

**SENATE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-SECOND LEGISLATURE**  
**SECOND SPECIAL SESSION**

**Juneau, Alaska**

**Sunday**

**May 19, 2002**

**Third Day**

Pursuant to adjournment the Senate was called to order by President Halford at 8:58 p.m.

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

The prayer was offered by the Chaplain, Senator Taylor. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord, make us instruments of Your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith, where there is despair, hope; where there is darkness, light; where there is sadness, joy. Grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

**Certification**

Senator Leman moved and asked unanimous consent that the journals for the one hundred twentieth and one hundred twenty-first legislative days of the Second Session of the Twenty-Second Legislature be approved as certified by the Secretary. Without objection, it was so ordered.

**Messages from the Governor****HB 263**

Message dated and received May 18, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CS FOR HOUSE BILL NO. 263(RES) "An Act relating to water quality standards applicable to flow-through hot springs."

Chapter 22, SLA 2002  
Effective Date: 08/16/02

**HB 297**

Message dated and received May 18, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 297(JUD) "An Act relating to restitution and to aggravating factors at sentencing."

Chapter 23, SLA 2002  
Effective Date: 08/16/02

**HB 96**

Message dated and received May 18, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 96(FIN) "An Act relating to acquisition and development of the Jesse Lee Home; and providing for an effective date."

Chapter 24, SLA 2002  
Effective Date: 07/01/02

**SB 255**

Message dated and received May 18, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CS FOR SENATE BILL NO. 255(RES) "An Act approving an exchange of land between the state and Gold Cord Development Corporation; and providing for an effective date."

Chapter 25, SLA 2002  
Effective Date: 05/19/02

**SB 266**

Message dated and received May 18, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CS FOR SENATE BILL NO. 266(RES) "An Act authorizing the commissioner of community and economic development to refinance and extend the term of a fishery enhancement loan."

Chapter 26, SLA 2002  
Effective Date: 08/16/02

**SB 297**

Message dated and received May 18, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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."

Chapter 27, SLA 2002  
Effective Date: 08/16/02

### **Standing Committee Reports**

#### **SB 2009**

The Rules Committee considered SENATE BILL NO. 2009 "An Act establishing the Alaska Veterans Advisory Council; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Ellis, Cowdery.

The bill is on today's calendar.

#### **HB 2002**

Senator Kelly, Cochair, moved and asked unanimous consent that the Finance Committee referral be waived on CS FOR HOUSE BILL NO. 2002(FIN) "An Act relating to the issuance of general obligation bonds for the purpose of paying the cost of design, construction, and major maintenance of educational and museum facilities; and providing for an effective date." Without objection, the bill was referred to the Rules Committee.

#### **HB 2003**

Senator Kelly, Cochair, moved and asked unanimous consent that the Finance Committee referral be waived on CS FOR HOUSE BILL NO. 2003(FIN) "An Act relating to construction, rehabilitation, and improvement of schools and education-related facilities; relating to municipal bond reimbursement for school construction; and providing for an effective date." Without objection, the bill was referred to the Rules Committee.

**Recess**

Senator Leman moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 9:02 p.m.

**After Recess**

The Senate reconvened at 9:42 p.m.

**Standing Committee Reports (continued)****HB 2002**

The Rules Committee considered CS FOR HOUSE BILL NO. 2002(FIN) "An Act relating to the issuance of general obligation bonds for the purpose of paying the cost of design, construction, and major maintenance of educational and museum facilities; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
2002(RLS)

Signing under other recommendations: Senator Phillips, Chair, Senator Therriault. Signing to calendar and do pass: Senators Ellis, Halford, Cowdery.

The following fiscal information was published today:

Fiscal Note No. 2, Senate Rules Committee

**HB 2003**

The Rules Committee considered CS FOR HOUSE BILL NO. 2003(FIN) "An Act relating to construction, rehabilitation, and improvement of schools and education-related facilities; relating to municipal bond reimbursement for school construction; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
2003(RLS)

Signing under other recommendations: Senator Phillips, Chair, Senators Therriault, Cowdery. Signing to calendar and do pass: Senators Ellis, Halford.

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

### **Consideration of the Calendar**

#### **Second Reading of Senate Bills**

##### **SB 2009**

SENATE BILL NO. 2009 "An Act establishing the Alaska Veterans Advisory Council; and providing for an effective date" was read the second time.

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

SENATE BILL NO. 2009 was read the third time.

The question being: "Shall SENATE BILL NO. 2009 "An Act establishing the Alaska Veterans Advisory Council; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

##### **SB 2009**

Third Reading - Final Passage

Effective Date

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

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

Absent: Olson

and so, SENATE BILL NO. 2009 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.

The presence of Senator Olson was noted.

