

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

Juneau, Alaska

Wednesday

June 26, 2002

Third Day

Pursuant to adjournment the Senate was called to order by President Halford at 6:56 p.m.

The roll showed twenty members present.

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

Lord, we come to this place to remember and celebrate our past, to assess our present and to prepare for our children's future.

We seek Your help to renew and strengthen the ties that bind, and to discard that which divides.

We ask for Your guidance as we finish our business here in Juneau. Guide our hearts and minds in making the right decisions on behalf of Your children.

We pledge to commit ourselves to work for Your kingdom on earth by service to the least of these -- Your children.

We ask this all in Your name Oh Lord, most high. Amen.

Senator Wilken led the Senate in the Pledge of Allegiance. Senator Leman moved and asked unanimous consent that the Pledge be spread. Without objection, it was so ordered.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Certification

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

Messages from the Governor

SB 363

Message dated and received June 26 was read, stating:

On June 25, 2002, the Twenty-second Alaska State Legislature, acting in Joint Session, voted to override the previous veto of:

CONFERENCE CS FOR SENATE BILL NO. 363
"An Act relating to communications and elections, to reporting of contributions and expenditures, and to campaign misconduct in the second degree; relating to disclosure by individuals of contributions to candidates; and providing for an effective date."

Therefore, the following chapter number has been assigned and the engrossed and enrolled copies will be transmitted to the Lieutenant Governor for permanent filing:

Chapter 1, TSSLA 2002
Effective Date: 06/26/02

Sincerely,
/s/
Mike Abbott
Legislative Director

Communications

The following Budget and Audit Reports were received from Pat Davidson, Legislative Auditor, in accordance with AS 24.20.311 and are on file in the Office of the Secretary of the Senate:

Department of Transportation and Public Utilities, Ted Stevens Anchorage International Airport Seismic Design Dispute, May 7, 2002

Department of Transportation and Public Utilities, Ted Stevens Anchorage International Airport Terminal Improvements, May 7, 2002

Standing Committee Reports**HB 3001**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 3001(FIN) am "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, extending the commission's termination date to June 30, 2004, requiring the commission to hold monthly meetings to allow discussion of the commission's process and procedures; and directing the establishment of an advisory committee; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 3001(JUD) "An Act relating to the powers and duties of the Regulatory Commission of Alaska, establishing a task force to inquire into the operation of the commission, and extending the termination date of the commission to June 30, 2003; and providing for an effective date." (Title change authorized by SCR 301)

Signing do pass: Senator Taylor, Chair, Senators Cowdery, Donley.
Signing no recommendation: Senators Ellis, Therriault.

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Community and Economic
Development

The bill was referred to the Finance Committee.

Senator Kelly, Cochair, moved and asked unanimous consent that the Finance Committee referral be waived on CS FOR HOUSE BILL NO. 3001(FIN) am. Without objection, the bill was referred to the Rules Committee.

**Introduction and Reference of
Senate Resolutions**

SCR 301
SENATE CONCURRENT RESOLUTION NO. 301 BY THE
SENATE JUDICIARY COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 3001, relating to the
Regulatory Commission of Alaska.

was read the first time and was held on the Secretary's desk.

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 7:01 p.m.

After Recess

The Senate reconvened at 7:13 p.m.

Senator Donley, Acting Majority Leader, moved and asked unanimous consent that the Senate return to Standing Committee Reports. Without objection, the Senate returned to:

Standing Committee Reports**HB 3001**

The Rules Committee considered CS FOR HOUSE BILL NO. 3001(FIN) am "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, extending the commission's termination date to June 30, 2004, requiring the commission to hold monthly meetings to allow discussion of the commission's process and procedures; and directing the establishment of an advisory committee; and providing for an effective date." Signing under other recommendations: Senators Phillips, Chair, Senators Therriault, Ellis. Signing to calendar: Senators Cowdery, Halford.

The bill is on today's calendar.

Consideration of the Calendar**Second Reading of House Bills****SCR 301**

SENATE CONCURRENT RESOLUTION NO. 301 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 301 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 3001, relating to the Regulatory Commission of Alaska, pass the Senate?" The roll was taken with the following result:

SCR 301

Second Reading - Final Passage

YEAS: 15 NAYS: 4 EXCUSED: 0 ABSENT: 1

Yea: Austerman, Cowdery, Donley, Elton, Green, Halford, Hoffman, Kelly, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nay: Davis, Ellis, Lincoln, Olson

Absent: Leman

and so, SENATE CONCURRENT RESOLUTION NO. 301 passed the Senate and was referred to the Secretary for engrossment.

HB 3001

CS FOR HOUSE BILL NO. 3001(FIN) am "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, extending the commission's termination date to June 30, 2004, requiring the commission to hold monthly meetings to allow discussion of the commission's process and procedures; and directing the establishment of an advisory committee; and providing for an effective date" was read the second time.

