

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

April 2, 2001

Eighty-fifth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:26 a.m.

The roll showed eighteen members present. Senators Cowdery, Davis were absent.

The prayer was offered by the Chaplain, Jesse Kiehl of the Juneau Jewish Community.

Senator Donley led the Senate in the Pledge of Allegiance.

Certification

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

Senator Leman moved and asked unanimous consent that Senator Cowdery be excused from a call of the Senate. Without objection, Senator Cowdery was excused.

Messages from the Governor

Letter dated March 29 and received March 30 was read, stating in accordance with AS 39.05.080, I submit the following names for legislative confirmation of appointment to the boards and commissions noted:

Alcoholic Beverage Control Board

Duane S. Udland - Anchorage

Appointed: 03/27/01 Expires: 03/01/04

The appointment was referred to the Labor and Commerce Committee.

Board of Dental Examiners

Rena L. Anderson - Anchorage

Appointed: 09/12/00 Reappointed: 03/27/01 Expires: 03/01/05

Dr. James Blasingame - Anchorage

Appointed: 04/03/98 Reappointed: 03/27/01 Expires: 03/01/05

Dr. Patricia Bergdahl - Fairbanks

Appointed: 03/27/01 Expires: 03/01/03

The appointments were referred to the Health, Education and Social Services Committee.

State Commission for Human Rights

Martha Gore - Anchorage

Appointed: 05/15/96 Reappointed: 03/27/01 Expires: 03/01/06

The appointment was referred to the State Affairs Committee.

Alaska Judicial Council

Eleanor Andrews - Anchorage

Appointed: 11/15/00 Reappointed: 03/28/01 Expires: 03/01/07

The appointment was referred to the Judiciary Committee.

State Medical Board

Sheila Means - Juneau

Appointed: 06/02/98 Reappointed: 03/27/01 Expires: 03/01/05

Dr. David Head - Nome

Appointed: 03/27/01 Expires: 03/01/04

The appointments were referred to the Health, Education and Social Services Committee.

Alaska Mental Health Trust Authority Board of Trustees

John Pugh - Juneau

Appointed: 03/03/95 Reappointed: 05/15/96, 03/27/01 Expires:
03/01/06

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

Board of Certified Direct-Entry Midwives

Sharon Evans - Chugiak

Appointed: 03/27/01 Expires: 03/01/04

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

Board of Nursing

Mary S. (Sue) Nikodym -Wrangell

Appointed: 03/27/01 Expires: 03/01/04

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

Occupational Safety and Health Review Board

The Honorable Cliff Davidson - Kodiak

Appointed: 06/05/00 Reappointed: 03/27/01 Expires: 03/01/05

The appointment was referred to the Labor and Commerce Committee.

Professional Teaching Practices Commission

Cynthia Curran - Juneau

Appointed: 03/27/01 Expires: 03/01/03

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

Board of Fisheries

Russell Nelson - Dillingham

Appointed: 03/21/98 Reappointed: 03/30/01 Expires: 06/30/04

Dr. John White - Bethel

Appointed: 02/09/95 Reappointed: 03/21/98, 03/30/01 Expires:
06/30/04

The appointments were referred to the Resources Committee.

The resumes for these appointments have been submitted to the offices of the Senate Secretary and the House Chief Clerk.

Messages from the House

Message dated March 30 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions****HJR 19**

HOUSE JOINT RESOLUTION NO. 19 BY THE HOUSE
RESOURCES COMMITTEE,

Urging the United States Congress to pass legislation to fund the acquisition of high-resolution digital orthoimagery and digital elevation data for the entire state of Alaska.

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

SB 64

Message dated March 30 was read, stating the House passed CS FOR SENATE BILL NO. 64(FIN) with the following amendment:

Page 1, lines 10-11

Delete all material.

Renumber the following paragraphs accordingly.

and so, CS FOR SENATE BILL NO. 64(FIN) am H "An Act relating to the award of a high school diploma to certain World War II veterans," is returned for consideration.

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:

#AKS00133 04-02-2001 23:37:07

CSSB 64(FIN) am H

Shall the Senate concur in the House amendment to CSSB 64(FIN)?

