

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

April 9, 2003

Seventy-ninth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:19 a.m.

The roll showed nineteen members present. Senator Taylor was excused from a call of the Senate.

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

Great and merciful God, as we prepare to celebrate the mysteries of Your Son's passion, death and resurrection, we beseech You to be with us today. Help us in our efforts to be instruments of service in the various roles we play here in the state of Alaska. We carry out our tasks and pursue our objectives with an understanding of the great responsibility You have placed upon us for the welfare of this state and its peoples. May all our proceedings and legislative acts be inspired by the deepest care and compassion for the people we serve. We make this prayer, through Jesus Christ our Lord. Amen.

Senator Wilken led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor**HB 16**

Message dated April 7 and received April 8 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. 16(FIN) am "An Act amending, for purposes of the Alaska Stranded Gas Development Act, the standards applicable to determining whether a proposed new investment constitutes a qualified project, the standards used to determine whether a person or group qualifies as a project sponsor or project sponsor group, and the deadline for applications relating to the development of contracts for payments in lieu of taxes and for royalty adjustments that may be submitted for consideration, and modifying the conditions bearing on the use of independent contractors to evaluate applications or to develop contract terms; providing statements of intent for the Act relating to use of project labor agreements and to reopening of contracts; and providing for an effective date."

Chapter 4, SLA 2003
Effective Date: April 8, 2003

Messages from the House

Message dated April 8 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 184**

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 184(L&C) am BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to individual deferred annuities; and providing for an effective date."

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

Concur Messages**SCR 1**

Message dated April 8 was read, stating the House passed and returned for consideration CS FOR SENATE CONCURRENT RESOLUTION NO. 1(FIN) 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, with the following amendments:

HCS FOR CS FOR SENATE CONCURRENT
RESOLUTION NO. 1(TRA) am H

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

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

HCS CSSCR 1(TRA) am H
Shall the Senate Concur in the House
Amendments to CSSCR 1(FIN)?

YEAS: 14 NAYS: 5 EXCUSED: 1 ABSENT: 0

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

Nays: Ellis, Elton, French, Guess, Lincoln

Excused: Taylor

and so, the Senate concurred in the House amendments, thus adopting
HCS FOR CS FOR SENATE CONCURRENT RESOLUTION NO.
1(TRA) am H.

The Secretary was requested to notify the House.

The resolution was referred to the Secretary for enrollment.

Standing Committee Reports

SB 95

The Labor and Commerce Committee considered 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." Signing do pass: Senator Bunde, Chair; Senators French, Seekins, Gary Stevens. Signing no recommendation: Senator Davis.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Labor and Workforce
Development

The bill was referred to the Rules Committee.

SB 98

The Transportation Committee considered SENATE BILL NO. 98 "An Act relating to civil liability for guest passengers on an aircraft or watercraft; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 98(TRA) "An Act relating to civil liability for boat owners and to civil liability for guest passengers on an aircraft or watercraft; and providing for an effective date."

Signing do pass: Senator Cowdery, Chair; Senators Olson, Wagoner.
Signing no recommendation: Senators Lincoln, Therriault.

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

The bill was referred to the Judiciary Committee.

SB 105

The Finance 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 the Health, Education and Social Services Committee Substitute offered on page 746. Signing do pass: Senators Green, Wilken, Cochairs; Senators Bunde, Ben Stevens. Signing do not pass: Senators Hoffman, Olson.

The following fiscal information was published today:
Fiscal Note No. 2, Department of Health and Social Services.

The bill is on today's calendar.

SB 106

The Finance Committee considered SENATE BILL NO. 106 "An Act relating to a fee on studded tires; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 106(FIN) "An Act relating to tires; and providing for an effective date."

Signing do pass: Senators Green, Wilken, Cochairs; Senators Bunde, Ben Stevens. Signing do not pass: Senators Hoffman, Olson.

The following fiscal information was published today:
Fiscal Note No. 2, Department of Revenue

The bill was referred to the Rules Committee.

