

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

March 25, 2002

#### Seventy-first Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:10 a.m.

The roll showed eighteen members present. Senators Hoffman, Kelly were absent.

The prayer was offered by the Chaplain, Senator Davis. Senator Cowdery moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Keep us, O God, from pettiness. Let us be large in thought, in word, in deed. Let us be done with fault-finding and leave off self-seeking. May we put away all pretense and meet each other face to face without self-pity and without prejudice. May we never be hasty in judgment, and always generous. Let us take time for all things. Make us to grow calm, serene, gentle. Teach us to put into action our better impulses straightforward and unafraid. Grant that we may realize it is the little things that create differences, that in the big things of life, we are one. And may we strive to touch and to know the great common human heart of us all. And O God, let us forget not to be kind. (Mary Stewart) Amen.

Senator Ward led the Senate in the Pledge of Allegiance.

**Certification**

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

**Messages from the House**

Message dated March 22 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 209**

CS FOR HOUSE BILL NO. 209(HES) BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act directing the Department of Health and Social Services to establish a foster care transition program; relating to that program; and providing for an effective date."

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

**HB 305**

CS FOR HOUSE BILL NO. 305(STA) am BY THE HOUSE STATE AFFAIRS COMMITTEE, entitled:

"An Act prohibiting certain state employment, a student loan, or a permanent fund dividend for a person who fails to register for the military selective service; and providing for an effective date."

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

**HB 405**

HOUSE BILL NO. 405 BY REPRESENTATIVES MEYER, Dyson, Kookesh, Croft, McGuire, Crawford, Kerttula, Guess, entitled:

"An Act relating to the prosecution of criminal offenses committed on or against ferries and other watercraft owned or operated by the state; and providing for an effective date."

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

**HB 470**

CS FOR HOUSE BILL NO. 470(L&C)(title am) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to public offering statements required under the Uniform Common Interest Ownership Act; and providing for an effective date."

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

**Communications**

The following Budget and Audit Report was received from Pat Davidson, Legislative Auditor, in accordance with AS 24.20.311 and is on file in the Office of the Secretary of the Senate:

Alaska Court System, Judicial Salary Affidavits, November 13, 2001

**Standing Committee Reports****SB 270**

The Finance Committee considered SENATE BILL NO. 270 "An Act extending the termination date of the Board of Dispensing Opticians; relating to the regulation of dispensing opticians; and providing for an effective date" and recommended the adoption of the Labor and Commerce Committee Substitute offered on page 2222.

Signing do pass: Senator Kelly, Cochair, Senators Austerman, Olson, Wilken, Leman. Signing no recommendation: Senator Donley, Cochair, Senators Green, Ward.

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

The bill was referred to the Rules Committee.

**SB 306**

Forthcoming State Affairs Committee Substitute (page 2492) for SENATE BILL NO. 306 "An Act establishing the Prescription Drug Assistance Task Force; and providing for an effective date" was received today.

**SB 342**

The Finance Committee considered SENATE BILL NO. 342 "An Act relating to the long term care ombudsman" and recommended the adoption of the Health, Education and Social Services Committee Substitute offered on page 2415.

Signing do pass: Senator Kelly, Cochair, Senators Green, Austerman, Wilken, Leman, Ward. Signing no recommendation: Senator Donley, Cochair, Senator Olson.

The following previously published fiscal information applies:  
Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the Rules Committee.

The presence of Senator Kelly was noted.

**SB 339**

The Rules Committee considered SENATE BILL NO. 339 "An Act increasing fines for certain criminal offenses." Signing to calendar: Senator Phillips, Chair, Senators Therriault, Halford, Cowdery.

The bill is on today's calendar.

**Introduction and Reference of Senate Bills****SB 352**

SENATE BILL NO. 352 BY THE SENATE STATE AFFAIRS COMMITTEE, entitled:

"An Act relating to the assessment of farm or agricultural land for purposes of municipal taxation; and providing for an effective date."

was read the first time and referred to the Community and Regional Affairs Committee.

**Consideration of the Calendar****Second Reading of Senate Bills****SB 339**

SENATE BILL NO. 339 "An Act increasing fines for certain criminal offenses" 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. Senator Ellis objected, then withdrew his objection. There being no further objections, it was so ordered.

SENATE BILL NO. 339 was read the third time.

The question being: "Shall SENATE BILL NO. 339 "An Act increasing fines for certain criminal offenses" pass the Senate?" The roll was taken with the following result:

SB 339

Third Reading - Final Passage

**YEAS: 17 NAYS: 2 EXCUSED: 0 ABSENT: 1**

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

Nays: Davis, Lincoln

Absent: Hoffman

and so, SENATE BILL NO. 339 passed the Senate.

