL NO. 103 "An Act relating to election campaigns and legislative ethics; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 103(STA) "An Act relating to election campaigns and legislative ethics."

Signing do pass: Senator Therriault, Chair, Senator Halford. Signing no recommendation: Senators Phillips, Pearce, Davis.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Administration

The bill was referred to the Judiciary Committee.

SJR 14

The State Affairs Committee considered SENATE JOINT RESOLUTION NO. 14 Urging President Bush, the United States Department of State, and the United States Congress to intervene and negotiate with the government of Canada to reconsider the imposition of a fee to transport firearms through Canada, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO.
14(STA)

Signing do pass: Senator Therriault, Chair, Senators Halford, Phillips, Pearce, Davis.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate State Affairs Committee

The resolution was referred to the Rules Committee.

SB 72

The Rules Committee considered SENATE BILL NO. 72 "An Act relating to 'take-a-child-hunting' seasons for big game." Signing to calendar: Senator Pearce, Chair, Senator Therriault. Signing under other recommendations: Senators Ellis, Phillips.

The bill is on today's calendar.

SB 84

The Rules 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." Signing to calendar: Senator Pearce, Chair, Senators Phillips, Therriault, Ellis.

The bill is on today's calendar.

**Introduction and Reference of
Senate Resolutions****SCR 6**

SENATE CONCURRENT RESOLUTION NO. 6 BY SENATORS
LEMAN, Ellis,

Relating to proclaiming April 2001 as Sexual Assault
Awareness Month.

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

SJR 17

SENATE JOINT RESOLUTION NO. 17 BY SENATORS DONLEY,
Halford, Leman, Kelly, Taylor, Ward, Cowdery, Phillips, Therriault,
Austerman, Green,

Relating to requesting that President Bush renounce
and reverse Clinton Administration anti-gun-
ownership policies and reorient the United States
Department of Justice towards policies that
accurately reflect the intent of the Second
Amendment to the United States Constitution to grant
individual Americans the right to keep and bear arms.

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

SJR 18

SENATE JOINT RESOLUTION NO. 18 BY SENATOR DAVIS,

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.

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

Introduction and Reference of Senate Bills**SB 122**

SENATE BILL NO. 122 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act authorizing financing for certain public transportation projects; giving notice of and approving the entry into, and the issuance of revenue obligations that provide participation in, lease-financing agreements for those transportation projects; 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 27:

Dear President Halford:

Today I am transmitting a bill that authorizes the issuance of revenue obligations to finance the accelerated construction of \$425 million in transportation projects throughout the state.

The projects outlined in this bill represent one of the three parts of a comprehensive transportation plan. In addition to the \$425 million in projects within this legislation, the regular statewide transportation improvement program (STIP) targets \$1.2 billion for projects over the next three years. We are also working with our congressional delegation to secure additional federal transportation funding for large projects throughout our state.

Alaska's allocation of federal highway funds has increased in recent years. Despite an aggressive six-year transportation plan that addresses continued improvements to state highways, marine transportation, and local roads and trails, many important transportation needs remain unmet. We must do all we can, as soon as we can, to keep up with

those critical needs. Now, thanks to Grant Anticipation Revenue Vehicles (GARVEEs), an innovative federal program that many states are using, we have an opportunity to build our statewide transportation infrastructure sooner than would be possible under the conventional program alone.

The projects to be financed with GARVEEs all qualify for federal highway aid. Because of this qualification, future federal highway aid can be used to pay the principal and interest on the obligations. It is also possible to use interest earnings to satisfy federal requirements for state general fund match money. This method of financing allows construction of these vital projects now rather than waiting years for future federal highway aid. Using this financing approach can also save money by avoiding inflationary costs that would accrue to each project if left for future construction.

The projects included in the bill serve the entire state, from Southeast Alaska to the North Slope. They address pressing transportation needs that may not be funded under our regular federal program for 10 years or longer. Revenue obligation payments would be annually appropriated by the Legislature from federal money received as an apportionment of federal highway grants.

Timing is crucial to take full advantage of this accelerated financing opportunity and the economic benefits of these construction projects. Because of the need for efficiency and speed, I am proposing to finance these projects through revenue obligations, unlike the general obligation approach I offered last year when I introduced a similar plan to the Legislature.

I urge your prompt and favorable action on this innovative approach to accelerate the construction of important transportation projects.

Sincerely,
/s/
Tony Knowles
Governor

Consideration of the Calendar**Second Reading of Senate Bills****SB 72**

SENATE BILL NO. 72 "An Act relating to 'take-a-child-hunting' seasons for big game" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 500. Without objection, CS FOR SENATE BILL NO. 72(FIN) "An Act relating to 'take-a-child-hunting' seasons for big game" was adopted and read the second time.

