

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

March 24, 2003

Sixty-third Day

Pursuant to adjournment the Senate was called to order by President Therriault at 3:03 p.m.

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

The prayer was offered by the Chaplain, Major Larry Fankhauser of The Salvation Army. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord,

Each of us in our own way would take a moment to lift a prayer seeking Your watchful care over our military personnel. They are fathers, mothers, brothers and sisters, and we would ask for their safe return.

Thank You for this day and the opportunities to serve that it presents. As one nation under God, we would seek wisdom, insight and direction from Your leading hand.

At the end of this day may each senator here gathered rest in knowing they have done all they could for the better of those they serve. Amen.

Senator Guess led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor

Letter dated March 21 and received March 24 was read, stating in accordance with Article III Section 25 of the Alaska Constitution, I submit the following name for legislative confirmation of appointment to the position set out below:

Commissioner - Department of Fish and Game

Kevin Duffy

Appointed: 03/19/2003

The appointment was referred to the Resources Committee.

The resume for this appointment has been submitted to the Offices of the Senate Secretary and the Chief Clerk.

The presence of Senator Ogan was noted.

Communications

Report from the Commissioner of the Department of Administration dated March 17 was received, stating the monetary terms for the collective bargaining agreement reached between the State and the Alyeska Central School Education Association in accordance with AS 23.40.215(b).

Report from the Commissioner of the Department of Administration dated March 17 was received, stating the monetary terms for the collective bargaining agreement reached between the State and the Teachers' Education Association of Mt. Edgecumbe in accordance with AS 23.40.215(b).

Report from the Commissioner of the Department of Administration dated March 17 was received, stating the monetary terms for the collective bargaining agreement reached between the State and the Public Safety Employees Association representing State Troopers in accordance with AS 23.40.215(b).

Report from the Commissioner of the Department of Administration dated March 17 was received, stating the monetary terms for the collective bargaining agreement reached between the State and the Public Safety Employees Association representing Correctional Officers in accordance with AS 23.40.215(b).

Report from the Commissioner of the Department of Administration dated March 17 was received, stating the monetary terms for the collective bargaining agreement reached between the State and the Public Employees Local 71 representing the Labor, Trades and Crafts Unit in accordance with AS 23.40.215(b).

Report from the Commissioner of the Department of Administration dated March 18 was received, stating the monetary terms for the collective bargaining agreement reached with the Alaska Vocational Technical Education Center Teachers' Association in accordance with AS 23.40.215(b).

Report from the Commissioner of the Department of Administration dated March 20 was received, stating the monetary terms for the collective bargaining agreement reached between the State and the Alaska Public Employees Association representing the Supervisory Bargaining Unit in accordance with AS 23.40.215(b).

Report from the Commissioner of the Department of Administration dated March 20 was received, stating the monetary terms for the collective bargaining agreement reached between the State and the Alaska Public Employees Association representing the Confidential Unit in accordance with AS 23.40.215(b).

Report from the Commissioner of the Department of Administration dated March 21 was received, stating the monetary terms for the collective bargaining agreement reached between the State and the Alaska State Employee Association representing the General Government Unit in accordance with AS 23.40.215(b).

Report from the Commissioner of the Department of Administration dated March 21 was received, stating the monetary terms for the collective bargaining agreement reached with the Inlandboatmen's Union of the Pacific in accordance with AS 23.40.215(b).

The reports were referred to the Finance Committee.

Standing Committee Reports

SB 45

The Judiciary Committee considered SENATE BILL NO. 45 "An Act relating to the Legislative Budget and Audit Committee" and recommended it be replaced with

CS FOR SENATE BILL NO. 45(JUD)

Signing do pass: Senator Seekins, Chair; Senator Therriault. Signing no recommendation: Senators Ellis, French.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Finance Committee.

HB 140

Forthcoming State Affairs Senate Committee Substitute (page 549) for HOUSE BILL NO. 140(efd fld) "An Act relating to benefits for retired teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner" was received today:

SENATE CS FOR HOUSE BILL NO. 140(STA)
"An Act relating to benefits for retired teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; and providing for an effective date."
(technical title change)

**Introduction and Reference of
Senate Resolutions**

SJR 14

SENATE JOINT RESOLUTION NO. 14 BY SENATORS OLSON,
Ellis,

Requesting the Federal Aviation Administration to
fully staff and maintain flight service stations in
Alaska.

