

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

February 10, 2003

#### Twenty-first Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:09 a.m.

The roll showed seventeen members present. Senator French was excused from a call of the Senate. Senators Austerman and Lincoln were absent.

The prayer was offered by the Chaplain, Pastor Robert Sherwood of the Church of the Nazarene. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Hear these words of General Omar Bradley:

"In the end, more than they wanted freedom, they wanted security. They wanted the comfortable life and they lost it all - security, comfort and freedom. When the Athenians finally wanted not to give to society, but for society to give to them, when the freedom they wished for most was freedom from responsibility then Athens ceased to be free."

The challenge for today is that we not trade that which is lasting for that which is transient. May we not embrace process and exclude substance. May we not trade the freedom of our children for security and material abundance which makes them and us lazy. May we not sacrifice justice for appearance, face time for genuine compassion, or in our cynicism we will go the way of the Athenians - in this life and the next. God grant these men and women wisdom, grant these men and women courage, in Jesus' name.

Amen.

Senator Guess led the Senate in the Pledge of Allegiance.

### **Certification**

Senator Stevens moved and asked unanimous consent that the journals for the eighteenth through twentieth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

### **Messages from the Governor**

#### **HCR 4**

Message dated February 6 and received February 10 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

HOUSE CONCURRENT RESOLUTION NO. 4(title am) Authorizing a recess by the Senate and the House of Representatives for a period of more than three days, those days being April 18, 19, 20, and 21 of 2003.

Legislative Resolve No. 1

### **Messages from the House**

Message dated February 7 was read, stating the House passed and transmitted for consideration:

#### **First Reading and Reference of House Resolutions**

#### **HCR 2**

CS FOR HOUSE CONCURRENT RESOLUTION NO. 2(MLV) am BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS,

Relating to the extension of the Alaska Railroad to Fort Greely to serve the anti-ballistic missile launch facility.

was read the first time and referred to the Community and Regional Affairs and Transportation Committees.

### **Communications**

The following reports are on file in the Office of the Secretary of the Senate:

Public Decisions Issued by the Committee, Volume VII  
January 1, 2002 - January 20, 2003  
from H. Conner Thomas, Chair, Select Committee on Legislative Ethics  
in accordance with AS 24.60.150

Advisory Opinions Rendered by the Committee, Volume XXIV  
January 1, 2002 - January 20, 2003  
from H. Conner Thomas, Chair, Select Committee on Legislative Ethics  
in accordance with AS 24.60.150

### **Introduction and Reference of Senate Bills**

#### **SB 65**

SENATE BILL NO. 65 BY SENATORS GREEN, Therriault, Seekins, Guess, Hoffman, Ellis, entitled:

"An Act authorizing the Department of Corrections to enter into agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, and the Municipality of Anchorage."

was read the first time and referred to the State Affairs and Finance Committees.

### **Unfinished Business**

#### **Reconsideration of Senate Resolutions**

##### **SJR 4**

Senator Elton requested that the reconsideration on SENATE JOINT RESOLUTION NO. 4 Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production, be taken up. The resolution was before the Senate on reconsideration.

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

Senator Elton offered Amendment No. 1:

Page 3, following line 11:

Insert: "**FURTHER RESOLVED** that the Alaska State Legislature urges Congress to debate such exploration and development in the context of a national energy policy that includes measures to improve fuel efficiency and energy conservation; and be it"

Senator Elton moved for the adoption of Amendment No. 1. Senator Ogan objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

SJR 4  
Second Reading  
Amendment No. 1

**YEAS: 6 NAYS: 11 EXCUSED: 1 ABSENT: 2**

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

Nays: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stevens B, Taylor, Therriault, Wagoner, Wilken

Excused: French

Absent: Austerman, Lincoln

and so, Amendment No. 1 failed.

The resolution was automatically in third reading on reconsideration.

