

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

May 1, 2002

One Hundred Eighth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:46 a.m.

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

Senator Lemman moved and asked unanimous consent that Senator Green be excused from a call of the Senate due to illness. Without objection, it was so ordered.

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.

Almighty God, Heavenly Father, send down upon those who hold office in this State Senate the spirit of wisdom, charity and justice; that with steadfast purpose they may faithfully serve in their offices to promote the well being of all people; through Jesus Christ my Lord, Amen.

Senator Ellis led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House**SB 297**

Message dated April 30 was read, stating the House passed and returned:

SENATE BILL NO. 297 "An Act moving employees of the Alaska mental health trust land unit of the Department of Natural Resources from the partially exempt service to the exempt service."

The bill was referred to the Secretary for enrollment.

Message dated April 30 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 252**

CS FOR HOUSE BILL NO. 252(RLS) BY THE HOUSE RULES COMMITTEE, entitled:

"An Act relating to the construction of certain statutes relating to children; relating to the scope of duty and standard of care for persons who provide services to certain children and families; relating to civil liability for damages to certain children and their families resulting from failure to comply with certain statutes; relating to intensive family preservation services; and providing for an effective date."

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

HB 271

CS FOR HOUSE BILL NO. 271(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to recovery of punitive damages resulting from an aviation accident; and providing for an effective date."

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

HB 287

CS FOR HOUSE BILL NO. 287(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the exemption of commercial fishing entry permits from claims of creditors and execution on an interest in a limited entry permit; and providing for an effective date."

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

HB 498

CS FOR HOUSE BILL NO. 498(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act expressing legislative intent regarding privately operated correctional facility space and services; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into an agreement for the confinement and care of prisoners in privately operated correctional facility space in the City of Whittier; giving notice of and approving the entry into and the issuance of certificates of participation for the upgrade, expansion, and replacement of a certain correctional facility in the City of Bethel; giving notice of and approving the entry into lease-financing agreements for that project; and providing for an effective date."

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

HB 526

HOUSE BILL NO. 526 BY THE HOUSE RULES COMMITTEE,
entitled:

"An Act relating to the deadline for filing financial disclosure statements for public members and public member nominees of the Select Committee on Legislative Ethics."

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

Standing Committee Reports**SB 271**

The Transportation Committee considered SENATE BILL NO. 271 "An Act establishing the Alaska Marine and Rail Transportation Authority; establishing the marine and rail transportation fund; relating to ferries and ferry terminals; relating to the Alaska Railroad Corporation; and providing for an effective date." Signing do pass: Senator Cowdery, Chair, Senators Wilken, Taylor, Ward. Signing do not pass: Senator Elton.

The following fiscal information was published today:

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

Fiscal Note No. 2, Department of Natural Resources

The bill was referred to the Judiciary Committee.

SB 362

The Transportation Committee considered SENATE BILL NO. 362 "An Act relating to rights-of-way." Signing do pass: Senator Cowdery, Chair. Signing no recommendation: Senators Taylor, Wilken, Ward. Signing do not pass: Senator Elton.

Fiscal information forthcoming.

The bill was referred to the Rules Committee.

HB 27

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 27(FIN) "An Act relating to the registration of individuals who perform home inspections; relating to regulation of contractors; relating to registration fees for specialty contractors, home inspectors, and associate home inspectors; relating to home inspection requirements for residential loans purchased or approved by the Alaska Housing Finance Corporation; relating to civil actions by and against home inspectors and to civil actions arising from residential unit inspections; and providing for an effective date." Signing no recommendation: Senator Stevens, Chair, Senators Austerman, Leman, Torgerson.

The following previously published fiscal information applies:

Fiscal Note No. 5, zero, Department of Revenue

Fiscal Note No. 6, Department of Community and Economic Development

The bill was referred to the Judiciary Committee.

HB 160

The Finance Committee considered CS FOR HOUSE BILL NO. 160(JUD) "An Act requiring the reporting of induced terminations of pregnancies." Signing do pass: Senator Kelly, Cochair, Senator Leman. Signing no recommendation: Senator Donley, Cochair, Senators Austerman, Hoffman, Olson.

The following fiscal information was published today:

Fiscal Note No. 4, zero, Senate Finance Committee

The bill was referred to the Rules Committee.

