

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

April 16, 2002

#### Ninety-third Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:22 a.m.

The roll showed nineteen members present. Senator Taylor was excused from a call of the Senate.

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.

Let us pray to the Lord.

For the peace of the whole world and for the salvation of our souls, let us pray to the Lord. For the forgiveness of every transgression, both voluntary and involuntary, let us pray to the Lord. For the President of our country, George, the Governor of our state, Anthony, all the Alaska Legislature, and all in civil authority, let us pray to the Lord. For our delivery from all sickness, anger, and danger, let us pray to the Lord.

Help us, save us, have mercy on us, and keep us, O God, by Your grace. For You are a merciful God, full of compassion and love for mankind, now and forever and unto ages of ages. Amen.

Senator Wilken led the Senate in the Pledge of Allegiance.

**Certification**

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

**Messages from the House****SB 291**

Message dated April 16 was read stating, the House has failed to recede from its amendments to CS FOR SENATE BILL NO. 291(RLS), namely:

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."

The Speaker has appointed the following members to a Conference Committee to meet with the like committee from the Senate to consider the bills:

Representative Mulder  
Representative Williams  
Representative Croft

Senate members appointed April 15 (page 2772):

Senator Donley, Chair  
Senator Wilken  
Senator Hoffman

Message dated April 15 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 344**

CS FOR HOUSE BILL NO. 344(STA) BY THE HOUSE STATE AFFAIRS COMMITTEE, entitled:

"An Act increasing fees for driver's licenses, instruction permits, and identification cards; and providing for an effective date."

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

**SB 242**

Message dated April 15 was read, stating the House passed and returned for consideration SENATE BILL NO. 242 with the following amendment:

SENATE BILL NO. 242 am H "An Act relating to concealed handgun permittees."

Senator Leman moved that the Senate concur in the House amendment.

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

SB 242 am H

Shall the Senate concur in the House amendment to SB 242?

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

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

Excused: Taylor

and so, the Senate concurred in the House amendment, thus adopting SENATE BILL NO. 242 am H "An Act relating to concealed handgun permittees."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

### **Standing Committee Reports**

#### **SB 311**

The Health, Education and Social Services Committee considered SENATE BILL NO. 311 "An Act relating to the public school trust fund, the Alaska children's trust, and the Alaska heritage endowment fund; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 311(HES)

Signing no recommendation: Senator Green, Chair, Senator Ward.  
Signing do pass: Senators Wilken, Davis, Leman.

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

The bill was referred to the Finance Committee.

#### **HB 160**

The Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 160(JUD) "An Act requiring the reporting of induced terminations of pregnancies." Signing do pass: Senator Green, Chair, Senators Leman, Ward. Signing no recommendation: Senators Wilken, Davis.

The following previously published fiscal information applies:  
Fiscal Note No. 3, Department of Health and Social Services

The bill was referred to the Finance Committee.

**HB 276**

The Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 276(L&C) "An Act relating to temporary permits and licenses by endorsement issued by the Board of Nursing; and relating to the delegation of nursing duties" and recommended the adoption of the Senate Labor and Commerce Committee Substitute offered on page 2493. Signing do pass: Senator Green, Chair, Senators Leman, Wilken, Davis, Ward.

The following previously published fiscal information applies:

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

The bill was referred to the Finance Committee.

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

CS FOR SENATE BILL NO. 340(FIN) was read the third time.

The question being: "Shall 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" pass the Senate?" The roll was taken with the following result:

CSSB 340(FIN)

Third Reading - Final Passage

**YEAS: 12 NAYS: 7 EXCUSED: 1 ABSENT: 0**

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

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

Excused: Taylor

and so, CS FOR SENATE BILL NO. 340(FIN) passed the Senate.

Senator Leman moved the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSSB 340(FIN)  
Effective Date Clause

**YEAS: 13 NAYS: 6 EXCUSED: 1 ABSENT: 0**

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

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

Excused: Taylor

and so, the effective date clause failed to be adopted.

Senator Ellis gave notice of reconsideration.

### **Third 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 third time.

Senator Phillips, Rules Committee Chair, moved and asked unanimous consent that the bill be referred to the Finance Committee. Without objection, the bill was referred to the Finance Committee.

