

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

March 20, 2001

Seventy-second Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:19 a.m.

The roll showed twenty members present.

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

Great Creator Spirit, on this first day of Spring we are aware of Your promise of new life. Hear our prayer for the women and men of this Alaska State Senate. May the decisions they make reflect that promise for all Your people. Help them to find a just and equitable way to distribute the scarce resources of this state among the many legitimate needs of the people of Alaska. Reward them for the diligent work they do in, what at times must seem, a thankless job. We pray to You, gracious God. Amen.

Senator Therriault led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House**SB 52**

Message dated March 19 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 52(FIN) am "An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board."

The bill was referred to the Secretary for enrollment.

Message dated March 19 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions****HCR 7**

CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(HES) am
BY THE HOUSE HEALTH, EDUCATION AND SOCIAL
SERVICES COMMITTEE,

Relating to proclaiming April 2001 as Sexual Assault
Awareness Month.

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

First Reading and Reference of House Bills**HB 156**

HOUSE BILL NO. 156 BY REPRESENTATIVES MCGUIRE, Croft,
entitled:

"An Act relating to municipal debt for development
and redevelopment projects."

was read the first time and referred to the Community and Regional
Affairs Committee.

Senator Kelly, Cochair, requested that the bill have an additional referral to the Finance Committee.

President Halford added a Finance Committee referral to the bill.

The bill was referred to the Community and Regional Affairs and Finance Committees.

Standing Committee Reports

SB 1

The Community and Regional Affairs Committee considered SENATE BILL NO. 1 "An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date." Signing do pass: Senator Torgerson, Chair, Senator Austerman. Signing no recommendation: Senators Kelly, Phillips, Lincoln.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Education and Early
Development

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

SB 59

The Community and Regional Affairs Committee considered SENATE BILL NO. 59 "An Act relating to awards of federal funds to municipalities for road projects; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 59(CRA)

Signing do pass: Senator Torgerson, Chair, Senators Phillips, Austerman. Signing no recommendation: Senators Kelly, Lincoln.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

SB 133

The Health, Education and Social Services Committee considered SENATE BILL NO. 133 "An Act relating to a two-year transition for implementation of the public high school competency examination and to establishing an essential skills examination as a high school graduation requirement; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 133(HES) "An Act relating to a two-year transition for implementation of the public high school competency examination and to establishing a secondary student competency examination as a high school graduation requirement; and providing for an effective date."

Signing do pass: Senator Green, Chair, Senators Leman, Wilken, Ward, Davis.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Education and Early Development

The bill was referred to the Finance Committee.

SB 136

The Resources Committee considered SENATE BILL NO. 136 "An Act relating to resource development and to grants for the purpose of promoting resource development from appropriations of a portion of the revenue derived from the extraction of certain state natural resources." Signing do pass: Senator Torgerson, Chair, Senators Taylor, Pearce, Kelly. Signing do not pass: Senator Elton.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Natural Resources

The bill was referred to the Finance Committee.

SB 137

The Finance Committee considered SENATE BILL NO. 137 "An Act relating to the allocation of money appropriated to the Alaska Human Resource Investment Council; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 137(FIN)

Signing do pass: Senator Kelly, Cochair, Senators Hoffman, Olson, Wilken. Signing do not pass: Senator Donley, Cochair. Signing no recommendation: Senators Austerman, Ward, Leman.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Labor and Work Force
Development

Fiscal Note No. 2, Senate Finance Committee

Senator Olson moved and asked unanimous consent to be shown as a cosponsor on the bill. Without objection, it was so ordered.

The bill was referred to the Rules Committee.

SB 143

The Resources Committee considered SENATE BILL NO. 143 "An Act authorizing the Department of Natural Resources to enter into agreements with a person or persons desiring to own an oil or natural gas pipeline proposed to be located on state land for the purposes of providing for payment of the reasonable costs incurred in preparing for activities before receipt of an application under the Alaska Right-of-Way Leasing Act and for activities relating to the processing of an application under that Act; and providing for an effective date." Signing do pass: Senator Torgerson, Chair, Senators Taylor, Pearce, Kelly. Signing no recommendation: Senator Elton.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

HB 13

The Community and Regional Affairs Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13(JUD) "An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas" and recommended it be replaced with

SENATE CS FOR CS FOR SPONSOR
SUBSTITUTE FOR HOUSE BILL NO. 13(CRA)

Signing do pass: Senator Torgerson, Chair, Senators Phillips, Austerman. Signing no recommendation: Senator Lincoln.