Senator Taylor, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 3799. Senator Ellis objected.

Senator Ellis called the Senate. The call was satisfied.

HB 3001

The question being: "Shall the Judiciary Senate Committee Substitute be adopted?" The roll was taken with the following result:

CSHB 3001(FIN) am
Second Reading
Adopt Judiciary Senate Committee Substitute?

YEAS: 15 NAYS: 5 EXCUSED: 0 ABSENT: 0

Yea: Austerman, Cowdery, Donley, Elton, Green, Halford, Hoffman, Leman, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nay: Davis, Ellis, Kelly, Lincoln, Olson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 3001(JUD) "An Act relating to the powers and duties of the Regulatory Commission of Alaska, establishing a task force to inquire into the operation of the commission, and extending the termination date of the commission to June 30, 2003; and providing for an effective date" (Title change authorized by SCR 301) was adopted and read the second time.

Senator Taylor offered Amendment No. 1:

Page 2, lines 16-19:

Delete "Circumstances that might reasonably suggest to a third party that an ex parte contact had occurred, even if none was made, shall be considered an ex parte contact for purposes of (c) and (d) of this section."

Insert "In all activities, a member of a hearing panel shall avoid impropriety and the appearance of impropriety, and act in a manner that promotes public confidence in the integrity and the impartiality of the hearing process."

Page 5, line 28:

Delete "all aspects of"

Page 6, lines 11-12:

Delete "The task force shall have access to all information, including confidential information, in the custody of the commission."

Insert "The task force shall have access to all information in the custody of the commission; however, information categorized as confidential shall be available to the task force only with the consent of the submitter of the information."

Page 6, line 30, add:

Sec. 11. AS 42.04.080(c), (d) and (e) added by sec. 2 of this Act, and AS 42.04.090 added by sec. 3 of this Act are repealed on June 30, 2004."

Senator Taylor moved for the adoption of Amendment No. 1. Without objection, Amendment No. 1 was adopted.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

Senator Leman moved and asked unanimous consent to withdraw his motion. Without objection, it was so ordered.

Senators Halford, Taylor offered Amendment No. 2:

Page 2, lines 3-19:
Delete Section 2.

Page 3, line 19, insert new section:

"(g) In all activities, a member of a hearing panel shall avoid impropriety and the appearance of impropriety, and act in a manner that promotes public confidence in the integrity and the impartiality of the hearing process."

Page 2, line 26:
Delete sentence starting with "Members" through line 29.

Insert:

"Sec. 12. Section 1 of this Act takes effect January 15, 2003.

Senator Taylor moved for the adoption of Amendment No. 2. Without objection, Amendment No. 2 was adopted.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

SCS CSHB 3001(JUD) am S
Advance from Second to Third Reading?

YEAS: 14 NAYS: 6 EXCUSED: 0 ABSENT: 0

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

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

and so, the bill failed to advance to third reading.

SENATE CS FOR CS FOR HOUSE BILL NO. 3001(JUD) am S will be on the June 27 calendar.

Citations

Honoring – The 2002 Juneau Douglas High School Crimson Bears Softball Team

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

Honoring – The 2002 Juneau Douglas High School Crimson Bears Baseball Team

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

Honoring – Kathie Lynn Cook

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

Honoring – Avalanche Awareness Advocacy

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

Honoring – Tony Caligiuri

Representative(s) Bunde

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

In Memoriam – Mary Lou Briggs

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

Representative(s) Dyson

In Memoriam – Juan Manuel Cutino MacFarlane

Senator(s) Elton, Halford, Green, Kelly, Taylor, Austerman, Lincoln,

Davis, Leman, Wilken, Therriault, Cowdery, Hoffman

Representative(s) Kerttula, Hudson

In Memoriam – Harvey C. Baskin

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

Representative(s) Ogan

In Memoriam – William K. "Bill" Blessington
Representative(s) Kohring
Senator(s) Halford, Phillips, Donley, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Leman, Wilken, Therriault, Cowdery, 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 citations be made a special order of business. Without objection, it was so ordered.

Special Order of Business

Honoring – Amy Finn, Outstanding Volunteer
Senator(s) Austerman, Halford, Leman, Wilken, Cowdery, Therriault, Green, Kelly, Taylor, Lincoln, Davis, Elton, Hoffman
Representative(s) Stevens

Honoring – Dorothy Moore, Valdez School Teacher and Civic Leader
Representative(s) Harris
Senator(s) Lincoln, Halford, Leman, Austerman, Wilken, Cowdery, Therriault, Green, Kelly, Taylor, Davis, Elton, Hoffman

Honoring – Anchorage, All American City
Senator(s) Donley, Phillips, Halford, Leman, Austerman, Wilken, Cowdery, Therriault, Green, Kelly, Taylor, Lincoln, Davis, Elton, Hoffman

