

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Thursday

April 17, 2003

Eighty-seventh Day

Pursuant to adjournment the Senate was called to order by President Therriault at 10:23 a.m.

The roll showed seventeen members present. Senators Green, Guess, Hoffman 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 Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

With the deepest respect for the religious beliefs of all Alaskans, I offer the following prayer as Christians prepare for Easter on this Holy Thursday.

Gospel of John 13:1-51:

Jesus took a towel and tied it around his waist. Then he poured water into a basin and began to wash the disciples' feet and dry them with the towel around his waist. ...So when he had washed their feet and put his garments back on and reclined at table again, he said to them, "Do you realize what I have done for you? You call me 'teacher' and 'master' and rightly so, for indeed I am. If I, therefore, the master and teacher, have washed your feet, you ought to wash one another's feet. I have given you a model to follow, so that as I have done for you, you should also do."

Gracious God, You sent Your Son Jesus that we might have an example of how to love and serve one another. As Easter nears, we are reminded that You created us out of love and call us to share that same love with others.

Bless our State with Your love. Raise up in Alaska good and holy families, loving husbands and wives, devoted parents and children. Raise up from our families and friends dedicated and generous leaders who will serve as humble models in our communities. Amen.

Senator Ellis led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor

HB 139

Message dated and received April 16 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:

CS FOR HOUSE BILL NO. 139(RES) "An Act approving an interim classification by the commissioner of natural resources closing certain land within the Glacier Creek and Winner Creek drainages to new mineral entry; and providing for an effective date."

Chapter 8, SLA 2003
Effective Date: See Chapter

SB 78

Message dated and received April 16 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 BILL NO. 78 am H "An Act relating to an optional group of persons eligible for medical assistance who require treatment for breast and cervical cancer; relating to cost sharing by those recipients under the medical assistance program; and providing for an effective date."

Chapter 9, SLA 2003
Effective Date: April 17, 2003

Messages from the House

Message dated April 16 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 1

CS FOR HOUSE BILL NO. 1(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to stalking and to violating a protective order; and amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration."

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

HB 57

CS FOR HOUSE BILL NO. 57(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act amending the manner of determining the royalty received by the state on gas production as it relates to the manufacture of certain value-added products."

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

HB 83

CS FOR HOUSE BILL NO. 83(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act adopting a version of the Revised Uniform Arbitration Act; relating to the state's existing Uniform Arbitration Act; amending Rules 3, 18, 19, 20, and 21, Alaska Rules of Civil Procedure, Rule 601, Alaska Rules of Evidence, and Rule 402, Alaska Rules of Appellate Procedure; and providing for an effective date."

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

HB 109

CS FOR HOUSE BILL NO. 109(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the limitation on payment of state treasury warrants and to the payment of a claim for which the appropriation has lapsed; and providing for an effective date."

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

Standing Committee Reports

Report dated April 16 was read, stating:

In accordance with AS 39.05.080, the Senate Health, Education and Social Services Committee reviewed the following with regard to confirmation of the Governor's appointments and recommends the appointments be forwarded to a joint session for consideration:

Board of Professional Counselors

Stephanie I. Friese

Anne L. Henry

Board of Nursing

Sally S. Harvey
James E. Jurrens
Catherine A. Giessel
Rosalie A. Acoba
Cathleen Ringstad Winfree

There were no stated objections to the confirmation of any of the named individuals by committee members. This does not reflect an intent by any of the members to vote for or against the individuals during any further sessions.

Signing the report: Senator Dyson, Chair; Senators Wilken, Davis.

Report dated April 16 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 appointment and recommends the appointment be forwarded to a joint session for consideration:

Commission on Judicial Conduct

Richard Burton

There were no stated objections to the confirmation of the named individual by committee members. 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 Ogan, Ellis, French.

Report dated April 16 was read, stating:

In accordance with AS 24.60.130 (b)(3), the Senate Judiciary Committee reviewed the following and recommended the appointment be forwarded to the Senate floor for consideration:

Select Committee on Legislative Ethics

Shirley McCoy

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 Ogan, Ellis, French.

