

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

April 24, 2001

One Hundred Seventh Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:44 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Dr. Paul Beran of the Resurrection Lutheran Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Gracious God, our heavenly Father, thank You for the gift of this day: fresh air to breathe; colleagues with which to work; challenging hurdles to overcome; and the desire to make a constructive positive difference.

Forgive us when we are short-sighted, self-centered, or self-serving. Enable us to see others as they really are: creations of Your infinite creativity. Save us from the superficialness that sees simply the external. Give us tenderness of heart toward the homeless, the forgotten, the voiceless, and all who frantically struggle in life. Give us that inner quietness to hear, discern, and obey Your leading. Then grant us courage to risk as leaders. In the Name of Him Who came not to be served, but to serve, Jesus Christ.
Amen.

Senator Cowdery led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor**SB 64**

Message dated and received April 23 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. 64(FIN) am H "An Act relating to the award of a high school diploma to certain World War II veterans."

Chapter 13, SLA 2001
Effective Date: 07/22/01

HB 24

Message dated and received April 23 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 HOUSE BILL NO. 24(EDT)(efd add S)
"An Act relating to use of borough revenues from a sales tax levied upon room rentals for a tourism marketing campaign; and providing for an effective date."

Chapter 14, SLA 2001
Effective Date: 04/24/01

SJR 10

Message dated and received April 23 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 SENATE JOINT RESOLUTION NO. 10(MLV) am H Urging the United States Congress to fully fund the operational readiness and recapitalization requirements of the United States Coast Guard.

Legislative Resolve No. 19

Messages from the House

Message dated April 23 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 167

CS FOR HOUSE BILL NO. 167(STA) BY THE HOUSE STATE AFFAIRS COMMITTEE, entitled:

"An Act relating to license plates for Alaska National Guard personnel and for antique motor vehicles; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

HB 200

CS FOR HOUSE BILL NO. 200(STA) BY THE HOUSE STATE AFFAIRS COMMITTEE, entitled:

"An Act establishing July 3 as Drunk Driving Victims Remembrance Day."

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

Communications

The following reports are on file in the Senate Secretary's Office:

Alaska Labor Relations Agency, 2000 Annual Report
from Mark Torgerson, Administrator/Hearing Examiner
in accordance with AS 23.05.370(4)

Alaska Railroad Corporation, 2000 Annual Report
from Patrick K. Gamble, President and CEO, and John Binkley,
Chairman
in accordance with AS 42.40.260

University of Alaska, Report to the Legislature, 1999 - 2000
from Mark R. Hamilton, President
in accordance with AS 14.40.190

Department of Revenue, Tax Division, Gaming Unit, Preliminary
Annual Report for Calendar Year 2000
from Dan Dickinson, Director
in accordance with AS 05.15.090

Alaska Vocational Technical Center Annual Report to the Alaska
State Legislature, FY 2000
from Fred W. Esposito, Director

Standing Committee Reports**SB 115**

The Resources Committee considered SENATE BILL NO. 115 "An Act extending the termination date of the Board of Storage Tank Assistance." Signing do pass: Senator Torgerson, Chair, Senator Taylor. Signing no recommendation: Senators Halford, Lincoln, Elton.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Environmental Conservation

The bill was referred to the Finance Committee.

SB 116

The Judiciary Committee considered SENATE BILL NO. 116 "An Act relating to the Alaska temporary assistance program; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 116(JUD)

Signing do pass: Senator Taylor, Chair, Senators Ellis, Therriault.
Signing do not pass: Senator Cowdery. Signing no recommendation:
Senator Donley.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Health and Social Services

The bill was referred to the Finance Committee.

SB 149

The Health, Education and Social Services Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 149 "An Act relating to employment incentives for teachers and health care providers, to reemployment of retired teachers, to loans to and loan forgiveness for teachers and health care providers, to awards to teachers, to eligibility for major medical insurance coverage for beneficiaries of the teachers' retirement system, and to teacher certificates; and providing for an effective date" and recommended it be replaced with

CS FOR SPONSOR SUBSTITUTE FOR SENATE
BILL NO. 149(HES) "An Act relating to
reemployment of retired teachers, to eligibility for
major medical insurance coverage for beneficiaries of
the teachers' retirement system, and to teacher
certificates; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Department of Administration

Fiscal Note No. 2, zero, Department of Education and Early
Development

The bill was referred to the Finance Committee.