HB 288

The Finance Committee considered CS FOR HOUSE BILL NO. 288(FIN) am "An Act relating to commercial fishing limited entry permit buy-back programs, to a permit buy-back assessment, and to voluntary relinquishment of commercial fishing permits; and defining 'optimum number.'" Signing do pass: Senators Donley, Kelly, Cochairs, Senators Austerman, Hoffman, Olson, Leman. Signing no recommendation: Senator Green.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Fish and Game
- Fiscal Note No. 2, zero, Department of Revenue
- Fiscal Note No. 3, indeterminate, Department of Revenue

The bill was referred to the Rules Committee.

HB 305

The State Affairs Committee considered CS FOR HOUSE BILL NO. 305(STA) am "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" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
305(STA)

Signing no recommendation: Senator Therriault, Chair. Signing do pass: Senators Phillips, Stevens.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Revenue

The bill was referred to the Rules Committee.

HB 344

The Finance Committee considered CS FOR HOUSE BILL NO. 344(STA) "An Act increasing fees for driver's licenses, instruction permits, and identification cards; and providing for an effective date." Signing do pass: Senator Kelly, Cochair, Senators Wilken, Hoffman, Leman. Signing no recommendation: Senator Donley, Cochair, Senator Olson.

The following previously published fiscal information applies:

- Fiscal Note No. 1, Department of Administration

The bill was referred to the Rules Committee.

HB 374

The Transportation Committee considered HOUSE BILL NO. 374 "An Act naming the David Douthit Veterans' Memorial Bridge." Signing do pass: Senator Cowdery, Chair, Senators Wilken, Taylor, Ward.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Transportation and Public Facilities

The bill was referred to the Rules Committee.

HB 397

The Transportation Committee considered CS FOR HOUSE BILL NO. 397(STA) "An Act exempting a person driving certain motor vehicles, aircraft, or watercraft from driver licensing requirements; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
397(TRA)

Signing no recommendation: Senator Cowdery, Chair, Senators Taylor, Elton. Signing do pass: Senator Ward. Signing do not pass, this is a dangerous bill: Senator Wilken.

The following fiscal information was published today:

Fiscal Note No. 3, zero, Department of Administration

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Alaska Court System

Fiscal Note No. 2, zero, Department of Public Safety

The bill was referred to the Rules Committee.

HB 458

The State Affairs Committee considered HOUSE BILL NO. 458 "An Act relating to periods of probation for state employees; and providing for an effective date." Signing no recommendation: Senator Therriault, Chair, Senators Phillips, Stevens.

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

The bill was referred to the Rules Committee.

HB 474

The Transportation Committee considered CS FOR HOUSE BILL NO. 474(CRA) am "An Act relating to public rights-of-way and easements for surface transportation affecting the Anchorage Coastal Wildlife Refuge." Signing do pass: Senator Cowdery, Chair, Senators Wilken, Taylor, Ward. Signing do not pass: Senator Elton.

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

The bill was referred to the Resources Committee.

HB 504

The Finance Committee considered CS FOR HOUSE BILL NO. 504(FIN) am "An Act relating to the wages of people working in the fisheries business." Signing no recommendation: Senator Kelly, Cochair, Senators Hoffman, Olson. Signing do not pass: Senator Donley, Cochair. Signing do pass: Senators Austerman, Leman.

The following previously published fiscal information applies:
Fiscal Note No. 2, zero, House Finance Committee

The bill was referred to the Rules Committee.

HB 515

The Finance Committee considered CS FOR HOUSE BILL NO. 515(FIN) am "An Act relating to missions and measures to be applied to certain expenditures by the executive branch of state government and the University of Alaska and by the judicial branch of state government from the state operating budget for the fiscal year ending June 30, 2003; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
515(FIN)
(forthcoming)

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

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, House Finance Committee

The bill was referred to the Rules Committee.

SJR 32

The Transportation Committee considered SENATE JOINT RESOLUTION NO. 32 Proposing amendments to the Constitution of the State of Alaska relating to a marine and rail transportation fund. Signing do pass: Senator Cowdery, Chair, Senators Taylor, Wilken, Ward. Signing do not pass: Senator Elton.

The following fiscal information was published today:
Fiscal Note No. 1, Office of the Governor

The resolution was referred to the Judiciary Committee.

