

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

March 17, 2003

Fifty-sixth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:14 a.m.

The roll showed seventeen members present. Senators Davis, Ogan were excused from a call of the Senate. Senator Wagoner was absent.

The prayer was offered by the Chaplain, Pastor Sam Dalin of the River of Glory Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Father, we would ask that for the Leman household and that extended family, Your grace and Your peace would be upon the whole situation right now with the passing of our Lt. Governor's father-in-law. But especially be with his wife, at this time, and his family. Lord, we ask again that You would grant Your grace.

Let us pray. The prophet of old, Jeremiah, spoke and this is what he said: "Seek the peace of the city, for it is your home. Its peace and welfare is yours. Solicit divine favor, work for peace and prosperity, pray for her."

As these men and women gather this week to be about the so important business of this great land of Alaska, grant us peace. Grant us welfare, for this is our home. We thank You for a favor from above and beyond our own wisdom and knowledge. We thank You for each of our leaders, gathered together from different geographic locations. Grant them divine favor as they work for peace and prosperity. In the name of God the Father, God the Son and God the Holy Spirit. Amen.

Senator Elton led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Message dated March 14 was read, stating:

The House of Representatives respectfully invites the Senate to a Joint Session of the Twenty-third Alaska Legislature at 11:00 a.m. on Friday, April 25 for the purpose of hearing U.S. Senator Lisa Murkowski's message to the Legislature.

Senator Ben Stevens moved and asked unanimous consent that the Senate accept the House invitation to meet in Joint Session. Without objection, it was so ordered.

The Secretary was requested to notify the House.

HB 100

Message dated March 14 was read, stating the House concurred in the Senate amendments to CS FOR HOUSE BILL NO. 100(FIN), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 100(FIN) am S "An Act making supplemental and other appropriations; amending appropriations; making appropriations to capitalize funds; and providing for an effective date."

Message dated March 14 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 23

CS FOR HOUSE BILL NO. 23(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to court-ordered restitution and compensation following a criminal conviction."

was read the first time and referred to the Judiciary and Finance Committees.

Standing Committee Reports

SB 65

The State Affairs Committee considered SENATE BILL NO. 65 "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." Signing no recommendation: Senator Gary Stevens, Chair; Senator Cowdery. Signing do pass: Senators Hoffman, Guess. Signing amend: Senator Dyson.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Corrections

The bill was referred to the Finance Committee.

SB 83

The State Affairs Committee considered SENATE BILL NO. 83 "An Act naming the Sven Haakanson, Sr. Airport at Old Harbor." Signing do pass: Senator Gary Stevens, Chair; Senators Hoffman, Dyson, Cowdery.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Transportation and Public Facilities

The bill was referred to the Rules Committee.

SB 99

The State Affairs Committee considered SENATE BILL NO. 99 "An Act expressing legislative intent regarding privately operated correctional facility space and services; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into an agreement for the confinement and care of prisoners in privately operated correctional facility space; and providing for an effective date." Signing no recommendation: Senator Gary Stevens, Chair; Senators Hoffman, Guess. Signing do pass: Senators Cowdery, Dyson.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Corrections
Fiscal Note No. 2, Department of Public Safety
Fiscal Note No. 3, Department of Transportation and Public Facilities
Fiscal Note No. 4, Department of Revenue

The bill was referred to the Finance Committee.

HB 58

The Labor and Commerce Committee considered HOUSE BILL NO. 58 "An Act relating to the reinstatement of Native corporations; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senators Davis, French, Seekins, Gary Stevens.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

HB 82

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 82(L&C) "An Act making certain activity related to commercial electronic mail unlawful and an unfair method of competition or an unfair or deceptive act or practice under the Act enumerating unfair trade practices and consumer protections." Signing do pass: Senator Bunde, Chair; Senators Davis, French, Seekins, Gary Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 2, zero, Department of Law
Fiscal Note No. 3, zero, Department of Public Safety

The bill was referred to the Judiciary Committee.