SB 153

The Resources Committee considered SENATE BILL NO. 153 "An Act replacing the storage tank assistance fund with the underground storage tank revolving loan fund and relating to that revolving loan fund; repealing the tank cleanup program and the tank upgrading and closure program; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 153(RES)

Signing do pass: Senator Torgerson, Chair. Signing do not pass: Senators Taylor, Halford. Signing no recommendation: Senators Lincoln, Elton.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Environmental
Conservation

The bill was referred to the Finance Committee.

SB 178

The Judiciary Committee considered SENATE BILL NO. 178 "An Act relating to the detention of delinquent minors and to temporary detention hearings; amending Rule 12, Alaska Delinquency Rules; and providing for an effective date." Signing do pass: Senator Taylor, Chair, Senators Ellis, Therriault. Signing no recommendation: Senator Cowdery.

The following fiscal information was published today:

Fiscal Note No. 2, zero, Alaska Court System

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Health and Social Services

The bill was referred to the Rules Committee.

SB 198

The Health, Education and Social Services Committee considered SENATE BILL NO. 198 "An Act establishing the Statewide Suicide Prevention Council; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 198(HES)

Signing do pass: Senator Green, Chair, Senators Davis, Ward. Signing do pass and Finance Committee needs to take a close look at fiscal note: Senator Leman. Signing no recommendation: Senator Wilken.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Health and Social Services

The bill was referred to the Finance Committee.

HB 32

The Judiciary Committee considered CS FOR HOUSE BILL NO. 32(JUD) am "An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
32(JUD)

Signing do pass: Senator Taylor, Chair, Senator Therriault. Signing no recommendation: Senators Cowdery, Ellis, Donley.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Alaska Court System
- Fiscal Note No. 2, zero, Department of Public Safety

The bill was referred to the Finance Committee.

HB 61

The Resources Committee considered HOUSE BILL NO. 61 "An Act authorizing the commissioner of fish and game to award grants for habitat restoration or enhancement projects; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 61(RES) "An Act authorizing the commissioner of fish and game to award grants for habitat restoration, access, or enhancement projects; and providing for an effective date."

(Title change authorized by forthcoming SCR)

Signing do pass: Senator Torgerson, Chair, Senators Taylor, Halford, Lincoln. Signing no recommendation: Senator Elton.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Fish and Game

The bill was referred to the Finance Committee.

HB 111

The Resources Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 111(JUD) am "An Act relating to civil liability for injuries or death resulting from livestock activities." Signing do pass: Senator Torgerson, Chair, Senator Halford. Signing no recommendation: Senators Taylor, Lincoln, Elton.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, House Judiciary Committee
- Fiscal Note No. 2, zero, House Judiciary Committee

The bill was referred to the Judiciary Committee.

SJR 11

The Judiciary Committee considered SENATE JOINT RESOLUTION NO. 11 Proposing an amendment to the Constitution of the State of Alaska to guarantee the permanent fund dividend, to provide for inflation proofing, and to require a vote of the people before changing the statutory formula for distribution that existed on January 1, 2001, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO. 11(JUD) Proposing amendments to the Constitution of the State of Alaska to guarantee the permanent fund dividend, to provide for inflation proofing the permanent fund, and relating to distribution of income of the permanent fund.

Signing no recommendation: Senator Taylor, Chair, Senators Cowdery, Therriault, Donley. Signing do not pass: Senator Ellis.

The following fiscal information was published today:

Fiscal Note No. 1, Office of the Governor

The resolution was referred to the Finance Committee.

HJR 19

The Resources Committee considered HOUSE JOINT RESOLUTION NO. 19 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. Signing do pass: Senator Torgerson, Chair, Senators Taylor, Halford, Lincoln, Elton.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Resources Committee

The resolution was referred to the Rules Committee.

HCR 8

The Resources Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 8(RES) Expressing the legislature's opposition to the proposed "northern" or "over-the-top" route for a natural gas pipeline to transport North Slope natural gas reserves to the domestic North American market, and expressing the legislature's support of commercialization of North Slope natural gas for the maximum benefit of the people of the state, and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE
CONCURRENT RESOLUTION NO. 8(RES)

Signing do pass: Senator Torgerson, Chair, Senators Taylor, Halford, Lincoln, Elton.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Special Committee on Oil and Gas

The resolution was referred to the Rules Committee.

HB 81

The Rules Committee considered CS FOR HOUSE BILL NO. 81(FIN) "An Act extending the termination date of the Board of Dental Examiners; relating to the Board of Dental Examiners and regulation of the practice of dentistry; and relating to dental hygienists and dental assistants." Signing to calendar: Senator Pearce, Chair, Senators Ellis, Therriault.

