

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

March 18, 2003

#### Fifty-seventh Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:45 a.m.

The roll showed eighteen members present. Senator Davis was excused from a call of the Senate. Senator Ogan 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.

Let us pray: Just as David, the psalmist of old spoke, "Teach me, O Lord the way of Thy statutes," I ask this day that as these men and women of the Senate go about the business of today, that You truly would teach them, guide them, instruct them. I pray for peace of heart, mind and soul. Grant them wisdom to govern this great land of Alaska. Grant them personal protection and favor in and about the business of government. We thank You that You have brought us together for such a day as this. May we take the commandment, "Love thy neighbor" to our hearts and emotions today. We pray this in the Name of God the Father, God the Son and God the Holy Spirit. Amen.

Senator French led the Senate in the Pledge of Allegiance.

#### Certification

Senator Ben Stevens moved and asked unanimous consent that the journal for the fifty-sixth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

**Messages from the Governor****HB 100**

Message dated and received March 17 was read, 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.  
100(FIN) am S "An Act making supplemental and  
other appropriations; amending appropriations;  
making appropriations to capitalize funds; and  
providing for an effective date."

Chapter, 1 SLA 2003  
Effective Date: See Chapter

**Messages from the House**

Message dated March 17 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 140**

HOUSE BILL NO. 140(efd fld) BY THE HOUSE RULES  
COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to benefits for retired teachers or  
employees who participated in retirement incentive  
programs and are subsequently reemployed as a  
commissioner."

was read the first time and referred to the State Affairs Committee.

**HB 146**

CS FOR HOUSE BILL NO. 146(HES) BY THE HOUSE HEALTH,  
EDUCATION AND SOCIAL SERVICES COMMITTEE, 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.

### **Standing Committee Reports**

Report dated March 17 was read, stating:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the following with regard to confirmation of the Governor's appointments and recommends the appointment be forwarded to a Joint Session for consideration:

#### **Violent Crimes Compensation Board**

LeRoy Barker

This does not reflect an intent by any of the members to vote for or against the individual during any further sessions.

Signing the report: Senator Seekins, Chair; Senators Therriault, Ellis, French.

#### **SB 41**

Forthcoming fiscal note (page 489) for the Health, Education and Social Services Committee Substitute for SPONSOR SUBSTITUTE FOR 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" published today:

Fiscal Note No. 1, Department of Health and Social Services

**HB 68**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 68(JUD) "An Act relating to the jurisdiction of the office of victims' rights." Signing do pass: Senator Seekins, Chair; Senators Ellis, French. Signing no recommendation: Senator Therriault.

The following previously published fiscal information applies:  
Fiscal Note No. 1, zero, Legislative Agency

The bill was referred to the Rules Committee.

**Introduction and Reference of Senate Bills****SB 148**

SENATE BILL NO. 148 BY SENATORS COWDERY, Elton, entitled:

"An Act relating to allowable absences for certain members of the armed forces and their spouses and dependents for purposes of eligibility for permanent fund dividends; and providing for an effective date."

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

**Consideration of the Calendar****Second Reading of Senate Bills****SB 83**

SENATE BILL NO. 83 "An Act naming the Sven Haakanson, Sr. Airport at Old Harbor" 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. 83 was read the third time.

The question being: "Shall SENATE BILL NO. 83 "An Act naming the Sven Haakanson, Sr. Airport at Old Harbor" pass the Senate?" The roll was taken with the following result:

SB 83

Third Reading - Final Passage

**YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1**

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

Excused: Davis

Absent: Ogan

and so, SENATE BILL NO. 83 passed the Senate and was referred to the Secretary for engrossment.

### **Second Reading of House Bills**

#### **HB 58**

HOUSE BILL NO. 58 "An Act relating to the reinstatement of Native corporations; and providing for an effective date" was read the second time.

Senator Ben Stevens moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE BILL NO. 58 was read the third time.

Senators Lincoln, Dyson, Taylor, Guess, Wagoner, Ellis, Elton, Olson, Cowdery moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

Senator Lincoln moved and asked unanimous consent to abstain from voting due to a conflict of interest. Objections were heard and Senator Lincoln was required to vote.

The question being: "Shall HOUSE BILL NO. 58 "An Act relating to the reinstatement of Native corporations; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 58

Third Reading - Final Passage

Effective Date

**YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1**

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

Excused: Davis

Absent: Ogan

and so, HOUSE BILL NO. 58 passed the Senate.

Senator Ben Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

### **Second Reading of Senate Resolutions**

#### **SJR 9**

SENATE JOINT RESOLUTION NO. 9 Expressing confidence in and support for all members of the military, their families, and employers of members of the National Guard, was read the second time.

Senator Gary Stevens, Chair, moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 469. Without objection, CS FOR SENATE JOINT RESOLUTION NO. 9(STA) was adopted.

Senator Ben Stevens moved and asked unanimous consent that the resolution be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE JOINT RESOLUTION NO. 9(STA) was read the third time.

Senators Wilken, Cowdery, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Ben Stevens, Gary Stevens, Taylor, Therriault, Wagoner moved and asked unanimous consent to be shown as cosponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE JOINT RESOLUTION NO. 9(STA) Expressing confidence in and support for all members of the military, their families, and employers of members of the National Guard, pass the Senate?" The roll was taken with the following result:

CSSJR 9(STA)

Third Reading - Final Passage

**YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1**

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

Excused: Davis

Absent: Ogan

and so, CS FOR SENATE JOINT RESOLUTION NO. 9(STA) passed the Senate and was referred to the Secretary for engrossment.