**Introduction and Reference of
Senate Resolutions**

SCR 6

SENATE CONCURRENT RESOLUTION NO. 6 BY SENATORS WAGONER, Ogan, Gary Stevens, Dyson, Bunde, Seekins, Elton, Ellis,

Relating to the location of the state's new seafood laboratory.

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

SJR 13

SENATE JOINT RESOLUTION NO. 13 BY SENATOR DYSON,

Proposing amendments to the Constitution of the State of Alaska relating to the budget reserve fund.

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

Introduction and Reference of Senate Bills**SB 60**

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 60 BY SENATOR GUESS, entitled:

"An Act relating to adoption and use of a unified permit application form by the natural resource agencies; and repealing the Environmental Procedures Coordination Act."

was read the first time and referred to the Resources and Finance Committees.

SB 141

SENATE BILL NO. 141 BY SENATOR BUNDE, entitled:

"An Act repealing the termination date of certain provisions that require the reporting of social security numbers and automated data matching with financial institutions for child support enforcement purposes; relating to social security numbers on applications for commercial fishing licenses; and providing for an effective date."

was read the first time and referred to the Labor and Commerce and Resources Committees.

SB 144

SENATE BILL NO. 144 BY SENATOR FRENCH, entitled:

"An Act relating to carbon sequestration; and providing for an effective date."

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

SB 145

SENATE BILL NO. 145 BY SENATOR GARY STEVENS, entitled:

"An Act relating to reemployment of and benefits for retired teachers or employees, including those who participated in retirement incentive programs, and to the employment as teachers of members of the public employees' retirement system who participated in a retirement incentive program; and providing for an effective date."

was read the first time and referred to the State Affairs and Health, Education and Social Services Committees.

SB 146

SENATE BILL NO. 146 BY SENATORS GUESS, Ellis, entitled:

"An Act relating to a commemorative veterans' license plate; and providing for an effective date."

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

SB 147

SENATE BILL NO. 147 BY SENATORS GREEN, Therriault, entitled:

"An Act relating to control of nuisance wild animals; and providing for an effective date."

was read the first time and referred to the Resources and Finance Committees.

SB 148

SENATE BILL NO. 148 was not introduced.

SB 149

SENATE BILL NO. 149 BY SENATOR TAYLOR, entitled:

"An Act relating to timber and to the sale of timber by the state."

was read the first time and referred to the Resources and Finance Committees.

SB 150

SENATE BILL NO. 150 BY SENATOR TAYLOR, entitled:

"An Act relating to use and disposal of state land."

was read the first time and referred to the Resources and Finance Committees.

Consideration of the Calendar**Second Reading of Senate Bills****SB 79**

SENATE BILL NO. 79 "An Act extending the termination date of the Alaska Minerals Commission" was read the second time.

Senator Ben Stevens 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. 79 was read the third time.

The question being: "Shall SENATE BILL NO. 79 "An Act extending the termination date of the Alaska Minerals Commission" pass the Senate?" The roll was taken with the following result:

SB 79

Third Reading - Final Passage

YEAS: 17 NAYS: 0 EXCUSED: 2 ABSENT: 1

Yea: Bunde, Cowdery, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wilken

Excused: Davis, Ogan

Absent: Wagoner

and so, SENATE BILL NO. 79 passed the Senate and was referred to the Secretary for engrossment.

Third Reading of Senate Bills**SB 71**

CS FOR SENATE BILL NO. 71(TRA) was read the third time.

The presence of Senator Wagoner was noted.

SB 71

The question being: "Shall CS FOR SENATE BILL NO. 71(TRA) "An Act relating to funding for transportation projects; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 71(TRA)

Third Reading - Final Passage

YEAS: 11 NAYS: 7 EXCUSED: 2 ABSENT: 0

Yea: Bunde, Cowdery, Dyson, Green, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Nay: Ellis, Elton, French, Guess, Hoffman, Lincoln, Olson

Excused: Davis, Ogan

and so, CS FOR SENATE BILL NO. 71(TRA) passed the Senate.