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

Consideration of the Calendar

Second Reading of Senate Bills

SB 43

SENATE BILL NO. 43 "An Act extending the termination date of the
State Medical Board" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the
adoption of the Finance Committee Substitute offered on page 430.
Without objection, CS FOR SENATE BILL NO. 43(FIN) was
adopted.

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.

CS FOR SENATE BILL NO. 43(FIN) was read the third time.

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

The question being: "Shall CS FOR SENATE BILL NO. 43(FIN) "An Act extending the termination date of the State Medical Board" pass the Senate?" The roll was taken with the following result:

CSSB 43(FIN)

Third Reading - Final Passage

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Cowdery

and so, CS FOR SENATE BILL NO. 43(FIN) passed the Senate and was referred to the Secretary for engrossment.

Third Reading of House Bills

HB 68

CS FOR HOUSE BILL NO. 68(JUD) "An Act relating to the jurisdiction of the office of victims' rights" was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 68(JUD) "An Act relating to the jurisdiction of the office of victims' rights" pass the Senate?" The roll was taken with the following result:

CSHB 68(JUD)

Third Reading - Final Passage

YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Cowdery

and so, CS FOR HOUSE BILL NO. 68(JUD) passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Honoring – Peters Creek Christian Center, Finding the Lost
Senator(s) Dyson, Therriault, Bunde, Cowdery, Davis, Elton, Green,
Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary Stevens,
Taylor, Wilken

Honoring – Juneau-Douglas High School Home Designers
Senator(s) Elton, Therriault, Bunde, Cowdery, Davis, Dyson, Green,
Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary Stevens,
Taylor, Wilken
Representative(s) Weyhrauch, Kerttula

Honoring – Ivan Parker-Diaz and Tyler Crenshaw
Representative(s) Croft
Senator(s) French, Therriault, Cowdery, Davis, Dyson, Ellis, Elton,
Green, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary
Stevens, Taylor, Wilken

Honoring – Randall P. Burns
Representative(s) Weyhrauch
Senator(s) Elton, Therriault, Bunde, Cowdery, Davis, Dyson, Ellis,
Green, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary
Stevens, Taylor, Wilken

In Memoriam – Earl A. Greene
Senator(s) Davis, Therriault, Bunde, Cowdery, Dyson, Ellis, Elton,
Green, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary
Stevens, Taylor, Wilken

In Memoriam – Wes Coyner
Senator(s) Elton, Therriault, Bunde, Cowdery, Davis, Dyson, Ellis,
Green, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary
Stevens, Taylor, Wilken
Representative(s) Kerttula, Weyhrauch

In Memoriam – Thomas Patrick O'Hara
Senator(s) Dyson, Therriault, Bunde, Cowdery, Davis, Elton, Green,
Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary Stevens,
Taylor, Wilken

In Memoriam – Roy Lee Henderson

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

In Memoriam – Paul Helmar

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

In Memoriam – Wayne E. Bender

Representative(s) Weyhrauch, Kerttula
Senator(s) Elton, Therriault, Bunde, Cowdery, Davis, Dyson, Green, Guess, Hoffman, Lincoln, Ogan, 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

EO 104

In accordance with AS 24.08.210, action was not taken on the following Executive Order and it was returned to the Governor's Office at 12:05 p.m. on March 24, 2003:

EXECUTIVE ORDER NO. 104

Transferring the functions of the Office of Equal Employment Opportunity from the Office of the Governor to the Division of Personnel in the Department of Administration.

EO 105

In accordance with AS 24.08.210, action was not taken on the following Executive Order and it was returned to the Governor's Office at 12:05 p.m. on March 24, 2003:

EXECUTIVE ORDER NO. 105

Transferring the Alaska Seismic Hazards Safety Commission from the Office of the Governor to the Department of Natural Resources.

Announcements

Announcements are at the end of the journal.

HJR 18

Senator Gary Stevens, Chair, moved and asked unanimous consent that Uniform Rule 23 be waived on HOUSE JOINT RESOLUTION NO. 18 Supporting the men and women of the United States armed forces in the military action to free Iraq and to protect the world from Saddam Hussein, for the State Affairs Committee meeting on March 27. Without objection, it was so ordered.

