

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

April 15, 2002

#### Ninety-second Day

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

The roll showed seventeen members present. Senators Donley, Kelly, Leman were absent. Senator Taylor was excused from a call of the Senate from afternoon plane time.

The prayer was offered by the Chaplain, Father Tom Moffatt of St. Nicholas Russian Orthodox Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord, look down with favor on these men and women gathered here. Remind them why they wanted to be here. Enable them all to be good servants of Your people, discerning what is right and having the courage to do so. Amen.

Senator Torgerson led the Senate in the Pledge of Allegiance.

#### Certification

Senator Taylor, Acting Majority Leader, moved and asked unanimous consent that the journals for the eighty-ninth through ninety-first legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

The presence of Senators Leman, Donley, Kelly was noted.

**Messages from the Governor****HJR 44**

Message dated and received April 12 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

SENATE CS FOR CS FOR HOUSE JOINT  
RESOLUTION NO. 44(RES) am S(reengrossed)  
Strongly urging the President of the United States,  
the United States Congress, and appropriate federal  
officials to support the construction and operation of  
the Alaska Highway Natural Gas Pipeline route.

Legislative Resolve No. 50

**Messages from the House**

Message dated April 12 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of  
House Resolutions****HJR 46**

CS FOR HOUSE JOINT RESOLUTION NO. 46(RES) BY THE  
HOUSE RESOURCES COMMITTEE,

Relating to the moratorium on fish farming in British  
Columbia.

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

**First Reading and Reference of House Bills****HB 462**

CS FOR HOUSE BILL NO. 462(RES) BY THE HOUSE  
RESOURCES COMMITTEE, entitled:

"An Act relating to the release of certain confidential records and reports concerning fishing, fish buying, or fish processing; and providing for an effective date."

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

### **Concur Message**

#### **SB 291**

House concur message regarding CS FOR SENATE BILL NO. 291(RLS) "An Act making supplemental and other appropriations; amending appropriations; and providing for an effective date" which had been held to the Secretary's Desk (page 2747) was read.

### **Recess**

Senator Leman moved and asked unanimous consent that the Senate stand in recess for the purpose of a majority caucus. Without objection, the Senate recessed at 11:31 a.m.

### **After Recess**

The Senate reconvened at 12:57 p.m.

#### **SB 291**

Senator Leman moved that the Senate concur in the House amendments to CS FOR SENATE BILL NO. 291(RLS) thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 291(FIN) am H "An Act making supplemental and other appropriations; amending appropriations; and providing for an effective date" and recommended the body vote no.

The question being: "Shall the Senate concur in the House amendments?" The roll was taken with the following result:

HCS CSSB 291(FIN) am H  
Shall the Senate concur in the House  
amendments to CSSB 291(RLS)?

**YEAS: 4 NAYS: 11 EXCUSED: 1 ABSENT: 4**

Yeas: Davis, Ellis, Elton, Torgerson

Nays: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman,  
Phillips, Stevens, Therriault, Wilken

Excused: Taylor

Absent: Hoffman, Lincoln, Olson, Ward

and so, the Senate failed to concur.

The Secretary was requested to notify the House of the Senate's action and request the House to recede from its amendments. In the event the House fails to recede, the President appointed a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Donley, Chair  
Senator Wilken  
Senator Hoffman

#### **Communications**

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

Alaska Railroad Corporation 2001 Annual Report  
from Patrick K. Gamble, President and CEO  
in accordance with AS 42.40.260  
also available at: [www.AlaskaRailroad.com](http://www.AlaskaRailroad.com)

Annual Report to the Board of Forestry: 2001 Forest Practices Act  
Effectiveness  
from Jeff Jahnke, Presiding Officer  
in accordance with AS 41.17.047

**Standing Committee Reports****HB 307**

The Judiciary Committee considered HOUSE BILL NO. 307 "An Act delaying to June 30, 2007, the last date by which hydrocarbon exploration geophysical work must be performed or drilling of a stratigraphic test well or exploratory well must be completed in order for a person to qualify for an exploration incentive credit." Signing do pass: Senator Taylor, Chair, Senators Cowdery, Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, indeterminate, Department of Natural Resources

Fiscal Note No. 2, indeterminate, Department of Revenue

The bill was referred to the Finance Committee.

**HB 420**

The Resources Committee considered HOUSE BILL NO. 420(title am) "An Act repealing certain sunset provisions relating to the use of water; and providing for an effective date." Signing do pass: Senator Torgerson, Chair, Senators Stevens, Halford. Signing no recommendation: Senator Elton.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Natural Resources

The bill was referred to the Rules Committee.