Senator Elton gave notice of reconsideration.

### **Citations**

Honoring – Joseph M. Tompkins  
Representative(s) Hudson  
Senator(s) Elton, Wilken, Leman, Davis, Lincoln, Austerman, Taylor,  
Kelly, Green, Halford, 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 Cowdery moved and asked unanimous consent to be excused from a call of the Senate on March 28 and April 5. Without objection, Senator Cowdery was excused.

### **Announcements**

Announcements are at the end of the journal.

### **Adjournment**

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 27, 2002. Without objection, the Senate adjourned at 11:40 a.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**

<b>Mar 25</b>	<b>Monday</b> No Meeting Scheduled	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
<b>Mar 27</b>	<b>Wednesday</b> + SB 312 ENTERPRISE ZONES + SB 314 MOBILE TELECOMMUNICATIONS TAX + HB 135 EXCESSIVE POLICE SERVICES:FEES/ TENANCY	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
<b>Mar 29</b>	<b>Friday</b> No Meeting Scheduled	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>

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**FINANCE**

<b>Mar 25</b>	<b>Monday</b> SB 342 LONG TERM CARE OMBUDSMAN SB 270 BOARD OF DISPENSING OPTICIANS HB 16 HOME RULE COMMUNITIES Bills Previously Heard/Scheduled -- Teleconference Upon Request --	<b>Senate Finance 532</b>	<b>9:00 AM</b>
<b>Mar 26</b>	<b>Tuesday</b> SB 345 SCHOOL SERVICES FOR DISABLED STUDENTS SB 319 SHALLOW NATURAL GAS LEASING SB 280 WATER/SEWER/WASTE GRANTS TO UTILITIES SB 111 BONDS TO FUND PORTS AND HARBORS Bills Previously Heard/Scheduled -- Teleconference Upon Request --	<b>Senate Finance 532</b>	<b>9:00 AM</b>

**FINANCE (continued)**

**Mar 27      Wednesday                      Senate Finance 532              9:30 AM**  
 = HB 359 SUPPLEMENTAL APPROP TOURISM MARKETING  
           <Pending Referral>  
 = SB 291 SUPPLEMENTAL APPROPRIATIONS: FAST TRACK  
           Bills Previously Heard/Scheduled  
           -- Teleconference Upon Request --

**Mar 28      Thursday                              Senate Finance 532              9:30 AM**  
 = HB 359 SUPPLEMENTAL APPROP TOURISM MARKETING  
           <Pending Referral>  
 = SB 291 SUPPLEMENTAL APPROPRIATIONS: FAST TRACK  
           Bills Previously Heard/Scheduled  
           -- Teleconference Upon Request --

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Mar 25      Monday                                      Butrovich 205                      1:30 PM**  
           No Meeting Scheduled

**Mar 27      Wednesday                              Butrovich 205                      1:30 PM**  
           No Meeting Scheduled

**Apr 03      Wednesday                              Butrovich 205                      1:30 PM**  
           Statewide School Safety/McQueen School  
           -- Above Item Rescheduled from 3/22/02 --

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**JUDICIARY**

**Mar 25      Monday                                      Beltz 211                              1:30 PM**  
 += SJR 33 CONSTITUTIONAL AMENDMENT : TAX CAP  
 += HB 196 RIGHT OF ACTION FOR LEGAL SEPARATION  
 += SB 344 TERRORISM AGGRAVATING FACTOR  
 + HB 297 AGGRAVATOR FOR SEXUAL OFFENSES  
 +            Bills Previously Heard/Scheduled

**Mar 27      Wednesday                              Beltz 211                              1:30 PM**  
 += HB 40 REVOKE DRIVER'S LIC. FOR FATAL ACCIDENT  
 + HB 157 TRUST COMPANIES & FIDUCIARIES  
 + SB 313 NO LEGIS APPROVAL OF AEROSPACE PROJECT  
 += SB 263 REAL PROPERTY CONVEYANCES  
 +            Bills Previously Heard/Scheduled



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**JUDICIARY (continued)**

**Mar 29 Friday Beltz 211 1:30 PM**  
 No Meeting Scheduled

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**LABOR & COMMERCE**

**Mar 26 Tuesday Beltz 211 1:30 PM**  
 += SB 220 SCOPE OF PRACTICE OF HAIRDRESSING  
 + HB 56 MINIMUM WAGE  
 += SB 320 MOTOR VEHICLE INSURANCE & REPAIRS  
 Bills Previously Heard/Scheduled