### **Citations**

Honoring – 2002 Arctic Winter Games Team Alaska, Senate District S Participants

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

Representative(s) Joule, Foster

Honoring – Pete Ramaglia, 80<sup>th</sup> Birthday

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

Honoring – Alaska Airlines, Seventy Years of Service

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

Honoring – Airport Heights Elementary, *Polar Paw News*

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

Honoring – United Way of the Tanana Valley

Representative(s) Hayes, Coghill, Fate, James, Whitaker, Davies  
Senator(s) Wilken, Hoffman, Stevens, Ellis, Lincoln, Davis, Elton,  
Austerman, Leman, Taylor, Halford, Green, Kelly, Therriault

Honoring – Alaska State Legislature Data Processing Staff

Representative(s) Morgan  
Senator(s) Lincoln, Hoffman, Stevens, Ellis, Davis, Elton, Austerman,  
Leman, Wilken, Taylor, Halford, Green, Kelly, Ward, Therriault

In Memoriam – Johnie Pugh

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

In Memoriam – Captain James Francis Coby

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

In Memoriam – Nancy De Leon

Representative(s) Hayes, Coghill, Fate, James, Whitaker, Davies  
Senator(s) Wilken, Hoffman, Stevens, Lincoln, Davis, Elton,  
Austerman, Leman, Taylor, Halford, Green, Kelly, Therriault

In Memoriam – Robert Parrish

Representative(s) Hayes, Coghill, Fate, James, Whitaker, Davies  
Senator(s) Wilken, Hoffman, Stevens, Lincoln, Davis, Elton,  
Austerman, Leman, Taylor, Halford, Green, Kelly, Therriault

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.

### **Unfinished Business**

#### **SB 311**

Senator Wilken moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 311 "An Act relating to the public school trust fund, the Alaska children's trust, and the Alaska heritage endowment fund; and providing for an effective date." Without objection, it was so ordered.

#### **HB 276**

Senator Wilken moved and asked unanimous consent to be shown as a cross sponsor on CS FOR HOUSE BILL NO. 276(L&C) "An Act relating to temporary permits and licenses by endorsement issued by the Board of Nursing; and relating to the delegation of nursing duties." Without objection, it was so ordered.

#### **SB 345**

The reconsideration on 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 not taken up this legislative day and the bill was referred to the Secretary for engrossment.

#### **SB 354**

The reconsideration on SENATE BILL NO. 354 "An Act relating to the prices paid by milk processing plants to suppliers of fluid milk" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

### **Announcements**

Announcements are at the end of the journal.



**Engrossment****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 engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 354**

SENATE BILL NO. 354 "An Act relating to the prices paid by milk processing plants to suppliers of fluid milk" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**Enrollment****SB 242**

SENATE BILL NO. 242 am H "An Act relating to concealed handgun permittees" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 3:52 p.m., April 16, 2002.

**Adjournment**

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 17, 2002. Without objection, the Senate adjourned at 12:08 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**

<b>Apr 17</b>	<b>Wednesday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
+ SB 359	MUNICIPAL ORGANIZATION GRANTS		
+ HB 312	SUPP. PUBLIC SCHOOL FUNDING/YOUTH ACADEMY		
+ HB 455	MUNICIPAL TAXATION OF AGRICULTURAL LAND		
+= HB 296	MUNICIPAL MERGER AND CONSOLIDATION		
<b>Apr 19</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		

**FINANCE**

<b>Apr 16</b>	<b>Tuesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
= HB 403	APPROP: OPERATING BUDGET/LOANS/FUNDS		
= SB 289	APPROP: OPERATING BUDGET/LOANS/FUNDS		
= HB 404	APPROP: MENTAL HEALTH BUDGET		
= SB 288	APPROP: MENTAL HEALTH BUDGET		
	Reports from Budget Subcommittees		
	No Public Testimony		
	No Testimony by Invitation		
	Bills Previously Heard/Scheduled		

