

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

April 15, 2003

Eighty-fifth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:13 a.m.

The roll showed eighteen members present. Senators Guess, Lincoln were excused from a call of the Senate.

The prayer was offered by the Chaplain, Father Thomas Weise of St. Paul's Catholic Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

In deepest respect for the religious beliefs of each person here, I invite you to a time of prayer and reflection.

"The heavens declare the glory of the Creator;
the firmament proclaims the handiwork of Love.
Day to day speech pours forth
and night to night knowledge is revealed.
There is no speech, nor are there words;
their voice is not heard;
Yet does their music go out through all the earth,
and their words to the end of the world.
In them a tent for the sun is set,
which is like a bride and groom
on their wedding night
as they sing love's song and celebrate the dance of
life.
Its rising is in eternity, and its circuit to infinity;
There is nothing hid from the sunlight.

The law of Love is perfect, reviving the soul;
The testimony of Love is sure,
making wise the simple;
The precepts of Love are right, rejoicing the heart;
The authority of Love is pure, enlightening the eyes;
The spirit of Love is wondrous, enduring forever;
The rites of Love are true, awakening compassion.
More to be desired are they than gold,
even much fine gold;
Sweeter also than honey and drippings of the
honeycomb.
Moreover by them are the loving alerted;
in keeping them there is great reward.
But who can discern their own weaknesses?
Cleanse me, O Love, from all my hidden faults.
Keep me from boldly acting in error;
let my fears not have dominion over me!
Then shall I become a beneficial presence,
freely and fully surrendered to Your Love.
Let the words of my mouth
and the meditation of my heart
find favor in Your Heart,
O my Beloved, my strength and my joy!" (Psalm 19)

Lord God, You created and fashioned the universe,
and then set up humankind as stewards of all
creation. As our nation finishes up their federal
income taxes today, may we be mindful of our role as
leaders in our great state of Alaska, that we are to be
good stewards. Amen.

Senator Davis led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

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

**First Reading and Reference of
House Resolutions****HCR 7**

CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(RLS) BY THE HOUSE RULES COMMITTEE,

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to executive sessions of legislative bodies; and providing for an effective date for the amendment.

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

First Reading and Reference of House Bills**HB 98**

HOUSE BILL NO. 98 BY REPRESENTATIVES SAMUELS, Wolf, Dahlstrom, Kerttula, Meyer, Kookesh, Lynn, Ogg, entitled:

"An Act relating to sport fishing seasons and areas for persons under 16 years of age."

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

HB 214

CS FOR HOUSE BILL NO. 214(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to the recovery of punitive damages against an employer who is determined to be vicariously liable for the act or omission of an employee; and providing for an effective date."

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

Concur Messages**SJR 7**

Message dated April 14 was read, stating the House passed and returned for consideration SENATE JOINT RESOLUTION NO. 7 Expressing support for Vancouver, British Columbia's, bid for the 2010 Olympic Winter Games and the Paralympic Winter Games, with the following amendment:

HOUSE CS FOR SENATE JOINT RESOLUTION
NO. 7(EDT)

Senator Ben Stevens moved that the Senate concur in the House amendment.

The question being: "Shall the Senate concur in the House amendment?" The roll was taken with the following result:

HCS SJR 7(EDT)

Shall the Senate Concur in the House
amendment to SJR 7?

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

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

Excused: Guess, Lincoln

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR SENATE JOINT RESOLUTION NO. 7(EDT) Expressing support for Vancouver, British Columbia's, bid for the 2010 Olympic Winter Games and the Paralympic Winter Games.

The Secretary was requested to notify the House.

The resolution was referred to the Secretary for enrollment.

Standing Committee Reports**SB 30**

The Health, Education and Social Services Committee considered SENATE BILL NO. 30 "An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency" and recommended it be replaced with

CS FOR SENATE BILL NO. 30(HES)

Signing do pass: Senator Dyson, Chair; Senator Green. Signing do not pass: Senator Davis. Signing no recommendation: Senator Wilken.

Fiscal information forthcoming.

The bill was referred to the Judiciary Committee.

SB 41

The Judiciary Committee considered 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" and recommended it be replaced with

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41(JUD) "An Act relating to medical care and crimes relating to medical care, including medical care and crimes relating to the medical assistance program, catastrophic illness assistance, and medical assistance for chronic and acute medical conditions."

Signing do pass: Senator Seekins, Chair; Senators Ellis, French, Ogan, Therriault.

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 87

The Judiciary Committee considered SENATE BILL NO. 87 "An Act relating to principal and income in the administration of trusts and decedents' estates and the mental health trust fund; adopting a version of the Uniform Principal and Income Act; and providing for an effective date." Signing do pass: Senator Seekins, Chair; Senators Therriault, Ellis. Signing no recommendation: Senators Ogan, French.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Law

The bill was referred to the Rules Committee.

