SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

April 11, 2002

Eighty-eighth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:29 a.m.

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

The prayer was offered by the Chaplain, Pastor Mike Rose of the Juneau Christian Center. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Heavenly Father, we thank You so much for this beautiful day, which has been created for Your pleasure and ours. Your Word tells us to enter Your gates with thanksgiving and into Your courts with praise, to be thankful to You and to bless Your name, for the Lord is good and Your mercy is everlasting and Your truth endures to all generations. Thank You for the privilege of living this life with the knowledge of who You are!

Lord, we lift before You the Senators, their families and we pray for Your favor, Your guidance and protection over their lives. We ask for wisdom and discernment for the decisions being made today in this place. Lord, we pray for our President and his cabinet. Help them to receive the direction that comes from You, in this time of international crisis. Lord, we also pray that You will bless, guide and direct Senators Stevens and Murkowski as they represent our state during this crucial time. We pray that our state will continue being a great blessing to the Lower 48 and the rest of the world.

Thank You that You are the God who hears and answers prayer. In Jesus' Name I pray.

Amen.

Senator Ellis led the Senate in the Pledge of Allegiance.

Certification

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

The presence of Senator Kelly was noted.

Messages from the House

Message dated April 10 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HJR 48

HOUSE JOINT RESOLUTION NO. 48 BY THE HOUSE RULES COMMITTEE,

Relating to federal land withdrawals.

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

Standing Committee Reports

SB 185

Forthcoming Finance Committee Substitute (page 2707) for SENATE BILL NO. 185 "An Act relating to the basis for determining eligibility for and the amount of power cost equalization payments; and providing for an effective date" was received today.

SB 280

The Finance Committee considered SENATE BILL NO. 280 "An Act permitting grants to certain regulated public utilities for water quality enhancement projects and water, wastewater, and solid waste systems" and recommended the adoption of the Resources Committee Substitute offered on page 2471. Signing no recommendation: Senator Kelly, Cochair, Senators Austerman, Hoffman, Olson, Ward. Signing do pass: Senators Leman, Wilken.

The following fiscal information was published today: Fiscal Note No. 4, zero, Senate Finance Committee

The bill was referred to the Rules Committee.

SB 295

The Judiciary Committee considered SENATE BILL NO. 295 "An Act relating to the disclosure of information regarding delinquent minors to certain licensing agencies; and providing for an effective date." Signing do pass: Senator Taylor, Chair, Senators Cowdery, Ellis, Therriault, 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 Rules Committee.

SB 302

The Judiciary Committee considered SENATE BILL NO. 302 "An Act defining the term 'mental health professional' for the purpose of statutes relating to the evaluation of prisoners who may need psychological or psychiatric treatment, for the purpose of statutes relating to the evaluation of children in need of aid and delinquent minors who may need to be confined in a secure residential psychiatric treatment center or who should be released from such a center, for the purpose of statutes requiring certain professionals to report the possibility that a vulnerable adult has been abused or neglected, and for the purpose of statutes relating to mental health civil commitments" and recommended it be replaced with

CS FOR SENATE BILL NO. 302(JUD)

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

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.

HB 289

The Community and Regional Affairs Committee considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 289 am "An Act relating to the effective date of a municipal manager plan that has been adopted and to the effective date of the repeal of a municipal manager plan, and relating to a special election for mayor when municipal manager plans are adopted or repealed." Signing do pass: Senator Torgerson, Chair, Senators Phillips, Austerman.

The following previously published fiscal information applies: Fiscal Note No. 1, zero, House Community and Regional Affairs Committee

The bill was referred to the State Affairs Committee.

HB 402

The Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 402(FIN) "An Act relating to diversion payments, wage subsidies, cash assistance, and self-sufficiency services provided under the Alaska temporary assistance program; relating to the food stamp program; relating to child support cases that include persons who receive cash assistance or self-sufficiency services under the Alaska temporary assistance program; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 402(HES)

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

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.

