

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

February 27, 2002

Forty-fifth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:18 a.m.

The roll showed nineteen members present. Senator Austerman was absent.

The prayer was offered by the Chaplain, Pastor Mike Powers of the Church of the Nazarene. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord God, we come into Your presence today acknowledging that You are God and we are Your people. Lord, we acknowledge that You are in control of all things and it is You who instituted authorities, governments, to help us live together. We thank You for Your love, Your watch-care, Your wisdom, that You give to us. We ask for Your presence to draw near today and fill our minds with Your plan, Your will, Your ways. Guide us, not as Pharoah who stubbornly resisted You, but as children who delight in Your ways. We ask this because Your ways are good and just and right. We need this for ourselves here, but also for all those represented by us in this great state. Lord, we acknowledge that Your ways will prevail so we want to be on Your side. For it is You "Who is over all and through all and in all." Amen.

Senator Lincoln led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Message dated February 25 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 131**

HOUSE BILL NO. 131 BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to standards for forest resources and practices; and providing for an effective date."

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

HB 297

CS FOR HOUSE BILL NO. 297(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act related to aggravating factors at sentencing."

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

HB 375

HOUSE BILL NO. 375 am BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL, entitled:

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

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

Communications

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

The Status of Equal Employment Opportunity and Affirmative Action in Alaska State Government, 2001 Annual Report
from the Office of the Governor
in accordance with AS 44.19.451(a)(12)

Standing Committee Reports**SB 141**

The Resources Committee considered SENATE BILL NO. 141 "An Act relating to aquatic farming of shellfish; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 141(RES)

Signing do pass: Senator Torgerson, Chair, Senators Taylor, Stevens, Wilken. Signing amend: Senators Lincoln, Elton. Signing do not pass: Senator Halford.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Natural Resources

Fiscal Note No. 2, Department of Environmental Conservation

The bill was referred to the Finance Committee.

SB 266

The Resources Committee considered 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" and recommended it be replaced with

CS FOR SENATE BILL NO. 266(RES)

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

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Community and Economic
Development

The bill was referred to the Finance Committee.

SB 269

The Transportation Committee considered SENATE BILL NO. 269 "An Act naming bridge number 1121, across the Knik River, the Sergeant James Bondsteel Bridge of Honor; and providing for an effective date." Signing do pass: Senator Cowdery, Chair, Senators Wilken, Elton, Taylor. Signing no recommendation: Senator Ward.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Transportation and Public
Facilities

The bill was referred to the Rules Committee.

SB 277

The Resources Committee considered SENATE BILL NO. 277 "An Act relating to the definitions of 'floating fisheries business' and 'shore-based fisheries business' for the purposes of the fishery business tax; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 277(RES) "An Act relating to the tax levied on pollock processed by a floating fisheries business; and providing for an effective date."

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

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

The bill was referred to the Finance Committee.

SB 282

The Labor and Commerce Committee considered SENATE BILL NO. 282 "An Act relating to the membership of the board of directors of the Alaska Seafood Marketing Institute; extending the termination dates of certain activities and salmon marketing programs of the Alaska Seafood Marketing Institute and of the salmon marketing tax; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 282(L&C) "An Act extending the termination dates of certain activities and salmon marketing programs of the Alaska Seafood Marketing Institute and of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date."

Signing do pass: Senator Stevens, Chair, Senators Austerman, Davis, Leman. Signing do not pass: Senator Torgerson.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

SB 299

The Labor and Commerce Committee considered SENATE BILL NO. 299 "An Act relating to the establishment of an additional southcentral panel to the Alaska Workers' Compensation Board and to appointments to that panel; and providing for an effective date." Signing do pass: Senator Stevens, Chair, Senator Davis. Signing no recommendation: Senators Austerman, Leman, Torgerson.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Labor and Workforce Development

The bill was referred to the Finance Committee.

SB 313

The State Affairs Committee considered SENATE BILL NO. 313 "An Act repealing a provision relating to legislative approval of construction projects of the Alaska Aerospace Development Corporation." Signing do pass: Senator Therriault, Chair, Senators Stevens, Phillips. Signing no recommendation: Senator Halford.

The following fiscal information was published today:

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

The bill was referred to the Judiciary Committee.

SJR 37

The State Affairs Committee considered SENATE JOINT RESOLUTION NO. 37 Proposing an amendment to the Constitution of the State of Alaska relating to officers and employees of the executive branch. Signing do pass: Senator Therriault, Chair, Senators Phillips, Halford. Signing no recommendation: Senator Stevens.

The following fiscal information was published today:

Fiscal Note No. 1, Office of the Governor

The resolution was referred to the Judiciary Committee.

SJR 38

The State Affairs Committee considered SENATE JOINT RESOLUTION NO. 38 Proposing amendments to the Constitution of the State of Alaska relating to information regarding proposed expenditures. Signing do pass: Senator Therriault, Chair, Senators Halford, Phillips. Signing no recommendation: Senator Stevens.

The following fiscal information was published today:

Fiscal Note No. 1, Office of the Governor

The resolution was referred to the Judiciary Committee.