SB 163

The Judiciary Committee considered SENATE BILL NO. 163 "An Act relating to trusts, including trust protectors, trustee advisors, transfers of property in trust, and transfers of trust interests, and to creditors' claims against property subject to a power of appointment" and recommended it be replaced with

CS FOR SENATE BILL NO. 163(JUD)

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Law

The bill was referred to the Rules Committee.

HB 64

The Judiciary Committee considered CS FOR HOUSE BILL NO. 64(JUD) "An Act relating to court approval of the purchase of structured settlements." Signing do pass: Senator Seekins, Chair; Senators French, Therriault. Signing no recommendation: Senators Ellis, Ogan.

The following previously published fiscal information applies:

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

Fiscal Note No. 2, zero, Alaska Court System

Fiscal Note No. 3, zero, Department of Labor and Workforce
Development

The bill was referred to the Rules Committee.

HJR 13

The Health, Education and Social Services Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 13(HES) Urging adoption of the Alaska recommendations for implementing the No Child Left Behind Act of 2001, and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE JOINT
RESOLUTION NO. 13(HES)

Signing do pass: Senator Dyson, Chair; Senators Davis, Wilken, Green.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Health, Education and Social
Services Committee.

The resolution was referred to the Rules Committee.

Introduction and Reference of Senate Bills

SB 188

SENATE BILL NO. 188 BY SENATOR DYSON, entitled:

"An Act relating to concealed deadly weapons."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 95**

SENATE BILL NO. 95 "An Act relating to strikes by employees of a municipal school district, a regional educational attendance area, or a state boarding school, and requiring notice of at least 72 hours of a strike by those employees" 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. Senator Ellis objected.

President Therriault stated SENATE BILL NO. 95 will be on the April 16 calendar.

SB 120

SENATE BILL NO. 120 "An Act relating to the state's sovereign immunity for certain actions regarding injury, illness, or death of state-employed seamen and to workers' compensation coverage for those seamen; and providing for an effective date" 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. Senator Ellis objected.

President Therriault stated SENATE BILL NO. 120 will be on the April 16 calendar.

Citations

Honoring – William Tobin

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

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

Unfinished Business**HB 146**

Senator Ogan, Chair, moved and asked unanimous consent that the Resources Committee referral be waived on CS FOR HOUSE BILL NO. 146(HES) "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." Without objection, the bill was referred to the Rules Committee.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 16, 2003. Without objection, the Senate adjourned at 11:30 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 16 | Wednesday No Meeting Scheduled | Fahrenkamp 203 | 1:30 PM |
| Apr 18 | Friday No Meeting Scheduled | Fahrenkamp 203 | 1:30 PM |

FINANCE

| | | | |
|---------------|---|---------------------------|----------------|
| Apr 15 | Tuesday | Senate Finance 532 | 9:00 AM |
| SB 35 | APPROP: OPERATING BUDGET/LOANS/FUNDS | | |
| HB 75 | APPROP: OPERATING BUDGET/LOANS/FUNDS | | |
| SB 36 | APPROP:MENTAL HEALTH BUDGET | | |
| HB 76 | APPROP:MENTAL HEALTH BUDGET | | |
| | <No Public Testimony> | | |
| | <Testimony by Invitation Only> | | |
| HB 112 | AIDEA : BONDS & MUNICIPAL TAX EXEMPTION | | |
| SB 41 | MEDICAID COSTS AND CRIMES | | |
| | Bills Previously Heard/Scheduled | | |

FINANCE (continued)**Apr 15 Tuesday Senate Finance 532 5:00 PM**

-- Time Change --

- + SB 35 APPROP: OPERATING BUDGET/LOANS/FUNDS
- + HB 75 APPROP: OPERATING BUDGET/LOANS/FUNDS
- + SB 36 APPROP:MENTAL HEALTH BUDGET
- + HB 76 APPROP:MENTAL HEALTH BUDGET

Statewide Teleconference: (Public testimony limited to no more than 2 min.)

5:00 - 5:45 Dillingham, Homer, Seward

5:45 - 6:30 Valdez, Cordova, Kenai

6:30 - 7:00 Mat-Su

7:00 - 8:00 Fairbanks

8:00 - 9:00 Anchorage

Bills Previously Heard/Scheduled

Apr 16 Wednesday Senate Finance 532 9:00 AM

- + SB 35 APPROP: OPERATING BUDGET/LOANS/FUNDS
- + HB 75 APPROP: OPERATING BUDGET/LOANS/FUNDS
- + SB 36 APPROP:MENTAL HEALTH BUDGET
- + HB 76 APPROP:MENTAL HEALTH BUDGET

Statewide Teleconference - Offnet Sites:
(Public testimony limited to no more than 2 minutes)

HB 160 EMISSION CONTROL PERMIT PROGRAM

HB 59 CLEANUP OF ILLEGAL DRUG SITES

SB 65 CORRECTIONAL FACILITY EXPANSION

Bills Previously Heard/Scheduled

Apr 16 Wednesday Senate Finance 532 5:00 PM

-- Time Change --

- + SB 35 APPROP: OPERATING BUDGET/LOANS/FUNDS
- + HB 75 APPROP: OPERATING BUDGET/LOANS/FUNDS
- + SB 36 APPROP:MENTAL HEALTH BUDGET
- + HB 76 APPROP:MENTAL HEALTH BUDGET

Statewide Teleconference: (Public testimony limited to no more than 2 min.)

