

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

Juneau, Alaska

Monday

June 24, 2002

First Day

Pursuant to the May 21 Proclamation of the Governor calling for the convening of the Third Special Session of the Twenty-Second Alaska Legislature, and the June 17 Proclamation supplementing the call to Special Session, the Senate was called to order by President Halford at 2:10 p.m.

The roll showed sixteen members present. Senator Cowdery was excused from a call of the Senate. Senators Davis, Hoffman, Torgerson were absent.

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

The earth is the Lord's, and everything in it, the world, and all who live in it; for he founded it upon the seas and established it upon the waters. (Psalm 24:1-2)

Our Father, I thank You for a beautiful day and I thank You for the beauty of Your creation. Help us be mindful that the earth and everything in it is Yours.

Lord thank You for safety in our travel and for each of my colleagues here. I ask that You would give us wisdom to do the work that we have to do here with dispatch for the State of Alaska. I ask that You protect our families. I ask all this in Jesus' Name.

Amen.

Senator Austerman led the Senate in the Pledge of Allegiance.

Certification

Senator Lemman moved and asked unanimous consent that the journals for the second through fifth legislative days of the Second Special Session of the Twenty-Second Legislature and Senate Supplement No. 9 be approved as certified by the Secretary. Without objection, it was so ordered.

The presence of Senators Torgerson, Davis was noted.

Messages from the Governor

Executive Proclamation Supplementing Third Special Session Call

Under the authority of art. II, sec. 9, and art. III, sec. 17, of the Alaska Constitution, and in the public interest, I am supplementing my proclamation of May 21, 2002, calling the Twenty-Second Legislature of the State of Alaska into its third special session on June 24, 2002, with the following subject:

an appropriation to provide financing for services for veterans in the Alaska Pioneers' and Veterans' Home.

This proclamation supplements my proclamation of May 21, 2002.

Dated at Juneau, Alaska this 17th day of June, 2002.

/s/

Tony Knowles, Governor

HB 402

Message dated June 20 and received June 21, 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. 402(HES) "An Act relating to diversion payments, wage subsidies, cash assistance, and self-sufficiency services provided under the Alaska temporary assistance program; relating to the food stamp program; relating to child support cases that include persons who receive cash assistance or self-sufficiency services under the Alaska temporary assistance program; and providing for an effective date."

Chapter 69, SLA 2002
Effective Date: See Chapter

SB 222

Message dated June 20 and received June 21, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE CS FOR CS FOR SENATE BILL NO. 222(RLS) am H "An Act relating to certain motor vehicles that are required to yield to following traffic."

Chapter 70, SLA 2002
Effective Date: 09/18/02

SB 219

Message dated June 20 and received June 21, 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. 219(FIN) "An Act establishing and relating to the Navigable Waters Commission for Alaska."

Chapter 71, SLA 2002
Effective Date: 09/18/02

HB 374

Message dated June 20 and received June 21, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE BILL NO. 374 "An Act naming the David Douthit Veterans' Memorial Bridge."

Chapter 72, SLA 2002
Effective Date: 09/18/02

SB 302

Message dated June 20 and received June 21, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE CS FOR CS FOR SENATE BILL NO. 302(HES) "An Act defining the term 'mental health professional' for the purpose of statutes relating to the evaluation of prisoners who may need psychological or psychiatric treatment, for the purpose of statutes relating to the evaluation of children in need of aid and delinquent minors who may need to be confined in a secure residential psychiatric treatment center or who should be released from such a center, for the purpose of statutes requiring certain professionals to report the possibility that a vulnerable adult has been abused or neglected, and for the purpose of statutes relating to mental health civil commitments."

Chapter 73, SLA 2002
Effective Date: 09/18/02

SB 324

Message dated June 20 and received June 21, 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. 324(L&C) "An Act providing that a utility or electric operating entity owned and operated by a political subdivision of the state competing directly with a telecommunications utility is not subject to the Alaska Public Utilities Regulatory Act."