HB 320

The Rules Committee considered HOUSE BILL NO. 320 am "An Act relating to the use of electronic balloting equipment." Signing to calendar and do pass: Senator Phillips, Chair, Senators Cowdery, Halford, Therriault, Ellis.

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

The bill is on today's calendar.

Introduction and Reference of Senate Bills**SB 343**

SENATE BILL NO. 343 BY THE SENATE RESOURCES COMMITTEE, entitled:

"An Act clarifying the term 'best technology' required for use in oil discharge prevention and contingency plans; affirming existing Department of Environmental Conservation regulations defining 'best technology' and oil discharge prevention and contingency plans approved using those regulations; and providing for an effective date."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 242**

SENATE BILL NO. 242 "An Act relating to concealed handgun permittees" 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. 242 was read the third time.

The question being: "Shall SENATE BILL NO. 242 "An Act relating to concealed handgun permittees" pass the Senate?" The roll was taken with the following result:

SB 242

Third Reading - Final Passage

YEAS: 16 NAYS: 3 EXCUSED: 0 ABSENT: 1

Yeas: Cowdery, Donley, Ellis, Green, Halford, Hoffman, Kelly, Leman, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Davis, Elton, Lincoln

Absent: Austerman

and so, SENATE BILL NO. 242 passed the Senate.

Senator Hoffman gave notice of reconsideration.

Second Reading of House Bills

HB 320

HOUSE BILL NO. 320 am "An Act relating to the use of electronic balloting equipment" was read the second time.

Senators Leman, Taylor, Ellis, Lincoln, Phillips, Olson, Davis, Elton moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

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. 320 am was read the third time.

The question being: "Shall HOUSE BILL NO. 320 am "An Act relating to the use of electronic balloting equipment" pass the Senate?" The roll was taken with the following result:

HB 320 am
Third Reading - Final Passage

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

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

Absent: Austerman

and so, HOUSE BILL NO. 320 am passed the Senate, was signed by the President and Secretary and returned to the House.

Second Reading of Senate Resolutions

SJR 31

SENATE JOINT RESOLUTION NO. 31 Urging the United States Congress to permit the use of tax exempt bonds to fund loans for veterans who served after 1976, was read the second time.

Senator Therriault, Chair, moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 2176. Without objection, CS FOR SENATE JOINT RESOLUTION NO. 31(STA) was adopted and read the second time.

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

CS FOR SENATE JOINT RESOLUTION NO. 31(STA) was read the third time.

Senators Phillips, Olson, Davis, Elton, Therriault, Ellis, Wilken, Donley, Leman, Lincoln, Kelly, Stevens, Cowdery, Taylor, Halford moved and asked unanimous consent to be shown as cosponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE JOINT RESOLUTION NO. 31(STA) Urging the United States Congress to permit the use of tax exempt bonds to fund loans for veterans who served after 1976, pass the Senate?" The roll was taken with the following result:

CSSJR 31(STA)

Third Reading - Final Passage

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

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

Absent: Austerman

and so, CS FOR SENATE JOINT RESOLUTION NO. 31(STA) passed the Senate and was referred to the Secretary for engrossment.

SCR 23

SENATE CONCURRENT RESOLUTION NO. 23 Relating to declaring April 6, 2002, as Alaska Tartan Day, was read the second time and was before the Senate on final passage.

Senators Taylor, Green, Stevens, Ward moved and asked unanimous consent to be shown as cosponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 23 Relating to declaring April 6, 2002, as Alaska Tartan Day, pass the Senate?" The roll was taken with the following result:

SCR 23

Second Reading - Final Passage

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

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

Absent: Austerman

and so, SENATE CONCURRENT RESOLUTION NO. 23 passed the Senate and was referred to the Secretary for engrossment.

SCR 27

SENATE CONCURRENT RESOLUTION NO. 27 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 27 Authorizing a recess by the Senate for a period of more than three days, pass the Senate?" The roll was taken with the following result:

SCR 27

Second Reading - Final Passage

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

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

Absent: Austerman

and so, SENATE CONCURRENT RESOLUTION NO. 27 passed the Senate and was referred to the Secretary for engrossment.

Second Reading of House Resolutions**HCR 12**

HOUSE CONCURRENT RESOLUTION NO. 12 was read the second time and was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 12 Relating to the preservation of employment opportunities for United States longshoremen with respect to unloading and loading of foreign vessels, pass the Senate?" The roll was taken with the following result:

HCR 12

Second Reading - Final Passage

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

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

Absent: Austerman

and so, HOUSE CONCURRENT RESOLUTION NO. 12 passed the Senate.

Senator Halford gave notice of reconsideration.

Citations

Commemorating – The Sisters of Providence, 100 Years in Alaska

Representative(s) Murkowski

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

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

Unfinished Business

Senator Phillips moved and asked unanimous consent that the journal reflect that Senator Phillips and Senator Donley were absent from the Senate on February 25 as a result of an involuntarily detour to Sitka while enroute to Juneau. Without objection, it was so ordered.