### **Citations**

Honoring – Hanna and Heather Hult Craig, 2002 Presidential Scholars  
Senator(s) Leman, Halford, Wilken, Stevens, Cowdery, Davis, Austerman, Lincoln, Therriault, Green, Kelly, Elton, Taylor, Hoffman, Donley

In Memoriam – Betty Eberhardt  
Senator(s) Phillips, Halford, Wilken, Stevens, Cowdery, Davis, Austerman, Lincoln, Leman, Therriault, Green, Kelly, Elton, Taylor, Hoffman, Donley

In Memoriam – Gerald "Jim" Lidster  
Representative(s) Coghill  
Senator(s) Kelly, Halford, Wilken, Stevens, Cowdery, Davis, Austerman, Lincoln, Leman, Therriault, Green, Elton, Taylor, Hoffman

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**

Honoring – Father Henry Hargreaves  
Senator(s) Hoffman, Halford, Lincoln, Leman, Davis, Green, Elton, Wilken, Austerman, Taylor, Therriault, Cowdery, Kelly  
Representative(s) Kapsner

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.

Senator Leman moved and asked unanimous consent that the First Supplemental Calendar be adopted. Without objection, it was so ordered.

### **Consideration of the First Supplemental Calendar**

#### **Second Reading of House Bills**

##### **HB 2002**

CS FOR HOUSE BILL NO. 2002(FIN) "An Act relating to the issuance of general obligation bonds for the purpose of paying the cost of design, construction, and major maintenance of educational and museum facilities; 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 3695. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 2002(RLS) was adopted and read the second time.

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

Senator Kelly moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Without objection, the bill was returned to second reading.

Senator Kelly offered Amendment No. 1:

Page 1, line 9, after "than":  
Delete "\$232,805,441"  
Insert "\$236,805,441"



Page 4, after line 30:

Under Project, Insert "(52) Lower Kuskokwim School District Asbestos Abatement"

Under Municipality or REAA Location, Insert "Districtwide"

Under Amount, Insert "4,000,000"

Senator Kelly moved for the adoption of Amendment No. 1. Senator Phillips objected.

Senator Kelly moved and asked unanimous consent for the adoption of the following amendment to Amendment No. 1:

Conforming Change on Page 7, Lines 15 and 17.

Without objection, Amendment No. 1 was amended.

There being no further objections, Amendment No. 1 as amended was adopted.

The bill was automatically in third reading.

SENATE CS FOR CS FOR HOUSE BILL NO. 2002(RLS) am S was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 2002(RLS) am S "An Act relating to the issuance of general obligation bonds for the purpose of paying the cost of design, construction, and major maintenance of educational and museum facilities; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 2002(RLS) am S  
Third 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, SENATE CS FOR CS FOR HOUSE BILL NO. 2002(RLS) am S 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.

### **Reconsideration of House Bills**

#### **HB 2002**

Senator Leman gave notice of reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 2002(RLS) am S and moved and asked unanimous consent that it be taken up at this time. Without objection, it was so ordered and the bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 2002(RLS) am S "An Act relating to the issuance of general obligation bonds for the purpose of paying the cost of design, construction, and major maintenance of educational and museum facilities; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 2002(RLS) am S  
Third Reading - On Reconsideration  
Effective Date

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

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

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 2002(RLS) am S passed the Senate on reconsideration.

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.

In accordance with Rule 43(b) of the Uniform Rules, Senator Leman moved and asked unanimous consent that engrossment of SENATE CS FOR CS FOR HOUSE BILL NO. 2002(RLS) am S be waived. Without objection, it was so ordered.

SENATE CS FOR CS FOR HOUSE BILL NO. 2002(RLS) am S was signed by the President and Secretary and returned to the House with copies of the certified amendment attached.

### **Reconsideration of Senate Bills**

#### **SB 2009**

Senator Ward gave notice of reconsideration on SENATE BILL NO. 2009 and moved and asked unanimous consent that it be taken up at this time. Without objection, it was so ordered and the bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE BILL NO. 2009 "An Act establishing the Alaska Veterans Advisory Council; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 2009

Third Reading - On Reconsideration

Effective Date

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

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

and so, SENATE BILL NO. 2009 passed the Senate on reconsideration.

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.

**Consideration of the First Supplemental Calendar (continued)****HB 2003**

CS FOR HOUSE BILL NO. 2003(FIN) "An Act relating to construction, rehabilitation, and improvement of schools and education-related facilities; relating to municipal bond reimbursement for school construction; 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 3695. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 2003(RLS) was adopted and read the second time.

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

SENATE CS FOR CS FOR HOUSE BILL NO. 2003(RLS) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 2003(RLS) "An Act relating to construction, rehabilitation, and improvement of schools and education-related facilities; relating to municipal bond reimbursement for school construction; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 2003(RLS)  
Third Reading - Final Passage  
Effective Dates

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

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

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 2003(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 clauses. Without objection, it was so ordered.