Chapter 74, SLA 2002
Effective Date: 09/18/02

HB 106

Message dated June 20 and received June 21, 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. 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."

Chapter 75, SLA 2002
Effective Date: See Chapter

HB 128

Message dated June 20 and received June 21, 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. 128(FIN) "An Act relating to the required approval of the commissioner of labor and workforce development for the employment of certain minors; and providing for an effective date."

Chapter 76, SLA 2002
Effective Date: 06/21/02

HB 157

Message dated June 20 and received June 21, 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. 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."

Chapter 77, SLA 2002
Effective Date: See Chapter

HB 162

Message dated June 20 and received June 21, 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 HOUSE BILL NO. 162(STA)
"An Act relating to absences from the state under the longevity bonus program."

Chapter 78, SLA 2002
Effective Date: 09/18/02

HB 182

Message dated June 20 and received June 21, 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. 182(L&C) "An Act relating to certain vehicles, including motorcycles and trailers; relating to the registration, bonding, and other regulation of motor vehicle dealers; relating to the registration and other regulation of certain motor vehicle buyers' agents; relating to acts and transactions involving vehicles, including trailers, and to the acts and practices of certain persons and entities involved in vehicle transactions, including trailer transactions; relating to consumer protection for used vehicle buyers; amending Rule 3, Alaska Rules of Civil Procedure; and providing for an effective date."

Chapter 79, SLA 2002
Effective Date: 07/01/02

HB 196

Message dated June 20 and received 21, 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. 196(JUD) "An Act establishing a right of action for a legal separation; requiring a report about legal separations; and amending Rule 42(a), Alaska Rules of Civil Procedure."

Chapter 80, SLA 2002
Effective Date: 09/18/02

HB 208

Message dated June 20 and received June 21, 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. 208(RES) "An Act relating to aquatic farming of shellfish; and providing for an effective date."

Chapter 81, SLA 2002
Effective Date: 06/21/02

HB 209

Message dated June 20 and received June 21, 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. 209(HES) "An Act directing the Department of Health and Social Services to establish a foster care transition program; relating to that program; and providing for an effective date."

Chapter 82, SLA 2002
Effective Date: See Chapter

HB 243

Message dated June 20 and received June 21, 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. 243(JUD) "An Act relating to sexual assault or abuse of a minor."

Chapter 83, SLA 2002
Effective Date: 09/18/02

HB 274

Message dated June 20 and received June 21, 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. 274(L&C) "An Act relating to the qualification of a physician used for an employer's independent medical examination; and providing for an effective date."

Chapter 84, SLA 2002
Effective Date: 07/01/02

HB 527

Message dated June 20 and received June 21, 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 HOUSE BILL NO. 527(RES) am S "An Act relating to entry into the Minto Flats State Game Refuge for purposes of exploration and development of oil and gas resources."

Chapter 85, SLA 2002
Effective Date: 09/18/02

SB 252

Message dated June 20 and received June 21, stating:

Dear President Halford:

On this date I have signed the following bill passed by the second session of the Twenty-Second Alaska State Legislature and am transmitting the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE CS FOR CS FOR SENATE BILL NO. 252(FIN) "An Act renaming the Alaska Human Resource Investment Council as the Alaska

Workforce Investment Board and relating to its membership; relating to repayment on promissory notes for work-related items paid for by grant programs; extending the termination date of the state training and employment program; relating to employment and training activities; and providing for an effective date."

Chapter 86, SLA 2002
Effective Date: See Chapter

I am signing this bill into law because the negative consequences of not allowing it to become law are too high of a price to pay by denying vital training opportunities through the State Training Employment Program (STEP). However, I am greatly disturbed by this blatant tactic of holding the STEP hostage to guarantee funds for specific education programs rather than letting those programs compete openly for grants under the system set up for this reason.

