

ALASKA STATE LEGISLATURE  
**SENATE RULES COMMITTEE**  
April 22, 2002  
9:40 a.m.

**MEMBERS PRESENT**

Senator Randy Phillips, Chair  
Senator John Cowdery, Vice Chair  
Senator Gene Therriault  
Senator Johnny Ellis

**MEMBERS ABSENT**

Senator Rick Halford

**COMMITTEE CALENDAR**

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 226

"An Act requiring highways to be designed and constructed so that they will adequately serve anticipated traffic levels for the next 30 years; and providing for an effective date."

APPROVED FOR CALENDARING

SENATE BILL NO. 278

"An Act requiring a good faith effort to purchase property before that property is taken through eminent domain; and providing for an effective date."

APPROVED FOR CALENDARING

SENATE JOINT RESOLUTION NO. 43

Requesting the United States Congress to grant a two-year moratorium on requirements for certain state payments under federal programs.

APPROVED FOR CALENDARING

SENATE CONCURRENT RESOLUTION NO. 30

Relating to Alaska Salmon Day.

APPROVED FOR CALENDARING

CS FOR HOUSE BILL NO. 96(HES)

"An Act relating to acquisition and development of the Jesse Lee Home; and providing for an effective date."

APPROVED FOR CALENDARING

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."  
APPROVED FOR CALENDARING

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

HOUSE BILL NO. 349  
"An Act relating to agency programs and financial plans."  
APPROVED FOR CALENDARING

HOUSE BILL NO. 362  
"An Act extending the termination date of the Board of Governors of the Alaska Bar Association."  
ADOPTED A SENATE RULES COMMITTEE SUBSTITUTE AND APPROVED FOR CALENDARING

**PREVIOUS SENATE COMMITTEE ACTION**

SB 226 - See Transportation minutes dated 2/12/02, Finance Report dated 4/10/02 and Rules minutes dated 4/15/02.

SB 278 - See Community and Regional Affairs minutes dated 2/27/02 and Judiciary minutes dated 4/8/02.

SJR 43 - See State Affairs minutes dated 4/4/02.

SCR 30 - See State Affairs minutes dated 4/9/02 and Resources minutes dated 4/17/02.

HB 96 - See State Affairs minutes dated 5/3/01.

HB 196 - See Judiciary minutes dated 3/25/02.

HB 263 - See Resources minutes dated 3/6/02.

HB 349 - See Rules minutes dated 4/22/02.

HB 362 - See Judiciary minutes dated 3/20/02.

**WITNESS REGISTER**

Representative Ken Lancaster  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Presented HB 96

Mr. Wes Keller

Staff to Representative Dyson  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Answered a question about HB 196

**ACTION NARRATIVE**

**TAPE 02-9, SIDE A**

Number 001

**CHAIRMAN RANDY PHILLIPS** called the Senate Rules Committee meeting to order at 9:40 a.m. Senators Cowdery, Therriault, Ellis and Phillips were present. The first bill to come before the committee was SB 226.

#SB 226

SENATOR COWDERY moved to calendar SB 226-HIGHWAY DESIGN & CONSTRUCTION with its zero fiscal note at the Chairman's discretion.

SENATOR ELLIS objected.

CHAIRMAN PHILLIPS announced the motion to calendar SB 226 carried with Senators Cowdery, Therriault and Phillips in favor, and Senator Ellis opposed.

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#SB 278

SENATOR COWDERY moved to calendar SB 278-TAKING PROPERTY BY EMINENT DOMAIN with its zero fiscal note at the Chairman's discretion.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

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#SJR 43

SENATOR COWDERY moved to calendar SJR 43-MAINTENANCE OF EFFORT ON FEDERAL PROGRAMS with its accompanying fiscal note at the Chairman's discretion.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

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#SCR 30

SENATOR COWDERY moved to calendar SCR 30-ALASKA SALMON DAY with

its zero fiscal note at the Chairman's discretion and asked for unanimous consent.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

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#HB96

SENATOR COWDERY moved to calendar HB 96-ACQUIRING JESSE LEE HOME with its zero fiscal note at the Chairman's discretion.

SENATOR THERRIAULT asked for an explanation of the differences between the Senate State Affairs and Senate Finance Committee substitutes (CS).