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

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

Excused: Cowdery

Absent: Davis

#AKS00133 END

and so, the Senate concurred in the House amendment, thus adopting CS FOR SENATE BILL NO. 64(FIN) am H "An Act relating to the award of a high school diploma to certain World War II veterans."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Communications

The following report is on file in the Office of the Secretary of the Senate:

Alaska Housing Finance Corporation Review and Report of Corporate Assets, June 30, 2000
from Dan Fauske, CEO/Executive Director
in accordance with AS 18.56.089(b)

Standing Committee Reports**SB 60**

The Judiciary Committee considered SENATE BILL NO. 60 "An Act relating to agricultural facilities and operations as private nuisances; and to disclosures in transfers of real property located within one mile of an agricultural facility or an agricultural operation" and recommended it be replaced with

CS FOR SENATE BILL NO. 60(JUD) "An Act relating to agricultural facilities and operations as private nuisances; and to disclosures in transfers of certain real property located within one mile of an agricultural facility or an agricultural operation."

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Natural Resources
Fiscal Note No. 2, zero, Department of Natural Resources

Signing do pass: Senator Taylor, Chair, Senators Donley, Therriault.

The bill was referred to the Rules Committee.

SB 143

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

The bill is on today's calendar.

SB 156

The Rules Committee considered SENATE BILL NO. 156 "An Act amending the Alaska Land Act to clarify the requirement of a single written best interest finding required for the sale, lease, or other disposal of state land or resources or an interest in them, and relating to certain disposals involving multiphased development; and providing for an effective date." Signing to calendar: Senator Pearce, Chair, Senators Ellis, Phillips, Therriault.

The bill is on today's calendar.

SB 164

The Rules Committee considered SENATE BILL NO. 164 "An Act prohibiting leases under the Right-of-Way Leasing Act on state land in or adjacent to the Beaufort Sea; and providing for an effective date." Signing to calendar: Senator Pearce, Chair, Senators Phillips, Therriault, Ellis.

The bill is on today's calendar.

Introduction and Reference of Senate Bills**SB 173**

SENATE BILL NO. 173 BY THE SENATE LABOR AND COMMERCE COMMITTEE BY REQUEST, entitled:

"An Act relating to the use of pharmaceutical agents in the practice of optometry; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services and Labor and Commerce Committees.

Consideration of the Calendar**Second Reading of Senate Bills****SB 143**

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" was 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.

SENATE BILL NO. 143 was read the third time.

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

#AKS00134 04-02-2001 23:42:15

SB 143

Third Reading - Final Passage

Effective Date

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

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

Excused: Cowdery

Absent: Davis

#AKS00134 END

and so, SENATE BILL NO. 143 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.

SB 156

SENATE BILL NO. 156 "An Act amending the Alaska Land Act to clarify the requirement of a single written best interest finding required for the sale, lease, or other disposal of state land or resources or an interest in them, and relating to certain disposals involving multiphased development; and providing for an effective date" was read the second time.

Senator Torgerson, Chair, moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 855. Without objection, CS FOR SENATE BILL NO. 156(RES) 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. 156(RES) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 156(RES) "An Act amending the Alaska Land Act to clarify the requirement of a single written best interest finding required for the sale, lease, or other disposal of state land or resources or an interest in them, and relating to certain disposals involving multiphased development; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

#AKS00135 04-02-2001 23:48:59

CSSB 156(RES)

Third Reading - Final Passage

Effective Date

YEAS: 14 NAYS: 4 EXCUSED: 1 ABSENT: 1

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

Nays: Ellis, Elton, Hoffman, Lincoln

Excused: Cowdery

Absent: Davis

#AKS00135 END

and so, CS FOR SENATE BILL NO. 156(RES) 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.

Senator Ellis gave notice of reconsideration.

SB 164

SENATE BILL NO. 164 "An Act prohibiting leases under the Right-of-Way Leasing Act on state land in or adjacent to the Beaufort Sea; and providing for an effective date" was 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.

SENATE BILL NO. 164 was read the third time.