The following previously published fiscal information applies:

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

The bill was referred to the Judiciary Committee.

HB 24

The Community and Regional Affairs Committee considered CS FOR HOUSE BILL NO. 24(EDT) "An Act relating to use of borough revenues from a sales tax levied upon room rentals for a tourism marketing campaign." Signing do pass: Senator Torgerson, Chair. Signing no recommendation: Senators Phillips, Austerman, Lincoln.

The following previously published fiscal information applies:

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

The bill was referred to the Judiciary Committee.

SB 78

The Rules Committee considered SENATE BILL NO. 78 "An Act relating to municipal regulation of radio antennas." Signing to calendar: Senator Pearce, Chair, Senators Cowdery, Phillips, Therriault.

The bill is on today's calendar.

SB 105

The Rules Committee considered SENATE BILL NO. 105 "An Act relating to victims' rights; relating to establishing an office of victims' rights; relating to compensation of victims of violent crimes; relating to eligibility for a permanent fund dividend for persons convicted of and incarcerated for certain offenses; relating to notice of appropriations concerning victims' rights; amending Rule 16, Alaska Rules of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rule 501, Alaska Rules of Evidence; and providing for an effective date." Signing to calendar: Senator Pearce, Chair, Senators Therriault, Ellis, Cowdery, Phillips.

The bill is on today's calendar.

Introduction and Reference of Senate Bills**SB 151**

SENATE BILL NO. 151 BY SENATOR HOFFMAN, entitled:

"An Act relating to the Bristol Bay Salmon Classic; and providing for an effective date."

was read the first time and referred to the Labor and Commerce Committee.

SB 152

SENATE BILL NO. 152 BY SENATOR COWDERY, entitled:

"An Act relating to the handling of and interest on contract controversies involving the Department of Transportation and Public Facilities or state agencies to whom the Department of Transportation and Public Facilities delegates the responsibility for handling the controversies."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 78**

SENATE BILL NO. 78 "An Act relating to municipal regulation of radio antennas" was read the second time.

Senator Torgerson, Chair, moved and asked unanimous consent for the adoption of the Community and Regional Affairs Committee Substitute offered on page 673. Without objection, CS FOR SENATE BILL NO. 78(CRA) was adopted and read the second time.

Senator Lemman 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. 78(CRA) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 78(CRA) "An Act relating to municipal regulation of radio antennas" pass the Senate?" The roll was taken with the following result:

CSSB 78(CRA)

Third Reading - Final Passage

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

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

and so, CS FOR SENATE BILL NO. 78(CRA) passed the Senate and was referred to the Secretary for engrossment.

SB 105

SENATE BILL NO. 105 "An Act relating to victims' rights; relating to establishing an office of victims' rights; relating to compensation of victims of violent crimes; relating to eligibility for a permanent fund dividend for persons convicted of and incarcerated for certain offenses; relating to notice of appropriations concerning victims' rights; amending Rule 16, Alaska Rules of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rule 501, Alaska Rules of Evidence; and providing for an effective date" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 674. Senator Ellis objected, then removed his objection. There being no further objections, CS FOR SENATE BILL NO. 105(FIN) "An Act relating to victims' rights; relating to establishing an office of victims' rights; relating to the authority of litigants and the court to comment on the crime victim's choice to appear or testify in a criminal case; relating to compensation of victims of violent crimes; relating to eligibility for a permanent fund dividend for persons convicted of and incarcerated for certain offenses; relating to notice of appropriations concerning victims' rights; amending Rules 16 and 30, Alaska Rules of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rule 501, Alaska Rules of Evidence; and providing for an effective date" 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.

Senators Lincoln, Davis, Cowdery, Ward, Green moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 105(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 105(FIN) "An Act relating to victims' rights; relating to establishing an office of victims' rights; relating to the authority of litigants and the court to comment on the crime victim's choice to appear or testify in a criminal case; relating to compensation of victims of violent crimes; relating to eligibility for a permanent fund dividend for persons convicted of and incarcerated for certain offenses; relating to notice of appropriations concerning victims' rights; amending Rules 16 and 30, Alaska Rules of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rule 501, Alaska Rules of Evidence; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 105(FIN)

Third Reading - Final Passage

Effective Dates/Court Rule Changes

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 BILL NO. 105(FIN) passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clauses. Without objection, it was so ordered.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the Court Rule changes. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Citations

In Memoriam – Edmund G. Lord

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

Representative(s) Morgan

In Memoriam – Carl Henderson
Senator(s) Davis, Elton, Lincoln, Austerman, Kelly, Green, Pearce,
Wilken, Hoffman, Leman, Taylor

