

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

March 28, 2001

Eightieth Day

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

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

The prayer was offered by the Chaplain, The Reverend C. Ronald Covey of the Douglas Community United Methodist Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Creator God, whose patience is as vast as the sea,
grant us such a gift of character as well. When we
grow weary of talk, remind us that with
communication, there is hope. When faced with
difficult decisions, remind us that doing the possible
is always more fruitful than wishing the impossible.
Help us to be patient with one another, even as You
are patient with us. Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor**HB 117**

Message dated and received March 27 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO.
117(FIN) "An Act making supplemental and other
appropriations; and providing for an effective date."

Chapter 3 , SLA 2001
Effective Date: 03/28/01

SB 84

Message dated and received March 27 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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."

Chapter 4, SLA 2001
Effective Date: 06/25/01

SB 52

Message dated and received March 27 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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

Chapter 5, SLA 2001
Effective Date: 06/25/01

SJR 9

Message dated and received March 27 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

SENATE JOINT RESOLUTION NO. 9 Relating to the development and deployment of the National Missile Defense System.

Legislative Resolve No. 7

SJR 8

Message dated and received March 27 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 8(MLV) am H Relating to supporting polling places at military installations.

Legislative Resolve No. 8

SCR 4

Message dated and received March 27 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

CS FOR SENATE CONCURRENT RESOLUTION
NO. 4(STA) Relating to declaring April 6, 2001, as
Alaska Tartan Day.

Legislative Resolve No. 9

SCR 2

Message dated and received March 27 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

CS FOR SENATE CONCURRENT RESOLUTION
NO. 2(HES) Relating to declaring March 2001 as
Sobriety Awareness Month.

Legislative Resolve No. 10

HCR 6

Message dated and received March 27 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

SENATE CS FOR CS FOR HOUSE
CONCURRENT RESOLUTION NO. 6(STA)
Requesting the Governor to declare March 18 - 24,
2001, to be Inhalants and Poisons Awareness Week
and August 26 - September 1, 2001, to be Inhalant
Awareness Week.

Legislative Resolve No. 11

SJR 7

Message dated and received March 27 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

CS FOR SENATE JOINT RESOLUTION NO. 7(RES) Supporting reinstatement of the United States Department of the Interior directive exempting the United States Bureau of Land Management in Alaska from the mandatory wilderness review process.

Legislative Resolve No. 12

SJR 12

Message dated and received March 27 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

SENATE JOINT RESOLUTION NO. 12(title am)
Urging the United States Congress to amend the tax code to eliminate the marriage penalty.

Legislative Resolve No. 13

SJR 6

Message dated and received March 27 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 6(FIN) Urging the Congress of the United States to provide federal education funds as a block grant to the state.

Legislative Resolve No. 14

Messages from the House**SB 79**

Message dated March 23 was read, stating the House passed and returned:

SENATE BILL NO. 79 "An Act naming the Fred Zharoff Memorial Bridge."

The bill was referred to the Secretary for enrollment.

HCR 7

Message dated March 27 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(HES) am, thus adopting:

CS FOR HOUSE CONCURRENT RESOLUTION
NO. 7(HES) am S Relating to proclaiming April
2001 as Sexual Assault Awareness Month.

Message dated March 27 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 61**

HOUSE BILL NO. 61 BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act authorizing the commissioner of fish and game to award grants for habitat restoration or enhancement projects; and providing for an effective date."

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

Standing Committee Reports**SB 111**

The Transportation Committee considered SENATE BILL NO. 111 "An Act relating to financing facilities for municipal ports and harbors; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 111(TRA) "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."

Signing do pass: Senator Cowdery, Chair, Senators Taylor, Elton.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Revenue

The bill was referred to the Finance Committee.

SB 143

The Finance 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: Senators Donley, Kelly, Cochairs, Senators Green, Austerman, Wilken, Leman. Signing no recommendation: Senators Hoffman, Olson.

The following previously published fiscal information applies:
Fiscal Note No. 1, indeterminate, Department of Natural
Resources

The bill was referred to the Rules Committee.

HB 150

The Labor and Commerce Committee considered HOUSE BILL NO. 150 "An Act relating to insurance premiums for rental motor vehicles." Signing do pass: Senator Phillips, Chair, Senators Austerman, Davis, Torgerson, Leman.

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 133

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

The bill is on today's calendar.

SB 137

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

The bill is on today's calendar.

HB 109

The Rules Committee considered HOUSE BILL NO. 109 "An Act relating to failure by an election official to execute the voter's certificate on an absentee ballot or by a person authorized by law to execute the voter's certificate on a questioned ballot." Signing to calendar: Senator Pearce, Chair, Senators Ellis, Cowdery, Phillips, Therriault.

The bill is on today's calendar.

Introduction and Reference of Senate Bills**SB 166**

SENATE BILL NO. 166 BY SENATORS DONLEY, Taylor, entitled:

"An Act relating to the time of filling by appointment a vacancy in the office of United States senator."

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

SB 167

SENATE BILL NO. 167 BY SENATOR TORGERSON, entitled:

"An Act instructing the commissioner of natural resources to issue a patent for the remaining interest in certain state land to the owner of the agricultural rights to that land."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 133**

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" was read the second time.