SB 146

The State Affairs Committee considered SENATE BILL NO. 146 "An Act relating to a commemorative veterans' license plate; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Dyson, Guess.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Administration

The bill was referred to the Finance Committee.

SB 148

The State Affairs Committee considered SENATE BILL NO. 148 "An Act relating to allowable absences for certain members of the armed forces and their spouses and dependents for purposes of eligibility for permanent fund dividends; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Dyson, Guess.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

The bill was referred to the Finance Committee.

SCR 6

The State Affairs Committee considered SENATE CONCURRENT RESOLUTION NO. 6 Relating to the location of the state's new seafood laboratory. Signing no recommendation: Senator Gary Stevens, Chair; Senators Cowdery, Guess. Signing do pass: Senator Dyson.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate State Affairs Committee

The bill was referred to the Finance Committee.

Consideration of the Calendar**Second Reading of Senate Bills****SB 105**

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" was read the second time.

Senator Dyson, Chair, moved and asked unanimous consent for the adoption of the Health, Education and Social Services Committee Substitute offered on page 746. Senator Ellis objected.

The question being: "Shall the Health, Education and Social Services Committee Substitute be adopted?" The roll was taken with the following result:

SB 105

Second Reading

Adopt HES Committee Substitute?

YEAS: 11 NAYS: 8 EXCUSED: 1 ABSENT: 0

Yeas: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Davis, Ellis, Elton, French, Guess, Hoffman, Lincoln, Olson

Excused: Taylor

and so the Health, Education and Social Services Committee Substitute was adopted.

President Therriault stated CS FOR SENATE BILL NO. 105(HES) will be on the April 10 calendar.

SB 108

SENATE BILL NO. 108 "An Act relating to payment rates under the Medicaid program for health facilities and to budgeting, accounting, and reporting requirements for those facilities; abolishing the Medicaid Rate Advisory Commission; and providing for an effective date" was read the second time.

President Therriault stated SENATE BILL NO. 108 will be on the April 10 calendar.

SB 109

SENATE BILL NO. 109 "An Act repealing the statute that sets priorities for the Department of Health and Social Services to apply to administration of the medical assistance program when there are insufficient funds allocated in the state budget for that program; authorizing the department to make cost containment decisions that may include decisions about eligibility of persons and availability of services under the medical assistance program; and providing for an effective date" was read the second time.

President Therriault stated SENATE BILL NO. 109 will be on the April 10 calendar.

SB 123

SENATE BILL NO. 123 "An Act relating to adoptions that include a subsidy payment by the state; eliminating annual review of the subsidy paid by the state after adoption of a hard-to-place child has occurred; and providing for an effective date" was read the second time.

Senator Green offered Amendment No. 1:

Page 1, line 1, following "**adoptions**":
Insert "**and guardianships**"

Page 1, line 3, following "**occurred**":
Insert "**or a court has appointed a legal guardian for a hard-to-place child**"

Senator Green moved and asked unanimous consent for the adoption of Title Amendment No. 1. Without objection, Title Amendment No. 1 was adopted.

Senators Guess, Green offered Amendment No. 2:

Page 1, following line 4:

Insert a new bill section to read:

"* **Section 1.** AS 25.23.210 is amended to read:

Sec. 25.23.210. Amount and duration of subsidy payments. The monthly payment and the length of time for which a subsidy for a hard-to-place child is granted are left to the discretion of the commissioner and may vary from a small monthly sum to an amount not exceeding the existing rate for foster care until the child reaches the age of majority, if the need continues to exist. Subsidies shall be paid from the same public funds and in the same manner as foster care payments. **On request of the person caring for the child, the department shall review whether the amount of the subsidy is appropriate."**

Page 1, line 5:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

Senator Guess moved and asked unanimous consent for the adoption of Amendment No. 2. Without objection, Amendment No. 2 was adopted.