5:00 - 5:45 Nome, Kotzebue, Barrow

5:45- 6:30 Tok, Ketchikan, Delta Junction

6:30 - 7:15 Kodiak, Bethel, Glennallen

7:15 - 8:00 Petersburg, Sitka, Wrangell

8:00 - 9:00 Juneau

Bills Previously Heard/Scheduled

FINANCE (continued)

- Apr 17 Thursday Senate Finance 532 9:00 AM**
 SB 58 PFD INELIGIBILITY/MOTOR VEHICLE INSURANCE
 SB 59 PERMANENT FUND INELIGIBILITY FOR DUI
 SB 148 PFD: ALLOWABLE ABSENCE FOR MILITARY SVC
 HB 159 FINANCIAL INSTITUTION EXAMINATIONS/CFAB
 Bills Previously Heard/Scheduled
- Apr 18 Friday Senate Finance 532 9:00 AM**
 No Meeting Scheduled
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HEALTH, EDUCATION & SOCIAL SERVICES

- Apr 16 Wednesday Butrovich 205 1:30 PM**
 + Bills Previously Heard/Scheduled
 + Confirmation Hearings:
 Board of Nursing
 Board of Professional Counselors
 + SB 179 TEACHER CERTIFICATION : FINGERPRINTS
 + SB 138 PHARMACIST/DOCTOR COLLABORATIVE PROTOCOLS
-

JUDICIARY

- Apr 15 Tuesday Beltz 211 5:00 PM**
 -- Continued from 4/14/03 --
 = SB 170 CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE
- Apr 16 Wednesday Beltz 211 1:00 PM**
 -- Permanent Time Change --
 + Confirmation Hearing:
 Commission on Judicial Conduct -
 Richard Burton
 + SB 93 ADVERSE POSSESSION
 + SB 64 CREDIT INFORMATION
 + Confirmation Hearing:
 Select Committee on Legislative Ethics -
 Shirley McCoy
 + Bills Previously Heard/Scheduled

JUDICIARY (continued)

Apr 18 Friday Beltz 211 1:00 PM
No Meeting Scheduled

LABOR & COMMERCE

Apr 15 Tuesday Beltz 211 1:30 PM
Bills Previously Heard/Scheduled
+= HB 118 TRANSPORTATION OF COMMERCIAL FISH
+= SB 111 PUBLIC CONSTRUCTION PROJECT REQUIREMENTS
+= SB 114 INCREASE BUSINESS LICENSE FEE
+ SB 168 CIGARETTE SALE/DISTRIBUTION
+ SB 156 PREGNANCY ALCOHOL WARNING
+ SB 180 SAFETY CODE TASK FORCE

Apr 17 Thursday Beltz 211 1:30 PM
No Meeting Scheduled

RESOURCES

Apr 16 Wednesday Butrovich 205 3:30 PM
+ HB 90 TAX CREDIT:SALMON DEVELOPMENT/UTILIZATION
+ SB 147 CONTROL OF NUISANCE WILD ANIMALS
+ Bills Previously Heard/Scheduled

Apr 18 Friday Butrovich 205 3:30 PM
No Meeting Scheduled

STATE AFFAIRS

Apr 15 Tuesday Butrovich 205 9:00 AM
-- Time and Location Change --
+ SB 152 CONCEALED HANDGUNS
+ SB 162 CIGARETTE SALES REQUIREMENTS
+= SB 119 ELIMINATE APOC
<Bill Hearing Rescheduled from 4/10/03>
+ HB 34 REPEAL SUNSET OF NEGOTIATED REG.MAKING
+ HB 114 ISSUANCE OF SEARCH WARRANTS
Bills Previously Heard/Scheduled

STATE AFFAIRS (continued)

Apr 17 Thursday Beltz 211 3:30 PM
 No Meeting Scheduled

TRANSPORTATION

Apr 15 Tuesday Butrovich 205 1:30 PM
 HB 124 COMMERCIAL MOTOR VEHICLE DRIVERS/EMPLOYER
 Bills Previously Heard/Scheduled

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

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

OTHER MEETINGS**CHILDREN'S CAUCUS**

Apr 29 Tuesday Fahrenkamp 203 12:00 PM
 + How Child Abuse is Being Addressed:
 AK Children's Alliance and Children's
 Advocacy Center Working Group

FISH CAUCUS

Apr 16 Wednesday Butrovich 205 12:00 PM
 Presentations:
 Kachemak Bay Research Reserve
 Prince William Sound Fisheries Research
 Applications and Planning

OTHER MEETINGS

JOINT SESSION

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