SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Tuesday April 23, 2002 Juneau, Alaska

One Hundredth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:30 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, The Reverend George Walter of St. Brendan's Episcopal Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

> With the deepest respect for the religious beliefs of all Alaskans, I offer the following prayer:

> Oh God, the fountain of wisdom, Whose will is good and gracious, and Whose law is truth: I beseech You so to guide and bless our Senators in the Legislature of this State, that they may enact such laws as shall please You, to the glory of Your Name and the welfare of this people; through Jesus Christ my Lord. Amen.

Senator Olson led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor

SB 291

Message dated and received April 22 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:

CONFERENCE CS FOR SENATE BILL NO. 291 "An Act making supplemental and other appropriations; amending appropriations; and providing for an effective date."

> Chapter 10, SLA 2002 Effective Date: See Chapter

Messages from the House

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

First Reading and Reference of House Bills

HB 302

CS FOR HOUSE BILL NO. 302(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act establishing the Alaska Gas Corporation, a public corporation, and providing for its structure, management, responsibilities, and operation, and requiring the development of a project plan to evaluate whether construction and operation of a natural gas transmission pipeline project by the corporation is feasible."

was read the first time and referred to the Resources and Finance Committees.

HB 317

CS FOR HOUSE BILL NO. 317(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to stalking and to violating a protective order; and amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration."

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

HB 319

CS FOR HOUSE BILL NO. 319(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to civil liability for commercial recreational activities and for guest passengers on an aircraft or watercraft; and providing for an effective date."

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

HB 333

CS FOR HOUSE BILL NO. 333(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act setting timelines for issuance of final orders by the Regulatory Commission of Alaska, amending the authority of the commission to enter compromise settlement orders, and extending the commission's termination date to June 30, 2006; and providing for an effective date."

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

2902

HB 352 CS FOR HOUSE BILL NO. 352(HES) am BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act extending the dates for assignment of performance designations of public schools and the dates for reports and monitoring based on those designations; and providing for an effective date."

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

Standing Committee Reports

SB 327

The Transportation Committee considered SENATE BILL NO. 327 "An Act relating to motor vehicle insurance; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 327(TRA) "An Act relating to confidentiality of insurance records and hearings and to motor vehicle insurance; and providing for an effective date."

Signing do pass: Senator Cowdery, Chair. Signing no recommendation: Senators Wilken, Elton, Ward.

The following fiscal information was published today:

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

The bill was referred to the State Affairs Committee.

HB 162

Forthcoming State Affairs Senate Committee Substitute (page 2858) for HOUSE BILL NO. 162 "An Act relating to absences from the state under the longevity bonus program" was received today.

HB 411

The Rules Committee considered HOUSE BILL NO. 411 "An Act relating to physician assistants; providing that a physician assistant is a health care provider covered by certain laws relating to medical malpractice actions; adding physician assistants to the list of providers against whom unfair discrimination relating to health care insurance is prohibited and to the list of providers who can provide proof of disablement or handicap for the purpose of motor vehicle registration or for the purpose of obtaining a special license plate or a special parking permit; and providing for an effective date." Signing to calendar and do pass: Senator Phillips, Chair, Senators Cowdery, Halford, Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, zero, Department of Community and Economic Development

The bill is on today's calendar.

HCR 26

The Rules Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 26(STA) Supporting increased use of the house arrest program/electronic monitoring with sobriety monitoring as a means of preventing crime and reducing the high costs of imprisonment in Alaska. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault, Ellis.

The resolution is on today's calendar.

Consideration of the Calendar

Second Reading of House Bills

HB 411

HOUSE BILL NO. 411 "An Act relating to physician assistants; providing that a physician assistant is a health care provider covered by certain laws relating to medical malpractice actions; adding physician assistants to the list of providers against whom unfair discrimination relating to health care insurance is prohibited and to the list of providers who can provide proof of disablement or handicap for the purpose of motor vehicle registration or for the purpose of obtaining a special license plate or a special parking permit; and providing for an effective date" was read the second time.

Senator Leman moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE BILL NO. 411 was read the third time.

Senators Wilken, Taylor, Leman, Ellis, Therriault, Cowdery, Austerman, Lincoln, Elton moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall HOUSE BILL NO. 411 "An Act relating to physician assistants; providing that a physician assistant is a health care provider covered by certain laws relating to medical malpractice actions; adding physician assistants to the list of providers against whom unfair discrimination relating to health care insurance is prohibited and to the list of providers who can provide proof of disablement or handicap for the purpose of motor vehicle registration or for the purpose of obtaining a special license plate or a special parking permit; and providing for an effective date" pass the Senate?" The roll was taken with the following result: HB 411 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, HOUSE BILL NO. 411 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 and the bill was signed by the President and Secretary and returned to the House.