The question being: "Shall SENATE BILL NO. 164 "An Act prohibiting leases under the Right-of-Way Leasing Act on state land in or adjacent to the Beaufort Sea; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

#AKS00136 04-02-2001 23:52:30

SB 164

Third Reading - Final Passage

Effective Date

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

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

Excused: Cowdery

Absent: Davis

#AKS00136 END

and so, SENATE BILL NO. 164 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.

Citations

Honoring – Morris Thompson

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

Honoring – Mount Edgecumbe Braves Basketball Team

Representative(s) Joule

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

Honoring – Cordova Judo Team

Representative(s) Harris

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

In Memoriam – George Robert "Bob" Andersen, Jr.

Representative(s) Harris

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

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 Therriault moved and asked unanimous consent to be excused from a call of the Senate from July 23 through August 18. Without objection, Senator Therriault was excused.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 143

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" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 164

SENATE BILL NO. 164 "An Act prohibiting leases under the Right-of-Way Leasing Act on state land in or adjacent to the Beaufort Sea; 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., April 3, 2001. Without objection, the Senate adjourned at 11:59 a.m.

Heidi Vogel
Secretary of the Senate

April 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

Apr 02	Monday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Apr 04	Wednesday	Fahrenkamp 203	1:30 PM
+ HB 16	HOME RULE COMMUNITIES		
Apr 06	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Apr 02	Monday	Senate Finance 532	9:00 AM
+= HB 103	APPROP: OPERATING BUDGET		
+= HB 104	APPROP: MENTAL HEALTH BUDGET		
Apr 02	Monday	Senate Finance 532	1:30 PM
+	Continuation of 9 a.m. meeting, if needed		
Apr 03	Tuesday	Senate Finance 532	9:00 AM
= HB 103	APPROP: OPERATING BUDGET		
= HB 104	APPROP: MENTAL HEALTH BUDGET		
	Bills Previously Heard/Scheduled		
Apr 04	Wednesday	Senate Finance 532	9:00 AM
= HB 103	APPROP: OPERATING BUDGET		
= HB 104	APPROP: MENTAL HEALTH BUDGET		
	Bills Previously Heard/Scheduled		

FINANCE (continued)

Apr 05 Thursday Senate Finance 532 9:00 AM
 += HB 103 APPROP: OPERATING BUDGET
 += HB 104 APPROP: MENTAL HEALTH BUDGET
 + SB 154 REPEAL SUNSET OF MENTAL HEALTH ASSISTANCE
 += SB 136 RESOURCE DEVELOPMENT: BD./GRANTS/FUND
 += SB 123 LEGISLATIVE APPROVAL:RAILROAD FACILITIES
 + Bills Previously Heard/Scheduled

Apr 06 Friday Senate Finance 532 9:00 AM
 += HB 103 APPROP: OPERATING BUDGET
 += HB 104 APPROP: MENTAL HEALTH BUDGET
 + SB 172 COURT SYSTEM ANNUAL REPORT
 + HB 118 SR. CIT./VETERAN PROPERTY TAX EXEMPTION
 + SB 158 REPORT:STATE PARTICIPATE IN NAT GAS PIPE.
 + SB 3 APPROP:ENV.ASSESS. NORTHERN DENALI ACCESS
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 02 Monday Butrovich 205 1:30 PM
 -- Meeting Postponed to 2:00 pm --
 + SB 149 TEACHER/HEALTH CARE PROVIDER INCENTIVES
 + SB 155 STUDENT LOANS/ COMN. ON POSTSECONDARY ED.
 += SB 91 ABORTION: INFORMED CONSENT;INFORMATION
 Bills Previously Heard/Scheduled

Apr 04 Wednesday Butrovich 205 1:30 PM
 + Discussion of Medicaid Directions
 + SB 135 MENTAL HEALTH INFORMATION AND RECORDS
 Bills Previously Heard/Scheduled

JUDICIARY

Apr 02 Monday Beltz 211 1:30 PM
 + HB 13 SERVICE AREAS:VOTER APPROVAL/TAX ZONES
 + SJR 22 CONST. AM: JUDICIAL OFFICERS' TERMS

JUDICIARY (continued)