**Mar 28 Thursday Beltz 211 1:30 PM**  
 + Confirmation Hearings:  
 AK State Board of Public Accountancy  
 Alcoholic Beverage Control Board  
 Architects, Engineers and Land Surveyors  
 Board of Barbers and Hairdressers  
 Board of Chiropractic Examiners  
 AK Workers' Compensation Board  
 += HB 212 WORKERS' COMP: CONTRACTORS & SUBCONTRACTOR  
 Bills Previously Heard/Scheduled

**Apr 02 Tuesday Beltz 211 1:30 PM**  
 No Meeting Scheduled

**Apr 04 Thursday Beltz 211 1:30 PM**  
 + Confirmation Hearings:  
 AK Labor Relations Agency  
 Board of Marine Pilots  
 Certified Real Estate Appraisers  
 Real Estate Commission  
 Regulatory Commission of Alaska  
 + HB 389 MUNI TAX EXEMPTION: DETERIORATED PROPERTY  
 Bills Previously Heard/Scheduled

**Apr 09 Tuesday Senate Finance 532 1:30 PM**  
 -- Location Change --  
 Joint w/(H)  
 + Nursing Workforce Issues Forum

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**RESOURCES**

**Mar 25 Monday Butrovich 205 3:30 PM**  
 += SB 205 CONTROL OF NUISANCE WILD ANIMALS  
 += SB 326 WASTEWATER DISCHARGE PROGRAM  
 += HB 307 OIL/GAS EXPLORATION INCENTIVE CREDIT  
 + Bills Previously Heard/Scheduled

**Mar 27 Wednesday Butrovich 205 3:30 PM**  
 += HB 298 LEGISLATIVE APPROVAL OF RAILROAD LEASES  
 += HB 241 RAIL AND UTILITY CORRIDOR TO CANADA  
 + Bills Previously Heard/Scheduled

**Mar 29 Friday Butrovich 205 3:30 PM**  
 No Meeting Scheduled

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**RULES**

**Mar 25 Monday Fahrenkamp 203 10:30 AM**  
 SB 339 INCREASE CRIMINAL FINES

**Mar 26 Tuesday Fahrenkamp 203 11:00 AM**  
 = SB 180 STATE EMPLOYEE PAY DIFFERENTIALS  
 SB 215 COMMON CARRIER LIQUOR LICENSE  
 SCR 29 HIRING FREEZE  
 SJR 37 CONST AM: HIRING FREEZE  
 SJR 38 CONST AM: PRIORITY OF EXPENDITURES

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**STATE AFFAIRS**

**Mar 26 Tuesday Beltz 211 3:30 PM**  
 HB 162 ABSENCES UNDER LONGEVITY BONUS PROGRAM  
 HB 254 STATE RETIREMENT SYSTEMS/WARRANTS  
 HB 331 PRESENTMENT OF GOVERNOR'S APPOINTEES  
 HJR 30 DESECRATION OF U.S. FLAG  
 Bills Previously Heard/Scheduled

**Mar 28 Thursday Beltz 211 3:30 PM**  
 No Meeting Scheduled

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**TRANSPORTATION**

**Mar 26 Tuesday Capitol 17 1:30 PM**  
-- Location Change --  
Joint w/(H)  
Presentation from the Bellingham Port  
Bills Previously Heard/Scheduled

**Mar 28 Thursday Butrovich 205 1:30 PM**  
No Meeting Scheduled

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**FINANCE SUBCOMMITTEES**

**ADMINISTRATION**

**Mar 27 Wednesday Fahrenkamp 203 8:00 AM**  
Overview: Dept of Administration FY03  
Budget Request

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**CORRECTIONS**

**Mar 26 Tuesday Fahrenkamp 203 8:00 AM**  
Overview: Dept of Corrections FY03 Budget  
Request

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**REVENUE**

**Mar 27 Wednesday Beltz 211 4:00 PM**  
Revenue Operating Budget Closeout

**Mar 28 Thursday Senate Finance 532 10:00 AM**  
Revenue Operating Budget Closeout

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**TRANSPORTATION & PUBLIC FACILITIES**

**Mar 28 Thursday Fahrenkamp 203 8:00 AM**  
Overview: DOT/PF FY03 Budget Request

**JOINT COMMITTEES****OMBUDSMAN SELECTION COMMITTEE**

**Mar 26 Tuesday Beltz 211 9:00 AM**  
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**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  
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**OTHER MEETINGS****CHILDREN'S CAUCUS**

**Mar 26 Tuesday Fahrenkamp 203 12:00 PM**  
+ Youth in Action

**Apr 02 Tuesday Fahrenkamp 203 12:00 PM**  
+ Smart Start/Strong Future