

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

April 8, 2003

Seventy-eighth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:15 a.m.

The roll showed seventeen members present. Senators Hoffman, Ogan, Taylor were excused from a call of the Senate.

The prayer was offered by the Chaplain, Father Anastasius Iwuoha of the Cathedral of the Nativity. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

With due respect for our religious differences and beliefs, I invite you all again to join me in this prayer.

Lord God, as we gather again today, we ask for Your assistance in our proceedings. We place our tasks and agenda before You for Your wisdom and guidance. Help us to move beyond our differences so that we continue to work together in doing what must be done to achieve our goals and objectives. And as we strive to take care of the needs of the people of Alaska, we ask Your blessing on all Alaska leaders, especially the senators here. Amen.

Senator Wagoner led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House**SB 74**

Message dated April 7 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 74(RES) am "An Act extending the renewal period for oil discharge prevention and contingency plans; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

HJR 18

Message dated April 7 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE JOINT RESOLUTION NO. 18(MLV) am, thus adopting:

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 18(STA) Supporting the men and women of the United States armed forces.

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

First Reading and Reference of House Bills**HB 160**

CS FOR HOUSE BILL NO. 160(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the emission control permit program; relating to fees for that program and to the accounting of receipts deposited in the emission control permit receipts account; and providing for an effective date."

was read the first time and referred to the Finance Committee.

Standing Committee Reports

Report dated April 7 was read stating:

In accordance with Article III, Section 25 of the Alaska Constitution, the Senate Resources Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration:

Commissioner, Department of Fish and Game
Kevin Duffy

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 Wagoner, Vice Chair; Senators Dyson, Seekins, Lincoln, Elton.

SB 49

The Judiciary Committee considered SENATE BILL NO. 49 "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date" and recommended the adoption of the State Affairs Committee Substitute offered on page 256. Signing do pass: Senator Seekins, Chair; Senator Therriault. Signing no recommendation: Senators Ellis, French.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Senate State Affairs Committee

The bill was referred to the Rules Committee.

SB 97

The Resources Committee considered SENATE BILL NO. 97 "An Act relating to public interest litigants and to attorney fees; and amending Rule 82, Alaska Rules of Civil Procedure." Signing do pass: Senator Wagoner, Vice Chair; Senator Seekins. Signing no recommendation: Senator Dyson. Signing amend: Senator Ben Stevens, Signing do not pass: Senators Elton, Lincoln.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, indeterminate, Department of Administration

The bill was referred to the Judiciary Committee.

SB 104

The Health, Education and Social Services Committee considered SENATE BILL NO. 104 "An Act repealing the charter school grant program; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 104(HES)

Signing do pass: Senator Dyson, Chair; Senators Green, Wilken. Signing no recommendation: Senators Guess, Davis.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Education and Early Development

The bill was referred to the Finance Committee.

SB 105

The Health, Education and Social Services Committee considered SENATE BILL NO. 105 "An Act relating to eligibility requirements for medical assistance for certain children, pregnant women, and persons in a medical or intermediate care facility; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 105(HES)

Signing do pass: Senator Dyson, Chair; Senators Green, Wilken.
Signing do not pass: Senators Guess, Davis.

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Health and Social Services

The bill was referred to the Finance Committee.

SB 110

The Health, Education and Social Services Committee considered SENATE BILL NO. 110 "An Act relating to admission to and advancement in public schools of children under school age; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 110(HES) "An Act relating to advancement in public schools of children under school age; and providing for an effective date."

Signing do pass: Senator Dyson, Chair; Senators Green, Wilken.
Signing no recommendation: Senators Guess, Davis.

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Education and Early Development

The bill was referred to the Finance Committee.

SB 137

Forthcoming fiscal note (page 689) for the State Affairs Committee Substitute for SENATE BILL NO. 137(STA) "An Act imposing a tax on employment; and providing for an effective date" published today:
Fiscal Note No. 1, Department of Revenue

SB 171

Forthcoming fiscal note (page 700) for SENATE BILL NO. 171 "An Act relating to certain suits and claims by members of the military services or regarding acts or omissions of the organized militia;

relating to liability arising out of certain search and rescue, civil defense, homeland security, and fire management and firefighting activities; and providing for an effective date" published today:

Fiscal Note No. 3, indeterminate, Department of Administration

HB 51

The Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 51(HES) "An Act requiring pharmacists to include generic drug information on containers in which brand-name prescription drug orders are dispensed." Signing do pass: Senator Dyson, Chair; Senators Green, Wilken, Davis. Signing no recommendation: Senator Guess.

The following previously published fiscal information applies:

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

The bill was referred to the Labor and Commerce Committee.

Introduction and Reference of Senate Bills**SB 178**

SENATE BILL NO. 178 BY SENATOR TAYLOR, entitled:

"An Act establishing a state lottery; and providing for an effective date."