Senator Lincoln gave notice of reconsideration.

Senator Ben Stevens moved the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSSB 71(TRA)

Effective Date Clause

YEAS: 18 NAYS: 0 EXCUSED: 2 ABSENT: 0

Yea: Bunde, Cowdery, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Excused: Davis, Ogan

and so, the effective date clause was adopted.

Unfinished Business

President Therriault made the following appointments:

Council of State Governments

Governing Board
 Senator Therriault
Annual Meeting Committee
 Senator Taylor
Intergovernmental Affairs Committee
 Senator Ogan
International Committee
 Senator Gary Stevens
Agricultural and Rural Policy Task Force
 Senator Lincoln
Public Safety and Justice Task Force
 Senator Guess

Council of State Governments - WEST

Executive Committee
 Senator Ogan
 Senator Therriault
Energy and Public Lands Committee
 Senator Ogan
 Senator Davis
Fiscal Affairs Committee
 Senator Bunde
Trade and Transportation Committee
 Senator Dyson
 Senator Cowdery
 Senator Hoffman
Western Legislative Futures Forum
 Senator Gary Stevens
 Senator Wagoner
 Senator Bunde
Western Water and Environment Committee
 Senator Ogan
 Senator Cowdery
 Senator Wagoner

National Conference of State Legislatures

Agriculture and Rural Development Committee

Senator Seekins

Communications, Technology and Interstate Commerce Committee

Senator Cowdery

Senator Guess

Economic Development, Trade and Cultural Affairs Committee

Senator Cowdery

Education Committee

Senator Bunde

Senator Gary Stevens

Senator Davis

Senator Wagoner

Energy and Electric Utilities Committee

Senator Dyson

Senator Ben Stevens

Senator Ogan

Environment and Natural Resources Committee

Senator Seekins

Senator Elton

Financial Services Committee

Senator Guess

Labor and Workforce Development Committee

Senator Bunde

Law and Criminal Justice Committee

Senator Dyson

Senator Lincoln

Senator Ogan

Legislative Effectiveness and State Government Committee

Senator Ben Stevens

Senator Gary Stevens

Senator Elton

Redistricting and Elections Committee

Senator Ben Stevens

Senator Therriault

Transportation Committee
Senator Wagoner
Senator Cowdery
Senator Dyson
Senator Hoffman

SB 25

Senators Gary Stevens, Dyson, Seekins, moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 25 "An Act relating to the teachers' housing loan program in the Alaska Housing Finance Corporation; and providing for an effective date." Without objection, it was so ordered.

Senator Gary Stevens moved and asked unanimous consent to be excused from a call of the Senate from March 19 through March 24, plane time. Without objection, Senator Gary Stevens was excused.

Senator Wilken moved and asked unanimous consent to be excused from the Senate, not subject to a call, from March 20, evening plane time, through March 23, afternoon plane time. Without objection, Senator Wilken was excused.

Senator Cowdery moved and asked unanimous consent to be excused from a call of the Senate from April 17, evening plane time, through April 21, morning plane time. Without objection, Senator Cowdery was excused.

Senator Bunde moved and asked unanimous consent to be excused from a call of the Senate from March 20, evening plane time, through March 23, evening plane time. Without objection, Senator Bunde was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 79**

SENATE BILL NO. 79 "An Act extending the termination date of the Alaska Minerals Commission" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:30 a.m., March 18, 2003. Without objection, the Senate adjourned at 12:01 p.m.