SCR 33

The State Affairs Committee considered SENATE CONCURRENT RESOLUTION NO. 33 Relating to Ovarian Cancer Awareness Month. Signing do pass: Senator Therriault, Chair, Senators Phillips, Stevens.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Senate State Affairs Committee

The resolution was referred to the Rules Committee.

HB 106

The Rules Committee considered CS FOR HOUSE BILL NO. 106(L&C) am "An Act relating to the authorizations for certain state financial institutions of certain powers and limitations; relating to confidential records of depositors and customers of certain financial institutions; relating to the examination of certain institutions subject to AS 06; relating to the Alaska Banking Code, Mutual Savings Bank Act, Alaska Small Loans Act, and Alaska Credit Union Act; amending Rule 45, Alaska Rules of Civil Procedure, Rules 17 and 37, Alaska Rules of Criminal Procedure, and Rule 24, Alaska Bar Rules; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Therriault.

The bill is on today's calendar.

HB 470

The Rules Committee considered CS FOR HOUSE BILL NO. 470(L&C)(title am) "An Act relating to public offering statements required under the Uniform Common Interest Ownership Act; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
470(RLS)

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

The following previously published fiscal information applies:

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

The bill is on today's calendar.

HJR 45

The Rules Committee considered HOUSE JOINT RESOLUTION NO. 45 Relating to the labeling of salmon food products. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault.

The resolution is on today's calendar.

HJR 46

The Rules Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 46(RES) Relating to the moratorium on fish farming in British Columbia, and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE JOINT
RESOLUTION NO. 46(RLS)

Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Special Committee on Fisheries

The resolution is on today's calendar.

HCR 27

The Rules Committee considered HOUSE CONCURRENT RESOLUTION NO. 27 am Relating to urging the Local Boundary Commission to adopt standards and procedures to enable the commission to return a petition for a local boundary change to the petitioner when the commission determines the petition is substantively deficient, in need of substantial amendment or supplementation, or the procedure used in preparing the petition was deficient. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault.

The resolution is on today's calendar.

Special Committee Reports

Report dated April 29 was read, stating:

In accordance with Title 24, Chapter 55, Section AS 24.55.020, the Ombudsman Selection Committee has selected the name of Linda Lord-Jenkins to be submitted to the Legislature for confirmation as State Ombudsman.

Applications for the position were solicited throughout the State through Workplace Alaska and newspaper advertisements. From an initial response of 78 applications, eight candidates were elected for interviews. Criteria on which the candidates were judged included: familiarity with state and local governments, previous experience in positions dealing with conflict and citizen complaints, relevance of past employment to the Ombudsman's position, management skills, and integrity.

After much consideration, research and deliberation, the Joint Senate/House Ombudsman Selection Committee is pleased to recommend Linda Lord-Jenkins for nomination as State Ombudsman. Under AS 24.55.020(b), the nomination must be approved by a roll call vote of two-thirds of the members of the Legislature in joint session, and must be approved by the Governor.

It is the Committee's hope that the confirmation would be scheduled at a Joint Session of the Legislature as quickly as possible.

Signing the report: Senator Phillips, Cochair, Senators Ellis, Stevens; Representative Kott, Cochair, Representatives Berkowitz, McGuire.

Consideration of the Calendar

SB 347

Senator Ellis moved that, under Uniform Rule 48(b), SENATE BILL NO. 347 "An Act relating to taxation" be discharged from the Rules Committee and brought to the floor for a vote. Objections were heard.

Senator Ellis called the Senate, then lifted the call.

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 12:07 p.m.

After Recess

The Senate reconvened at 12:27 p.m.

SB 347

President Halford ruled the motion to discharge SENATE BILL NO. 347 "An Act relating to taxation" from the Rules Committee under Uniform Rule 48(b) out of order.

Second Reading of House Bills**HB 106**

CS FOR HOUSE BILL NO. 106(L&C) am "An Act relating to the authorizations for certain state financial institutions of certain powers and limitations; relating to confidential records of depositors and customers of certain financial institutions; relating to the examination of certain institutions subject to AS 06; relating to the Alaska Banking Code, Mutual Savings Bank Act, Alaska Small Loans Act, and Alaska Credit Union Act; amending Rule 45, Alaska Rules of Civil Procedure, Rules 17 and 37, Alaska Rules of Criminal Procedure, and Rule 24, Alaska Bar Rules; 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 Senate Committee Substitute offered on page 2921. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 106(FIN) 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.

