

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

April 22, 2003

Ninety-second Day

Pursuant to adjournment the Senate was called to order by President Therriault at 3:21 p.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Tia Anderson of the Religious Society of Friends (Quakers). Senator Bunde moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

I offer this prayer with deepest respect for all religious and spiritual beliefs.

Jesus said, "Where two or three are gathered in my name, there am I in their midst."

I ask all of you to let go for a moment. Let go of your thoughts of the moment. Let go appointments and business of the day. Let go family and personal troubles. Think about a person near you and hold them in the light.

As we sit here in this room, let our hearts become knit together in a deep and abiding way. Allow us to find a purpose and meaning for our lives together that is greater than any of our own.

Help us learn to invest in our friends and neighbors, and even our enemies, so we can be rich into our old age, not with money but with endless love and forgiving friendships.

Lord, please hold us in the light as we go about our daily activities answering to that of God in every person. Heal us. Love us. Forgive us. Amen.

Senator Elton led the Senate in the Pledge of Allegiance.

Certification

Senator Ben Stevens moved and asked unanimous consent that the journals for the eighty-seventh through ninety-first legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

SB 20

Message dated and received April 17 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 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."

Chapter 10, SLA 2003
Effective Date: 04/18/2003

SB 54

Message dated and received April 17 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. 54 "An Act exempting flight crew members of certain air carriers from overtime pay requirements."

Chapter 11, SLA 2003
Effective Date: 07/16/2003

Messages from the House**SB 83**

Message dated April 17 was read, stating the House passed and returned:

SENATE BILL NO. 83 "An Act naming the Sven Haakanson, Sr. Airport at Old Harbor."

The bill was referred to the Secretary for enrollment.

Message dated April 17 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 187**

HOUSE BILL NO. 187 BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE, entitled:

"An Act extending the termination date of the Board of Storage Tank Assistance; and providing for an effective date."

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

Standing Committee Reports**SB 30**

Forthcoming fiscal information (page 857) for the Health, Education and Social Services Committee Substitute for 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" published today:

Fiscal Note No. 1, Department of Health and Social Services
Fiscal Note No. 2, Department of Health and Social Services

HB 23

The Finance Committee considered CS FOR HOUSE BILL NO. 23(JUD) "An Act relating to court-ordered restitution and compensation following a criminal conviction." Signing do pass: Senator Wilken, Cochair; Senator Bunde. Signing no recommendation: Senator Green, Cochair; Senators Taylor, Hoffman, Olson, Ben Stevens.

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

The bill was referred to the Rules Committee.

HB 159

The Finance Committee considered HOUSE BILL NO. 159 "An Act relating to the frequency of examinations of certain persons licensed to engage in the business of making loans of money, credit, goods, or things in action; repealing the requirement for a state examination and evaluation of the Alaska Commercial Fishing and Agriculture Bank; and providing for an effective date." Signing do pass: Senator Wilken, Cochair; Senators Bunde, Ben Stevens. Signing no recommendation: Senator Green, Cochair; Senators Taylor, Hoffman, Olson.

The following previously published fiscal information applies:
Fiscal Note No. 2, Department of Community and Economic Development

The bill was referred to the Rules Committee.

**Introduction and Reference of
Senate Resolutions****SCR 11**

SENATE CONCURRENT RESOLUTION NO. 11 BY SENATORS ELTON, Olson, French,

Urging continuation of the Governor's Children's Cabinet and applauding its past accomplishments.

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

Introduction and Reference of Senate Bills

SB 191

SENATE BILL NO. 191 BY SENATORS TAYLOR, Davis, entitled:

"An Act relating to insurance pooling by businesses."

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

SB 192

SENATE BILL NO. 192 BY SENATOR GARY STEVENS, entitled:

"An Act relating to teachers and training programs in the Department of Labor and Workforce Development, to the placement in the exempt service of certified teachers employed by the Department of Labor and Workforce Development, to their eligibility to participate in the Teachers' Retirement System of Alaska, and to the functions of the Alaska Workforce Investment Board regarding the Kotzebue Technical Center and the Alaska Vocational Technical Center; and providing for an effective date."

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

SB 193

SENATE BILL NO. 193 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act expanding the purpose of the Alaska Natural Gas Development Authority to include planning, developing, constructing, managing, or operating an economically viable gas pipeline project from the

North Slope of Alaska by a route that parallels the Trans Alaska Pipeline System or the Alaska Highway; relating to the development plan, requiring a work plan, and relating to acquiring permits or other property by the authority for a proposed gas pipeline project; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

Governor's transmittal letter dated April 17:

Dear President Therriault:

Under authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would amend the Alaska Natural Gas Development Authority Act (Act) (AS 41.41). This bill would amend the Act to expand the scope of projects that the Alaska Natural Gas Development Authority (authority) may consider. Under current law, the authority is required to develop a project plan within one year for a gas transmission pipeline running from the North Slope to tidewater at a point on Prince William Sound. There may, however, be other projects that are economically viable to bring Alaska gas to market, including a gas transmission line from the North Slope to the Canadian border along the route of the Alaska Highway. The State of Alaska's approach to considering these potential projects should be consistent. The authority is, therefore, an appropriate vehicle to consider and plan for all economically viable projects that run from the North Slope by a route that parallels the Trans Alaska Pipeline System or the Alaska Highway.