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

SB 179

SENATE BILL NO. 179 BY SENATOR THERRIAULT, entitled:

"An Act allowing teacher certification for certain persons based on a criminal history background check without fingerprints."

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

SB 180

SENATE BILL NO. 180 BY SENATOR THERRIAULT, entitled:

"An Act establishing the Safety Code Task Force;
and providing for an effective date."

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

Consideration of the Calendar**Citations**

Honoring – Blake Stauffer, Eagle Scout

Representative(s) Weyhrauch, Kerttula

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

Honoring – Juneau Gold Rush Commission

Representative(s) Weyhrauch, Kerttula

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

In Memoriam – Superior Court Judge Jonathan H. Link

Representative(s) Wolf, Holm, Chenault

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

In Memoriam – Sheryl Roberta Nelson, Shandelle Marie Nelson,

Adrienne Shalon Nore

Representative(s) Wilson

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

SB 138

President Therriault added a Health, Education and Social Services Committee referral to SENATE BILL NO. 138 "An Act annulling a regulation relating to use of collaborative practice authority by a pharmacist under written protocols approved by persons licensed to prescribe drugs; prohibiting the Board of Pharmacy from adopting a similar regulation in the future; and providing for an effective date."

The bill was referred to the Health, Education and Social Services, then Labor and Commerce and Judiciary Committees.

Senator Lincoln moved and asked unanimous consent to be excused from a call of the Senate on April 10 and 11. Without objection, Senator Lincoln was excused.

Announcements

Announcements are at the end of the journal.

Enrollment

SB 20

CS FOR SENATE BILL NO. 20(FIN) "An Act relating to the Board of Marine Pilots and to marine pilotage; extending the termination date of the Board of Marine Pilots; and providing for an effective date" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 1:38 p.m., April 8, 2003.

Memorandum from Division of Legal and Research Services, Legislative Affairs Agency, was received, reporting the following manifest error in CS FOR SENATE BILL NO. 20(FIN) which has been corrected in enrolling:

Page 3, line 7:
Delete "Southeast"
Insert: "Southeastern"

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 9, 2003. Without objection, the Senate adjourned at 11:27 a.m.

Kirsten Waid
Secretary of the Senate

April 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

Apr 09	Wednesday	Fahrenkamp 203	1:30 PM
+	Legislative Directive for Unorganized Borough Review: Local Boundary Commission <Testimony by Invitation Only>		
Apr 11	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Apr 08	Tuesday	Senate Finance 532	9:00 AM
=	SB 106 FEE FOR STUDDED TIRES <Previously scheduled for 4/7/03>		
	SB 82 ALCOHOLIC BEVERAGE TAX FOR WINE & OTHERS		
	SB 120 CLAIMS BY STATE-EMPLOYED SEAMEN		
	HB 9 HOME INSPECTORS/CONTRACTORS Bills Previously Heard/Scheduled		
Apr 09	Wednesday	Senate Finance 532	9:00 AM
	SB 153 LONG-TERM LEASES OF ALASKA RR LAND		
	SB 173 SCIENCE & TECH FOUNDATION/BIDCO/INT. TRADE Bills Previously Heard/Scheduled		
Apr 10	Thursday	Senate Finance 532	9:00 AM
	SB 136 RESIDENTIAL PROPERTY TAX EXEMPTION Bills Previously Heard/Scheduled		

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FINANCE (continued)

Apr 11 Friday Senate Finance 532 9:00 AM
Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 09 Wednesday Butrovich 205 1:30 PM
+ Bills Previously Heard/Scheduled
+= SB 121 COMMUNITY SCHOOLS
+= SB 30 ABORTION: INFORMED CONSENT; INFORMATION
+ SB 157 INPATIENT PSYCHIATRIC SERVICES
+ SB 84 TEACHER LOAN REPAYMENT PROGRAM
+ SB 154 NURSE EDUC LOAN REPAYMENT PROGRAM

Apr 11 Friday Butrovich 205 1:30 PM
+ Bills Previously Heard/Scheduled
+ SB 160 CIVIL LIABILITY FOR DEFIBRILLATOR USE

JUDICIARY

Apr 09 Wednesday Beltz 211 1:30 PM
+= SB 97 ATTY FEES: PUBLIC INTEREST LITIGANTS
+ SB 24 SPECIAL ABSENTEE BALLOTS
+ HB 46 PRIMARY ELECTION BALLOTS
+ Bills Previously Heard/Scheduled

Apr 11 Friday Beltz 211 1:30 PM
+ SB 41 MEDICAID COSTS AND CRIMES
SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE
+ Bills Previously Heard/Scheduled

LABOR & COMMERCE

Apr 08 Tuesday Beltz 211 2:00 PM
-- Time Change --
Bills Previously Heard/Scheduled
+ HB 118 TRANSPORTATION OF COMMERCIAL FISH
+ SB 13 INSURANCE DISCRIMINATION BY CREDIT RATING