Third Reading of Senate Bills

SB 4

CS FOR SENATE BILL NO. 4(RLS) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 4(RLS) "An Act relating to optional exemptions from municipal property taxes on residential property and limiting an optional exclusion or exemption to the assessed value of \$10,000 for a residence in a municipality with a total bonded indebtedness that equals or exceeds \$15,000 multiplied by the number of residents in the municipality; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 4(RLS)

Third Reading - Final Passage

YEAS: 13 NAYS: 7 EXCUSED: 0 ABSENT: 0

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

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

Davis changed from "Yea" to "Nay".

and so, CS FOR SENATE BILL NO. 4(RLS) passed the Senate.

Senator Leman moved for the adoption of the effective date clause.

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

CSSB 4(RLS) Effective Date Clause

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, the effective date clause was adopted.

Senator Olson gave notice of reconsideration.

Senate Bills in Third Reading

SB 185

CS FOR SENATE BILL NO. 185(FIN) "An Act relating to the basis for determining eligibility for and the amount of power cost equalization payments; and providing for an effective date" which had been held in third reading (page 2891) was before the Senate.

Senator Leman moved and asked unanimous consent that CS FOR SENATE BILL NO. 185(FIN) be held in third reading to the April 24 calendar. Without objection, it was so ordered.

Second Reading of House Resolutions

HCR 26

CS FOR HOUSE CONCURRENT RESOLUTION NO. 26(STA) was read the second time and was before the Senate on final passage.

The question being: "Shall CS FOR HOUSE CONCURRENT RESOLUTION NO. 26(STA) Supporting increased use of the house arrest program/electronic monitoring with sobriety monitoring as a means of preventing crime and reducing the high costs of imprisonment in Alaska, pass the Senate?" The roll was taken with the following result:

CSHCR 26(STA) Second Reading - Final Passage

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 HOUSE CONCURRENT RESOLUTION NO. 26(STA) passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Honoring – Chugiak Volunteer Fire Department, 50th Anniversary Senator(s) Halford, Phillips, Wilken, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Hoffman, Ellis, Donley, Stevens, Ward, Cowdery Representative(s) Dyson

Honoring – Jenny Dawson Representative(s) Green Senator(s) Ward, Wilken, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Halford, Phillips, Hoffman, Donley, Stevens, Cowdery

Honoring – Alaska Air National Guard, Golden Anniversary Representative(s) Chenault, Masek, Murkowski, Kott, Green, Cissna, Hayes Senator(s) Ward, Wilken, Leman, Elton, Davis, Lincoln, Austerman,

Taylor, Kelly, Green, Halford, Phillips, Hoffman, Ellis, Donley, Stevens, Olson, Cowdery

Honoring – Harold S. Newcomb, 50 Years of Service to Wasilla Representative(s) Kohring Senator(s) Halford, Wilken, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Phillips, Hoffman, Stevens, Ward, Cowdery

Honoring – Carrie Sessarego Representative(s) Kapsner Senator(s) Hoffman, Wilken, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Halford, Stevens, Olson, Cowdery

Commemorating – Law Enforcement Memorial Day, May 10, 2002 Representative(s) Porter Senator(s) Halford, Donley, Wilken, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Phillips, Hoffman, Ellis, Stevens, Ward, Cowdery

In Memoriam – The Reverend James F. Kelley Senator(s) Halford, Hoffman, Olson, Wilken, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Phillips, Donley, Stevens, Ward, Cowdery Representative(s) Kapsner

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.

Enrollment

SB 176

HOUSE CS FOR CS FOR SENATE BILL NO. 176(RLS) "An Act prohibiting certain coercive activity by distributors; relating to certain required distributor payments and purchases; prohibiting distributors from requiring certain contract terms as a condition for certain acts related to distributorship and ancillary agreements; allowing dealers to bring certain court actions against distributors for certain relief; and making exemptions that relate to the federal Petroleum Marketing Practices Act, situations regulated by the Alaska Gasoline Products Leasing Act, distributorship agreements relating to motor vehicles required to be registered under AS 28.10, activities and agreements by persons licensed under AS 04, contracts between persons licensed

under AS 04 and out-of-state persons in the alcoholic beverage industry, distributorship agreements involving cigarettes, food, drink, or components of food or drink, manufacturers with 50 or fewer employees, suppliers, manufacturers, importers, and wholesalers of alcoholic beverages" 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 12:32 p.m., April 23, 2002.