HB 418

The Judiciary Committee considered CS FOR HOUSE BILL NO. 418(L&C) "An Act amending the Alaska Corporations Code as it relates to delivery of annual reports, notice of shareholders' meetings, proxy statements, and other information and items to shareholders, to voting, and to proxies, including electronic proxy voting and proxy signing; and providing for an effective date." Signing do pass: Senator Taylor, Chair, Senator Ellis. Signing no recommendation: Senators Cowdery, Therriault, Donley.

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

The bill was referred to the Rules Committee.

SB 263

The Rules Committee considered SENATE BILL NO. 263 "An Act relating to the subsequent acquisition of title to, or an interest in, real property by a person to whom the property has purportedly been granted in fee or fee simple; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 263(RLS)

Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Ellis.

The following previously published fiscal information applies: Fiscal Note No. 1, zero, Senate Labor and Commerce Committee

The bill is on today's calendar.

SB 345

The Rules Committee considered SENATE BILL NO. 345 "An Act relating to medical assistance for rehabilitative services for certain children with disabilities; relating to agreements to pay medical assistance for covered services paid for or furnished to eligible children with disabilities by a school district; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Ellis.

The bill is on today's calendar.

Consideration of the Calendar

Second Reading of Senate Bills

SB 263

SENATE BILL NO. 263 "An Act relating to the subsequent acquisition of title to, or an interest in, real property by a person to whom the property has purportedly been granted in fee or fee simple; and providing for an effective date" was read the second time.

Senator Phillips, Chair, moved and asked unanimous consent for the adoption of the Rules Committee Substitute offered on page 2731. Without objection, CS FOR SENATE BILL NO. 263(RLS) 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. 263(RLS) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 263(RLS) "An Act relating to the subsequent acquisition of title to, or an interest in, real property by a person to whom the property has purportedly been granted in fee or fee simple; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 263(RLS)
Third Reading - Final Passage
Effective Date

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 BILL NO. 263(RLS) 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.

Senator Hoffman gave notice of reconsideration.

SB 345

SENATE BILL NO. 345 "An Act relating to medical assistance for rehabilitative services for certain children with disabilities; relating to agreements to pay medical assistance for covered services paid for or furnished to eligible children with disabilities by a school district; and providing for an effective date" 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 345 was read the third time

The question being: "Shall SENATE BILL NO. 345 "An Act relating to medical assistance for rehabilitative services for certain children with disabilities; relating to agreements to pay medical assistance for covered services paid for or furnished to eligible children with disabilities by a school district; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 345 Third Reading - Final Passage Effective Dates

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, SENATE BILL NO. 345 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.

Senator Taylor gave notice of reconsideration.

Citations

Honoring – Dave Harbour along with the Volunteers and Public Service Sponsors of Northern Gas Pipelines
Representative(s) Lancaster
Senator(s) Torgerson, Ellis, Hoffman, Stevens, Halford, Leman, Wilken, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Olson

Honoring – Arctic Knights '88 Girls Soccer Team Representative(s) James Senator(s) Hoffman, Stevens, Halford, Leman, Wilken, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green

Honoring – David W. Marquez Representative(s) Bunde Senator(s) Cowdery, Hoffman, Phillips, Stevens, Halford, Leman, Wilken, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green

Honoring – Valdez High School 2002 Buccaneers, Class 3A Boys State Basketball Champions
Representative(s) Harris
Senator(s) Lincoln Hoffman Stavens Halford Leman Wilken Elton

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

In Memoriam – Dawn Marie Shoemaker Representative(s) Lancaster, Chenault Senator(s) Ward, Hoffman, Stevens, Halford, Leman, Wilken, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green

In Memoriam – David Glen Hardage Representative(s) Ogan Senator(s) Green, Hoffman, Stevens, Halford, Leman, Wilken, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Olson

In Memoriam – Dominick "Nick" Colombo Representative(s) Harris Senator(s) Lincoln, Hoffman, Stevens, Halford, Leman, Wilken, Elton, Davis, Austerman, Taylor, Kelly, Green

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.