REPRESENTATIVE KEN LANCASTER, sponsor of HB 96 said a change was made to the fiscal note. He stated, "They went down to a \$35,000 match from gf to the match from the national - the federal funds - put it in there to do the architectural study."

SENATOR THERRIAULT maintained that a change to the fiscal note would not be cause for a committee substitute.

REPRESENTATIVE LANCASTER added that the effective date was changed to this year.

CHAIRMAN PHILLIPS asked for a page and line number.

REPRESENTATIVE LANCASTER referred to lines 8 and 14 of page 2.

SENATOR ELLIS said he is glad HB 96 is before the committee and asked if the Seward historical group that the state will work with is a city chartered group.

REPRESENTATIVE LANCASTER said it is.

CHAIRMAN PHILLIPS clarified that the version before the committee is labeled 22\LS045\0 and that language on page 2, Sec. 13.03 reads this act takes effect date July 1, 2002.

REPRESENTATIVE LANCASTER verified that he requested that date change.

SENATOR THERRIAULT referred to page 1, line 12, and asked about the words "if practical."

REPRESENTATIVE LANCASTER told members that Senator Donley added "for the possible preservation of the home" on page 2, line 9 and said that was included in case the architectural study determines the building should be demolished.

SENATOR COWDERY moved to calendar SCS CSHB 96(FIN) at the Chairman's discretion.

CHAIRMAN PHILLIPS announced that with no objection, SCS CSHB 96(FIN) and its accompanying fiscal note would be calendared.

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#HB 196

SENATOR COWDERY moved to calendar HB 196-RIGHT OF ACTION FOR LEGAL SEPARATION with its accompanying fiscal note at the Chairman's discretion.

SENATOR THERRIAULT asked whether this proposal differs from Senator Wilken's proposal.

MR. WES KELLER, staff to Representative Dyson, sponsor, said the two proposals are identical.

CHAIRMAN PHILLIPS announced that with no objection to the motion, HB 196 would be calendared.

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#HB 263

SENATOR COWDERY moved to calendar HB 263-REGULATION OF HOT SPRINGS WATER with its accompanying fiscal notes at the Chairman's discretion.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

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#HB 349

SENATOR COWDERY moved to calendar HB 349-AGENCY PROGRAM AND FINANCIAL PLANS with its accompanying fiscal notes at the Chairman's discretion and asked for unanimous consent.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

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#HB 362

The committee took up HB 362-EXTEND BOARD OF GOVERNORS OF AK BAR ASSN.

SENATOR THERRIAULT informed members that he heard this measure in the Senate Judiciary Committee and was "grousing" about the way the Alaska Bar Association is treated differently from any other

licensing group in Alaska. Because the Bar Association feels it falls under the Court System, it increased its fees and built up a million dollar reserve a number of years ago. It has been using that reserve to cover costs over the last couple of years instead of adjusting fees on a year-to-year basis. He noted he understands why that is desirable but he is disturbed that the Bar Association is treated unlike any other licensed entity. He said as a result of discussion in the Senate Judiciary Committee, he put an earlier sunset date of 2004 in the bill but he has since reconsidered. He advised members that an earlier sunset date will require Legislative Budget and Audit to do another performance audit and he does not feel that is necessary. The legislature can deal with the fee issue with an audit trigger.

SENATOR COWDERY said he also voted for those changes in the Senate Judiciary Committee.

SENATOR THERRIAULT informed members that he is willing to revert to what the auditor recommended regarding the sunset date [2006] and said that he will introduce legislation next year to deal with the fee issue.

SENATOR COWDERY said that would be fine with him.

SENATOR THERRIAULT moved Amendment 1, to change the sunset date from 2004 to 2006, the recommended date from the auditor.

CHAIRMAN PHILLIPS objected. The motion carried with Senators Ellis, Therriault and Cowdery in favor, and Chairman Phillips opposed.

SENATOR COWDERY moved to calendar SCS CSHB 362(RLS) and its accompanying fiscal note at the Chairman's discretion.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

SENATOR THERRIAULT requested the Chairman delay calendaring SCS CSHB 362(RLS) so that he may speak to the Senate Judiciary Committee chairman.

CHAIRMAN PHILLIPS agreed.

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There being no further business to come before the committee, CHAIRMAN PHILLIPS adjourned the meeting at 9:54 a.m.