Kirsten Waid
Secretary of the Senate

March 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

Mar 17	Monday	Fahrenkamp 203	1:30 PM
		Bills Previously Heard/Scheduled	
+ =	SB 38	ADOPTION OF SAFETY CODES	
+	SB 118	BOROUGH INSPECTION: FOOD/AQUATIC FARMS <Testimony by Invitation Only>	
+	SB 136	RESIDENTIAL PROPERTY TAX EXEMPTION	
Mar 19	Wednesday	Fahrenkamp 203	1:30 PM
		No Meeting Scheduled	
Mar 21	Friday	Fahrenkamp 203	1:30 PM
		No Meeting Scheduled	

FINANCE

Mar 17	Monday	Senate Finance 532	9:00 AM
SB 100		APPROP: CAPITAL PROJECTS Dept of Law; Dept of Education and Early Development; Office of the Governor; Cheryl Frasca, OMB; Dept of Health and Social Services Bills Previously Heard/Scheduled	
Mar 18	Tuesday	Senate Finance 532	9:00 AM
= SB 100		APPROP: CAPITAL PROJECTS Dept of Corrections, Dept of Military and Veterans Affairs, Dept of Labor, AK Court System Bills Previously Heard/Scheduled	

SENATE JOURNAL

March 17, 2003

525

FINANCE (continued)

Mar 19	Wednesday	Senate Finance 532	9:00 AM
= SB 100	APPROP: CAPITAL PROJECTS Dept of Public Safety, Dept of Fish and Game, Dept of Administration Bills Previously Heard/Scheduled		
Mar 20	Thursday	Senate Finance 532	9:00 AM
= SB 100	APPROP: CAPITAL PROJECTS Dept of Revenue, Dept Natural Resources, Dept of Community & Economic Development Bills Previously Heard/Scheduled		
Mar 21	Friday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 17	Monday	Butrovich 205	1:30 PM
+	SB 95	72-HOUR NOTICE OF TEACHER STRIKE	
+	SB 30	ABORTION: INFORMED CONSENT; INFORMATION Bills Previously Heard/Scheduled	
+=	SB 55	TAMPERING WITH PUBLIC RECORDS	
+=	SB 8	TAMPERING WITH PUBLIC RECORDS Overview: Mental Health Trust Authority Alcohol Evaluation Project	
Mar 19	Wednesday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

JUDICIARY

Mar 17	Monday	Beltz 211	1:30 PM
+		Bills Previously Heard/Scheduled	
+		Confirmation Hearing: Violent Crimes Compensation Board - LeRoy Barker	
+	SB 2	PARENT LIABILITY FOR DAMAGE BY CHILD	
+	SB 49	2003 REVISOR'S BILL	
+	HB 68	OFFICE OF VICTIMS' RIGHTS: INCLUDE MUNIS	

JUDICIARY (continued)

Mar 19	Wednesday	Beltz 211	1:30 PM
Bills Previously Heard/Scheduled			
SB 9	CLEANUP OF ILLEGAL DRUG SITES		
SJR 3	CONST AM: APPROPRIATION/SPENDING LIMIT		
Mar 21	Friday	Beltz 211	1:30 PM
No Meeting Scheduled			

LABOR & COMMERCE

Mar 18	Tuesday	Beltz 211	1:30 PM
+ SB 86	INTEREST ON DELINQUENT TAXES		
+ HB 9	HOME INSPECTORS/CONTRACTORS		
+ SB 114	INCREASE BUSINESS LICENSE FEE		
Bills Previously Heard/Scheduled			
Mar 20	Thursday	Beltz 211	1:30 PM
No Meeting Scheduled			

RESOURCES

Mar 17	Monday	Butrovich 205	3:30 PM
No Meeting Scheduled			
Mar 19	Wednesday	Butrovich 205	3:30 PM
No Meeting Scheduled			
Mar 21	Friday	Butrovich 205	3:30 PM
No Meeting Scheduled			
Mar 24	Monday	Butrovich 205	3:30 PM
+ SB 70	BD OF FISHERIES MEETINGS/EMERGENCY ORDERS		
+ SB 143	COASTAL MANAGEMENT PROGRAMS		
Bills Previously Heard/Scheduled			
Mar 25	Tuesday	Butrovich 205	8:30 AM
Subcommittee Meeting			
= HB 69	REGULATION OF SHALLOW NATURAL GAS		

