

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

February 11, 2002

#### Twenty-ninth Day

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

The roll showed eighteen members present. Senators Green, Stevens were absent.

The prayer was offered by the Chaplain, Jesse Kiehl of the Juneau Jewish Community. Senator Elton moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

With deepest respect for the beliefs of all Alaskans,  
we pray.

*Baruch atah Adonai, eloheinu ruach ha-olam,  
pokayach ivrim.* Blessed are You, Eternal God, Who  
guides all the world, and Who opens the eyes of the  
blind.

*Baruch atah Adonai, eloheinu melek ha-olam,  
zokaif kefufim.* Blessed is the Eternal God, Maker of  
the universe, Who lifts up the fallen.

*Baruch atah Adonai, eloheinu ruach ha-olam,  
hanosayn layo-ayf koach.* Blessed are You, Oh  
Eternal God, Who gives strength to the weary.

We pray for sanctification in our lives and in our  
work, Oh God - for eyes opened to what is right and  
just, for hearts prepared to serve in truth. Our pursuit  
of justice and mercy, our acts of study and service  
and loving kindness are themselves a blessing on our  
families, our communities, and ourselves.

*Oseh shalom bimromav hu ya-asseh shalom aleinu, v'al kol yoshvei teyvel, veimru Amen. May the One Who makes peace in the high places help us and all those on earth to achieve Shalom: peace, oneness with ourselves, one another and with God. Amen.*

Senator Hoffman led the Senate in the Pledge of Allegiance.

### **Certification**

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

The presence of Senator Green was noted.

### **Messages from the House**

Message dated February 8 was read, stating the House passed and transmitted for consideration:

### **First Reading and Reference of House Resolutions**

#### **HJR 17**

HOUSE JOINT RESOLUTION NO. 17 am BY REPRESENTATIVES HAYES, Foster, Dyson, Guess, Croft, Wilson, Meyer,

Urging the President of the United States and the Congress to act to ensure that federal agencies do not retain records relating to lawful purchase or ownership of firearms gathered through the Brady Handgun Bill instant check system.

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

**First Reading and Reference of House Bills****HB 245**

CS FOR HOUSE BILL NO. 245(L&C) am BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to marital and family therapists."

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

**HB 291**

CS FOR HOUSE BILL NO. 291(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the requirements for obtaining a residential contractor endorsement."

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

**HB 298**

CS FOR HOUSE BILL NO. 298(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to authorizing the Alaska Railroad Corporation to lease land for a period of up to 55 years."

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

**Communications**

The following letter from the State of Alaska Local Boundary Commission was received by the Senate Secretary's Office on January

23, 2002 and the Local Boundary Commission Recommendation was referred to the Community and Regional Affairs Committee (page 2030):

Dear Senator Halford:

The Alaska Local Boundary Commission hereby presents its recommendation to the Second Session of the Twenty-Second State Legislature under Article X, Section 12 of the Constitution of the State of Alaska for annexation of 4.58 square miles to the City of Homer.<sup>1</sup>

Alaska's constitution-makers expected that local governmental annexations would often be very controversial. The City of Homer's original petition to annex 25.64 square miles certainly fulfilled that expectation. Consequently, the Commission's review and decision process for the petition has been painstakingly lengthy and detailed. The process spanned nearly two years. The written record of the proceedings stands 14 inches tall and weighs 35 pounds. Given the extent of the record, the Commission will provide a summary of the reasons for its recommendation to the Senate Community and Regional Affairs Committee.

In the end, the Commission did not approve the City of Homer's original petition to annex 25.68 square miles, approving instead annexation of a reduced area of 4.58 square miles.

The Commission looks forward to reviewing its recommendation for this annexation to the City of Homer with the Senate Community and Regional Affairs Committee.

Cordially,  
/s/  
Kevin Waring  
Chairman

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<sup>1</sup> A map and legal description of the 4.58 square miles recommended for annexation is provided on pages 38 - 41 of the enclosed Statement of Decision in the Matter of the March 20, 2000 petition by the City of Homer for Annexation of Approximately 25.64 Square Miles. [See Senate and House Joint Journal Supplement No. 10, pages 67-73.]