Section 1 of the bill includes legislative findings and intent that it is in the best interests of the State of Alaska to expand the purpose of the authority to include in its planning and operation any economically viable gas pipeline project from the North Slope by a route that parallels the Trans Alaska Pipeline System or the Alaska Highway.

Section 2 of the bill would broaden the concept of what an essential government function is under the Act to beyond the acquisition and delivery of North Slope gas to tidewater.

Sections 3 and 4 of the bill clarify that the authority may acquire federal, state, or local permits as property of the authority under standards set out in AS 41.41.450, but the authority is not required to make any acquisition of property.

Section 5 of the bill would expand the definition of "project" to include any project that follows a route that parallels the Trans Alaska Pipeline System or the Alaska Highway.

Section 6 of the bill would replace the timeframe for production of a development plan for a gas pipeline project with a specific date for production of a work plan, which must include detailed budgeting and scheduling information. Requiring the authority to produce a detailed work plan by January 1, 2004 will facilitate delivery of a comprehensive development plan.

I believe that these amendments will enhance the State of Alaska's ability to promote the most viable project or projects to successfully bring Alaska's vast gas reserves to market.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Frank H. Murkowski
Governor

Consideration of the Calendar

Second Reading of Senate Bills

SB 41

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" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 871. Without objection, CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41(FIN) "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" was adopted.

Senator Ben Stevens moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41(FIN) was read the third time.

The question being: "Shall CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41(FIN) "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" pass the Senate?" The roll was taken with the following result:

CSSSSB 41(FIN)

Third Reading - Final Passage

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

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

and so, CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41(FIN) passed the Senate and was referred to the Secretary for engrossment.

SB 64

SENATE BILL NO. 64 "An Act requiring certain consumer reporting agencies to provide individuals with certain information without charge" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 890. Without objection, 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" was adopted.

Senators Ben Stevens, Therriault, Taylor, Cowdery, Guess, Dyson, Gary Stevens, Lincoln, Wagoner, Seekins, Olson, moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

Senator Ben Stevens moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 64(JUD) was read the third time.

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

CSSB 64(JUD)

Third Reading - Final Passage

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

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

and so, CS FOR SENATE BILL NO. 64(JUD) passed the Senate and was referred to the Secretary for engrossment.

Third Reading of House Bills

HB 64

CS FOR HOUSE BILL NO. 64(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 64(JUD) "An Act relating to court approval of the purchase of structured settlements" pass the Senate?" The roll was taken with the following result:

CSHB 64(JUD)

Third Reading - Final Passage

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

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

Nays: Ogan, Taylor

and so, CS FOR HOUSE BILL NO. 64(JUD) passed the Senate.

Senator Taylor gave notice of reconsideration.

Citations

Honoring – Mona Catherine Jackson

Representative(s) Kookesh

Senator(s) Lincoln, Therriault, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, 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.

Senator Ben Stevens moved and asked unanimous consent that the following citation be made a special order of business. Without objection, it was so ordered.

Special Order of Business

Citations

Honoring – University of Alaska Fairbanks Rifle Team

Senator(s) Seekins, Therriault, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, 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.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 41

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41(FIN) "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" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 64

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

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 23, 2003. Without objection, the Senate adjourned at 3:58 p.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 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 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

FINANCE (continued)

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
 = SB 65 CORRECTIONAL FACILITY EXPANSION
 Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 23 Wednesday Butrovich 205 1:30 PM
 + Bills Previously Heard/Scheduled
 + HB 135 MARITAL & FAMILY THERAPISTS
 + SB 156 PREGNANCY ALCOHOL WARNING
 + SCR 10 CHARTER SCHOOL TASK FORCE
 + Confirmation Hearings: Professional
 Teaching Practices Commission

JUDICIARY

Apr 23 Wednesday Beltz 211 1:00 PM
 += SB 97 ATTY FEES: PUBLIC INTEREST LITIGANTS
 + SB 98 LIABILITY: PLANE AND BOAT PASSENGERS
 + 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
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

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 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 22 Tuesday Beltz 211 4:00 PM
 -- Time Change --
 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

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/LAPSED APPROPRIATIONS
 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

LEGISLATIVE COUNCIL

Apr 23 Wednesday Senate Finance 532 8:00 AM
May 02 Friday Capitol 208 12:00 PM
 Information Technology Subcommittee
 Information Technology & Alaska's Future

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

JOINT SESSION

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