SJR 31

CS FOR SENATE JOINT RESOLUTION NO. 31(STA) Urging the United States Congress to permit the use of tax exempt bonds to fund loans for veterans who served after 1976, 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 12:32 p.m., April 23, 2002.

SCR 28

HOUSE CS FOR CS FOR SENATE CONCURRENT RESOLUTION NO. 28(FIN) Establishing the Joint Legislative Salmon Industry Task Force, 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 12:32 p.m., April 23, 2002.

Memorandum from Division of Legal and Research Services, Legislative Affairs Agency, dated April 22 was received, reporting the following manifest error in HOUSE CS FOR CS FOR SENATE CONCURRENT RESOLUTION NO. 28(FIN), which has been corrected in enrolling:

Page 4, line 7, following "**RESOLVED**": Insert "that"

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 24, 2002. Without objection, the Senate adjourned at 12:07 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

Ap	r 24	Wednesday	Fahrenkamp 203	1:30 PM
+	HCR 27	LOCAL BOUNDARY	COMMISSION PROCEDUR	ES
+	SB 365	MUNICIPAL IMPRO	VEMENT AREAS	

 Apr 26
 Friday
 Fahrenkamp 203
 1:30 PM

 No Meeting Scheduled
 No
 Scheduled
 Sched

FINANCE

Apr 23TuesdaySenate Finance 5329:00 AMSB 364MEDICAID PAYMENTS FOR ABORTIONS9:00 AMSB 360ALASKA NATURAL GAS PROJECT ACTHB 160REPORTING OF ABORTIONSBills Previously Heard/Scheduled-- Teleconference Upon Request --

Apr 23 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 Testimony by Invitation Bills Previously Heard/Scheduled

FINANCE (Continued)

SJR 44 HB 307	COASTAL ZONE MANAG	RESEARCH PLAN INCENTIVE CREDIT SSISTANCE PROGRAM fuled	9:00 AM 1
= SB 289	APPROP: OPERATING BU APPROP: OPERATING BU APPROP: MENTAL HEAL	DGET/LOANS/FUNDS TH BUDGET 'H BUDGET	4:00 PM
Apr 25 = HB 4 HB 421 = SB 239	MOTOR VEHICLES & DR WATER USE ACT PROCE	DURES & RECORDS LED TO MILITARY DU fuled	9:00 AM TTY
Apr 25 = HB 403 = SB 289 = HB 404 = SB 288	APPROP: OPERATING BU	DGET/LOANS/FUNDS TH BUDGET 'H BUDGET	4:00 PM
Apr 26	Friday Ser Bills Previously Heard/Scher Teleconference Upon Requ		9:00 AM

-- Teleconference Upon Request --

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 24		Wednesday	Butrovich 205	1:30 PM
		Rescheduled from 4/22/02		
=	SB 250	SCHOOL PERFORMANCE	REPORTS	
	HB 352	SCHOOL PERFORMANCE	REPORTS	
=	HB 245	MARITAL & FAMILY THE	ERAPISTS	
=	SB 306	PRESCRIPTION DRUG AS	SISTANCE TASK FO	RCE
=	HB 209	PROGRAM FOR FORMER	FOSTER CHILDREN	
=	HB 348	VIOLATION OF A DOMES	TIC VIOLENCE ORE	DER
		Bills Previously Heard/Scheo	luled	

JUDICIARY

Apr 24 Wednesday H	Beltz 211	1:30 PM
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HB 281 CIVIL LIABILITY FOR PROVIDING ALCOHOL

+ HB 281 CIVIL LIABILITY FOR PI
+ SB 309 ADVERSE POSSESSION

+ Bills Previously Heard/Scheduled

Apr 26FridayBeltz 2111:30 PM+=SB 248EXTENDING COUNCIL ON DOMESTIC VIOLENCE+Confirmation Hearing:
Legislative Ethics-
Arthur S. Robinson, Soldotna+Bills Previously Heard/Scheduled

+ Bills Previously Heard/Scheduled

LABOR & COMMERCE

Ар	r 23	Tuesday	Beltz 211	1:30 PM
		Meeting Canceled		
=	HB 504	WAGES FOR WORKERS IN FISH	IERIES	
		<bill 02="" 25="" 4="" postponed="" to=""></bill>		
	HJR 38	TERRORISM RISK PROTECTION	LEGISLATION	
		<bill 02="" 25="" 4="" postponed="" to=""></bill>		
		Bills Previously Heard/Scheduled		