Senator Green, Chair, moved and asked unanimous consent for the adoption of the Health, Education and Social Services Committee Substitute offered on page 732. Without objection, 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" was adopted and read the second time.

Senators Wilken, Green offered Amendment No. 1:

Page 2, line 8, following "**body**":

Insert "**. A governing body may not grant a waiver to a student before the student's final semester of attendance**"

Page 5, lines 23 - 24:

Delete "January 31, 2003"

Insert "February 15, 2002"

Page 5, line 25, following "student":

Insert "and that recommends statutory changes to the competency examination waiver requirements that the department determines are necessary to maintain the school accountability provisions of AS 14.03.123"

Senator Wilken moved for the adoption of Amendment No. 1. Without objection, Amendment No. 1 was adopted.

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. 133(HES) am was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 133(HES) am "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" pass the Senate?" The roll was taken with the following result:

CSSB 133(HES) am
Third Reading - Final Passage
Effective Dates

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Ward

and so, CS FOR SENATE BILL NO. 133(HES) am 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 and the bill was referred to the Secretary for engrossment.

SB 137

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" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 733. Without objection, CS FOR SENATE BILL NO. 137(FIN) 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. 137 (FIN) was read the third time.

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

The question being: "Shall CS FOR SENATE BILL NO. 137(FIN) "An Act relating to the allocation of money appropriated to the Alaska Human Resource Investment Council; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 137(FIN)

Third Reading - Final Passage

Effective Date

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

Yeas: Austerman, Cowdery, Davis, Ellis, Elton, Hoffman, Kelly, Lincoln, Olson, Pearce, Phillips, Taylor, Therriault, Torgerson, Wilken

Nays: Donley, Green, Halford, Leman

Excused: Ward

and so, CS FOR SENATE BILL NO. 137(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 clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Second Reading of House Bills

HB 109

HOUSE BILL NO. 109 "An Act relating to failure by an election official to execute the voter's certificate on an absentee ballot or by a person authorized by law to execute the voter's certificate on a questioned ballot" was read the second time.

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

HOUSE BILL NO. 109 was read the third time.

The question being: "Shall HOUSE BILL NO. 109 "An Act relating to failure by an election official to execute the voter's certificate on an absentee ballot or by a person authorized by law to execute the voter's certificate on a questioned ballot" pass the Senate?" The roll was taken with the following result:

HB 109

Third Reading - Final Passage

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Ward

and so, HOUSE BILL NO. 109 passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Honoring – The Servicemen and Servicewomen Participating in Northern Edge 2001

Representative(s) Coghill

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

Honoring – Alaska Psychiatric Institute

Representative(s) Cissna

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

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.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 133

CS FOR SENATE BILL NO. 133(HES) am "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" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 137

CS FOR SENATE BILL NO. 137(FIN) "An Act relating to the allocation of money appropriated to the Alaska Human Resource Investment Council; and providing for an effective date" 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 29, 2001. Without objection, the Senate adjourned at 12:16 p.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 28 Wednesday Fahrenkamp 203 1:30 PM
 + HB 118 SR. CIT./VETERAN PROPERTY TAX EXEMPTION
 + HB 156 MUNICIPAL DEBT FOR DEVELOPMENT PROJECTS

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

FINANCE

Mar 28 Wednesday Senate Finance 532 9:00 AM
 + SB 37 PHYSICIAN NEGOTIATIONS WITH HEALTH INSURE
 + SB 143 RIGHT-OF-WAY LEASING ACT:APPLICATION COST
 + SB 123 LEGISLATIVE APPROVAL:RAILROAD FACILITIES
 + SB 104 AID TO VOLUNTEER SERVICES
 + Bills Previously Heard/Scheduled

Mar 28 Wednesday Senate Finance 532 6:00 PM
 -- Time Change --
 + Bills Previously Heard/Scheduled

Mar 29 Thursday Senate Finance 532 9:00 AM
 University of Alaska Budget Closeout-
 Committee of the Whole
 Bills Previously Heard/Scheduled

FINANCE (continued)

Mar 30 Friday Senate Finance 532 9:00 AM
 = HB 103 APPROP: OPERATING BUDGET
 = HB 104 APPROP: MENTAL HEALTH BUDGET
 Budget Subcommittee Reports
 -- no public testimony --
 -- no testimony by invitation --
 Bills Previously Heard/Scheduled

Mar 31 Saturday Senate Finance 532 10:00 AM
 += HB 103 APPROP: OPERATING BUDGET
 Uniform Rule 23 Waived
 += HB 104 APPROP: MENTAL HEALTH BUDGET
 Uniform Rule 23 Waived

Apr 02 Monday Senate Finance 532 9:00 AM
 += HB 103 APPROP: OPERATING BUDGET
 += HB 104 APPROP: MENTAL HEALTH BUDGET

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 28 Wednesday Butrovich 205 1:30 PM
 + AK Association School Administrators
 + SJR 21 EXTEND FEDERAL TANF GRANTS
 + SB 154 REPEAL SUNSET OF MENTAL HEALTH ASSISTANCE
 + SB 1 FOUNDATION FORMULA INCREASE
 Bills Previously Heard/Scheduled