The bill is on today's calendar.

Introduction and Reference of Senate Bills**SB 203**

SENATE BILL NO. 203 BY SENATOR AUSTERMAN, entitled:

"An Act creating a tax credit under the Alaska Net Income Tax Act for contributions to regional development organizations; and providing for an effective date."

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

Consideration of the Calendar

Second Reading of House Bills

HB 81

CS FOR HOUSE BILL NO. 81(FIN) "An Act extending the termination date of the Board of Dental Examiners; relating to the Board of Dental Examiners and regulation of the practice of dentistry; and relating to dental hygienists and dental assistants" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 1215. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 81(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.

Senator Leman moved and asked unanimous consent that the Senate Labor and Commerce Committee Letter of Intent offered on page 1116 be adopted. Without objection, the Senate Letter of Intent was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 81(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 81(FIN) "An Act extending the termination date of the Board of Dental Examiners; relating to the Board of Dental Examiners and regulation of the practice of dentistry; and relating to dental hygienists and dental assistants" pass the Senate?" The roll was taken with the following result:

SCS CSHB 81(FIN)

Third Reading - Final Passage

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

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

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 81(FIN) passed the Senate with a Senate Letter of Intent.

Senator Ellis gave notice of reconsideration.

Citations

Honoring – Warren Pellett

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

Honoring – Ernest Barker

Representative(s) Green

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

Honoring – Doctor and Mrs. Jerry Prevo, Thirtieth Pastoral Anniversary Celebration

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

Representative(s) Mulder

Honoring – Ron Keyes

Representative(s) Davies

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

In Memoriam – Laura Thickens Halford

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

In Memoriam – George M. Jordan, Jr.
Senator(s) Davis, Pearce, Wilken, Leman, Kelly, Taylor, Green,
Austerman, Lincoln, Elton, Hoffman, Donley

In Memoriam – Judge William H. Sanders
Representative(s) Foster, Rokeberg
Senator(s) Pearce, Olson, Wilken, Leman, Kelly, Taylor, Green,
Austerman, Lincoln, Elton, Davis, Hoffman

Senator Leman moved and asked unanimous consent that the citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Unfinished Business

HB 111

Senator Leman moved and asked unanimous consent that President Halford be shown as a cross sponsor on CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 111(JUD) am "An Act relating to civil liability for injuries or death resulting from livestock activities." Without objection, it was so ordered.

Announcements

Announcements are at the end of the journal.

Enrollment

SB 78

CS FOR SENATE BILL NO. 78(CRA) "An Act relating to municipal regulation of radio antennas" 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 8:50 a.m., April 24, 2001.

SB 164

HOUSE CS FOR SENATE BILL NO. 164(O&G) "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 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 8:50 a.m., April 24, 2001.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 25, 2001. Without objection, the Senate adjourned at 12:11 p.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 25 Wednesday Fahrenkamp 203 1:30 PM
 + SB 42 FOUNDATION FORMULA INCREASE
 + SB 175 MUNICIPAL PROTESTS OF GAMING PERMITS
 + HB 186 911 SURCHARGE ON WIRELESS TELEPHONES

FINANCE

Apr 24 Tuesday Senate Finance 532 9:00 AM
 + SB 193 STUDY: EFFECTS OF PERMANENT FUND DIVIDEND
 + SB 83 CONSTRUCTION OF HIGHWAYS BY DOTPF
 + SB 152 DOTPF-RELATED CONTRACT CLAIMS
 + Bills Previously Heard/Scheduled

Apr 24 Tuesday Senate Finance 532 6:00 PM
 += SB 83 CONSTRUCTION OF HIGHWAYS BY DOTPF
 += SB 152 DOTPF-RELATED CONTRACT CLAIMS
 Bills Previously Heard/Scheduled

Apr 25 Wednesday Senate Finance 532 9:00 AM
 += SB 181 SMALL COMMUNITY HOUSING LOANS
 + SB 149 TEACHER INCENTIVES
 + SB 161 NO PAY FOR JUDGES UNTIL DECISION
 + SB 92 REMOVAL OF MEMBERS OF THE PF BOARD
 + HB 149 PRIVATE PRISON IN KENAI
 + Bills Previously Heard/Scheduled

Apr 25 Wednesday Senate Finance 532 6:00 PM
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 25 Wednesday Butrovich 205 1:30 PM
 + Confirmation Hearings
 + Bills Previously Heard/Scheduled