### **Citations**

Honoring – Shirley Holloway, Ph.D.

Senator(s) Bunde, Guess, Ellis, French, Therriault, Cowdery, Davis, Dyson, Elton, Green, Hoffman, Lincoln, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken  
Representative(s) Hawker

Honoring – AWARE Women of Distinction: Merry Ellefson, Ethel Lund, Margaret Pugh and Tish Griffin Satre

Representative(s) Weyhrauch, Kerttula  
Senator(s) Elton, Ellis, French, Bunde, Therriault, Cowdery, Davis, Dyson, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

In Memoriam – Lee O. Reed, Jr.

Senator(s) Davis, Ellis, Bunde, Therriault, Cowdery, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

In Memoriam – Daniel James Gross, Sr.

Senator(s) Taylor, Bunde, Therriault, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Seekins, Ben Stevens, Gary Stevens, Wilken

Representative(s) Wilson

In Memoriam – Ed Naughton

Representative(s) Cissna

Senator(s) Davis, Ellis, Bunde, Therriault, Cowdery, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

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

### **Unfinished Business**

Senator Dyson moved and asked unanimous consent to be excused from a call of the Senate from March 30, 4:00 p.m., through April 2, 9:30 p.m. and from April 17, 7:00 p.m., through April 22, 2:00 p.m. Without objection, Senator Dyson was excused.

Senator Olson moved and asked unanimous consent to be excused from a call of the Senate on March 20. Without objection, Senator Olson was excused.

### **SB 148**

Senators Wilken, Seekins, Wagoner, Dyson, Ben Stevens, Taylor, Guess, Bunde, Olson, Therriault moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 148 "An Act relating to allowable absences for certain members of the armed forces and their spouses and dependents for purposes of eligibility for permanent fund dividends; and providing for an effective date." Without objection, it was so ordered.

**SB 71**

The reconsideration on CS FOR SENATE BILL NO. 71(TRA) "An Act relating to funding for transportation projects; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SB 71**

CS FOR SENATE BILL NO. 71(TRA) "An Act relating to funding for transportation projects; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 83**

SENATE BILL NO. 83 "An Act naming the Sven Haakanson, Sr. Airport at Old Harbor" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SJR 9**

CS FOR SENATE JOINT RESOLUTION NO. 9(STA) Expressing confidence in and support for all members of the military, their families, and employers of members of the National Guard, 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 10:00 a.m., March 20, 2003. Without objection, the Senate adjourned at 11:20 a.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**

<b>Mar 19</b>	<b>Wednesday</b> No Meeting Scheduled	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
<b>Mar 21</b>	<b>Friday</b> No Meeting Scheduled	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>

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**FINANCE**

<b>Mar 18</b>	<b>Tuesday</b> = SB 100 APPROP: CAPITAL PROJECTS Dept of Corrections, Dept of Military and Veterans Affairs, Dept of Labor, AK Court System Bills Previously Heard/Scheduled	<b>Senate Finance 532</b>	<b>9:00 AM</b>
<b>Mar 19</b>	<b>Wednesday</b> = SB 100 APPROP: CAPITAL PROJECTS Dept of Public Safety, Dept of Fish and Game, Dept of Administration Bills Previously Heard/Scheduled	<b>Senate Finance 532</b>	<b>9:00 AM</b>
<b>Mar 20</b>	<b>Thursday</b> = SB 100 APPROP: CAPITAL PROJECTS Dept of Revenue, Dept Natural Resources, Dept of Community & Economic Development Bills Previously Heard/Scheduled	<b>Senate Finance 532</b>	<b>9:00 AM</b>

**FINANCE (continued)**

**Mar 21      Friday                      Senate Finance 532      9:00 AM**  
 No Meeting Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Mar 19      Wednesday                      Butrovich 205      1:30 PM**  
 No Meeting Scheduled

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**JUDICIARY**

**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

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**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

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**RESOURCES**

**Mar 19      Wednesday                      Butrovich 205      3:30 PM**  
 No Meeting Scheduled

**Mar 21      Friday                                  Butrovich 205      3:30 PM**  
 No Meeting Scheduled

**RESOURCES (continued)**

**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

**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

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**STATE AFFAIRS**

**Mar 18 Tuesday Beltz 211 3:30 PM**  
 SJR 10 PLEDGE OF ALLEGIANCE RESOLUTION  
 HB 140 BENEFITS FOR CERTAIN RIP PARTICIPANTS  
 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

**Mar 27 Thursday Beltz 211 3:30 PM**  
 + SB 117 ELIMINATING LONGEVITY BONUS PROGRAM

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**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

**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  
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**FINANCE SUBCOMMITTEES**

**FISH & GAME**

**Mar 25 Tuesday Senate Finance 532 3:30 PM**

**Apr 03 Thursday Senate Finance 532 3:30 PM**  
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**LAW**

**Mar 18 Tuesday Fahrenkamp 203 4:00 PM**  
 Dept of Law Budget Overview  
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**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**  
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**FINANCE SUBCOMMITTEES (continued)****TRANSPORTATION & PUBLIC FACILITIES**

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

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**JOINT COMMITTEES****LEGISLATIVE BUDGET & AUDIT**

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

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**OTHER MEETINGS****FISH CAUCUS**

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

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**JOINT SESSION**

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