The question to be reconsidered: "Shall SENATE JOINT RESOLUTION NO. 4 Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production, pass the Senate?" The roll was taken with the following result:

SJR 4  
Third Reading - On Reconsideration

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

Yea: Bunde, Cowdery, Davis, Dyson, Ellis, Green, Guess, Hoffman, Ogan, Olson, Seekins, Stevens B, Taylor, Therriault, Wagoner, Wilken

Nays: Elton

Excused: French

Absent: Austerman, Lincoln

and so, SENATE JOINT RESOLUTION NO. 4 passed the Senate on reconsideration and was referred to the Secretary for engrossment.

**SB 30**

Senators Green, Taylor, Ogan, Cowdery, Seekins, Wagoner moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 30 "An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency." Without objection, it was so ordered.

**SB 41**

Senators Taylor, Dyson, Stevens, Ogan, Cowdery, Seekins, Wagoner moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 41 "An Act relating to medical care and crimes relating to medical care, including medical care and crimes relating to the medical assistance program." Without objection, it was so ordered.

Senator Ellis moved and asked unanimous consent to be excused from a call of the Senate on February 12, February 14, and on February 19 to morning plane time. Without objection, Senator Ellis was excused.

Senator Cowdery moved and asked unanimous consent to be excused from a call of the Senate from February 13, afternoon plane time, through February 18, plane time, and from March 24 through March 25, plane time. Without objection, Senator Cowdery was excused.

Senator Dyson moved and asked unanimous consent to be excused from a call of the Senate from February 14, afternoon plane time, through February 18, plane time. Without objection, Senator Dyson was excused.

Senator Stevens 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 – Women Exemplifying the Spirit of Elizabeth Peratovich:  
Mary Cesar; Esther Clark; Dorothy Thornton; Elizabeth Walters

Representative(s) Kerttula

Senator(s) Cowdery, Davis, Elton, Green, Hoffman, Lincoln, Taylor, Therriault, Wilken, Ellis, Olson, Guess, Ogan

Senator Stevens moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SJR 4**

SENATE JOINT RESOLUTION NO. 4 Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**Adjournment**

Senator Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., June 12, 2003. Without objection, the Senate adjourned at 11:36 a.m.

Kirsten Waid  
Secretary of the Senate

June 2003

**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**

|                                |  |                           |                |
|--------------------------------|--|---------------------------|----------------|
| <b>Feb 10</b>                  | <b>Monday</b>                            | <b>Fahrenkamp 203</b>     | <b>1:30 PM</b> |
| No Meeting Scheduled           |  |                           |                |
| <b>Feb 12</b>                  | <b>Wednesday</b>                         | <b>Senate Finance 532</b> | <b>8:00 AM</b> |
| -- Time and Location Change -- |  |                           |                |
| +                              | Joint w/(H) Community & Regional Affairs |                           |                |
|                                | Local Boundary Commission Annual Report  |                           |                |
| <b>Feb 12</b>                  | <b>Wednesday</b>                         | <b>Fahrenkamp 203</b>     | <b>1:30 PM</b> |
| +      SB 51                   | BONDS OF BOND BANK AUTHORITY             |                           |                |
| <b>Feb 14</b>                  | <b>Friday</b>                            | <b>Fahrenkamp 203</b>     | <b>1:30 PM</b> |
| No Meeting Scheduled           |  |                           |                |

**FINANCE**

|   |                |                           |                |
|---|----------------|---------------------------|----------------|
| <b>Feb 11</b>                             | <b>Tuesday</b> | <b>Senate Finance 532</b> | <b>9:00 AM</b> |
| Accountability in Govt: Measuring Results |                |                           |                |
| Craig Holt, Government Consultant         |                |                           |                |
| -----                                     |                |                           |                |
| <b>Feb 11</b>                             | <b>Tuesday</b> | <b>House Finance 519</b>  | <b>1:30 PM</b> |
| -- Time and Location Change --            |                |                           |                |
| Joint w/(H) Finance                       |                |                           |                |
| Denali Commission                         |                |                           |                |
| Jeff Staser, Federal Co-Chairman          |                |                           |                |