This is the third time the Legislature has chosen to use the Alaska Technical and Vocational Education Program account for specific grants to the University of Alaska, Kotzebue Technical Center and Alaska Vocational Technical Center and the second time for the Galena Vocational Training Center. And this bill is promising the funds to these four entities for another three years—through 2006.

The first time these grants were made, in 2000, they were presented as a one-time, transitional provision until the Alaska Human Resource Investment Council was able to establish the grant program. Rather, the Legislature is making this an annual grant, attempting to bind future legislatures and totally circumventing the appropriate grant process that is now in place.

Employers should be equally outraged at this grant process because the funds come out of the taxes they pay into the Unemployment Insurance Trust Fund. Furthermore, employers should be concerned that this statutory deferral from the UI Trust Fund of Training Vocational Education Program funds is not being used for its stated purpose, technical and vocational training, but rather for capital expenditures at selected institutions.

I hope next year's Legislature will recognize the errors of this process, reverse it, and allow this program to proceed as originally designed and intended.

Sincerely,

/s/

Tony Knowles
Governor

SB 161

Message dated June 20 and received June 21, stating:

Dear President Halford:

Under the authority of art. II, sec. 15 of the Alaska Constitution, I have vetoed the following bill:

HOUSE CS FOR CS FOR SENATE BILL NO.
161(JUD)(efd am H) "An Act relating to the
withholding of salary of justices, judges, and
magistrates; relating to prompt decisions by justices,
judges, and magistrates; relating to judicial retention
elections for judicial officers; and providing for an
effective date."

This bill would further restrict the time available to a judge to complete the judge's case work. The method chosen by the legislature to enforce the time limit effectively evades the protection from legislative interference afforded to judicial salaries by the Alaska Constitution.

This bill would also require that election materials be prepared to advise voters when a justice or judge has exceeded the statutory time limit. This would further an unconstitutional means of exercising power over the independent judiciary and should not become a part of our statutory law.

While I believe that it is desirable to encourage prompt judicial decisions, it is another matter to use unconstitutional means to achieve that end.

Existing law imposes a time limit for the judiciary to complete its business. It has worked for 40 years and should be left undisturbed.

Sincerely,

/s/

Tony Knowles
Governor

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 2:16 p.m.

After Recess

The Senate reconvened at 4:40 p.m.

The presence of Senator Cowdery was noted.

Messages from the House

Message dated June 24 was read, stating:

The House of Representatives respectfully invites the Senate to a Joint Session of the Legislature at 3:00 p.m. on Tuesday, June 25 to take up veto override votes.

Senator Leman moved and asked unanimous consent that the Senate accept the House invitation to meet in Joint Session. Senator Ellis objected.

The question being: "Shall the Senate accept the House invitation to Joint Session?" The roll was taken with the following result:

Accept House Invitation to Joint Session?

YEAS: 14 NAYS: 5 EXCUSED: 0 ABSENT: 1

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

Nays: Davis, Ellis, Elton, Lincoln, Olson

Absent: Hoffman

and so, the Senate accepted the House invitation.

The Secretary was requested to notify the House.

Communications

Disclosure letters received in accordance with AS 24.60 were published in Senate Journal Supplement No. 10.

Introduction and Reference of Senate Bills

SB 3001

SENATE BILL NO. 3001 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, 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.

The following fiscal information was published today:

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

Governor's transmittal letter dated June 24:

Dear President Halford:

I am transmitting a bill that extends the life of the Regulatory Commission of Alaska to avoid its termination of that agency on June 30 of this year. The bill also includes provisions, developed with industry input, that set deadlines for commission actions and clarify its authority to accept stipulations from parties to commission proceedings.

It is important to pass this bill before the commission's termination date. The commission regulates utilities in the state and regulates pipelines to the extent of their intrastate operations. The commission's role is essential to consumers in the state as well as to the regulated entities.

