

# 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.



April 8, 2003

751

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**

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

-----

**FINANCE**

<b>Apr 08</b>	<b>Tuesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
=	SB 106	FEE FOR STUDDERED 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	
<b>Apr 09</b>	<b>Wednesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
	SB 153	LONG-TERM LEASES OF ALASKA RR LAND	
	SB 173	SCIENCE & TECH FOUNDATION/BIDCO/INT. TRADE Bills Previously Heard/Scheduled	
<b>Apr 10</b>	<b>Thursday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
	SB 136	RESIDENTIAL PROPERTY TAX EXEMPTION Bills Previously Heard/Scheduled	

**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  
 -----

**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**  
-----

**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**  
 -----

**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