LABOR & COMMERCE (Continued)

Ap	r 25	Thursday Beltz	211	1:30 PM
+	HB 319	RECREATIONAL ACTIVITY LIABILIT	Υ	
		<pending referral=""></pending>		
+	HB 182	MOTOR VEHICLE SALES AND DEALH	ERS	
		<pending referral=""></pending>		
+	HB 443	TATTOOING AND BODY PIERCING		
+		Bills Previously Heard/Scheduled		
+=	HB 504	WAGES FOR WORKERS IN FISHERIES	5	
		<bill 02="" 23="" 4="" from="" postponed=""></bill>		
+=	HJR 38	TERRORISM RISK PROTECTION LEG	ISLATION	
		<bill 02="" 23="" 4="" from="" postponed=""></bill>		

RESOURCES

Apr 24	Wednesday	Butrovich 205	3:30 PM
+ HB 208	AQUATIC FARMS FOR SH	ELLFISH	
+= HB 286	FISHING PERMITS/ASSOC	IATIONS/ASSESSME	ENTS
+ HJR 45	SALMON LABELING		
+	Bills Previously Heard/Schedu	uled	
Apr 26	Friday	Butrovich 205	3:30 PM
+	Bills Previously Heard/Schedu	uled	

RULES

Apr 23	Tuesday	Fahrenkamp 203	8:30 AM
	Time Change		
SB 326	WASTEWATER DISCH	ARGE PROGRAM	
HB 157	TRUST COMPANIES &	FIDUCIARIES	
SCR 31	SUSPEND UNIFORM R	ULE FOR HB 297	
HB 297	AGGRAVATOR FOR SH	EXUAL OFFENSES	
HB 298	LEGISLATIVE APPROV	AL OF RAILROAD LEA	ASES
HB 355	MOBILE TELECOMMU	NICATIONS TAX	
HB 389	MUNI TAX EXEMPTIO	N: DETERIORATED PR	OPERTY
HB 418	ELECTRONIC PROXY	VOTING & NOTIFICAT	ION
HB 470	COMMON INTEREST C	WNERSHIP:OFFERING	5 STMTS

RULES (Continued)

- Apr 24WednesdayFahrenkamp 20310:30 AMHB 243VERIFY AGE REQD FOR DEFENSE IN SEX CRIMESHB 381FAILURE TO STOP FOR PEACE OFFICER
 - HB 480 DEATH/SURVIVOR BENEFITS IN PERS & TRS
 - HJR 30 DESECRATION OF U.S. FLAG
 - HJR 48 TERMINATION OF FED LAND WITHDRAWALS

STATE AFFAIRS

- Apr 23 Tuesday Beltz 211 3:30 PM
 - HB 344 INCREASE DRIVER'S LICENSE/PERMIT FEES
- + SB 361 PERMIT COORDINATION & COASTAL ZONE MGMT
- + SB 363 ELECTIONEERING COMMUNICATIONS Bills Previously Heard/Scheduled
- Apr 25 Thursday Beltz 211 3:30 PM
 - HB 289 MUNICIPAL MANAGER PLAN
 - HB 305 NONCOMPLIANCE WITH SELECTIVE SERVICE
 - HB 438 DISABLED VETERANS LICENSE PLATES
 - HB 444 ALASKA PUBLIC BUILDING FUND

Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 23	Tuesday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

- Apr 25 Thursday Butrovich 205 1:30 PM
 - SB 362 VACATE RS2477 RIGHT OF WAY ON USS 5265
 - HB 374 NAMING DOUTHIT VETERANS' MEMORIAL BRIDGE
 - Bills Previously Heard/Scheduled

JOINT COMMITTEES

ARMED SERVICES COMMITTEE

May 03		House Finance 519 Barrett, US Coast Guard erospace Development Corp	1:30 PM
	LEGIS	SLATIVE COUNCIL	
Apr 29	·	House Finance 519	5:00 PM
	OMBUDSMAN	SELECTION COMMITTEE	
Apr 26	Friday	Fahrenkamp 203	9:00 AM
	ОТ	HER MEETINGS	
	ANC	HORAGE CAUCUS	
Apr 23	Tuesday Time Change Anchorage Capita		6:00 PM
	FISCA	L POLICY CAUCUS	
Apr 23	Tuesday	Butrovich 205	12:00 PM
	МА	JORITY CAUCUS	
Apr 23	Tuesday	Capitol 107	1:00 PM