Failure to extend the commission this session will significantly interfere with its work. Though there is a "wind down" year, the commission will have to redirect its time and energy to plan for closing shop. The commission may not be able to take on new filings or applications, or even complete currently filed ones. Failure to extend the agency leaves the regulated entities as well as consumers in a state of confusion and uncertainty.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Tony Knowles

Governor

SB 3002

SENATE BILL NO. 3002 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act making appropriations to the Department of Administration, division of Alaska longevity programs, to enable the division to make available additional beds in the Alaska Pioneers' and Veterans' Home; and providing for an effective date."

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

Governor's transmittal letter dated June 24:

Dear President Halford:

I am transmitting a bill making fiscal year 2003 appropriations necessary to fill approximately 100 currently empty beds in our six Alaska Pioneers' Homes and provide critical services to Alaskans, including Alaska veterans.

Through the combination of general funds and program receipts in this bill we can provide affordable care for Alaska's veterans and other seniors. Recent passage of legislation to establish the Alaska Pioneer's and Veteran's Homes System sets the stage to fully utilize the facilities in Anchorage, Fairbanks, Palmer, Juneau, Ketchikan, and Sitka.

I urge prompt and favorable action on this measure.

Sincerely,

/s/

Tony Knowles

Governor

Unfinished Business

Senator Torgerson moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, June 26 through evening plane time, July 1. Without objection, Senator Torgerson was excused.

Senator Davis moved and asked unanimous consent to be excused from a call of the Senate on June 25. Without objection, Senator Davis was excused.

Announcements

Announcements are at the end of the journal.

Enrollment**SB 115**

SENATE BILL NO. 115 "An Act extending the termination date of the Board of Storage Tank Assistance" 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 11:57 a.m., June 21, 2002.

SB 180

CS FOR SENATE BILL NO. 180(FIN)(efd fld) "An Act implementing pay differentials based on geographic areas for certain state employees and for members of the Alaska State Defense Force; relating to cost-of-living differentials for state aid to municipalities" 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 11:57 a.m., June 21, 2002.

SB 220

CS FOR SENATE BILL NO. 220(L&C) "An Act relating to the scope of practice authorized under a license to practice hairdressing" 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 1:55 p.m., June 24, 2002.

SB 2009

HOUSE CS FOR SENATE BILL NO. 2009(FIN) am H "An Act establishing the Alaska Veterans Advisory Council; 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 1:55 p.m., June 24, 2002.

SCR 40

SENATE CONCURRENT RESOLUTION NO. 40 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 254, relating to the teachers', judicial, and public employees' retirement systems; 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 11:57 a.m., June 21, 2002.

SCR 42

SENATE CONCURRENT RESOLUTION NO. 42 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 246, relating to insurance, 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 11:57 a.m., June 21, 2002.

SCR 43

SENATE CONCURRENT RESOLUTION NO. 43 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 525, relating to the issuance of general obligation bonds for deferred maintenance, 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 11:57 a.m., June 21, 2002.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 1:00 p.m., June 25, 2002. Without objection, the Senate adjourned at 4:47 p.m.

Heidi Vogel
Secretary of the Senate

June 2002

JUDICIARY

Jun 25 Tuesday Beltz 211 10:00 AM
SB3001 REGULATORY COM. OF ALASKA: SUNSET & MISC

FINANCE SUBCOMMITTEES

NATURAL RESOURCES

Jun 25 Tuesday Senate Finance 532 4:00 PM
Division of Parks
Status of Park Closures
Use of Dingell Johnson Sport Fish funds
Division of Forestry
McGrath Fire
Fire Suppression Update for FY02 and
and prediction for FY03
Department of Environmental Conservation
Department of Natural Resources
Section 319 Transfer from DEC to DNR
Soil and Water Conservation Districts

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Jun 24 Monday House Finance 519 12:00 PM
-- Meeting Postponed to 6/25 --
Audits

Jun 25 Tuesday House Finance 519 12:00 PM
-- Rescheduled from 6/24 --
Audits