SB 206

Senator Kelly, Cochair, moved and asked unanimous consent that the Finance Committee referral be waived on SENATE BILL NO. 206 "An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities." Without objection, the bill was referred to the Rules Committee.

SB 326

Senator Olson moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 326 "An Act relating to evaluating state assumption of the wastewater discharge program under the federal Clean Water Act; and providing for an effective date." Without objection, it was so ordered.

SB 105

In accordance with AS 24.65.020 (ch. 92, SLA 2001), President Halford made the following appointments to the Victims' Advocate Selection Committee:

Senator Halford, Chair
Senator Donley
Senator Olson

Announcements

Announcements are at the end of the journal.

Engrossment**SJR 31**

CS FOR SENATE JOINT RESOLUTION NO. 31(STA) Urging the United States Congress to permit the use of tax exempt bonds to fund loans for veterans who served after 1976, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SCR 23

SENATE CONCURRENT RESOLUTION NO. 23 Relating to declaring April 6, 2002, as Alaska Tartan Day, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SCR 27

SENATE CONCURRENT RESOLUTION NO. 27 Authorizing a recess by the Senate for a period of more than three days, 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 1, 2002. Without objection, the Senate adjourned at 12:22 p.m.

Heidi Vogel
Secretary of the Senate

May 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

Feb 27 Wednesday Fahrenkamp 203 1:30 PM
 + SB 264 MUNICIPAL BOND REIMBURSEMENT
 + SB 278 TAKING PROPERTY BY EMINENT DOMAIN
 + SB 323 MANDATORY INCORPORATION OF BOROUGH
 <Above Bill-Testimony by Invitation Only>

Mar 01 Friday Fahrenkamp 203 1:30 PM
 No Meeting Scheduled

FINANCE

Feb 27 Wednesday Senate Finance 532 9:00 AM
 = SB 247 REAPPROPRIATIONS & CAPITAL APPROPRIATIONS
 Capital Budget Overview
 Bills Previously Heard/Scheduled

Feb 28 Thursday Senate Finance 532 9:00 AM
 SB 337 ELIGIBILITY FOR MUNICIPAL TAX EXEMPTION
 SB 338 INELIGIBILITY FOR PFD/ CRIME VICTIMS COMP
 HB 106 FINANCIAL INSTITUTIONS
 Bills Previously Heard/Scheduled

Mar 01 Friday Senate Finance 532 9:00 AM
 SB 182 PRO RATA REDUCTIONS IN BENEFIT PROGRAMS
 SB 222 REQUIRE SLOW DRIVERS TO PULL OVER
 SB 266 FISHERY ENHANCEMENT LOANS
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 27 Wednesday Butrovich 205 1:30 PM
 Susan Sciafani, Counselor to US Secretary of Education:
 No Child Left Behind Act (ESEA)
 SB 283 REGULATION OF NURSING
 SB 325 CIVIL LIABILITY FOR DEFIBRILLATOR USE
 Bills Previously Heard/Scheduled

Mar 01 Friday Butrovich 205 1:30 PM
 Bills Previously Heard/Scheduled

JUDICIARY

Feb 27 Wednesday Beltz 211 1:30 PM
 -- Meeting Canceled --
 HB 196 RIGHT OF ACTION FOR LEGAL SEPARATION

Mar 01 Friday Beltz 211 1:30 PM
 -- Meeting Canceled --
 = SB 204 WILDFIRES AND NATURAL DISASTERS

LABOR & COMMERCE

Feb 28 Thursday Beltz 211 1:30 PM
 += SB 274 PHYSICIANS' LOCUM TENENS PERMITS
 + SB 31 PENALTIES: OSHA VIOLATIONS CAUSING DEATH
 Bills Previously Heard/Scheduled

RESOURCES

Feb 27 Wednesday Butrovich 205 3:30 PM
 + HB 241 RAIL AND UTILITY CORRIDOR TO CANADA
 + SB 319 SHALLOW NATURAL GAS LEASING
 + SCR 28 JOINT LEGIS SALMON INDUSTRY TASK FORCE
 + Bills Previously Heard/Scheduled

Mar 01 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

STATE AFFAIRS

Feb 28 Thursday Beltz 211 3:30 PM
 SB 297 MENTAL HEALTH TRUST LAND UNIT EMPLOYEES
 SCR 26 AVALANCHE AWARENESS MONTH
 Bills Previously Heard/Scheduled

TRANSPORTATION

Feb 28 Thursday Butrovich 205 1:30 PM
 SB 320 MOTOR VEHICLE INSURANCE & REPAIRS

FINANCE SUBCOMMITTEES

EDUCATION & EARLY DEVELOPMENT

Feb 28 Thursday Terry Miller 104 8:00 AM
 Discussion on Child Care Issues
 Yvonne Chase, Deputy Commissioner, DEED

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

Mar 01 Friday Capitol 102 8:30 AM
 Proposed Regulations for Special Schools

LEGISLATIVE COUNCIL

Mar 01 Friday Senate Finance 532 12:00 PM

OTHER MEETINGS

FISH CAUCUS

Feb 28 Thursday Butrovich 205 12:00 PM
 + Overview of State Salmon Hatcheries