SB 50

The Resources Committee considered SENATE BILL NO. 50 "An Act amending the manner of determining the royalty received by the state on gas production as it relates to the manufacture of certain value-added products" and recommended it be replaced with

CS FOR SENATE BILL NO. 50(RES)

Signing no recommendation: Senator Ogan, Chair; Senators Lincoln, Elton. Signing do pass: Senators Seekins, Ben Stevens, Wagoner, Dyson.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Natural Resources

The bill was referred to the Finance Committee.

SB 64

The Judiciary Committee considered SENATE BILL NO. 64 "An Act requiring certain consumer reporting agencies to provide individuals with certain information without charge" and recommended it be replaced with

CS FOR SENATE BILL NO. 64(JUD) "An Act relating to a requirement that certain consumer reporting agencies provide individuals with certain information without charge."

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

The following previously published fiscal information applies:

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

Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Rules Committee.

SB 142

Forthcoming Resources Committee Substitute (page 833) for SENATE BILL NO. 142 "An Act designating the Department of Natural Resources as lead agency for resource development projects; making conforming amendments; and providing for an effective date" was received today:

CS FOR SENATE BILL NO. 142(RES)

SB 147

The Resources Committee considered SENATE BILL NO. 147 "An Act relating to control of nuisance wild animals; and providing for an effective date." Signing do pass: Senator Ogan, Chair; Senators Seekins, Ben Stevens, Wagoner, Dyson. Signing no recommendation: Senators Lincoln, Elton.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Fish and Game

The bill was referred to the Finance Committee.

SB 151

The Resources Committee considered SENATE BILL NO. 151 "An Act relating to the regulation of natural gas pipelines under the Pipeline Act" and recommended the adoption of the Labor and Commerce Committee Substitute offered on page 663. Signing no recommendation: Senator Ogan, Chair; Senators Elton, Lincoln. Signing do pass: Senators Seekins, Ben Stevens, Wagoner, Dyson.

The following previously published fiscal information applies:

Fiscal Note No. 1, indeterminate, Department of Natural Resources

Fiscal Note No. 2, zero, Department of Community and Economic Development

The bill was referred to the Rules Committee.

SB 155

The Judiciary Committee considered SENATE BILL NO. 155 "An Act relating to hunting on the same day airborne; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 155(JUD) "An Act relating to hunting on the same day airborne and airborne hunting; and providing for an effective date."

Signing do pass: Senator Seekins, Chair; Senator Therriault. Signing do not pass: Senators French, Ellis. Signing no recommendation: Senator Ogan.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Department of Fish and Game

The bill was referred to the Resources Committee.

HB 90

The Resources Committee considered CS FOR HOUSE BILL NO. 90(FIN) "An Act relating to a salmon product development tax credit and a salmon utilization tax credit under the Alaska fisheries business tax; and providing for an effective date." Signing no recommendation: Senator Ogan, Chair. Signing do pass: Senators Seekins, Ben Stevens, Wagoner, Dyson, Lincoln, Elton.

The following previously published fiscal information applies:
Fiscal Note No. 2, Department of Revenue

The bill was referred to the Finance Committee.

**Introduction and Reference of
Senate Resolutions**

SJR 18

SENATE JOINT RESOLUTION NO. 18 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE BY REQUEST,

Proposing amendments to the Constitution of the State of Alaska relating to limiting appropriations from and inflation-proofing the Alaska permanent fund by establishing a percent of market value spending limit.

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

Consideration of the Calendar

Second Reading of House Bills

HB 64

CS FOR HOUSE BILL NO. 64(JUD) "An Act relating to court approval of the purchase of structured settlements" 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. Senator Ellis objected.

President Therriault stated CS FOR HOUSE BILL NO. 64(JUD) would be on the April 22 calendar.

Third Reading of Senate Bills

SB 87

SENATE BILL NO. 87 was read the third time.

The question being: "Shall 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" pass the Senate?" The roll was taken with the following result:

SB 87

Third Reading - Final Passage
Effective Date

YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: Green, Guess, Hoffman

and so, SENATE BILL NO. 87 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 referred to the Secretary for engrossment.