**FINANCE (Continued)****Apr 16 Tuesday Senate Finance 532 4:00 PM**

= HB 403 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 = SB 289 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 = HB 404 APPROP: MENTAL HEALTH BUDGET  
 = SB 288 APPROP:MENTAL HEALTH BUDGET  
 Reports from Budget Subcommittees  
 Budget Closeout- University of Alaska  
 No Public Testimony  
 Testimony by Invitation Only  
 Bills Previously Heard/Scheduled

**Apr 17 Wednesday Senate Finance 532 9:00 AM**

SJR 43 MAINTENANCE OF EFFORT ON FEDERAL PROGRAMS  
 SB 353 AGRICULT. PROG.COORDINATOR/ANIMAL FEED  
 = HB 4 MOTOR VEHICLES & DRUNK DRIVING  
 HB 131 FOREST RESOURCES & PRACTICES STANDARDS  
 Bills Previously Heard/Scheduled  
 -- Teleconference Upon Request --

**Apr 17 Wednesday Senate Finance 532 4:00 PM**

+ = HB 403 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 + = SB 289 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 + = HB 404 APPROP: MENTAL HEALTH BUDGET  
 + = SB 288 APPROP:MENTAL HEALTH BUDGET  
 PUBLIC TESTIMONY  
 STATEWIDE TELECONFERENCE  
 4:00-4:45 Dillingham,Homer,Seward,Valdez  
 4:45-5:30 Cordova, Kenai, Kodiak, Bethel  
 5:30-6:15 Glennallen, Petersburg, Sitka  
 7:00-9:00 Anchorage  
 Bills Previously Heard/Scheduled

**Apr 18 Thursday Senate Finance 532 9:00 AM**

+ = HB 403 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 + = SB 289 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 + = HB 404 APPROP: MENTAL HEALTH BUDGET  
 + = SB 288 APPROP:MENTAL HEALTH BUDGET  
 PUBLIC TESTIMONY  
 STATEWIDE TELECONFERENCE  
 9:00-10:00 Mat-su, Delta Junction,  
 Ketchikan, Tok  
 10:00-11:00 Wrangell, Nome, Kotzebue, Barrow  
 Bills Previously Heard/Scheduled

**FINANCE (Continued)****Apr 18 Thursday Senate Finance 532 4:00 PM**

+ = HB 403 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 + = SB 289 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 + = HB 404 APPROP: MENTAL HEALTH BUDGET  
 + = SB 288 APPROP: MENTAL HEALTH BUDGET  
 PUBLIC TESTIMONY  
 STATEWIDE TELECONFERENCE  
 4:00-5:15 Offnet Sites  
 5:15-6:30 Fairbanks  
 7:15-9:00 Juneau  
 Bills Previously Heard/Scheduled

**Apr 19 Friday Senate Finance 532 9:00 AM**

= HB 403 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 = SB 289 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 = HB 404 APPROP: MENTAL HEALTH BUDGET  
 = SB 288 APPROP: MENTAL HEALTH BUDGET  
 TESTIMONY BY INVITATION ONLY  
 Bills Previously Heard/Scheduled

**Apr 19 Friday Senate Finance 532 4:00 PM**

= HB 403 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 = SB 289 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 = HB 404 APPROP: MENTAL HEALTH BUDGET  
 = SB 288 APPROP: MENTAL HEALTH BUDGET  
 TESTIMONY BY INVITATION ONLY  
 Bills Previously Heard/Scheduled

**Apr 20 Saturday Senate Finance 532 10:00 AM**

= HB 403 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 = SB 289 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 = HB 404 APPROP: MENTAL HEALTH BUDGET  
 = SB 288 APPROP: MENTAL HEALTH BUDGET  
 TESTIMONY BY INVITATION ONLY  
 Bills Previously Heard/Scheduled  
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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Apr 17      Wednesday                      House Finance 519              1:30 PM**

- Time and Location Change --
- +      Joint w/(H) Health, Education and Social Services, (H) Finance, (H) Special Committee on Education
- Baldridge Award/Chugach School, Gates Foundation, Standards Based Education