SENATE CS FOR CS FOR HOUSE BILL NO. 106(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 106(FIN) "An Act relating to the authorizations for certain state financial institutions of certain powers and limitations; relating to confidential records of depositors and customers of certain financial institutions; relating to the examination of certain institutions subject

to AS 06; relating to the Alaska Banking Code, Mutual Savings Bank Act, Alaska Small Loans Act, and Alaska Credit Union Act; amending Rule 45, Alaska Rules of Civil Procedure, Rules 17 and 37, Alaska Rules of Criminal Procedure, and Rule 24, Alaska Bar Rules; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 106(FIN)

Third Reading - Final Passage

Effective Dates/Court Rules

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Green

Absent: Olson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 106(FIN) 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 Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the Court Rule changes. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

HB 470

CS FOR HOUSE BILL NO. 470(L&C)(title am) "An Act relating to public offering statements required under the Uniform Common Interest Ownership Act; 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 Senate Committee Substitute offered on page 3072. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 470(RLS) was adopted and read the second time.

Senator Lemman 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 CS FOR CS FOR HOUSE BILL NO. 470(RLS) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 470(RLS) "An Act relating to public offering statements required under the Uniform Common Interest Ownership Act; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 470(RLS)
Third Reading - Final Passage
Effective Date

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

Yeas: Austerman, Cowdery, Davis, Donley, Elton, Halford, Hoffman, Kelly, Lemman, Lincoln, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Excused: Green

Absent: Ellis, Olson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 470(RLS) passed the Senate.

Senator Lemman 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 and the bill was referred to the Secretary for engrossment.

Third Reading of House Bills

HB 157

SENATE CS FOR CS FOR HOUSE BILL NO. 157(JUD) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 157(JUD) "An Act relating to trust companies and providers of fiduciary services; amending Rules 6 and 12, Alaska Rules of Civil Procedure, Rule 40, Alaska Rules of Criminal Procedure, Rules 204, 403, 502, 602, and 611, Alaska Rules of Appellate Procedure, and Rules 7.2 and 7.3, Alaska Rules of Professional Conduct; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 157(JUD)
Third Reading - Final Passage
Effective Dates/Court Rules

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Green

Absent: Olson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 157(JUD) 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 Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the Court Rule changes. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

HB 298

SENATE CS FOR CS FOR HOUSE BILL NO. 298(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 298(FIN) "An Act relating to authorizing the Alaska Railroad Corporation to lease land for a period of up to 55 years; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 298(FIN)
Third Reading - Final Passage
Effective Date

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Green

Absent: Olson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 298(FIN) 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 and the bill was referred to the Secretary for engrossment.

HB 389

CS FOR HOUSE BILL NO. 389(CRA) was read the third time.

Senators Ellis, Taylor moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR HOUSE BILL NO. 389(CRA) "An Act eliminating the delayed repeal of a provision authorizing an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 389(CRA)
Third Reading - Final Passage
Effective Date

YEAS: 16 NAYS: 2 EXCUSED: 1 ABSENT: 1

Yeas: Austerman, Cowdery, Davis, Ellis, Elton, Hoffman, Kelly, Leman, Lincoln, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Donley, Halford

Excused: Green

Absent: Olson

and so, CS FOR HOUSE BILL NO. 389(CRA) 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 Donley gave notice of reconsideration.

HB 418

CS FOR HOUSE BILL NO. 418(L&C) was read the third time.

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

CSHB 418(L&C)
Third Reading - Final Passage
Effective Dates

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Green

Absent: Olson

and so, CS FOR HOUSE BILL NO. 418(L&C) 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.

HB 439

SENATE CS FOR CS FOR HOUSE BILL NO. 439(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 439(FIN) "An Act relating to compliance with and implementation of district coastal management programs; removing the opportunity to petition for review of proposed or final consistency determinations under the Alaska coastal zone management program; and limiting the authority of the Alaska Coastal Policy Council to order a coastal resource district or a state agency to take action with respect to a proposed or final consistency determination; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 439(FIN)
Third Reading - Final Passage
Effective Date

YEAS: 15 NAYS: 3 EXCUSED: 1 ABSENT: 1

Yeas: Austerman, Cowdery, Donley, Halford, Hoffman, Kelly, Leman, Lincoln, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Davis, Ellis, Elton

Excused: Green

Absent: Olson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 439(FIN) 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 Ellis gave notice of reconsideration.