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., April 12, 2002. Without objection, the Senate adjourned at 12:06 p.m.

Heidi Vogel Secretary of the Senate

April 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

Apr 12	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 15	Monday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 17	Wednesday	Fahrenkamp 203	1:30 PM
+ SB 359	MUNICIPAL ORGANIZA	ATION GRANTS	
+ HB 312	SUPP. PUBLIC SCHOOL	FUNDING/YOUTH ACA	DEMY
+ HB 455	MUNICIPAL TAXATION	OF AGRICULTURAL L	AND
+= HB 296	MUNICIPAL MERGER A	AND CONSOLIDATION	
Apr 19	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Apr 11	Thursday	Senate Finance 532	9:00 AM	
HB 191	FINANCING FOR TRA	NSPORTATION PROJECT	ΓS	
	Bills Previously Heard/Scheduled			
	Teleconference Upon Request			
Apr 12	Friday	Senate Finance 532	9:00 AM	
_	Bills Previously Heard/Scheduled			
	Teleconference Upon Request			

FINANCE (continued)

Apı	r 15	Monday	Senate Finance 532	9:00 AM
-		WASTEWATER DISCH	IARGE PROGRAM	
	SB 239	STATE EMPLOYEES C	CALLED TO MILITARY DU	TY
	SB 278	TAKING PROPERTY B		
	52 270	Bills Previously Heard/S		
		Teleconference Upon 1		
		refeconterence opon i	Request	
Δn	r 15	Monday	Senate Finance 532	4:00 PM
Δ.P.			BUDGET/LOANS/FUNDS	4.001101
=			BUDGET/LOANS/FUNDS	
_		APPROP: MENTAL HE		
=	SB 288			
_	SB 200			
		Reports from Budget Sub	ocommittees	
		No Public Testimony		
		No Testimony by Invitati		
		Bills Previously Heard/S	cheduled	
			~	
Api	r 16	Tuesday	Senate Finance 532	9:00 AM
=			BUDGET/LOANS/FUNDS	
=	SB 289		BUDGET/LOANS/FUNDS	
=	HB 404	APPROP: MENTAL HE	ALTH BUDGET	
=	SB 288	APPROP:MENTAL HEA		
		Reports from Budget Sul	ocommittees	
		No Public Testimony		
		No Testimony by Invitati	ion	
		Bills Previously Heard/S		
		,		
Api	r 16	Tuesday	Senate Finance 532	4:00 PM
= 1		•	BUDGET/LOANS/FUNDS	
=	SB 289		BUDGET/LOANS/FUNDS	
=		APPROP: MENTAL HE		
=	SB 288	APPROP:MENTAL HEA		
	DD 200	Reports from Budget Sub		
		Budget Closeout- Univer		
			sity of Alaska	
		No Public Testimony	ion	
		No Testimony by Invitati		
		Bills Previously Heard/S	cnequied	

FINANCE (continued)

Apr	SB 353 HB 4	AGRICULT. PROG.CO MOTOR VEHICLES &	& PRACTICES STANDARE cheduled	ED
+= += +=	SB 289	APPROP: OPERATING APPROP: MENTAL HE	ALTH BUDGET NFERENCE	4:00 PM
+= +=	HB 403 SB 289		ALTH BUDGET NFERENCE	9:00 AM
+= += +=	SB 289	APPROP: OPERATING	ALTH BUDGET NFERENCE	4:00 PM
Apr = = = = = =	SB 289		ALTH BUDGET FATION ONLY	9:00 AM

FINANCE (continued)