Engrossment**SB 43**

CS FOR SENATE BILL NO. 43(FIN) "An Act extending the termination date of the State Medical Board" 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 11:00 a.m., March 26, 2003. Without objection, the Senate adjourned at 3:28 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 24	Monday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Mar 26	Wednesday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Mar 28	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM

FINANCE

Mar 24	Monday -- Time Change --	Senate Finance 532	10:00 AM
= SB 100	APPROP: CAPITAL PROJECTS Dept of Revenue, Dept of Administration, Dept of Community & Economic Development Bills Previously Heard/Scheduled		
Mar 25	Tuesday	Senate Finance 532	9:00 AM
= SB 100	APPROP: CAPITAL PROJECTS Dept of Fish & Game, Dept of Environmental Conservation Bills Previously Heard/Scheduled		

FINANCE (continued)

- Mar 26 Wednesday Senate Finance 532 9:00 AM**
 = SB 100 APPROP: CAPITAL PROJECTS
 University of Alaska,
 Dept Transportation & Public Facilities
 Bills Previously Heard/Scheduled
- Mar 27 Thursday Senate Finance 532 9:00 AM**
 = SB 100 APPROP: CAPITAL PROJECTS
 <Follow-up Discussion, if Necessary>
 HB 12 HARASSMENT BY ELECTRONIC COMMUNICATION
 SB 123 ELIMINATE REVIEW OF ADOPTION SUBSIDIES
 Bills Previously Heard/Scheduled
- Mar 28 Friday Senate Finance 532 9:00 AM**
 SB 40 CONSTRUCTION OF HIGHWAYS BY DOTPF
 SB 106 FEE FOR STUDEDDED TIRES
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

- Mar 24 Monday Fahrenkamp 203 5:00 PM**
 -- Time and Location Change --
 += SB 55 TAMPERING WITH PUBLIC RECORDS
 += SB 8 TAMPERING WITH PUBLIC RECORDS
 += SB 95 72-HOUR NOTICE OF TEACHER STRIKE
 + SB 10 EDUCATION FUNDING:INSTRUCTIONAL COMPONENT
- Mar 26 Wednesday Butrovich 205 1:30 PM**
 + SB 105 MEDICAID:CHILDREN/PREGNANT WOMEN/FACILITY
 + SB 108 HEALTH FACILITY MEDICAID RATES/ADV. COM'N
 + SB 109 MEDICAID COST CONTAINMENT & PRIORITY LIST
 += SB 30 ABORTION: INFORMED CONSENT; INFORMATION
 + Bills Previously Heard/Scheduled

JUDICIARY

- Mar 24 Monday Beltz 211 1:30 PM**
 No Meeting Scheduled

JUDICIARY (continued)

Mar 26 Wednesday Beltz 211 1:30 PM
 + SB 89 DEFINITION OF LOBBYING

Mar 28 Friday Beltz 211 1:30 PM
 No Meeting Scheduled

LABOR & COMMERCE

Mar 25 Tuesday Beltz 211 1:30 PM
 Bills Previously Heard/Scheduled
 + SB 111 PUBLIC CONSTRUCTION PROJECT REQUIREMENTS
 + SB 113 FINANCIAL INSTITUTION EXAMINATIONS/CFAB
 + SB 120 CLAIMS BY STATE-EMPLOYED SEAMEN

Mar 27 Thursday Beltz 211 1:30 PM
 Bills Previously Heard/Scheduled
 + HB 124 COMMERCIAL MOTOR VEHICLE DRIVERS/EMPLOYER
 + HB 64 PURCHASE OF STRUCTURED SETTLEMENTS
 + HB 146 CHILD SUPPORT/SOCIAL SECURITY NUMBERS
 + SB 151 GAS PIPELINE TRANSPORTATION TARIFFS

RESOURCES

Mar 24 Monday Butrovich 205 3:30 PM
 + SB 70 BD OF FISHERIES MEETINGS/EMERGENCY ORDERS
 + HB 139 CLOSING CERTAIN LAND TO MINERAL ENTRY
 + SB 143 COASTAL MANAGEMENT PROGRAMS
 <Bill Hearing Postponed>
 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