Second Reading of House Resolutions

HJR 45

HOUSE JOINT RESOLUTION NO. 45 Relating to the labeling of salmon food products, was read the second time.

Senators Leman, Donley, Taylor, Austerman, Cowdery, Hoffman, Lincoln, Elton, Ward, Stevens moved and asked unanimous consent to be shown as cross sponsors on the resolution. Without objection, it was so ordered.

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

HOUSE JOINT RESOLUTION NO. 45 was read the third time.

The question being: "Shall HOUSE JOINT RESOLUTION NO. 45 Relating to the labeling of salmon food products, pass the Senate?" The roll was taken with the following result:

HJR 45

Third Reading - Final Passage

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Green

Absent: Olson

and so, HOUSE JOINT RESOLUTION NO. 45 passed the Senate, was signed by the President and Secretary and returned to the House.

HJR 46

CS FOR HOUSE JOINT RESOLUTION NO. 46(RES) Relating to the moratorium on fish farming in British Columbia, was read the second time.

Senator Phillips, Chair, moved and asked unanimous consent for the adoption of the Rules Senate Committee Substitute offered on page 3073. Without objection, SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 46(RLS) was adopted and read the second time.

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

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 46(RLS) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 46(RLS) Relating to the moratorium on fish farming in British Columbia, pass the Senate?" The roll was taken with the following result:

SCS CSHJR 46(RLS)
Third Reading - Final Passage

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Green

Absent: Olson

and so, SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 46(RLS) passed the Senate and was referred to the Secretary for engrossment.

HCR 27

HOUSE CONCURRENT RESOLUTION NO. 27 am was read the second time and was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 27 am Relating to urging the Local Boundary Commission to adopt standards and procedures to enable the commission to return a petition for a local boundary change to the petitioner when the commission determines the petition is substantively deficient, in need of substantial amendment or supplementation, or the procedure used in preparing the petition was deficient, pass the Senate?" The roll was taken with the following result:

HCR 27 am
Second Reading - Final Passage

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Green

Absent: Olson

and so, HOUSE CONCURRENT RESOLUTION NO. 27 am passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

In Memoriam – Pauline L. Bonham Olson
Representative(s) Berkowitz
Senator(s) Leman, Halford, Green, Kelly, Wilken, Taylor, Austerman,
Lincoln, Cowdery, Davis, Elton, Hoffman, Donley, Therriault, Stevens

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

SB 347

Senator Ellis moved that, under Uniform Rule 18, SENATE BILL NO. 347 "An Act relating to taxation" be placed on the calendar for the next legislative day. Senator Taylor objected.

The question being, "Shall the bill be placed on the May 2 calendar?"
The roll was taken with the following result:

SB 347

Take from Rules Committee and Calendar

YEAS: 5 NAYS: 13 EXCUSED: 1 ABSENT: 1

Yeas: Davis, Ellis, Elton, Hoffman, Lincoln

Nays: Austerman, Cowdery, Donley, Halford, Kelly, Leman, Phillips,
Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Excused: Green

Absent: Olson

and so, the bill was not taken from the Rules Committee.

HB 252

Senators Therriault, Davis moved and asked unanimous consent to be shown as cross sponsors on CS FOR HOUSE BILL NO. 252(RLS) "An Act relating to the construction of certain statutes relating to children; relating to the scope of duty and standard of care for persons who provide services to certain children and families; relating to civil liability for damages to certain children and their families resulting from failure to comply with certain statutes; relating to intensive family preservation services; and providing for an effective date." Without objection, it was so ordered.

SB 320

Senators Therriault, Taylor, Austerman moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 320 "An Act relating to certain motor vehicle repairs and prohibiting discrimination in motor vehicle insurance rates based on credit rating or credit scoring; and providing for an effective date." Without objection, it was so ordered.

Reconsideration of House Resolutions**HJR 48**

Senator Taylor requested that the reconsideration on HOUSE JOINT RESOLUTION NO. 48 be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall HOUSE JOINT RESOLUTION NO. 48 Relating to federal land withdrawals, pass the Senate?" The roll was taken with the following result:

HJR 48

Third Reading - On Reconsideration

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

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

Excused: Green

Absent: Kelly, Olson

and so, HOUSE JOINT RESOLUTION NO. 48 passed the Senate on reconsideration, was signed by the President and Secretary and returned to the House.