### **Reconsideration of House Bills**

#### **HB 2003**

Senator Lemman gave notice of reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 2003(RLS) and moved and asked unanimous consent that it be taken up at this time. Without objection, it was so ordered and the bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 2003(RLS) "An Act relating to construction, rehabilitation, and improvement of schools and education-related facilities; relating to municipal bond reimbursement for school construction; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 2003(RLS)

Third Reading - On Reconsideration

Effective Dates

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

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

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 2003(RLS) passed the Senate on reconsideration.

Senator Lemman 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 referred to the Secretary for engrossment.

Senator Leman moved and asked unanimous consent that the Senate return to Messages from the House. Without objection, the Senate returned to:

### **Messages from the House**

Message dated May 19 was read, stating the House passed and transmitted for consideration:

### **Consideration of House Resolutions**

#### **HCR 201**

HOUSE CONCURRENT RESOLUTION NO. 201 BY THE HOUSE FINANCE COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 2006, relating to making and amending appropriations and reappropriations.

was read the first time and was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 201 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 2006, relating to making and amending appropriations and reappropriations, pass the Senate?" The roll was taken with the following result:

HCR 201

Final Passage

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

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

Absent: Cowdery

and so, HOUSE CONCURRENT RESOLUTION NO. 201 passed the Senate, was signed by the President and Secretary and returned to the House.

### Concur Messages

#### SB 2006

Message dated May 19 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 2006(FIN) "An Act making and amending appropriations and reappropriations; and providing for an effective date" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO. 2006(FIN) am H "An Act making and amending appropriations and reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."  
(Title change authorized by HCR 201)

The message further stated that under Rule 43(b) of the Uniform Rules, engrossment had been waived and the following certified amendment was attached:

Amendment No. 1 (House Journal page 3901)

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

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

HCS CSSB 2006(FIN) am H  
Shall the Senate Concur in the House Amendments  
to CSSB 2006(FIN)? 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, the Senate concurred in the House amendments, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 2006(FIN) am H "An Act making and amending appropriations and reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

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 that the constitutional budget reserve fund sections be adopted.

The question being: "Shall the constitutional budget reserve fund sections (Article IX, Section 17(c) Constitution of the State of Alaska) be adopted?" The roll was taken with the following result:

HCS CSSB 2006(FIN) am H  
Constitutional Budget Reserve Fund Section(s)

**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 constitutional budget reserve fund sections were adopted.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

### **Recess**

Senator Leman moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 11:25 p.m.



**After Recess**

The Senate reconvened at 12:16 a.m.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SB 2009**

SENATE BILL NO. 2009 "An Act establishing the Alaska Veterans Advisory Council; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**HB 2003**

SENATE CS FOR CS FOR HOUSE BILL NO. 2003(RLS) "An Act relating to construction, rehabilitation, and improvement of schools and education-related facilities; relating to municipal bond reimbursement for school construction; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**Enrollment****SB 371**

CS FOR SENATE BILL NO. 371(RES) am "An Act exempting the use of munitions in certain areas from a waste disposal permit requirement of the Department of Environmental Conservation; relating to general or nationwide permits under the Alaska coastal management program and to authorizations and permits issued by the Alaska Oil and Gas Conservation Commission; and providing for an effective date" 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 1:40 p.m., May 19, 2002.

**Adjournment**

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., May 20, 2002. Without objection, the Senate adjourned at 12:17 a.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

**FINANCE**

**May 19      Sunday                      Senate Finance 532**  
-- Call of the Chair --  
Bills Related to the Special Session  
<Pending Introduction and Referral>  
HB2001 REGULATORY COM. OF ALASKA: SUNSET & MISC  
<Pending Referral>  
HB2002 G.O. BONDS: SCHOOLS/MUSEUM/UNIVERSITY  
HB2003 MUNICIPAL BOND REIMBURSEMENT  
Bills Previously Heard/Scheduled  
-- Teleconference Upon Request --  
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**RULES**

**May 19      Sunday                      Fahrenkamp 203              1:00 PM**  
SB2009 ALASKA VETERANS ADVISORY COUNCIL  
  
**May 19      Sunday                      Fahrenkamp 203              9:00 PM**  
= HB2002 G.O. BONDS: SCHOOLS/MUSEUM/UNIVERSITY  
= HB2003 MUNICIPAL BOND REIMBURSEMENT  
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**TRANSPORTATION**

**May 20**

**Monday**

**Butrovich 205**

-- Upon Recess --

Senate Bill:

NATURAL GAS TRANSPORTATION BY ALASKA RR

<Pending Introduction and Referral>

Senate Bill:

CORRECTIONAL FACILITIES

<Pending Introduction and Referral>