= H = S = H	HB 403 SB 289	APPROP: OPERATING APPROP: MENTAL HE	ALTH BUDGET CATION ONLY	4:00 PM
= S = H	HB 403 SB 289 HB 404 SB 288	APPROP: OPERATING APPROP: MENTAL HE APPROP: MENTAL HEA TESTIMONY BY INVIT Bills Previously Heard/So	BUDGET/LOANS/FUNDS BUDGET/LOANS/FUNDS ALTH BUDGET ALTH BUDGET TATION ONLY	0:00 AM
Apr :		Thursday Time and Location Cha Joint w/(H) Report: Suicide Prevention	Capitol 106	3:00 PM
Apr	12	Friday Continued from 4/3/02 Statewide School Safety McQueen School Closure	Report/	1:30 PM
- I	HB 276	Monday REPORTING OF ABOR REGULATION OF NUR PROGRAM FOR FORM Bills Previously Heard/So	SING ER FOSTER CHILDREN	1:30 PM
Apr 1	17	(H) Special Committee or	ation and Social Services, (H) n Education th School, Gates Foundation,	1:00 PM Finance,

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

Apr 17	Wednesday	Butrovich 205	2:30 PM
	Time Change		
HB 239	VOCATIONAL EDUCATIO	N PILOT PROGRAM	
	Bills Previously Heard/Sched	uled	

JUDICIARY

Apr 12	Friday No Meeting Scheduled	Beltz 211	1:30 PM
Apr 13	Saturday Time and Location Cha	Fbx Lio Conf Rm	3:00 PM
+ HB 307	OIL/GAS EXPLORATIO	C	
+= SCR 25	FISH & WILDLIFE PUB	LIC TRUST/ANILCA SUIT	Γ
Ann 15	Monday	Roltz 211	1.30 DM

Ap	r 15	Monday	Beltz 211	1:30 PM
+=	SB 231	CORRECTIONAL FACILITY E	XPANSION	
+	HB 375	REVISOR'S BILL		
+=	SR 159	APPEALS COURT HIDGES RE	TENTION	

+= SB 159 APPEALS COURT JUDGES RETENTION

Wednesday 1:30 PM Apr 17 Beltz 211 HB 381 FAILURE TO STOP FOR PEACE OFFICER HJR 30 DESECRATION OF U.S. FLAG

Apr 19 Friday Beltz 211 1:30 PM HB 243 VERIFY AGE REQD FOR DEFENSE IN SEX CRIMES Confirmation Hearing:Bd of Governors of the Alaska Bar-

Dr. Sheila Selkregg, Anchorage

LABOR & COMMERCE

Apı	· 11	Thursday	Beltz 211	1:30 PM
		Rescheduled from 4/4/02		
+		Confirmation Hearings:		
		AK Labor Relations Agency, Board	l of Marine Pilots	, Certified
		Real Estate Appraisers, Real Estate	Commission, Reg	gulatory
		Commission of Alaska		
+=	SB 309	ADVERSE POSSESSION		
+	HB 480	DEATH/SURVIVOR BENEFITS I	N PERS & TRS	
+=	HB 355	MOBILE TELECOMMUNICATION	ONS TAX	
+	HB 128	APPROVAL FOR EMPLOYMEN	Γ OF MINORS	
+		Bills Previously Heard/Scheduled		

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LABOR & COMMERCE (continued)

		,	
Apr 16 + HB 504 + SJR 44 +	MINIMUM WAGE FOR WORKERS <pending referral=""></pending>		I
	Thursday B MOTOR VEHICLE INSURANCE & I EMPLOYMENT AND TRAINING PE Bills Previously Heard/Scheduled		[
	RESOURCES		
+= HB 241 + HB 420	Friday Butrov TRACKING OF PESTICIDE USE RAIL AND UTILITY CORRIDOR TO REPEAL SUNSET FOR TEMP WATI WATER USE ACT PROCEDURES & Bills Previously Heard/Scheduled	ER USE PERMITS	I
Apr 15 + SB 360	· ·	3:30 PM ACT	I
Apr 17 += SB 360 + SCR 30	Wednesday Butrov Harold Heinze: North Slope Gas Develo ALASKA NATURAL GAS PROJECT ALASKA SALMON DAY	opment	I