RESOURCES (continued)

Mar 26	Wednesday	Butrovich 205	3:30 PM
+ SB 50	ROYALTY GAS CONTRACTS		
	Bills Previously Heard/Scheduled		
Mar 28	Friday	Butrovich 205	3:30 PM
+ SB 122	NONRES.GAME TAG FEES/WILDLIFE TOUR PASS		
+ SB 97	ATTY FEES: PUBLIC INTEREST LITIGANTS		
	Bills Previously Heard/Scheduled		

STATE AFFAIRS

Mar 18	Tuesday	Beltz 211	3:30 PM
SJR 10	PLEDGE OF ALLEGIANCE RESOLUTION		
HB 140	BENEFITS FOR CERTAIN RIP PARTICIPANTS		
	<Pending Referral>		
SB 115	CORRECTIONAL INDUSTRIES PROGRAM EXPENSES		
+ HB 46	PRIMARY ELECTION BALLOTS		
SB 24	SPECIAL ABSENTEE BALLOTS		
	Bills Previously Heard/Scheduled		
Mar 20	Thursday	Beltz 211	3:30 PM
	No Meeting Scheduled		
Mar 25	Tuesday	Beltz 211	3:30 PM
= SB 26	STATE EMPLOYEES CALLED TO MILITARY DUTY		
SB 69	BOARD OF FISHERIES CONFLICTS OF INTEREST		
+ SB 119	ELIMINATE APOC		
	Bills Previously Heard/Scheduled		

TRANSPORTATION

Mar 18	Tuesday	Butrovich 205	1:30 PM
-- Rescheduled from 3/11/03 --			
+= SB 31	RAILROAD UTILITY CORRIDOR TO & IN CANADA		
	<Above Bill Hearing Postponed>		
	Bills Previously Heard/Scheduled		

TRANSPORTATION (continued)

Mar 20	Thursday	Butrovich 205	1:30 PM
No Meeting Scheduled			
Mar 25	Tuesday	Butrovich 205	1:30 PM
+= SB 40	CONSTRUCTION OF HIGHWAYS BY DOTPF		

FINANCE SUBCOMMITTEES**FISH & GAME**

Mar 25	Tuesday	Senate Finance 532	3:30 PM
Apr 03	Thursday	Senate Finance 532	3:30 PM

LAW

Mar 18	Tuesday	Fahrenkamp 203	4:00 PM
Dept of Law Budget Overview			

PUBLIC SAFETY

Mar 18	Tuesday	Senate Finance 532	4:00 PM
Apr 01	Tuesday	Fahrenkamp 203	4:00 PM
Apr 08	Tuesday	Fahrenkamp 203	4:00 PM

TRANSPORTATION & PUBLIC FACILITIES

Mar 18	Tuesday	Senate Finance 532	8:00 AM
Dept of Transportation/Public Facilities			
FY04 Operating Budget Overview			
Mar 20	Thursday	Senate Finance 532	8:00 AM
Dept of Transportation/Public Facilities			
FY04 Operating Budget Overview			

SENATE JOURNAL

March 17, 2003

529

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Mar 27	Thursday	House Finance 519	4:00 PM
Audits and Other Committee Business			
Including an Executive Session			

OTHER MEETINGS

FISH CAUCUS

Mar 19	Wednesday	Butrovich 205	12:00 PM
Restoring Razor Clams: Economic			
Opportunities in Mariculture -			
Jackie Timothy, Mariculture Coordinator,			
Dept of Fish and Game			

JOINT SESSION

Mar 31	Monday	House Chamber	11:00 AM
Address by U.S. Senator Ted Stevens			
Apr 25	Friday	House Chamber	11:00 AM
Address by U.S. Senator Lisa Murkowski			