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

State Financial Participation in an Alaska Natural Gas Pipeline  
from Wilson L. Condon, Commissioner, Department of Revenue  
in accordance with Chapter 38, SLA 2001

Five-Year Oil and Gas Leasing Program, with Reports on: Exploration  
Licensing and Shallow Gas Leasing, January 2002  
Alaska Department of Natural Resources, Division of Oil and Gas  
from Pat Pourchot, Commissioner  
in accordance with AS 38.05.180(b) and (c)

Matrix of Ombudsman Investigations  
from Maria C. Moya, Acting Ombudsman  
in accordance with AS 24.55.230

### **Standing Committee Reports**

#### **SB 140**

The Resources Committee considered SENATE BILL NO. 140 "An Act relating to regulation and licensing of certain water-power development projects." Signing do pass: Senator Torgerson, Chair, Senators Stevens, Halford, Wilken. Signing no recommendation: Senators Elton, Lincoln.

Fiscal information forthcoming.

The bill was referred to the Finance Committee.

#### **SB 255**

The Resources Committee considered SENATE BILL NO. 255 "An Act relating to exchanges of state land, interests, or property for other land, interests, or consideration; approving an exchange of land between the state and Gold Cord Development Corporation; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 255(RES) "An Act approving an exchange of land between the state and Gold Cord Development Corporation; and providing for an effective date."

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

The following fiscal information was published today:  
Fiscal Note No. 1, zero, Department of Natural Resources

The bill was referred to the Rules Committee.

**SB 258**

The State Affairs Committee considered SENATE BILL NO. 258 "An Act relating to the use of electronic ballots" and recommended it be replaced with

CS FOR SENATE BILL NO. 258(STA) "An Act relating to the use of electronic ballots, and to voting equipment allowing disabled voters to cast secret, independent, and verifiable ballots."

Signing do pass: Senator Therriault, Chair, Senators Stevens, Davis.

The following fiscal information was published today:  
Fiscal Note No. 1, zero, Office of the Governor

The bill was referred to the Rules Committee.

**SB 115**

The Rules Committee considered SENATE BILL NO. 115 "An Act extending the termination date of the Board of Storage Tank Assistance." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault. Signing no recommendation: Senator Ellis.

The bill is on today's calendar.

**SB 153**

The Rules 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." Signing to calendar: Senator Phillips, Chair, Senators Therriault, Cowdery. Signing no recommendation: Senator Ellis.

The bill is on today's calendar.

**SCR 21**

The Rules Committee considered SENATE CONCURRENT RESOLUTION NO. 21 Supporting the development of adequate in-state treatment capacity for severely disturbed children. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault, Ellis.

The resolution is on today's calendar.

**Introduction and Reference of Senate Bills****SB 288**

SENATE BILL NO. 288 BY THE SENATE FINANCE COMMITTEE, entitled:

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

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

**SB 289**

SENATE BILL NO. 289 BY THE SENATE FINANCE COMMITTEE, entitled:

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

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

### **Consideration of the Calendar**

#### **Second Reading of Senate Bills**

##### **SB 115**

SENATE BILL NO. 115 "An Act extending the termination date of the Board of Storage Tank Assistance" 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. 115 was read the third time.

The question being: "Shall SENATE BILL NO. 115 "An Act extending the termination date of the Board of Storage Tank Assistance" pass the Senate?" The roll was taken with the following result:

##### **SB 115**

Third Reading - Final Passage

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

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

Absent: Stevens

and so, SENATE BILL NO. 115 passed the Senate and was referred to the Secretary for engrossment.



**SB 153**

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" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2122. Without objection, CS FOR SENATE BILL NO. 153(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. 153(FIN) was read the third time.

The presence of Senator Stevens was noted.

**SB 153**

The question being: "Shall CS FOR SENATE BILL NO. 153(FIN) "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" pass the Senate?" The roll was taken with the following result:

CSSB 153(FIN)

Third Reading - Final Passage

Effective Dates

**YEAS: 18 NAYS: 2 EXCUSED: 0 ABSENT: 0**

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

Nays: Halford, Taylor

and so, CS FOR SENATE BILL NO. 153(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 and the bill was referred to the Secretary for engrossment.

### **Second Reading of Senate Resolutions**

#### **SCR 21**

SENATE CONCURRENT RESOLUTION NO. 21 Supporting the development of adequate in-state treatment capacity for severely disturbed children, 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 2122. Without objection, CS FOR SENATE CONCURRENT RESOLUTION NO. 21(HES) was adopted, read the second time and was before the Senate on final passage.

The question being: "Shall CS FOR SENATE CONCURRENT RESOLUTION NO. 21(HES) Supporting the development of adequate in-state treatment capacity for severely disturbed children, pass the Senate?" The roll was taken with the following result:

CSSCR 21(HES)

Second 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, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

and so, CS FOR SENATE CONCURRENT RESOLUTION NO. 21(HES) passed the Senate and was referred to the Secretary for engrossment.