JUDICIARY

Apr 25 Wednesday Beltz 211 1:30 PM
 + SB 138 INSURANCE CODE AMENDMENTS
 + SB 176 DISTRIBUTORSHIPS
 <Pending Referral>
 += SB 142 LEASE-PURCHASE CORRECTIONAL FACILITY
 + Bills Previously Heard/Scheduled

Apr 27 Friday Beltz 211 1:30 PM
 + SB 170 RAILROAD EMPLOYEE SALARIES AND WAGES
 + SB 177 DRIVING WHILE INTOXICATED:BAC LEVEL/FINES
 + HB 193 MODIFIED BLANKET PRIMARY ELECTION
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 24 Tuesday Beltz 211 1:30 PM
 += SB 168 COMMERCIAL FISHING LOAN PROGRAM
 += SB 176 DISTRIBUTORSHIPS
 += SB 191 INSURANCE POOLING FOR AIRLINE EMPLOYERS
 += SB 189 MOTOR VEHICLE SALES AND DEALERS
 + Bills Previously Heard/Scheduled

Apr 26 Thursday Beltz 211 1:30 PM
 + HB 113 HEALTH CARE INSURANCE PAYMENTS
 + HB 121 CHARITABLE GIFT ANNUITIES
 + Bills Previously Heard/Scheduled

RESOURCES

Apr 25 Wednesday Butrovich 205 3:30 PM
 HB 194 ENTRY PERMIT FEES

RESOURCES (continued)

May 02 Wednesday Butrovich 205 3:30 PM
 + Governor's Confirmations:
 Board of Fisheries- Russell Nelson,
 Dr. John White
 Commissioner DNR- Pat Pourchot

RULES

Apr 24 Tuesday Fahrenkamp 203 10:45 AM
 HB 81 DENTISTS/DENTAL HYGIENISTS & ASSISTANTS

Apr 25 Wednesday Fahrenkamp 203 10:45 AM
 SB 178 DETENTION OF DELINQUENT MINORS
 SB 183 ATTY FEES:APPORTIONMT/PUBLIC INT.LITIGANT
 SB 187 ABSENTEE VOTING STATIONS

STATE AFFAIRS

Apr 24 Tuesday Beltz 211 3:30 PM
 += HB 177 CAMPAIGN FINANCE: GROUPS & DISCLOSURE
 HB 137 RECORDS OF VETERANS
 HCR 1 STATEWIDE COMP ENERGY PLAN TASK FORCE
 Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 26 Thursday Butrovich 205 1:30 PM
 = SB 130 ALASKA MARINE HIGHWAY AUTHORITY
 SB 195 OPERATION OF WHITTIER TUNNEL BY WHITTIER
 SB 196 EXEMPTION FROM TOLL FOR WHITTIER TUNNEL
 SB 197 PROHIBIT TOLL FOR WHITTIER TUNNEL

JOINT COMMITTEES**ADMINISTRATIVE REGULATION REVIEW**

Apr 24 Tuesday Capitol 102 2:45 PM
 + Proposed/Approved Regulations
 + Mariculture Regulations
 + Department on Pioneer Homes

ARMED SERVICES COMMITTEE

Apr 27 Friday Senate Finance 532 3:30 PM
 Fire Island Logistics Project
 National Missile Defense System Update

CONFERENCE COMMITTEES ON HB 103 & HB 104

Apr 24 Tuesday Senate Finance 532 3:00 PM
 -- Meeting Postponed to 4/25/01 --
 = HB 103 APPROP: OPERATING BUDGET
 = HB 104 APPROP: MENTAL HEALTH BUDGET
 Dept of Environmental Conservation
 Dept of Health and Social Services
 Military and Veterans Affairs
 (Depts listed alphabetically, not
 necessarily order of business)

Apr 25 Wednesday Senate Finance 532 3:00 PM
 -- Rescheduled from 4/24/01 --
 = HB 103 APPROP: OPERATING BUDGET
 = HB 104 APPROP: MENTAL HEALTH BUDGET
 Dept of Environmental Conservation
 Dept of Health and Social Services
 Military and Veterans Affairs
 (Depts listed alphabetically, not
 necessarily order of business)

SENATE JOURNAL

April 24, 2001

1249

OTHER MEETINGS

CHILDREN'S CAUCUS

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

FISCAL POLICY CAUCUS

Apr 27 **Friday** **Butrovich 205** **8:00 AM**

MINORITY CAUCUS

Apr 24 **Tuesday** **Governor's Conf Rm** **4:00 PM**
 Open Caucus Joint w/(H)
 Lt Gov Fran Ulmer:
 Primary Elections
 End of Session Priorities