**Apr 17      Wednesday                      Butrovich 205              2:30 PM**

- Time Change --
- +      HB 239 VOCATIONAL EDUCATION PILOT PROGRAM
- +      SB 306 PRESCRIPTION DRUG ASSISTANCE TASK FORCE
- Uniform Rule 23 Waived
- +      Bills Previously Heard/Scheduled

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**JUDICIARY**

**Apr 17      Wednesday                      Beltz 211              1:30 PM**

- +      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

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**LABOR & COMMERCE**

**Apr 16      Tuesday                                      Beltz 211              1:30 PM**

- +      HB 504 MINIMUM WAGE FOR WORKERS IN FISHERIES
- <Pending Referral-Bill Postponed to 4/18>
- +      SJR 44 STATE-FEDERAL JOINT RESEARCH PLAN
- +      Bills Previously Heard/Scheduled

**LABOR & COMMERCE (Continued)**

**Apr 18 Thursday Beltz 211 1:30 PM**  
 += SB 320 MOTOR VEHICLE INSURANCE & REPAIRS  
 += SB 252 EMPLOYMENT AND TRAINING PROGRAM/BOARD  
 + Bills Previously Heard/Scheduled  
 = HB 504 MINIMUM WAGE FOR WORKERS IN FISHERIES  
 <Pending Referral-Postponed from 4/16/02>

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**RESOURCES**

**Apr 17 Wednesday Butrovich 205 3:30 PM**  
 Harold Heinze:North Slope Gas Development  
 += SB 360 ALASKA NATURAL GAS PROJECT ACT  
 + SCR 30 ALASKA SALMON DAY  
 += HB 206 LIMITED ENTRY FOR COMM. FISHERIES  
 Bills Previously Heard/Scheduled

**Apr 19 Friday Butrovich 205 3:30 PM**  
 + 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

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**RULES**

**Apr 16 Tuesday Fahrenkamp 203 10:30 AM**  
 = SB 4 MUNICIPAL PROPERTY TAX EXEMPTION  
 SB 91 ABORTION: INFORMED CONSENT;INFORMATION  
 SB 223 PRISONERS:PAROLE/GOOD TIME  
 SB 226 HIGHWAY DESIGN & CONSTRUCTION  
 SB 295 LICENSING:DISCLOSURE OF MINORS RECORDS  
 SB 302 MENTAL HEALTH PROFESSIONALS  
 SCR 32 SUSPEND UNIFORM RULES FOR HB 390  
 + HB 411 PHYSICIAN ASSISTANTS

**Apr 17 Wednesday Fahrenkamp 203 10:30 AM**  
 SB 219 FED/STATE NAVIGABLE WATERS COMMISSION  
 SB 280 WATER/SEWER/WASTE GRANTS TO UTILITIES

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**STATE AFFAIRS**

**Apr 16 Tuesday Beltz 211 3:30 PM**  
SCR 9 APPROVING LEG. OPEN MEETINGS GUIDELINES  
Bills Previously Heard/Scheduled

**Apr 18 Thursday Beltz 211 3:30 PM**  
HB 53 SEISMIC HAZARDS SAFETY COMMISSION  
Bills Previously Heard/Scheduled

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**TRANSPORTATION**

**Apr 16 Tuesday Butrovich 205 1:30 PM**  
SB 238 SECURITY OF FACILITIES AND SYSTEMS  
HB 397 NO DRIVERS' LIC. FOR OFF HWY VEHICLES  
Bills Previously Heard/Scheduled

**Apr 18 Thursday Butrovich 205 1:30 PM**  
SB 327 MOTOR VEHICLE LIABILITY INSURANCE  
Bills Previously Heard/Scheduled

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**JOINT COMMITTEES**

**ARMED SERVICES COMMITTEE**

**May 03 Friday House Finance 519 1:30 PM**  
Admiral Thomas Barrett, US Coast Guard  
Pat Ladner, AK Aerospace Development Corp

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**LEGISLATIVE COUNCIL**

**Apr 17 Wednesday Capitol 208 8:30 AM**  
Information Technology Subcommittee

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**OMBUDSMAN SELECTION COMMITTEE**

**Apr 17 Wednesday Terry Miller 104 2:00 PM**

**Apr 18 Thursday Terry Miller 104 2:00 PM**