RESOURCES (continued)

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 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
 HJR 18 SUPPORTING MILITARY ACTION AGAINST IRAQ
 <Pending Referral>
 Uniform Rule 23 Waived

TRANSPORTATION

Mar 25 Tuesday Butrovich 205 1:30 PM
 = SB 103 MOTOR VEHICLE REGISTRATION FEES
 SB 153 LONG-TERM LEASES OF ALASKA RR LAND
 Bills Previously Heard/Scheduled

Mar 27 Thursday Butrovich 205 1:30 PM
 = SB 31 RAILROAD UTILITY CORRIDOR TO & IN CANADA
 Bills Previously Heard/Scheduled

FINANCE SUBCOMMITTEES

COMMUNITY AND ECONOMIC DEVELOPMENT

Mar 25 Tuesday Terry Miller 104 11:00 AM
 Budget Overview Continuation
 Missions and Measures

FINANCE SUBCOMMITTEES (continued)**COMMUNITY AND ECONOMIC DEVELOPMENT (continued)**

Mar 27 Thursday Terry Miller 104 8:00 AM
 Budget Discussion Continued

CORRECTIONS

Apr 04 Friday Senate Finance 532 4:30 PM
 Review Agency Programs
 Proposed FY04 Budget

Apr 07 Monday Senate Finance 532 4:30 PM
 Review Agency Programs
 Proposed FY04 Budget

Apr 09 Wednesday Senate Finance 532 4:30 PM
 Preliminary FY04 Budget Close-out

Apr 10 Thursday Senate Finance 532 5:00 PM
 FY04 Budget Close-out and Agency Response

ENVIRONMENTAL CONSERVATION

Mar 27 Thursday Fahrenkamp 203 1:00 PM
 Department Overview

Apr 10 Thursday Fahrenkamp 203 1:00 PM

FISH & GAME

Mar 25 Tuesday Senate Finance 532 3:30 PM

Apr 03 Thursday Senate Finance 532 3:30 PM

FINANCE SUBCOMMITTEES (continued)

HEALTH & SOCIAL SERVICES

Mar 24	Monday	Senate Finance 532	11:30 AM
	Overview: Agency Reorganization Begin Review and Proposed FY04 Budget		
Mar 26	Wednesday	Senate Finance 532	4:30 PM
	Review Agency Programs Proposed FY04 Budget		
Mar 27	Thursday	Senate Finance 532	11:30 AM
	Review Agency Programs Proposed FY04 Budget		
Mar 31	Monday	Senate Finance 532	4:30 PM
	Review Agency Programs Proposed FY04 Budget		
Apr 01	Tuesday	Senate Finance 532	4:30 PM
	Review Agency Programs Proposed FY04 Budget		
Apr 02	Wednesday	Senate Finance 532	4:30 PM
	Review Agency Programs Proposed FY04 Budget		
Apr 08	Tuesday	Senate Finance 532	4:30 PM
	Preliminary FY04 Budget Close-out		
Apr 10	Thursday	Senate Finance 532	4:30 PM
	FY04 Budget Close-out and Agency Response		

MILITARY AND VETERANS AFFAIRS

Apr 03	Thursday	Fahrenkamp 203	1:30 PM
	Department Overview		
Apr 08	Tuesday	Fahrenkamp 203	1:30 PM

FINANCE SUBCOMMITTEES (continued)**PUBLIC SAFETY**

Apr 01	Tuesday	Fahrenkamp 203	4:00 PM
Apr 08	Tuesday	Fahrenkamp 203	4:00 PM

REVENUE

Mar 28	Friday Department Overview	Butrovich 205	8:00 AM
Apr 09	Wednesday	Beltz 211	8:00 AM

TRANSPORTATION & PUBLIC FACILITIES

Mar 25	Tuesday FY04 Operating Budget Overview	Senate Finance 532	8:00 AM
Mar 27	Thursday -- Meeting Canceled -- FY04 Operating Budget Overview	Senate Finance 532	8:00 AM

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

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

FISH CAUCUS

Mar 25	Tuesday	Butrovich 205	12:00 PM
	Panel Discussion:Restructuring the Salmon Industry - Fishery Management Models		

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		