**Unfinished Business**

Senator Leman moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, February 13 through February 15. Without objection, Senator Leman was excused.

Senator Davis moved and asked unanimous consent to be excused from a call of the Senate from 2:00 p.m., February 22 through plane time, February 24. Without objection, Senator Davis was excused.

Senator Davis moved and asked unanimous consent to be excused from a call of the Senate from May 10 through May 12. Without objection, Senator Davis was excused.

**SB 266**

Senators Austerman, Taylor moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 266 "An Act authorizing the commissioner of community and economic development to refinance and extend the term of a fishery enhancement loan." Without objection, it was so ordered.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SB 115**

SENATE BILL NO. 115 "An Act extending the termination date of the Board of Storage Tank Assistance" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 153**

CS FOR SENATE BILL NO. 153(FIN) "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" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SCR 21**

CS FOR SENATE CONCURRENT RESOLUTION NO. 21(HES) Supporting the development of adequate in-state treatment capacity for severely disturbed children, 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., February 13, 2002. Without objection, the Senate adjourned at 11:57 a.m.

Heidi Vogel  
Secretary of the Senate

February 2002

**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**

<b>Feb 11</b>	<b>Monday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	-- Meeting Canceled --		
+	Homer Annexation <Testimony by Invitation Only>		
<b>Feb 12</b>	<b>Tuesday</b>	<b>Capitol 124</b>	<b>8:00 AM</b>
	-- Time and Location Change --		
+	Joint w/(H) Homer Annexation <Testimony by Invitation Only>		

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**FINANCE**

<b>Feb 12</b>	<b>Tuesday</b>	<b>Senate Finance 532</b>	<b>9:30 AM</b>
	SB 243 CHIROPRACTORS: SUNSET/LICENSING		
	SB 244 OPTOMETRISTS: SUNSET AND MISCELLANEOUS		
	SB 257 EXTEND BOARD OF PROFESSIONAL COUNSELORS		
	Bills Previously Heard/Scheduled		
<b>Feb 13</b>	<b>Wednesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
+	HB 96	ACQUIRING JESSE LEE HOME	
+	HB 52	COMPACT FOR ADULT OFFENDER SUPERVISION	
	Bills Previously Heard/Scheduled		

**FINANCE (Continued)**

**Feb 14 Thursday Senate Finance 532 9:30 AM**  
 Senate Bill:  
 SUPPLEMENTAL BUDGET  
 <Pending Introduction and Referral>  
 Supplemental Budget Overview  
 Bills Previously Heard/Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Feb 11 Monday Butrovich 205 1:30 PM**  
 + SB 250 SCHOOL PERFORMANCE REPORTS  
 + Bills Previously Heard/Scheduled

**Feb 13 Wednesday Butrovich 205 1:30 PM**  
 + SB 256 CERTIFICATE OF NEED PROGRAM  
 + Report: American Institute for Full  
 Employment/Welfare Reform  
 + Bills Previously Heard/Scheduled

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**JUDICIARY**

**Feb 11 Monday Beltz 211 1:30 PM**  
 + SB 242 CONCEALED HANDGUN PERMITTEES  
 + SB 223 PRISONERS:PAROLE/GOOD TIME

**Feb 13 Wednesday Beltz 211 1:30 PM**  
 No Meeting Scheduled

**Feb 15 Friday Beltz 211 1:30 PM**  
 No Meeting Scheduled

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**LABOR & COMMERCE**

**Feb 12 Tuesday Beltz 211 1:30 PM**  
 + SB 263 REAL PROPERTY CONVEYANCES  
 + SB 274 PHYSICIANS' LOCUM TENENS PERMITS

**LABOR & COMMERCE (Continued)**

**Feb 14 Thursday Beltz 211 1:30 PM**  
 + SB 270 BOARD OF DISPENSING OPTICIANS  
 + SB 252 EMPLOYMENT AND TRAINING PROGRAM/BOARD  
 + SB 266 FISHERY ENHANCEMENT LOANS

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**RESOURCES**

**Feb 11 Monday Butrovich 205 3:30 PM**  
 No Meeting Scheduled

**Feb 13 Wednesday Senate Finance 532 3:30 PM**  
 -- Location Change --  
 + Joint w/Joint Committee on Natural Gas  
 Pipelines  
 Overviews:  
 Dept of Revenue- Financial Participation  
 in AK Natural Gas Pipeline  
 Dept of Natural Resources- Gas Supply and  
 Demand; Natural Gas and NGL Value