In Memoriam – Oklahoma State University Men's Basketball Program
Senator(s) Leman, Elton, Davis, Lincoln, Austerman, Kelly, Green,
Pearce, Wilken, Hoffman, Taylor

In Memoriam – Pavilla "Bazrataar" Bayayok, Sr.
Representative(s) Kapsner
Senator(s) Hoffman, Elton, Davis, Lincoln, Austerman, Kelly, Green,
Pearce, Wilken, Leman, Taylor

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

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

SB 86

Senators Wilken, Leman moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 86 "An Act relating to employment of teachers who have subject-matter expertise; and providing for an effective date." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 78**

CS FOR SENATE BILL NO. 78(CRA) "An Act relating to municipal regulation of radio antennas" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 105

CS FOR SENATE BILL NO. 105(FIN) "An Act relating to victims' rights; relating to establishing an office of victims' rights; relating to the authority of litigants and the court to comment on the crime victim's choice to appear or testify in a criminal case; relating to compensation of victims of violent crimes; relating to eligibility for a permanent fund dividend for persons convicted of and incarcerated for certain offenses; relating to notice of appropriations concerning victims' rights; amending Rules 16 and 30, Alaska Rules of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rule 501, Alaska Rules of Evidence; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment**SB 16**

CS FOR SENATE BILL NO. 16(RLS) "An Act regarding oil discharge prevention and cleanup involving self-propelled nontank vessels exceeding 400 gross registered tonnage and railroad tank cars and related facilities and operations and requiring preparation and implementation of oil discharge contingency plans for those nontank vessels and railroad tank cars; amending the definition of 'response action' that relates to releases or threatened releases of oil and thereby amending the duties and liabilities of response action contractors; authorizing compliance verification for nontank vessels and for trains and related facilities and operations; 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 1:55 p.m., March 20, 2001.

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 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 1:55 p.m., March 20, 2001.

SCR 2

CS FOR SENATE CONCURRENT RESOLUTION NO. 2(HES) Relating to declaring March 2001 as Sobriety Awareness Month 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 1:55 p.m., March 20, 2001.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 21, 2001. Without objection, the Senate adjourned at 11:59 a.m.

Heidi Vogel
Secretary of the Senate

March 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

+ indicates teleconference
 = indicates bill previously heard/scheduled

COMMUNITY & REGIONAL AFFAIRS

Mar 21 Wednesday Fahrenkamp 203 1:30 PM
 No Meeting Scheduled

Mar 23 Friday Fahrenkamp 203 1:30 PM
 No Meeting Scheduled

FINANCE

Mar 20 Tuesday Senate Finance 532 9:00 AM
 += SB 29 APPROP: GOVERNOR'S CAPITAL BUDGET
 Bills Previously Heard/Scheduled

Mar 21 Wednesday Senate Finance 532 9:00 AM
 No Meeting Scheduled

Mar 22 Thursday Senate Finance 532 9:00 AM
 + SB 48 MUNICIPALITIES:INCORP/PROPERTY VALUATION
 + SB 103 ELECTION CAMPAIGNS AND LEGISLATIVE ETHICS
 + SB 88 METROPOLITAN PLANNING ORGANIZATIONS
 + Bills Previously Heard/Scheduled

Mar 23 Friday Senate Finance 532 9:00 AM
 HB 103 APPROP: OPERATING BUDGET
 HB 104 APPROP: MENTAL HEALTH BUDGET
 Budget Subcommittee Chairs' Progress Rpts
 -- no public testimony --
 -- no testimony by invitation --
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 21 **Wednesday** **Butrovich 205** **1:30 PM**
 + Building Bridges Campaign Presentation
 Bills Previously Heard/Scheduled

JUDICIARY

Mar 21 **Wednesday** **Beltz 211** **1:30 PM**
 + SB 82 2001 REVISOR'S BILL
 + SB 142 LEASE-PURCHASE SPRING CREEK CORRECTIONAL

Mar 23 **Friday** **Beltz 211** **1:30 PM**
 No Meeting Scheduled

LABOR & COMMERCE

Mar 20 **Tuesday** **Beltz 211** **1:30 PM**
 + SB 138 INSURANCE CODE AMENDMENTS
 Bills Previously Heard/Scheduled

Mar 22 **Thursday** **Beltz 211** **1:30 PM**
 Bills Previously Heard/Scheduled

RESOURCES

Mar 21 **Wednesday** **Butrovich 205** **3:30 PM**
 += SB 125 LAND ENTRY UNDER STATE RESERVATION OF RT.
 + SB 140 SMALL WATER-POWER DEVELOPMENT PROJECTS
 + SB 24 LEGIS APPROVAL OF SEAFOOD/FOOD SAFETY LAB

