

# **SENATE JOURNAL**

## **ALASKA STATE LEGISLATURE**

### **TWENTY-SECOND LEGISLATURE -- SECOND SESSION**

**Juneau, Alaska**

**Wednesday**

**March 13, 2002**

#### **Fifty-ninth Day**

Pursuant to adjournment the Senate was called to order by President Halford at 2:16 p.m.

The roll showed eighteen members present. Senator Lincoln was excused from a call of the Senate. Senator Kelly was absent.

The prayer was offered by the Chaplain, Reverend Kathleen Wakefield of the Holy Trinity Episcopal Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

I weave a silence on my lips,  
I weave a silence into my mind,  
I weave a silence within my heart.  
I close my ears to distractions,  
I close my eyes to attentions,  
I close my heart to temptations.

Calm me, O Lord, as You stilled the storm,  
Still me, O Lord, keep me from harm.  
Let all the tumult within me cease,  
Enfold me Lord in Your peace.  
(traditional Celtic prayer)

Senator Phillips led the Senate in the Pledge of Allegiance.

**Certification**

Senator Leman moved and asked unanimous consent that the journals for the fifty-second through fifty-eighth legislative days, Senate Journal Supplement No. 7 and Senate and House Joint Journal Supplement No. 14 be approved as certified by the Secretary. Without objection, it was so ordered.

**Messages from the Governor****HB 320**

Message dated and received March 7 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:

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

Chapter 6, SLA 2002  
Effective Date: 06/05/02

Letter dated March 6 and received March 7 was read, stating in accordance with Article III, Section 19 of the Alaska Constitution, I submit the following names for legislative confirmation of appointment to the positions noted:

**Alaska Air National Guard - Brigadier General**

Colonel Jim Robinson - Fort Richardson  
Colonel Tim Scott - Eielson Air Force Base  
Colonel Gene Ramsay - Kulis ANG Base

**Space and Missile Defense - Brigadier General**

Colonel Jim Welch - Anchorage

The appointments were referred to the State Affairs Committee.

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

Letter dated March 11 and received March 13 was read, stating in accordance with AS 39.05.080, I submit the following names for legislative confirmation of appointment to the boards noted:

**Board of Nursing**

Barbara Berner

Appointed 06/02/98 Reappointed: 03/08/02

Expires: 03/01/06

**Board of Pharmacy**

Margaret Soden

Appointed: 12/11/98 Reappointed: 03/08/02

Expires: 03/01/06

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

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

**Messages from the House**

Message dated March 6 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 262**

HOUSE BILL NO. 262 BY THE HOUSE LABOR AND COMMERCE COMMITTEE BY REQUEST, entitled:

"An Act relating to accounting for and appropriations of receipts from fees collected by the Department of Labor and Workforce Development for certain inspections and for certain plumbing and electrical worker certificates of fitness; establishing a building safety account; and providing for an effective date."

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

**HB 439**

CS FOR HOUSE BILL NO. 439(RES)(title am) BY THE HOUSE RESOURCES COMMITTEE, entitled:

"An Act removing provisions providing an opportunity to petition for review of proposed or final consistency determinations under the Alaska coastal zone management program; and limiting the authority of the Alaska Coastal Policy Council to order a coastal resource district or a state agency to take action with respect to a proposed or final consistency determination."

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

**Standing Committee Reports**

Reports dated March 6 were read, stating:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

**Board of Governors of the Alaska Bar**

William A. Granger - Anchorage

**Commission on Judicial Conduct**

Jeffrey M. Feldman - Anchorage

**Violent Crimes Compensation Board**

Leslie D. Bogda Wheeler - Wasilla

There were no stated objections to the named individuals. However, this does not reflect an intent by any of the members to vote for or against the appointments during any further sessions.

Signing the reports: Senator Taylor, Chair, Senators Cowdery, Therriault.

**SB 279**

The Resources Committee considered SENATE BILL NO. 279 "An Act authorizing the commissioner of fish and game to issue complimentary sport fishing licenses and tags to September 11 emergency responders and their spouses; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 279(RES)

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

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

**SB 342**

The Health, Education and Social Services Committee considered SENATE BILL NO. 342 "An Act relating to the long term care ombudsman" and recommended it be replaced with

CS FOR SENATE BILL NO. 342(HES)

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the Finance Committee.