**Feb 15 Friday Butrovich 205 3:30 PM**  
 No Meeting Scheduled

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**RULES**

**Feb 11 Monday Fahrenkamp 203 10:30 AM**  
 SB 115 EXTEND BD. OF STORAGE TANK ASSISTANCE  
 SB 153 UNDERGROUND STORAGE TANK LOAN FUND  
 SCR 21 TREATMENT FOR DISTURBED CHILDREN

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**STATE AFFAIRS**

**Feb 12 Tuesday Beltz 211 3:30 PM**  
 SB 267 ALASKA VETERANS' MEM.ENDOWMENT FUND  
 SB 268 GUARANTEED REVENUE BONDS FOR VETERANS  
 = SB 236 HOMELAND SECURITY APPROPRIATIONS  
 = SB 238 SECURITY OF FACILITIES AND SYSTEMS  
 = SB 240 TERRORISTIC THREATENING/PIPELINE DAMAGE  
 = SJR 31 TAX EXEMPT BONDS TO FUND VETERANS LOANS

**Feb 14 Thursday Beltz 211 3:30 PM**  
 = SCR 22 SOBRIETY AWARENESS MONTH  
 Bills Previously Heard/Scheduled

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**TRANSPORTATION**

**Feb 12 Tuesday Butrovich 205 1:30 PM**  
 + SB 226 HIGHWAY DESIGN & CONSTRUCTION  
 + SB 206 DISABLED PARKING AND REGISTRATION PLATES  
 + SB 222 REQUIRE SLOW DRIVERS TO PULL OVER

**Feb 14 Thursday Butrovich 205 1:30 PM**  
 -- Meeting Postponed to 2/19/02 --  
 HB 68 IMMUNITY: CABBIE DRIVING DRUNK'S CAR HOME  
 SB 265 PHYSICIAN ASSISTANTS/NURSE PRACTITIONERS  
 SB 260 HISTORIC/ANTIQUE MOTOR VEHICLES

**Feb 19 Tuesday Butrovich 205 1:30 PM**  
 -- Rescheduled from 2/14/02 --  
 + HB 68 IMMUNITY: CABBIE DRIVING DRUNK'S CAR HOME  
 + SB 265 PHYSICIAN ASSISTANTS/NURSE PRACTITIONERS  
 + SB 260 HISTORIC/ANTIQUE MOTOR VEHICLES

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**FINANCE SUBCOMMITTEES**

**EDUCATION & EARLY DEVELOPMENT**

**Feb 12      Tuesday                      Terry Miller 104      11:00 AM**  
 Update on Child Care Issues: Yvonne Chase  
 Deputy Commissioner,  
 Dept of Education and Early Development  
 Committee Schedule and Future Topics  
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**JOINT COMMITTEES**

**ADMINISTRATIVE REGULATION REVIEW**

**Mar 01      Friday                                  Capitol 102      8:30 AM**  
 Proposed Regulations for Special Schools  
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**NATURAL GAS PIPELINES**

**Feb 13      Wednesday                      Senate Finance 532      3:30 PM**  
 +  
 Joint w/Senate Resources Committee  
 Overviews:  
 Dept of Revenue- Financial Participation  
 in AK Natural Gas Pipeline  
 Dept of Natural Resources- Gas Supply  
 and Demand; Natural Gas and NGL Value

**Feb 15      Friday                                  Butrovich 205      3:30 PM**  
 +  
 Introduction of draft resolution  
 in support of  
 producers' federal enabling legislation  
 Karol Lyn Newman, JCNGP attorney:  
 Federal Energy Regulatory Commission  
 Issues- Upstream Access, Jurisdiction  
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**OTHER MEETINGS****CHILDREN'S CAUCUS**

**Feb 12**      **Tuesday**                      **Fahrenkamp 203**      **12:00 PM**  
+              Alaska Women's Resource Center:  
Stepping Stones Program

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**FISH CAUCUS**

**Feb 14**      **Thursday**                      **Butrovich 205**      **12:00 PM**  
+              Alaska Seafood Marketing Institute:  
Overviews of Export Marketing Program,  
US Salmon Initiative

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**JOINT SESSION**

**Feb 19**      **Tuesday**                      **House Chamber**      **11:00 AM**  
US Senator Frank Murkowski

**Feb 20**      **Wednesday**                      **House Chamber**      **11:00 AM**  
Chief Justice Dana Fabe