**HB 421**

The Resources Committee considered CS FOR HOUSE BILL NO. 421(RES)(title am) "An Act relating to requiring the Department of Natural Resources to develop and maintain a standardized procedure for processing applications and issuing permits, authorizations, and certifications under the Alaska Water Use Act and to make a record of those items and amendments and orders affecting them available on the Internet" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
421(RES)

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Resources Committee  
Fiscal Note No. 2, Department of Natural Resources

The bill was referred to the Finance Committee.

#### **SCR 25**

The Judiciary Committee considered SENATE CONCURRENT RESOLUTION NO. 25 Relating to the public trust for fish and wildlife in Alaska, and recommended the adoption of the Judiciary Committee Substitute offered on page 2282. Signing do pass: Senator Taylor, Chair, Senators Cowdery, Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Senate Judiciary Committee

The resolution was referred to the Resources Committee.

#### **SB 340**

The Rules Committee considered SENATE BILL NO. 340 "An Act relating to treatment of permanent fund dividends for purposes of determining eligibility for certain benefits; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault. Signing under other recommendations -- It's fiscally irresponsible to increase the homeless population: Senator Ellis.

The bill is on today's calendar.

#### **HJR 35**

The Rules Committee considered HOUSE JOINT RESOLUTION NO. 35 am Relating to urging the United States Congress to amend the tax code to permanently repeal the estate tax. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault. Signing under other recommendations: Senator Ellis.

The resolution is on today's calendar.

**Consideration of the Calendar****Second Reading of Senate Bills****SB 340**

SENATE BILL NO. 340 "An Act relating to treatment of permanent fund dividends for purposes of determining eligibility for certain benefits; 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 2708. Without objection, CS FOR SENATE BILL NO. 340(FIN) "An Act relating to public notice of information relating to permanent fund dividends, and to treatment of permanent fund dividends for purposes of determining eligibility for certain benefits; and providing for an effective date" 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. Senator Ellis objected.

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

CSSB 340(FIN)

Advance from Second to Third Reading?

**YEAS: 12 NAYS: 5 EXCUSED: 1 ABSENT: 2**

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Stevens, Therriault, Torgerson, Wilken

Nays: Davis, Ellis, Elton, Lincoln, Olson

Excused: Taylor

Absent: Hoffman, Ward

and so, the bill failed to advance to third reading.

CS FOR SENATE BILL NO. 340(FIN) will be on the April 16 calendar.

**Third Reading of Senate Bills****SB 354**

SENATE BILL NO. 354 was read the third time.

The question being: "Shall SENATE BILL NO. 354 "An Act relating to the prices paid by milk processing plants to suppliers of fluid milk" pass the Senate?" The roll was taken with the following result:

SB 354

Third Reading - Final Passage

**YEAS: 14 NAYS: 4 EXCUSED: 1 ABSENT: 1**

Yeas: Austerman, Cowdery, Davis, Donley, Green, Halford, Kelly, Leman, Lincoln, Phillips, Stevens, Therriault, Torgerson, Wilken

Nays: Ellis, Elton, Hoffman, Olson

Excused: Taylor

Absent: Ward

and so, SENATE BILL NO. 354 passed the Senate.

Senator Ellis gave notice of reconsideration.

**SB 345**

Senator Green moved and asked unanimous consent that 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" be held on reconsideration to April 16. Without objection, it was so ordered.

**Second Reading of House Resolutions****HJR 35**

HOUSE JOINT RESOLUTION NO. 35 am Relating to urging the United States Congress to amend the tax code to permanently repeal the estate tax, was read the second time.



Senator Leman moved and asked unanimous consent that the resolution be advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the resolution be advanced to third reading?" The roll was taken with the following result:

HJR 35 am

Advance from Second to Third Reading?

**YEAS: 12 NAYS: 6 EXCUSED: 1 ABSENT: 1**

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Stevens, Therriault, Torgerson, Wilken

Nays: Davis, Ellis, Elton, Hoffman, Lincoln, Olson

Excused: Taylor

Absent: Ward

and so, the resolution failed to advance to third reading.

HOUSE JOINT RESOLUTION NO. 35 am will be on the April 16 calendar.

### **Citations**

Honoring – William Seward

Representative(s) Dyson

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

Honoring – Alaska Tanker Company, LLC

Representative(s) Harris

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

In Memoriam – Janice Kay Lienhart

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

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.

Senator Leman moved and asked unanimous consent that the following citation be made a special order of business. Without objection, it was so ordered.

#### **Special Order of Business**

In Memoriam – Charles Thomas "Tom" Madsen, Sr.  
Representative(s) Moses, Hudson, Stevens, Kott  
Senator(s) Austerman, Halford, Olson, Leman, Elton, Wilken, Davis,  
Lincoln, Taylor, Kelly, Green, Hoffman, Stevens, Ward

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 Lincoln moved and asked unanimous consent to be excused from a call of the Senate on April 19. Without objection, Senator Lincoln 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., April 16, 2002. Without objection, the Senate adjourned at 1:15 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.