**HB 263**

The Resources Committee considered CS FOR HOUSE BILL NO. 263(RES) "An Act relating to water quality standards applicable to flow-through hot springs." Signing do pass: Senator Torgerson, Chair, Senators Taylor, Stevens, Wilken, Lincoln. Signing no recommendation: Senator Elton.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

**SB 343**

The Rules Committee considered SENATE BILL NO. 343 "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." Signing to calendar: Senator Phillips, Chair, Senators Halford, Cowdery, Theriault.

The bill is on today's calendar.

**Introduction and Reference of Senate Bills****SB 348**

SENATE BILL NO. 348 BY THE SENATE TRANSPORTATION COMMITTEE, entitled:

"An Act relating to insurance for and work on certain motor vehicle repairs; and providing for an effective date."

was read the first time and referred to the Transportation and Labor and Commerce Committees.

**Consideration of the Calendar****Second Reading of Senate Bills****SB 343**

SENATE BILL NO. 343 "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 second time.

Senator Torgerson, Chair, moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 2386. Without objection, CS FOR SENATE BILL NO. 343(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. 343(RES) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 343(RES) '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" pass the Senate?" The roll was taken with the following result:

CSSB 343(RES)

Third Reading - Final Passage

Effective Date

**YEAS: 17 NAYS: 1 EXCUSED: 1 ABSENT: 1**

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

Nays: Ellis

Excused: Lincoln

Absent: Kelly

and so, CS FOR SENATE BILL NO. 343(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 and the bill was referred to the Secretary for engrossment.

### **Citations**

Honoring – University of Alaska Anchorage School of Nursing  
Senator(s) Leman, Ward, Halford, Kelly, Austerman, Davis, Green,  
Taylor, Lincoln, Elton, Wilken, Hoffman, Donley, Ellis, Stevens,  
Olson

Representative(s) Porter

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 to be excused from a call of the Senate from March 15 through evening plane time, March 21. Without objection, Senator Phillips was excused.

Senators Cowdery, Ward, Taylor moved and asked unanimous consent to be excused from a call of the Senate on March 15. Without objection, Senators Cowdery, Ward, Taylor were excused.

Senator Leman moved and asked unanimous consent that President Halford be excused from a call of the Senate on March 15. Without objection, President Halford was excused.



**SB 180**

President Halford added a Finance Committee referral to SENATE BILL NO. 180 "An Act implementing pay differentials based on geographic areas for certain state employees and for members of the Alaska State Defense Force; and providing for an effective date."

The bill was returned to the Finance Committee.

**Reconsideration of Senate Bills****SB 11**

Senator Davis requested that the reconsideration on CS FOR SENATE BILL NO. 11(FIN) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 11(FIN) "An Act relating to required school attendance; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 11(FIN)

Third Reading - On Reconsideration

Effective Date

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

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

Excused: Lincoln

Absent: Kelly

and so, CS FOR SENATE BILL NO. 11 (FIN) passed the Senate on reconsideration.

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.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SB 11**

CS FOR SENATE BILL NO. 11(FIN) "An Act relating to required school attendance; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 343**

CS FOR SENATE BILL NO. 343(RES) "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 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 15, 2002. Without objection, the Senate adjourned at 2:54 p.m.

Heidi Vogel  
Secretary of the Senate

March 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**

**Mar 13      Wednesday                  Fahrenkamp 203                  1:30 PM**  
No Meeting Scheduled

**Mar 15      Friday                                  Fahrenkamp 203                  1:30 PM**  
No Meeting Scheduled

-----

**FINANCE**

**Mar 14      Thursday                          Senate Finance 532                  9:30 AM**  
= SB 291 SUPPLEMENTAL APPROPRIATIONS: FAST TRACK  
SB 347 ALCOHOLIC BEVERAGE TAX  
= SB 180 STATE EMPLOYEE PAY DIFFERENTIALS  
Bills Previously Heard/Scheduled  
--Teleconference upon request--

**Mar 15      Friday                                  Senate Finance 532                  9:00 AM**  
+ SB 339 INCREASE CRIMINAL FINES  
+= SB 185 PCE BASED ON HIGHEST COST  
(Subcommittee to take testimony)  
+ HB 4 MOTOR VEHICLES & DRUNK DRIVING  
(Agency Testimony)  
+ Bills Previously Heard/Scheduled