HB 349

The reconsideration on HOUSE BILL NO. 349 "An Act relating to agency programs and financial plans" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

Announcements

Announcements are at the end of the journal.

Engrossment**HB 106**

SENATE CS FOR CS FOR HOUSE BILL NO. 106(FIN) "An Act relating to the authorizations for certain state financial institutions of certain powers and limitations; relating to confidential records of depositors and customers of certain financial institutions; relating to the examination of certain institutions subject to AS 06; relating to the Alaska Banking Code, Mutual Savings Bank Act, Alaska Small Loans Act, and Alaska Credit Union Act; amending Rule 45, Alaska Rules of Civil Procedure, Rules 17 and 37, Alaska Rules of Criminal Procedure, and Rule 24, Alaska Bar Rules; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 157

SENATE CS FOR CS FOR HOUSE BILL NO. 157(JUD) "An Act relating to trust companies and providers of fiduciary services; amending Rules 6 and 12, Alaska Rules of Civil Procedure, Rule 40, Alaska Rules of Criminal Procedure, Rules 204, 403, 502, 602, and 611, Alaska Rules of Appellate Procedure, and Rules 7.2 and 7.3, Alaska Rules of Professional Conduct; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 298

SENATE CS FOR CS FOR HOUSE BILL NO. 298(FIN) "An Act relating to authorizing the Alaska Railroad Corporation to lease land for a period of up to 55 years; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 470

SENATE CS FOR CS FOR HOUSE BILL NO. 470(RLS) "An Act relating to public offering statements required under the Uniform Common Interest Ownership Act; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HJR 46

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 46(RLS) Relating to the moratorium on fish farming in British Columbia, was engrossed, signed by the President and Secretary and returned to the House for consideration.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., May 2, 2002. Without objection, the Senate adjourned at 1:11 p.m.

Heidi Vogel
Secretary of the Senate

May 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

May 01 Wednesday Fahrenkamp 203 1:30 PM
 -- Meeting Postponed to 5/3/02 --
 += SB 312 ENTERPRISE ZONES
 + HB 471 AIDEA LOANS AND DIVIDEND
 + HB 521 MUNICIPAL IMPROVEMENT AREAS
 Bills Previously Heard/Scheduled

May 03 Friday Fahrenkamp 203 1:30 PM
 -- Rescheduled from 5/1/02 --
 += SB 312 ENTERPRISE ZONES
 + HB 471 AIDEA LOANS AND DIVIDEND
 + HB 521 MUNICIPAL IMPROVEMENT AREAS
 Bills Previously Heard/Scheduled

FINANCE

May 01 Wednesday Senate Finance 532 9:00 AM
 SB 311 STATE TRUST FUND MONIES
 HB 344 INCREASE DRIVER'S LICENSE/PERMIT FEES
 SB 54 ALASKA VETERANS ADVISORY COUNCIL
 SB 267 ALASKA VETERANS' MEM.ENDOWMENT FUND
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --

May 01 Wednesday Senate Finance 532 4:00 PM
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --

FINANCE (continued)

May 02 Thursday Senate Finance 532 9:00 AM
 SB 252 EMPLOYMENT AND TRAINING PROGRAM/BOARD
 HB 451 MUNICIPAL BOND REIMBURSEMENT
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --

May 02 Thursday Senate Finance 532 4:00 PM
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --

May 03 Friday Senate Finance 532 9:00 AM
 Bills Previously Heard/Scheduled
 -- Teleconference Upon Request --

HEALTH, EDUCATION & SOCIAL SERVICES

May 01 Wednesday Butrovich 205 1:30 PM
 -- Meeting Postponed to Call of Chair --
 Bills Previously Heard/Scheduled

JUDICIARY

May 01 Wednesday Beltz 211 3:30 PM
 -- Time Change --
 + HB 296 MUNICIPAL MERGER AND CONSOLIDATION
 + HB 52 COMPACT FOR ADULT OFFENDER SUPERVISION
 + HB 316 POWERS OF APPOINTMENTS/TRUSTS/CREDITORS
 <Pending Referral>
 SB 369 POWERS OF APPOINTMENTS/TRUSTS/CREDITORS
 + Bills Previously Heard/Scheduled
 + Confirmation Hearing:Legislative Ethics - Arthur S. Robinson