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

CS FOR SENATE BILL NO. 72(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 72(FIN) "An Act relating to 'take-a-child-hunting' seasons for big game" pass the Senate?" The roll was taken with the following result:

CSSB 72(FIN)

Third Reading - Final Passage

YEAS: 16 NAYS: 2 EXCUSED: 1 ABSENT: 1

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

Nays: Davis, Lincoln

Excused: Cowdery

Absent: Pearce

and so, CS FOR SENATE BILL NO. 72(FIN) passed the Senate.

Senator Lincoln gave notice of reconsideration.

SB 84

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" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 519. Without objection, CS FOR SENATE BILL NO. 84(FIN) "An Act exempting certain joint action agencies from regulation by the state or municipalities; relating to the relationship between certain joint action agencies and the public utilities that form the joint action agencies; relating to powers and immunities of certain joint action agencies; requiring filing of certain joint action agency agreements; relating to the financial affairs of certain joint action agencies; declaring certain joint action agencies to be political subdivisions for certain purposes; relating to liability and indemnification of officers, employees, and agents of certain joint action agencies; and defining 'agency agreement' and 'parties to the agency agreement' as used with reference to certain joint action agencies" was adopted and read the second time.

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

CS FOR SENATE BILL NO. 84(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 84(FIN) "An Act exempting certain joint action agencies from regulation by the state or municipalities; relating to the relationship between certain joint action agencies and the public utilities that form the joint action agencies; relating to powers and immunities of certain joint action agencies; requiring filing of certain joint action agency agreements;

relating to the financial affairs of certain joint action agencies; declaring certain joint action agencies to be political subdivisions for certain purposes; relating to liability and indemnification of officers, employees, and agents of certain joint action agencies; and defining 'agency agreement' and 'parties to the agency agreement' as used with reference to certain joint action agencies" pass the Senate?" The roll was taken with the following result:

CSSB 84(FIN)

Third Reading - Final Passage

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

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

Excused: Cowdery

Absent: Pearce

and so, CS FOR SENATE BILL NO. 84(FIN) passed the Senate and was referred to the Secretary for engrossment.

Citations

Commemorating – 2001 International Women's Day Celebration

Representative(s) Meyer

Senator(s) Wilken, Hoffman, Ellis, Pearce, Taylor, Austerman, Lincoln, Davis, Elton

In Memoriam – George S. Henniger

Representative(s) Kookesh

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

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.

Senator Leman 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 – Officer John R. Sutton
Representative(s) Williams
Senator(s) Taylor, Austerman, Elton, Pearce, Green, Kelly, Lincoln, Davis, Ward, Hoffman, Donley, Leman

Senator Leman 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 March 1 and through morning plane time on March 7. Without objection, Senator Ellis was excused.

Senator Wilken moved and asked unanimous consent to be excused from the Senate, not subject to a call, on March 21. Without objection, Senator Wilken was excused.

Senators Olson, Donley moved and asked unanimous consent to be excused from a call of the Senate on March 7. Without objection, Senators Olson, Donley were excused.

Senator Therriault moved and asked unanimous consent to be excused from a call of the Senate on March 9. Without objection, Senator Therriault was excused.

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate on March 16. Without objection, Senator Hoffman was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 84**

CS FOR SENATE BILL NO. 84(FIN) "An Act exempting certain joint action agencies from regulation by the state or municipalities; relating to the relationship between certain joint action agencies and the public utilities that form the joint action agencies; relating to powers and immunities of certain joint action agencies; requiring filing of certain joint action agency agreements; relating to the financial affairs of certain joint action agencies; declaring certain joint action agencies to be political subdivisions for certain purposes; relating to liability and indemnification of officers, employees, and agents of certain joint action agencies; and defining 'agency agreement' and 'parties to the agency agreement' as used with reference to certain joint action agencies" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 1, 2001. Without objection, the Senate adjourned at 12:42 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 28	Wednesday	Fahrenkamp 203	1:30 PM
		Bills Previously Heard/Scheduled	
+ SB 4		MUNICIPAL PROPERTY TAX EXEMPTION	
+ SB 48		MUNICIPALITIES:INCORP/PROPERTY VALUATION	
		Testimony by Invitation Only	
Mar 01	Thursday	Fahrenkamp 203	1:30 PM
		No Meeting Scheduled	
Mar 05	Monday	Fahrenkamp 203	1:30 PM
		No Meeting Scheduled	
Mar 07	Wednesday	Fahrenkamp 203	1:30 PM
+ SB 48		MUNICIPALITIES:INCORP/PROPERTY VALUATION	
		Testimony by Invitation Only	
+ SB 78		MUNICIPAL REGULATION OF RADIO ANTENNAS	
+ SB 88		METROPOLITAN PLANNING ORGANIZATIONS	
Mar 09	Friday	Fahrenkamp 203	1:30 PM
		No Meeting Scheduled	