-----

**HEALTH, EDUCATION & SOCIAL SERVICES**

**Mar 13      Wednesday                      Butrovich 205              1:30 PM**  
                  No Meeting Scheduled

**Mar 15      Friday                                      Butrovich 205              1:30 PM**  
                  SB 346 SCHOOL DISTRICT CORRESPONDENCE STUDY  
                  SB 264 MUNICIPAL BOND REIMBURSEMENT  
                  SB 345 SCHOOL SERVICES FOR DISABLED STUDENTS  
                  Bills Previously Heard/Scheduled

-----

**JUDICIARY**

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

**Mar 15      Friday                                      Beltz 211              1:30 PM**  
                  += SB 204 WILDFIRES AND NATURAL DISASTERS  
                  +    SB 324 PUBLIC UTILITIES EXEMPT FROM REGULATION  
                  +    SB 344 TERRORISM AGGRAVATING FACTOR

-----

**LABOR & COMMERCE**

**Mar 14      Thursday                                      Beltz 211              1:30 PM**  
                  +    SB 220 SCOPE OF PRACTICE OF HAIRDRESSING  
                  +    SB 283 REGULATION OF NURSING  
                  +    HB 276 REGULATION OF NURSING  
                  +    SB 265 PHYSICIAN ASSISTANTS/NURSE PRACTITIONERS  
                  +    HB 274 WORKERS' COMP: HEARING/MEDICAL EXAM  
                  Bills Previously Heard/Scheduled

-----

**RESOURCES**

**Mar 13      Wednesday                                      Butrovich 205              3:30 PM**  
                  No Meeting Scheduled

**Mar 15      Friday                                      Butrovich 205              3:30 PM**  
                  SB 205 CONTROL OF NUISANCE WILD ANIMALS  
                  SB 326 WASTEWATER DISCHARGE PROGRAM  
                  Bills Previously Heard/Scheduled

-----

## RULES

**Mar 13      Wednesday                      Fahrenkamp 203              11:00 AM**

SB 222 REQUIRE SLOW DRIVERS TO PULL OVER  
 SB 331 DISTRICT COURT JURISDICTIONAL AMOUNT  
 SB 343 BEST AVAILABLE TECHNOLOGY:DISCHARGE PLAN  
 HJR 37 ALASKA AIRLINES 70TH ANNIVERSARY

**Mar 14      Thursday                      Fahrenkamp 203              11:00 AM**

SB 243 CHIROPRACTORS: SUNSET/LICENSING  
 SJR 41 PAVING ALASKA HIGHWAY

## STATE AFFAIRS

**Mar 14      Thursday                      Beltz 211              3:30 PM**

SB 318 O.K. TO ASSIGN PFD TO NONPROFIT CORP  
 Bills Previously Heard/Scheduled

## JOINT COMMITTEES

## ADMINISTRATIVE REGULATION REVIEW

**Mar 20      Wednesday                      Capitol 102              8:30 AM**

+ Regulation Changes for Special  
 (Correspondence) Schools  
 Public Comment

## LEGISLATIVE BUDGET &amp; AUDIT

**Mar 18      Monday                      House Finance 519              12:00 PM**

## NATURAL GAS PIPELINES

**Mar 13      Wednesday                      Butrovich 205              3:30 PM**

Energy Council Report  
 Executive Session regarding Natural Gas  
 Pipeline under Uniform Rule 22(b)(1)

**OMBUDSMAN SELECTION COMMITTEE**

**Mar 14      Thursday                      Beltz 211      12:00 PM**  
-- Time and Location Change --  
-----

**SELECT CMTE ON LEGISLATIVE ETHICS**

**Mar 26      Tuesday                      Butrovich 205      11:00 AM**  
Public Comment  
Committee Members and Officers  
Review of State Benefit & Loan Programs  
Staff Reports, Late Disclosures  
Advisory Opinion 02-01  
-----

**OTHER MEETINGS****FISH CAUCUS**

**Mar 14      Thursday                      Butrovich 205      12:00 PM**  
+ Understanding Federal Management of AK  
Subsistence Fisheries