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

President Therriault stated SENATE BILL NO. 123 am "An Act relating to adoptions and guardianships that include a subsidy payment by the state; eliminating annual review of the subsidy paid by the state after adoption of a hard-to-place child has occurred or a court has appointed a legal guardian for a hard-to-place child; and providing for an effective date" will be on the April 10 calendar.

SB 124

SENATE BILL NO. 124 "An Act relating to grants for alcoholism and drug abuse programs; and providing for an effective date" was read the second time.

President Therriault stated SENATE BILL NO. 124 will be on the April 10 calendar.

Second Reading of House Bills**HB 12**

CS FOR HOUSE BILL NO. 12(JUD) am "An Act relating to the crime of harassment committed by use of electronic communication" 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. Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 12(JUD) am was read the third time.

Senators Seekins, Wagoner, Gary Stevens, Dyson, French, Elton, Ellis, Ogan, Ben Stevens, Cowdery, Bunde, Green, Lincoln, Davis, Guess, Olson moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR HOUSE BILL NO. 12(JUD) am "An Act relating to the crime of harassment committed by use of electronic communication" pass the Senate?" The roll was taken with the following result:

CSHB 12(JUD) am
Third Reading - Final Passage

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

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

Excused: Taylor

and so, CS FOR HOUSE BILL NO. 12(JUD) am passed the Senate and was signed by the President and Secretary.

Senator Ben Stevens moved for the adoption of the House Letter of Intent (House Journal page 181).

The question being: "Shall the House Letter of Intent be adopted?"

The roll was taken with the following result:

CSHB 12(JUD) am
Adopt House Letter of Intent?

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Taylor

Absent: Ogan

and so, the Legislative Letter of Intent was adopted.

CS FOR HOUSE BILL NO. 12(JUD) am, with a Legislative Letter of Intent, was returned to the House.

Citations

Honoring – Cherrie Ruesch, 4-H National Salute to Excellence Award
Representative(s) Stoltze, Dahlstrom, Kohring
Senator(s) Green, Ogan, Dyson, Therriault, Bunde, Cowdery, Davis, Elton, Guess, Hoffman, Lincoln, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

Honoring – Dimond High's Battle of the Books Winners: Jennifer Blankenship, Olivia Putman, Mallory Rice and Michelle Rowland
Representative(s) McGuire
Senator(s) Ben Stevens, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Seekins, Gary Stevens, Taylor, Wilken

In Memoriam – Terry Ahsehn
Representative(s) Coghill
Senator(s) Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green,
Guess, Hoffman, Lincoln, Seekins, Ben Stevens, Gary Stevens,
Taylor, Wilken

In Memoriam – Linda Luthy Connelly
Representative(s) Gatto
Senator(s) Green, Therriault, Bunde, Cowdery, Davis, Dyson, Elton,
Guess, Hoffman, Lincoln, 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.

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 10, 2003. Without objection, the Senate adjourned at 11:52 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 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		
= SB 120	CLAIMS BY STATE-EMPLOYED SEAMEN		
	Bills Previously Heard/Scheduled		
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 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

RESOURCES (continued)

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

STATE AFFAIRS

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 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
 -- Meeting Canceled --
 Preliminary FY04 Budget Close-out

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

FINANCE SUBCOMMITTEES (continued)**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

ENVIRONMENTAL CONSERVATION

Apr 10 **Thursday** **Fahrenkamp 203** **1:00 PM**

FISH & GAME

Apr 11 **Friday** **Butrovich 205** **5:00 PM**
 Budget Close-out

HEALTH & SOCIAL SERVICES

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

FINANCE SUBCOMMITTEES (continued)**LAW**

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

MILITARY AND VETERANS AFFAIRS

Apr 11 Friday Butrovich 205 12:30 PM

NATURAL RESOURCES

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

PUBLIC SAFETY

Apr 10 Thursday Butrovich 205 5:30 PM
 Budget Close-out

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

LEGISLATIVE BUDGET & AUDIT (continued)

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

OTHER MEETINGS

FISH CAUCUS

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

JOINT SESSION

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