FINANCE

Feb 28 Wednesday Senate Finance 532 9:00 AM
 = HB 117 SUPPLEMENTAL APPROPRIATIONS: FAST TRACK
 = SB 73 SUPPLEMENTAL APPROPRIATIONS/AMEND
 APPROP.
 + SB 58 ADD PHYSICIAN ASST TO STATE MEDICAL BOARD
 SB 77 NET PROFIT SHARE UNDER/OVERPAYMENTS
 SB 93 ARCTIC WINTER GAMES TEAM ALASKA TRUST
 Bills Previously Heard/Scheduled

Mar 01 Thursday Senate Finance 532 9:00 AM
 += SB 29 APPROP: GOVERNOR'S CAPITAL BUDGET
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 28 Wednesday Butrovich 205 1:30 PM
 + Fish Safety Monitoring:
 Dept of Health & Social Services
 Dept of Environmental Conservation
 + SB 96 C.O.P.S FOR API DEMOLITION/CONSTRUCTION
 + SB 112 LONG-TERM CARE OMBUDSMAN;MENTAL HLTH
 AUTH
 Senate Bill:
 HIGH SCHOOL GRADUATION QUALIFYING EXAM
 <Removed from Agenda>
 Bills Previously Heard/Scheduled

JUDICIARY

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

Mar 02 Friday Beltz 211 1:30 PM
 No Meeting Scheduled

Mar 05 Monday Beltz 211 1:30 PM
 No Meeting Scheduled

JUDICIARY (continued)

Mar 07 **Wednesday** **Beltz 211** **1:30 PM**
+= SB 97 PROBATION AND PAROLE FEES

Mar 09 **Friday** **Beltz 211** **1:30 PM**
No Meeting Scheduled

LABOR & COMMERCE

Mar 01 **Thursday** **Beltz 211** **1:30 PM**
+ Confirmation Hearings:
Vince Coan, Wasilla
Ronald L. Otte, Anchorage
+ SB 6 MOBILE HOME PARK EVICTION NOTICE
+ SB 37 PHYSICIAN NEGOTIATIONS WITH HEALTH INSURE

RESOURCES

Feb 28 **Wednesday** **Butrovich 205** **3:30 PM**
+ Supply and Demand of Future Natural Gas Market:
Cambridge Energy Research Assoc

Mar 02 **Friday** **Butrovich 205** **3:30 PM**
No Meeting Scheduled

Mar 05 **Monday** **Butrovich 205** **3:30 PM**
No Meeting Scheduled

Mar 07 **Wednesday** **Butrovich 205** **3:30 PM**
Overview:
Alaska North Slope LNG Sponsor Group

Mar 09 **Friday** **Butrovich 205** **3:30 PM**
No Meeting Scheduled

RULES

Feb 28 Wednesday Fahrenkamp 203 10:30 AM
 SB 72 TAKE A CHILD HUNTING SEASON
 SB 84 PUBLIC UTILITY JOINT ACTION AGENCIES

STATE AFFAIRS

Mar 01 Thursday Beltz 211 3:30 PM
 SB 92 REMOVAL OF MEMBERS OF THE PF BOARD
 = SB 82 2001 REVISOR'S BILL

TRANSPORTATION

Mar 01 Thursday Butrovich 205 1:30 PM
 No Meeting Scheduled

Mar 06 Tuesday Butrovich 205 1:30 PM
 No Meeting Scheduled

Mar 08 Thursday Butrovich 205 1:30 PM
 SB 100 REGULATION OF AERONAUTICS
 = SB 59 FEDERAL FUNDS TO MUNICIPALITIES FOR ROADS
 SB 83 CONSTRUCTION OF HIGHWAYS BY DOTPF
 SB 119 WILLIAM R. WOOD FAIRBANKS INTL AIRPORT

FINANCE SUBCOMMITTEES

ENVIRONMENTAL CONSERVATION

Feb 28 Wednesday Senate Finance 532 12:00 PM
 -- Meeting Postponed --
 + Missions and Measures
 Capital Budget Requests
 (other than Village Safe Water Program)

LAW

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

MILITARY AND VETERANS AFFAIRS

Mar 14 Wednesday Fahrenkamp 203 3:45 PM
 Budget Overview/Increment Details

NATURAL RESOURCES

Mar 12 Monday Senate Finance 532 12:00 PM
 Missions and Measures

PUBLIC SAFETY

Mar 08 Thursday Fahrenkamp 203 3:45 PM
 Overview: Operating Budget

Mar 15 Thursday Fahrenkamp 203 3:45 PM
 Specific GF Increments/Decrements

REVENUE

Mar 07 Wednesday Senate Finance 532 12:00 PM
 Revenue Operating Budget

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Feb 28 Wednesday House Finance 519 12:45 PM
 -- Time Change --
 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

SELECT CMTE ON LEGISLATIVE ETHICS

Mar 12 **Monday** **Beltz 211** **8:00 AM**
+ Public Comment
 Proposed Open Meetings Guidelines

OTHER MEETINGS

FISH CAUCUS

Mar 09 **Friday** **Butrovich 205** **12:00 PM**
 Impact of Fishing Gear on Marine Habitat

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