JUDICIARY

Mar 28 Wednesday Beltz 211 1:30 PM
 + HB 24 BOROUGH REVENUES FOR TOURISM MARKETING

Mar 30 Friday Beltz 211 1:30 PM
 + SB 60 FARM OPERATIONS:DISCLOSURE /NUISANCES

LABOR & COMMERCE

Mar 29 Thursday Beltz 211 1:30 PM
 += SB 66 FINANCIAL INSTITUTIONS

RESOURCES

Mar 28 Wednesday Butrovich 205 3:30 PM
 + SB 156 BEST INTEREST FINDING UNDER AK LAND ACT
 + SB 158 REPORT:STATE PARTICIPATE IN NAT GAS PIPE.
 + SB 164 NO GAS PIPELINE OVER BEAUFORT SEA

Mar 30 Friday Butrovich 205 3:30 PM
 += SB 121 RIGHT-OF-WAY LEASING ACT
 + SB 148 REMOTE WATER STORAGE FOR FIRE DEPARTMENTS
 + SB 153 UNDERGROUND STORAGE TANK LOAN FUND

RULES

Mar 28 Wednesday Fahrenkamp 203 10:45 AM
 HB 109 VOTING IN PERSON BY ABSENTEE BALLOT
 SB 133 PUBLIC SCHOOL EXIT EXAM
 SB 137 ALASKA HUMAN RESOURCE INVESTMENT COUNCIL
 SB 6 MOBILE HOME PARK EVICTION NOTICE
 SB 103 ELECTION CAMPAIGNS AND LEGISLATIVE ETHICS
 SJR 17 FEDERAL GUN POLICIES

STATE AFFAIRS

Mar 29 Thursday Beltz 211 3:30 PM
 SB 147 STATE GOVERNMENT ACTIVITIES
 Bills Previously Heard/Scheduled

TRANSPORTATION

Mar 29 Thursday Butrovich 205 1:30 PM
 No Meeting Scheduled

Apr 03 Tuesday Butrovich 205 1:30 PM
 + Rights of Way & Transportation Corridors:
 Richard Odsather
 = SB 44 ALASKA TOLL BRIDGE AND CAUSEWAY AUTHORITY
 = SB 45 APPROP: DESIGN OF KNIK ARM CROSSING

Apr 05 Thursday Butrovich 205 1:30 PM
 HB 8 LEGIS.PIONEER ROAD DEVELOPMENT TASK FORCE
 SB 130 ALASKA MARINE HIGHWAY AUTHORITY

FINANCE SUBCOMMITTEES

ADMINISTRATION

Mar 29 **Thursday** **Beltz 211** **7:00 AM**
 Budget Closeout

CORRECTIONS

Mar 29 **Thursday** **Beltz 211** **8:30 AM**
 -- Time Change --
 Budget Closeout

EDUCATION & EARLY DEVELOPMENT

Mar 28 **Wednesday** **Terry Miller 104** **5:00 PM**
 Budget Closeout

GOVERNOR

Mar 28 **Wednesday** **Beltz 211** **12:15 PM**
 Budget Closeout

LEGISLATURE

Mar 28 **Wednesday** **Beltz 211** **12:15 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

FINANCE SUBCOMMITTEES (continued)**TRANSPORTATION & PUBLIC FACILITIES**

Mar 29	Thursday	Beltz 211	7:30 AM
	Budget Closeout		

JOINT COMMITTEES**ADMINISTRATIVE REGULATION REVIEW**

Apr 03	Tuesday	Capitol 102	2:45 PM
+	Review Proposed and Approved Regulations		

Apr 10	Tuesday	Capitol 102	2:45 PM
+	To Be Announced		

Apr 17	Tuesday	Capitol 102	2:45 PM
+	To Be Announced		

LEGISLATIVE BUDGET & AUDIT

Mar 29	Thursday	House Finance 519	12:00 PM
	Executive Session: Final Audit Reports		
	Audit Reports, Audit Requests		

Apr 02	Monday	House Finance 519	12:00 PM
	Presentation by Gail Phillips:		
	Regional Learning Center Study		

OTHER MEETINGS**CHILDREN'S CAUCUS**

Apr 03	Tuesday	Fahrenkamp 203	12:00 PM
+	Child Abuse Prevention Network		

FISCAL POLICY CAUCUS

Mar 30	Friday	Butrovich 205	12:00 PM
+	Teleconferenced		

FISH CAUCUS

Mar 30	Friday	Butrovich 205	12:00 PM
	-- Meeting Postponed to 4/2/01 -- Overview of Salmon Hatcheries		
Apr 02	Monday	Butrovich 205	12:00 PM
	-- Rescheduled from 3/30/01 -- Overview of Salmon Hatcheries		
Apr 06	Friday	Butrovich 205	12:00 PM
	Local Area Management Plans		

JOINT SESSION

Apr 11	Wednesday	House Chamber	11:00 AM
	US Senator Ted Stevens' Annual Message		