May 03 Friday Beltz 211 1:30 PM
 + SJR 13 CONST. AM: PERMANENT FUND
 + HB 208 AQUATIC FARMS FOR SHELLFISH
 + HB 286 FISHING PERMITS/ASSOCIATIONS/ASSESSMENTS
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

May 02 Thursday Beltz 211 1:30 PM
 -- Meeting Canceled --
 += HB 246 OMNIBUS INSURANCE BILL
 += HB 393 SALES OF BUSINESS OPPORTUNITIES
 + HB 499 SUCCESSOR LIABILITY FOR PRODUCT LIABILITY
 + Bills Previously Heard/Scheduled

RESOURCES

May 01 Wednesday Butrovich 205 3:30 PM
 + Confirmation Hearings: Board of Game-
 Bruce Baker
 Caleb Pungowiyi
 Michelle Sparck
 George Matz
 J. Dana Pruhs

May 03 Friday Butrovich 205 3:30 PM
 + Confirmation Hearings:
 AK Commercial Fisheries Entry Commission-
 Mary McDowell
 Board of Fisheries-
 Art Nelson
 Gerry Merrigan
 Brett Huber
 + SB 371 PERMIT EXEMPTION FOR MUNITIONS USE
 + Bills Previously Heard/Scheduled

May 06 Monday Butrovich 205 3:30 PM
 += HB 302 ALASKA GAS CORPORATION
 += HB 382 CLEANUP OF ILLEGAL DRUG SITES
 + HB 474 ANCHORAGE COASTAL WILDLIFE REFUGE
 + Bills Previously Heard/Scheduled

May 08 Wednesday Butrovich 205 3:30 PM
 + SB 366 CHITINA DIP NET FISHERY PERMIT FEE
 + HB 287 EXEMPT ENTRY PERMITS FROM CREDITOR CLAIMS
 += HB 447 COM FISH & AGRICULTURE BANK INTEREST RATE
 + Bills Previously Heard/Scheduled

RULES

May 01 Wednesday Beltz 211 10:30 AM

-- Location Change --

SB 181 SMALL COMMUNITY HOUSING LOANS
 SB 364 MEDICAID PAYMENTS FOR ABORTIONS
 HB 281 CIVIL LIABILITY FOR PROVIDING ALCOHOL
 HB 331 PRESENTMENT OF GOVERNOR'S APPOINTEES
 HB 402 ALASKA TEMPORARY ASSISTANCE PROGRAM
 HB 462 CONFIDENTIALITY OF FISHING RECORDS
 HCR 23 LEGISLATIVE COMMITTEES:SPLIT HOUSE HESS

May 02 Thursday Fahrenkamp 203 10:30 AM

-- Time Change --

SB 191 JOINT AVIATION INSURANCE ARRANGEMENTS
 SCR 33 OVARIAN CANCER AWARENESS MONTH
 HB 160 REPORTING OF ABORTIONS
 HB 206 LIMITED ENTRY FOR COMM. FISHERIES
 = HB 262 BUILDING SAFETY ACCOUNT
 = SCR 36 SUSPEND UNIFORM RULES FOR HB 262
 HB 352 SCHOOL PERFORMANCE REPORTS
 HB 455 MUNICIPAL TAXATION OF AGRICULTURAL LAND
 HB 508 DIVE FISHERY ASSOCIATIONS/PSP REPORTS
 HJR 47 LOW SULFUR DIESEL FUEL REQUIREMENTS
 = HCR 23 LEGISLATIVE COMMITTEES:SPLIT HOUSE HESS

STATE AFFAIRS

May 02 Thursday Beltz 211 3:30 PM

SB 327 MOTOR VEHICLE LIABILITY INSURANCE
 HB 165 KENAI RIVER SPECIAL MANAGEMENT AREA
 HB 212 WORKERS' COMP:CONTRACTORS & SUBCONTRACTOR
 + HB 300 PROCUREMENT OF TRAVEL SERVICES
 SB 370 CONSTITUTIONAL CONVENTION
 Bills Previously Heard/Scheduled

TRANSPORTATION

May 02 Thursday Butrovich 205 1:30 PM

= SB 348 MOTOR VEHICLE REPAIRS
 HB 523 TOM MADSEN AIRPORT AT UNALASKA
 Bills Previously Heard/Scheduled