Apr 04 Wednesday Beltz 211 1:30 PM
 + SB 161 NO PAY FOR JUDGES UNTIL DECISION
 + SB 166 APPOINTMENT OF US SENATORS

Apr 06 Friday Beltz 211 1:30 PM
 + HB 150 INSURANCE PREMIUMS FOR RENTAL VEHICLES

LABOR & COMMERCE

Apr 03 Tuesday Beltz 211 1:30 PM
 += SB 66 FINANCIAL INSTITUTIONS
 + SB 50 EXTENDING BOARD OF VETERINARY EXAMINERS

Apr 05 Thursday Beltz 211 1:30 PM
 += SB 138 INSURANCE CODE AMENDMENTS
 + SB 30 UNEMPLOYMENT COMPENSATION BENEFITS

RESOURCES

Apr 02 Monday Butrovich 205 3:30 PM
 + SB 76 RIGHT-OF-WAY LEASING ACT: TERM & RENEWAL
 += SB 121 RIGHT-OF-WAY LEASING ACT
 += SB 148 REMOTE WATER STORAGE FOR FIRE DEPARTMENTS
 + SB 141 AQUATIC FARMS FOR SHELLFISH
 Bills Previously Heard/Scheduled

Apr 04 Wednesday Butrovich 205 3:30 PM
 + SB 35 ELECTRONIC FISH & GAME LICENSURE
 + SB 139 STATE WATER USE
 + SB 167 AGRICULTURAL LAND
 + Bills Previously Heard/Scheduled

RESOURCES (continued)

Apr 06 Friday Butrovich 205 3:30 PM
 + Governor's Confirmations:
 Bruce C. Twomley, AK CFEC
 William H. Dennerlein, Board of Game
 Ben Grussendorf, Board of Game
 Dr. Julie Maier, Board of Game
 Julie M. Heusser, AK Oil and Gas
 Conservation Commission
 += SB 140 SMALL WATER-POWER DEVELOPMENT PROJECTS
 + SB 115 EXTEND BD. OF STORAGE TANK ASSISTANCE
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 03 Tuesday Beltz 211 3:30 PM
 No Meeting Scheduled

Apr 05 Thursday Beltz 211 3:30 PM
 HJR 22 DIVERSE COMMUNITY/CONDEMN HATE CRIMES
 SB 34 COMMISSIONERS' SALARIES
 Bills Previously Heard/Scheduled

TRANSPORTATION

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

JOINT COMMITTEES**ADMINISTRATIVE REGULATION REVIEW**

Apr 03 +	Tuesday Review Proposed and Approved Regulations	Capitol 102	2:45 PM
Apr 10 +	Tuesday To Be Announced	Capitol 102	2:45 PM
Apr 17 +	Tuesday To Be Announced	Capitol 102	2:45 PM

LEGISLATIVE BUDGET & AUDIT

Apr 02 +	Monday -- Meeting Postponed to 4/3/01-- -- Teleconference <Listen Only> -- Presentation by Gail Phillips: Regional Learning Center Study	House Finance 519	12:00 PM
Apr 03 +	Tuesday -- Rescheduled from 4/2/01 -- -- Teleconference <Listen Only> -- Presentation by Gail Phillips: Regional Learning Center Study	House Finance 519	12:00 PM

OTHER MEETINGS**CHILDREN'S CAUCUS**

Apr 03 +	Tuesday Child Abuse Prevention Network	Fahrenkamp 203	12:00 PM
Apr 10 +	Tuesday Alaskans for Tobacco-Free Kids	Fahrenkamp 203	12:00 PM
Apr 17 +	Tuesday ASSETS: Building a framework for development of youth	Fahrenkamp 203	12:00 PM

CHILDREN'S CAUCUS (continued)

Apr 24	Tuesday	Fahrenkamp 203	12:00 PM
+	Alaska Humanities Forum: Intrastate Urban/Rural Student Exchange		

FISCAL POLICY CAUCUS

Apr 04	Wednesday	Fahrenkamp 203	8:00 AM
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Apr 06	Friday	Butrovich 205	8:00 AM
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FISH CAUCUS

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		