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**FINANCE (continued)**

|               |                                       |                           |                |
|---------------|---------------------------------------|---------------------------|----------------|
| <b>Feb 12</b> | <b>Wednesday</b>                      | <b>Senate Finance 532</b> | <b>9:00 AM</b> |
|               | Presentation:                         |                           |                |
|               | Permanent Fund Corp Board of Trustees |                           |                |

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**HEALTH, EDUCATION & SOCIAL SERVICES**

|                    |   |                      |                |
|--------------------|---|----------------------|----------------|
| <b>Feb 10</b>      | <b>Monday</b>   | <b>Butrovich 205</b> | <b>1:30 PM</b> |
|                    | No Meeting Scheduled  |                      |                |
| <b>Feb 12</b>      | <b>Wednesday</b>  | <b>Butrovich 205</b> | <b>1:30 PM</b> |
|                    | Confirmation Hearing:<br>Commissioner, Dept of Health and Social<br>Services- Joel Gilbertson<br>SB 25 AHFC LOANS TO EDUCATORS  |                      |                |
| <b>Feb 19</b><br>+ | <b>Wednesday</b>  | <b>Butrovich 205</b> | <b>1:30 PM</b> |
|                    | Joint w/(H) Health, Education and Social<br>Services and (H) Special Committee on<br>Education<br>Alaska School District Cost Study<br>Jay Chambers,<br>American Institute for Research |                      |                |

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**JUDICIARY**

|               |   |                      |                |
|---------------|---|----------------------|----------------|
| <b>Feb 10</b> | <b>Monday</b>   | <b>Butrovich 205</b> | <b>1:30 PM</b> |
|               | -- Location Change --<br>Joint w/(H) Judiciary<br>Confirmation Hearing:<br>Attorney General- Gregg D. Renkes  |                      |                |
| <b>Feb 12</b> | <b>Wednesday</b>  | <b>Beltz 211</b>     | <b>1:30 PM</b> |
|               | Overview: Dept of Corrections<br>Marc Antrim, Commissioner<br>Portia Parker, Assistant Commissioner<br>Overview: Office of Public Advocacy<br>Brant McGee, Director<br>Overview: Public Defender Agency<br>Barbara Brink, Public Defender |                      |                |

## **JUDICIARY (continued)**

**Feb 14**      **Friday**      **Beltz 211**      **1:30 PM**  
No Meeting Scheduled

## LABOR & COMMERCE

**Feb 11**      **Tuesday**      **Beltz 211**      **1:30 PM**  
No Meeting Scheduled

**Feb 13**      **Thursday**      **Beltz 211**      **1:30 PM**  
= SB 20      EXTEND BOARD OF MARINE PILOTS

**Feb 26      Wednesday      Senate Finance 532      3:15 PM**  
-- Time and Location Change --  
Joint w/(H) Labor and Commerce  
Confirmation Hearings:  
Regulatory Commission of Alaska-  
Dave Harbour  
Mark Johnson

## RESOURCES

**Feb 10**      **Monday**      **Butrovich 205**      **3:30 PM**  
No Meeting Scheduled

**Feb 12      Wednesday      Butrovich 205      3:30 PM**  
Confirmation Hearing:  
Commissioner, Dept of Natural Resources-  
Tom Irwin  
Overview: Dept of Environmental Conservation

**Feb 14**      **Friday**      **Butrovich 205**      **3:30 PM**  
No Meeting Scheduled

**Feb 17**      **Monday**      **Butrovich 205**      **3:30 PM**  
No Meeting Scheduled

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**RESOURCES (continued)**

|                                |                  |                           |                |
|--------------------------------|------------------|---------------------------|----------------|
| <b>Feb 19</b>                  | <b>Wednesday</b> | <b>Senate Finance 532</b> | <b>1:00 PM</b> |
| -- Time and Location Change -- |                  |                           |                |
| Joint w/(H) Resources          |                  |                           |                |
| Mining Industry Overview       |                  |                           |                |
| <b>Feb 21</b>                  | <b>Friday</b>    | <b>Butrovich 205</b>      | <b>3:30 PM</b> |
| No Meeting Scheduled           |                  |                           |                |