Citations

In Memoriam – Linda Marie Norman

Representative(s) Seaton

Senator(s) Gary Stevens, Therriault, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben 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**SB 189**

Senators Ellis, Taylor, Elton, Gary Stevens, Dyson, Lincoln, Seekins moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 189 "An Act naming the Jonathan H. Link Courthouse in Kenai." Without objection, it was so ordered.

SB 95

The reconsideration on 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 not taken up this legislative day and the bill was referred to the Secretary for engrossment.

SB 120

The reconsideration on 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 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 87**

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" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

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 engrossed, signed by the President and Secretary and transmitted to the House for consideration.

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 engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment**SCR 1**

HOUSE CS FOR CS FOR SENATE CONCURRENT RESOLUTION NO. 1(TRA) am H Relating to economic development generated by new road construction and to the design and construction of the Hot Springs Loop Road to connect Chena Hot Springs and Circle Hot Springs, of a highway along the Bradfield/Iskut Rivers transportation corridor, of the Knik Arm Crossing, of a road from Iliamna Bay to Pile Bay, and of other roads and highways, 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 8:30 a.m., April 17, 2003.

SCR 7

SENATE CONCURRENT RESOLUTION NO. 7 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 71, relating to the Board of Certified Direct-Entry Midwives, 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 12:45 p.m., April 17, 2003.

SJR 7

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, 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 12:45 p.m., April 17, 2003.

SB 79

SENATE BILL NO. 79 "An Act extending the termination date of the Alaska Minerals Commission" 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 12:45 p.m., April 17, 2003.

Memorandum from Division of Legal and Research Services, Legislative Affairs Agency, was received, reporting the following manifest error in SENATE BILL NO. 79, which has been corrected in enrolling:

Page 1, line 3:

Delete "is amended by adding a new section"

Insert "enacted in sec. 1, ch. 12, SLA 1998, is amended"

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 3:00 p.m., April 22, 2003. Without objection, the Senate adjourned at 10:45 a.m.

Kirsten Waid
Secretary of the Senate

June 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 18	Friday	Fahrenkamp 203	1:30 PM
No Meeting Scheduled			
Apr 21	Monday	Fahrenkamp 203	1:30 PM
No Meeting Scheduled			
Apr 23	Wednesday	Fahrenkamp 203	1:30 PM
+ SJR 14 FAA FLIGHT SERVICE STATIONS			
Apr 25	Friday	Fahrenkamp 203	1:30 PM
No Meeting Scheduled			

FINANCE

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			
Apr 21	Monday	Senate Finance 532	9:00 AM
No Meeting Scheduled			

SENATE JOURNAL

April 17, 2003

899

FINANCE (continued)

Apr 22	Tuesday	Senate Finance 532	10:00 AM
-- Time Change --			
=	HB 159	FINANCIAL INSTITUTION EXAMINATIONS/CFAB	
	SB 142	DNR LEAD RESOURCE DEVELOPMENT PROJECTS	
	HB 23	RESTITUTION FOR CRIME VICTIMS	
	SB 128	COMMON CARRIER LIQUOR LICENSE	
=	HB 9	HOME INSPECTORS/CONTRACTORS	
		Bills Previously Heard/Scheduled	
Apr 23	Wednesday	Senate Finance 532	10:00 AM
-- Time Change --			
	SB 147	CONTROL OF NUISANCE WILD ANIMALS	
	SB 72	EXTEND REGULATORY COMMISSION OF ALASKA	
		Bills Previously Heard/Scheduled	
Apr 24	Thursday	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>	
		Bills Previously Heard/Scheduled	
Apr 24	Thursday	Senate Finance 532	4:00 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	
		<No Public Testimony>	
		<Testimony by Invitation Only>	
		Bills Previously Heard/Scheduled	
Apr 25	Friday	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>	
	SB 53	REVOKE DRIVER'S LIC. FOR FATAL ACCIDENT	
	SB 157	INPATIENT PSYCHIATRIC SERVICES	

FINANCE (continued)