Api	11/	weunesuay	Dutrovich 205	3:30 F M
		Harold Heinze: North Slop	oe Gas Development	
+=	SB 360	ALASKA NATURAL GA	AS PROJECT ACT	
+	SCR 30	ALASKA SALMON DA	Y	
+=	HB 206	LIMITED ENTRY FOR	COMM. FISHERIES	

Bills Previously Heard/Scheduled

Apr 19 3:30 PM Friday **Butrovich 205** HJR 48 TERMINATION OF FED LAND WITHDRAWALS HB 358 EXEMPTION FROM PROPERTY TAX: TIMBER + HB 447 COM FISH & AGRICULTURE BANK INTEREST RATE Bills Previously Heard/Scheduled

RULES

		Keli	10	
Apr	SB 354 SB 358 HB 390	Thursday HOLD HARMLESS PROPRICES PAID BY MILK NAMING STATE FERRII ASMI SALMON MARKE REPEAL ESTATE TAX	PROCESSING PLANTS ES	
Apr	SB 100	Friday ELECTRIC PERSONAL V HOUSE ARREST/ELECT	VEHICLES/ REGISTRAT	
Apr	16 HB 411	Tuesday PHYSICIAN ASSISTANT	Fahrenkamp 203	10:30 AM
		STATE AF	FFAIRS	
=	HB 254 HB 374 SB 15	Thursday STATE RETIREMENT SY NAMING DOUTHIT VET INSURANCE COVERAG LET ME HELP ACCOUN Bills Previously Heard/Sch	TERANS' MEMORIAL BI E FOR CONTRACEPTIV T	RIDGE
Apr	• 16 SCR 9	Tuesday APPROVING LEG. OPEN Bills Previously Heard/Sch		
		Thursday SEISMIC HAZARDS SAI Bills Previously Heard/Sch	eduled	3:30 PM
		TRANSPOR	TATION	
Apr =	· 11 SB 348	Thursday MOTOR VEHICLE REPA <above item="" rescheduled<br="">Bills Previously Heard/Sch</above>	IRS from 4/9/02>	1:30 PM

TRANSPORTATION (continued)

	SECURITY OF FACILI	R OFF HWY VEHICLES	1:30 PM
Apr 18 SB 327	Thursday MOTOR VEHICLE LIA Bills Previously Heard/S		1:30 PM

FINANCE SUBCOMMITTEES

ADMINISTRATION

Apr 12	Friday	Beltz 211	12:30 PM
	Dept of Administration		
	FY03 Budget Hearing Closeout		

CORRECTIONS

Apr 11	Thursday	Beltz 211	12:30 PM
	Budget Hearing and Closeout		

COURT SYSTEM

Apr 11	Thursday	Terry Miller 104	8:00 AM
	Budget Closeout		

ENVIRONMENTAL CONSERVATION

Apr 11	Thursday	Beltz 211	8:00 AM
	Dept of Environmental Conservation		
	Operating Budget Closeout		

FINANCE SUBCOMMITTEES (continued)

LAW

Apr 12	Friday Budget Closeout	Terry Miller 104	8:00 AM	

NATURAL RESOURCES

Apr 12	Friday	Butrovich 205	8:00 AM
	Meeting Postponed to	0 4/15/02	
	Dept of Natural Resources Operating		
	Budget Closeout		

Apr 15 Monday Fahrenkamp 203 12:00 PM
-- Rescheduled from 4/12/02 --- Location Change -Dept of Natural Resources
Operating Budget Closeout

PUBLIC SAFETY

Apr 11	Thursday	Fahrenkamp 203	3:30 PM
_	Budget Hearing and	Closeout	

JOINT COMMITTEES

LEGISLATIVE COUNCIL

Apr 17	Wednesday	Capitol 208	8:30 AM
	Information Technology		

OMBUDSMAN SELECTION COMMITTEE

Apr 17	Wednesday	Terry Miller 104	2:00 PM
Apr 18	Thursday	Terry Miller 104	2:00 PM