In Memoriam – James J. Hurley
Senator(s) Austerman, Halford, Leman, Wilken, Cowdery, Therriault, Green, Kelly, Taylor, Lincoln, Davis, Elton, Hoffman

In Memoriam – Johnnie L. Gay
Senator(s) Davis, Halford, Leman, Austerman, Wilken, Cowdery, Therriault, Green, Kelly, Taylor, Lincoln, Elton, Hoffman

In Memoriam – Walter H. Peirce
Representative(s) Hayes
Senator(s) Wilken, Halford, Leman, Austerman, Cowdery, Therriault, Green, Kelly, Taylor, Lincoln, Davis, Elton, Hoffman

In Memoriam – Joe Walsh

Representative(s) Joule

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

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 Senate return to Introduction of Senate Resolutions. Without objection, the Senate returned to:

**Introduction and Reference of
Senate Resolutions**

SR 301

SENATE RESOLUTION NO. 301 BY SENATORS GREEN, Austerman, Cowdery, Davis, Donley, Ellis, Elton, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken,

Relating to the Pledge of Allegiance.

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

The question being: "Shall SENATE RESOLUTION NO. 301 Relating to the Pledge of Allegiance, pass the Senate?" The roll was taken with the following result:

SR 301

Final Passage

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

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

Davis changed from "Nay" to "Yea".

and so, SENATE RESOLUTION NO. 301 passed the Senate and was referred to the Secretary for engrossment and enrollment.

Unfinished Business

SCR 28

Pursuant to the requirements set forth in HOUSE CS FOR CS FOR SENATE CONCURRENT RESOLUTION NO. 28(FIN) Establishing the Joint Legislative Salmon Industry Task Force (Legislative Resolve No. 53), President Halford announced the following appointments:

Joint Legislative Salmon Industry Task Force

Legislative Members

Senator Stevens, Chair	Representative Stevens, Vice Chair
Senator Elton	Representative Williams
Senator Austerman, Alternate	Representative Scalzi, Alternate

Public Members

Don Giles, John Lowrance, Duncan Fields, Robin Samuelson, Gary Slaven, Sue Aspelund, Sam Cotten, Chris Moss (1st Alternate), Stephanie Madsen (2nd Alternate)

President Halford made the following appointments to the National Conference of State Legislatures:

Assembly on State Issues

Children, Families and Health: Senator Davis
Economic and Cultural Development: Senator Cowdery
Education: Senator Ward
Fiscal Affairs: Senator Hoffman
Natural Resources: Senator Hoffman

Assembly on Federal Issues

Agriculture and International Trade: Senator Cowdery
Education, Labor and Workforce Development: Senator Davis
Energy and Transportation: Senator Cowdery

SB 3002

Senator Ellis moved that in accordance with Uniform Rule 48(d), SENATE BILL NO. 3002 "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" be discharged from the Finance Committee. Senator Taylor objected.

Senator Ellis rose to a point of order. President Halford ruled the point well taken and cautioned the members to proceed in order.

The question being: "Shall the bill be discharged from the Finance Committee?" The roll was taken with the following result:

SB 3002

Discharge from Finance Committee?

YEAS: 6 NAYS: 14 EXCUSED: 0 ABSENT: 0

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

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

and so, the bill was not discharged from the Finance Committee.

Announcements

Announcements are at the end of the journal.

Engrossment**SCR 301**

SENATE CONCURRENT RESOLUTION NO. 301 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 3001, relating to the Regulatory Commission of Alaska, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 12:15 a.m., June 27, 2002. Without objection, the Senate adjourned at 12:10 a.m.

Heidi Vogel
Secretary of the Senate

June 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

Jun 26 Wednesday Senate Finance 532 10:00 AM

= SB3001 REGULATORY COM. OF ALASKA: SUNSET & MISC
<Pending Referral>
= SB3002 APPROP: ALASKA PIONEERS AND VETERANS HOME

Jun 27 Thursday Senate Finance 532 10:00 AM

= SB3001 REGULATORY COM. OF ALASKA: SUNSET & MISC
<Pending Referral>
= SB3002 APPROP: ALASKA PIONEERS AND VETERANS HOME

JUDICIARY

Jun 26 Wednesday Beltz 211 9:00 AM

-- Continued from 6/25/02 --
= HB3001 REGULATORY COM. OF ALASKA: SUNSET & MISC
= SB3001 REGULATORY COM. OF ALASKA: SUNSET & MISC

RULES

Jun 26 Wednesday Fahrenkamp 203 7:00 PM

HB3001 REGULATORY COM. OF ALASKA: SUNSET & MISC

FINANCE SUBCOMMITTEES**NATURAL RESOURCES**

Jun 26	Wednesday	Senate Finance 532	3:00 PM
-- Continued from 06/25/02 --			
McGrath Fire			
Fire Suppression Update for FY02 and			
prediction for FY03			
DEC/DNR - Section 319 transfer from DEC			
to DNR Soil&Water Conservation Districts			