LABOR & COMMERCE (continued)

Apr 10 Thursday **Beltz 211** **1:30 PM**
Bills Previously Heard/Scheduled
+ SB 128 COMMON CARRIER LIQUOR LICENSE

RESOURCES

Apr 09 Wednesday **Butrovich 205** **3:30 PM**
+= SB 142 DNR LEAD RESOURCE DEVELOPMENT PROJECTS
+ SB 164 EXTEND BOARD OF STORAGE TANK ASSISTANCE
+ Bills Previously Heard/Scheduled

Apr 11 Friday **Butrovich 205** **3:30 PM**
+ Bills Previously Heard/Scheduled

STATE AFFAIRS

Apr 08 Tuesday **Beltz 211** **3:30 PM**
+ SCR 6 LOCATION OF NEW SEAFOOD LAB
SB 22 CRIME VICTIMS' COMP.:SEXUAL ABUSE/ASSAULT
<Bill Hearing Postponed to 4/10/03>
+ SB 158 MOVE DOMESTIC VIOLENCE COUNCIL TO DHSS
+= HB 52 SEX CRIME AND PORNOGRAPHY FORFEITURES
<Bill Hearing Rescheduled from 4/3/03>
+= SB 148 PFD: ALLOWABLE ABSENCE FOR MILITARY SVC
<Bill Hearing Rescheduled from 4/3/03>
+= SB 146 COMMEMORATIVE VETERANS LICENSE PLATE
<Bill Hearing Rescheduled from 4/3/03>
Bills Previously Heard/Scheduled

Apr 10 Thursday **Beltz 211** **3:30 PM**
+ SB 159 PAROLE FOR MEDICAL / COGNITIVE DISABILITY
+ HB 2 CIVIL STATUTE OF LIMITATIONS/SEX OFFENSES
+= SB 22 CRIME VICTIMS' COMP.:SEXUAL ABUSE/ASSAULT
<Bill Hearing Rescheduled from 4/8/03>
+= SB 85 REPEAT SERIOUS SEX OFFENSES
<Bill Hearing Rescheduled from 4/3/03>
Bills Previously Heard/Scheduled
+= SB 119 ELIMINATE APOC

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TRANSPORTATION

Apr 08	Tuesday	Butrovich 205	1:30 PM
= SB 140	ROAD SIGNS TO PLACES OF PUBLIC ASSEMBLY		
+ SB 98	LIABILITY: PLANE AND BOAT PASSENGERS		
	Bills Previously Heard/Scheduled		
Apr 10	Thursday	Butrovich 205	1:30 PM
SJR 14	FAA FLIGHT SERVICE STATIONS		
	Bills Previously Heard/Scheduled		

FINANCE SUBCOMMITTEES

ADMINISTRATION

Apr 10	Thursday	Beltz 211	8:00 AM
	-- Rescheduled from 4/3/03 --		
	FY04 Budget Close-out		

CORRECTIONS

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		

COURT SYSTEM

Apr 10	Thursday	Senate Finance 532	11:30 AM
	FY04 Budget Close-out		

EDUCATION & EARLY DEVELOPMENT

Apr 10	Thursday	Senate Finance 532	5:30 PM
	Operating Budget Close-out		

FINANCE SUBCOMMITTEES (continued)**ENVIRONMENTAL CONSERVATION**

Apr 10 Thursday Fahrenkamp 203 1:00 PM

HEALTH & SOCIAL SERVICES

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

LABOR & WORKFORCE DEVELOPMENT

Apr 09 Wednesday Beltz 211 12:00 PM
-- Rescheduled from 4/3/03 --
FY04 Budget Close-out

LAW

Apr 11 Friday Beltz 211 8:00 AM
-- Rescheduled from 4/4/03 --
FY04 Budget Close-out

MILITARY AND VETERANS AFFAIRS

Apr 08 Tuesday Fahrenkamp 203 11:00 AM
-- Meeting Canceled --

Apr 11 Friday Butrovich 205 12:30 PM

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FINANCE SUBCOMMITTEES (continued)

NATURAL RESOURCES

Apr 09	Wednesday	Beltz 211	8:30 AM
-- Time Change --			
-- Rescheduled from 4/2/03 --			
FY04 Budget Close-out			

PUBLIC SAFETY

Apr 08	Tuesday	Fahrenkamp 203	4:00 PM
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REVENUE

Apr 09	Wednesday	Beltz 211	4:00 PM
-- Time Change --			

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Apr 09	Wednesday	Senate Finance 532	7:00 AM
Commissioner Joel Gilbertson			
Dept of Health and Social Services			

Apr 29	Tuesday	House Finance 519	8:00 AM
Audits and Other Committee Business			

OTHER MEETINGS

JOINT SESSION

Apr 25	Friday	House Chamber	11:00 AM
Address by U.S. Senator Lisa Murkowski			