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**STATE AFFAIRS**

|                      |                                      |                  |                |
|----------------------|--------------------------------------|------------------|----------------|
| <b>Feb 11</b>        | <b>Tuesday</b>                       | <b>Beltz 211</b> | <b>3:30 PM</b> |
| SB 9                 | CLEANUP OF ILLEGAL DRUG SITES        |                  |                |
| SJR 6                | CONST AM: 90 DAY LEGISLATIVE SESSION |                  |                |
| SCR 1                | SUPPORT ROADS/HOT SPRINGS LOOP ROAD  |                  |                |
| SJR 5                | DESTROY BRADY BILL RECORDS           |                  |                |
| <b>Feb 13</b>        | <b>Thursday</b>                      | <b>Beltz 211</b> | <b>3:30 PM</b> |
| No Meeting Scheduled |                                      |                  |                |

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**TRANSPORTATION**

|               |  |                      |                |
|---------------|--|----------------------|----------------|
| <b>Feb 11</b> | <b>Tuesday</b>                           | <b>Butrovich 205</b> | <b>1:30 PM</b> |
| + SB 31       | RAILROAD UTILITY CORRIDOR TO & IN CANADA |                      |                |
| <b>Feb 18</b> | <b>Tuesday</b>                           | <b>Butrovich 205</b> | <b>1:30 PM</b> |
| SB 40         | CONSTRUCTION OF HIGHWAYS BY DOTPF        |                      |                |
| SB 53         | REVOKE DRIVER'S LIC. FOR FATAL ACCIDENT  |                      |                |

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**FINANCE SUBCOMMITTEES**

**FISH & GAME**

|  |                |                           |                |
|--|----------------|---------------------------|----------------|
| <b>Feb 11</b>                          | <b>Tuesday</b> | <b>Senate Finance 532</b> | <b>3:30 PM</b> |
| Budget Overview: Dept of Fish and Game |                |                           |                |

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## **FINANCE SUBCOMMITTEES (continued)**

## LABOR & WORKFORCE DEVELOPMENT

**Feb 13**      **Thursday**      **Beltz 211**      **8:00 AM**  
Budget Overview:  
Dept of Labor and Workforce Development

## NATURAL RESOURCES

**Feb 12**      **Wednesday**      **Beltz 211**      **8:00 AM**  
-- Rescheduled to 2/20/03 --  
Budget Overview:  
Dept of Natural Resources

**Feb 20**      **Thursday**      **Beltz 211**      **8:00 AM**  
-- Rescheduled from 2/12/03 --  
+                      Budget Overview:  
                            Dept of Natural Resources

## PUBLIC SAFETY

**Feb 18**      **Tuesday**      **Senate Finance 532**      **4:00 PM**  
Joint w/(H) Public Safety Budget Subcmt  
Budget Overview: Dept of Public Safety

## REVENUE

**Feb 10**      **Monday**      **Senate Finance 532**      **3:30 PM**  
-- Rescheduled to 2/19/03 --  
Budget Overview: Dept of Revenue

**Feb 19**      **Wednesday**      **Senate Finance 532**      **4:00 PM**  
-- Rescheduled from 2/10/03 --  
Budget Overview: Dept of Revenue

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**JOINT COMMITTEES**

**ADMINISTRATIVE REGULATION REVIEW**

**Feb 19      Wednesday      Fahrenkamp 203      8:30 AM**  
Discussion of Central Panels to create  
independent hearing office functions

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**LEGISLATIVE BUDGET & AUDIT**

**Feb 19      Wednesday      House Finance 519      12:00 PM**  
Audits and Other Committee Business

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**OTHER MEETINGS**

**JOINT SESSION**

**Mar 05      Wednesday      House Chamber      11:00 AM**  
State of the Judiciary  
Chief Justice Dana Fabe