= SB 65 CORRECTIONAL FACILITY EXPANSION
Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 21	Monday	Butrovich 205	1:30 PM
No Meeting Scheduled			
Apr 23	Wednesday	Butrovich 205	1:30 PM
+ SB 65	Bills Previously Heard/Scheduled		
+ HB 135	MARITAL & FAMILY THERAPISTS		
+ SB 156	PREGNANCY ALCOHOL WARNING		
+ SCR 10	CHARTER SCHOOL TASK FORCE		
+ SB 65	Confirmation Hearings: Professional Teaching Practices Commission		

JUDICIARY

Apr 18	Friday	Beltz 211	1:00 PM
No Meeting Scheduled			
Apr 21	Monday	Beltz 211	1:00 PM
No Meeting Scheduled			
Apr 23	Wednesday	Beltz 211	1:00 PM
+ SB 97	ATTY FEES: PUBLIC INTEREST LITIGANTS		
+ SB 98	LIABILITY: PLANE AND BOAT PASSENGERS		
+ SB 65	Bills Previously Heard/Scheduled		
Apr 24	Thursday	Butrovich 205	4:00 PM
-- Time and Location Change --			
+ SB 170	CRIMINAL LAW/SENTENCING/ PROBATION/PAROLE		
Apr 25	Friday	Beltz 211	1:00 PM
+ SB 8	TAMPERING WITH PUBLIC RECORDS		
+ SB 55	TAMPERING WITH PUBLIC RECORDS		
+ SB 161	MONOPOLY AND RESTRAINT OF TRADE ACTIONS		
+ SB 171	SUITS & CLAIMS: MILITARY/FIRE/DEFENSE		
+ SB 65	Bills Previously Heard/Scheduled		

LABOR & COMMERCE

Apr 17	Thursday	Beltz 211	1:30 PM
No Meeting Scheduled			
Apr 22	Tuesday	Beltz 211	1:30 PM
+= SB 13 INSURANCE DISCRIMINATION BY CREDIT RATING			
Apr 24	Thursday	Beltz 211	1:30 PM
+= SB 180	SAFETY CODE TASK FORCE		
+= SB 114	INCREASE BUSINESS LICENSE FEE		
+= SB 102	CHARITABLE GAMING REVENUE		
+= SB 168	CIGARETTE SALE/DISTRIBUTION		
Bills Previously Heard/Scheduled			

RESOURCES

Apr 18	Friday	Butrovich 205	3:30 PM
No Meeting Scheduled			
Apr 21	Monday	Butrovich 205	3:30 PM
No Meeting Scheduled			
Apr 23	Wednesday	Butrovich 205	3:30 PM
+= SB 31	RAILROAD UTILITY CORRIDOR TO & IN CANADA		
+= SB 143	COASTAL MANAGEMENT PROGRAMS		
+	Bills Previously Heard/Scheduled		
Apr 25	Friday	Butrovich 205	3:30 PM
+	SB 88 FOREST RESOURCES & PRACTICES STANDARDS		
+	Bills Previously Heard/Scheduled		

STATE AFFAIRS

Apr 17	Thursday	Beltz 211	3:30 PM
No Meeting Scheduled			
Apr 22	Tuesday	Beltz 211	3:30 PM
SJR 16 END FEDERAL ETHANOL SUBSIDY			
SJR 17 ALASKA-YUKON INTERGOV RELATIONS ACCORD			
SB 177 PERS/TRS COLA FOR ACTIVE DUTY MILITARY			
Bills Previously Heard/Scheduled			

STATE AFFAIRS (continued)

Apr 24 Thursday **Beltz 211** **3:30 PM**
+ HCR 11 ALASKA SALMON WEEK
+ SB 63 MUNICIPAL ANNEXATIONS AND DETACHMENTS
+ SB 46 STALKING & PROTECTIVE ORDERS
+ HB 109 TREASURY WARRANTS
Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 22 Tuesday **Butrovich 205** **1:30 PM**
No Meeting Scheduled

Apr 24 Thursday **Butrovich 205** **1:30 PM**
+ SB 125 STATE CONTRACTS
+ HB 81 MOTOR VEHICLE EMISSIONS INSPECTION
+ HB 127 ROADSIDE MEMORIALS
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

SENATE JOURNAL

April 17, 2003

903

JOINT SESSION

Apr 25

Friday

House Chamber

11:00 AM

Address by U.S. Senator Lisa Murkowski