Mar 23 **Friday** **Butrovich 205** **3:30 PM**
 No Meeting Scheduled

RULES

Mar 20 Tuesday Fahrenkamp 203 10:45 AM
 SB 64 HIGH SCHOOL DIPLOMA FOR CERTAIN WWII VETS
 SB 65 PAY EQUITY FOR STATE EMPLOYEES
 = SB 99 DNA REGISTRATION OF BURGLARS
 SB 105 VICTIMS' RIGHTS/ PRISONER'S PFD
 SB 112 LONG-TERM CARE OMBUDSMAN;MENTAL HLTH
 AUTH

Mar 22 Thursday Fahrenkamp 203 10:45 AM
 HB 100 JUNETEENTH DAY
 HCR 7 APRIL 2001 SEXUAL ASSAULT AWARENESS MONTH

STATE AFFAIRS

Mar 20 Tuesday Beltz 211 3:00 PM
 -- Time Change --
 Overview: Readyng Our Workforce for Progress
 Steve Goodrich, President, Center for Organizational
 Excellence
 SJR 17 FEDERAL GUN POLICIES
 Bills Previously Heard/Scheduled

Mar 22 Thursday Beltz 211 3:30 PM
 SB 127 OPTIONAL BLANKET PRIMARY
 SB 146 MODIFIED BLANKET PRIMARY ELECTION
 SCR 8 POLITICAL PARTIES BLANKET PRIMARY ELECTNS

TRANSPORTATION

Mar 20 Tuesday Butrovich 205 1:30 PM
 No Meeting Scheduled

Mar 22 Thursday Butrovich 205 1:30 PM
 + SB 123 LEGISLATIVE APPROVAL:RAILROAD FACILITIES
 + SB 111 BONDS TO FUND PORTS AND HARBORS
 + SB 44 ALASKA TOLL BRIDGE AND CAUSEWAY AUTHORITY
 + SB 45 APPROP: DESIGN OF KNIK ARM CROSSING

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Mar 20 Tuesday Fahrenkamp 203 8:00 AM
 -- Rescheduled from 3/19/01 --
 Review Operating Budget

COMMUNITY AND ECONOMIC DEVELOPMENT

Mar 22 Thursday Senate Finance 532 3:30 PM
 Budget Closeout

CORRECTIONS

Mar 22 Thursday Fahrenkamp 203 8:00 AM
 Review Operating Budget

EDUCATION & EARLY DEVELOPMENT

Mar 20 Tuesday Terry Miller 104 8:00 AM
 Education Funding Task Force Presentation

Mar 20 Tuesday Terry Miller 104 3:30 PM
 Child Care Issues

ENVIRONMENTAL CONSERVATION

Mar 22 Thursday Butrovich 205 4:30 PM
 Budget Closeout

FISH & GAME

Mar 22 Thursday Senate Finance 532 1:30 PM
 Budget Closeout

FINANCE SUBCOMMITTEES (continued)

LABOR & WORKFORCE DEVELOPMENT

Mar 20 Tuesday Fahrenkamp 203 5:30 PM
 Budget Closeout

MILITARY AND VETERANS AFFAIRS

Mar 28 Wednesday Fahrenkamp 203 8:00 AM
 Budget Closeout

PUBLIC SAFETY

Mar 29 Thursday Fahrenkamp 203 8:00 AM
 Budget Closeout

TRANSPORTATION & PUBLIC FACILITIES

Mar 21 Wednesday Fahrenkamp 203 8:00 AM
 Review Operating Budget

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

Mar 20 Tuesday Capitol 102 2:45 PM
 + Kachemak Bay Closure to Bottom Mariculture
 (continued from 3/8/01)

Mar 27 Tuesday Capitol 102 2:45 PM
 + To be announced

Apr 03 Tuesday Capitol 102 2:45 PM
 + To Be Announced

OTHER MEETINGS

CHILDREN'S CAUCUS

Mar 20 **Tuesday** **Fahrenkamp 203** **12:00 PM**
+ Alaska State Troopers: Child Abuse in AK

FISH CAUCUS

Mar 23 **Friday** **Butrovich 205** **12:00 PM**
+ Dept of Fish & Game's use of commercial test fisheries

MAJORITY CAUCUS

Mar 20 **Tuesday** **Capitol Rm 111** **4:00 PM**