

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

April 23, 2003

#### Ninety-third 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 Green, Taylor were absent.

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

Let us pray.

Oh God, Whose wisdom surpasses our understanding, make us aware of Thy presence in ourselves, in our gatherings, in our deliberations;

Make us aware of our own better natures and higher selves, that we may seek out what is good in others, putting aside all smallness and bitterness and rivalries;

Make us aware of Thy voice within ourselves, that we may use it to speak to others and to listen to Thy wisdom in the words of others.

Make us the instruments of Thy peace, Thy love, and Thy justice. Amen.

Senator French led the Senate in the Pledge of Allegiance.

**Certification**

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

The presence of Senator Green was noted.

**Messages from the House****SB 43**

Message dated April 22 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 43(FIN) "An Act extending the termination date of the State Medical Board."

The bill was referred to the Secretary for enrollment.

**HCR 2**

Message dated April 22 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE CONCURRENT RESOLUTION NO. 2(MLV) am Relating to the extension of the Alaska Railroad to Fort Greely to serve the anti-ballistic missile launch facility, thus adopting:

SENATE CS FOR CS FOR HOUSE  
CONCURRENT RESOLUTION NO. 2(CRA)  
Relating to the extension of the Alaska Railroad to  
Delta Junction and Fort Greely to support expanding  
resource development, agricultural, and military  
activities.

Message dated April 22 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 120**

CS FOR HOUSE BILL NO. 120(RLS) am BY THE HOUSE RULES COMMITTEE, entitled:

"An Act excluding service contracts from regulation as insurance; relating to insurance licensing for motor vehicle service contracts and home warranties; and providing for an effective date."

was read the first time and referred to the Labor and Commerce Committee.

**Standing Committee Reports****SB 177**

The State Affairs Committee considered SENATE BILL NO. 177 "An Act relating to cost-of-living benefits for retired members in the public employees' retirement system and the teachers' retirement system who are called to active military duty; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Dyson.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the Finance Committee.

**SJR 16**

The State Affairs Committee considered SENATE JOINT RESOLUTION NO. 16 Encouraging the federal government to end the federal subsidy of ethanol, and requesting the Congress of the United States to mandate that land currently used to grow corn for the production of ethanol be returned to its natural state. Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Dyson.

The following fiscal information was published today:

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

The resolution was referred to the Rules Committee.

**SJR 17**

The State Affairs Committee considered SENATE JOINT RESOLUTION NO. 17 Relating to the Alaska-Yukon Intergovernmental Relations Accord, to annual legislative exchanges, and to continuing intergovernmental work on matters of joint concern and mutual interest. Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Dyson.

The following fiscal information was published today:

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

The resolution was referred to the Rules Committee.

**Introduction and Reference of Senate Bills****SB 194**

SENATE BILL NO. 194 BY SENATOR GARY STEVENS, entitled:

"An Act authorizing delivery of up to two bottles of distilled spirits to a cruise ship passenger or hotel guest."

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

**Consideration of the Calendar****Second Reading of House Bills****HB 160**

CS FOR HOUSE BILL NO. 160(FIN) "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 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. 160(FIN) was read the third time.

The presence of Senator Taylor was noted.

**HB 160**

The question being: "Shall CS FOR HOUSE BILL NO. 160(FIN) "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" pass the Senate?" The roll was taken with the following result:

CASHB 160(FIN)

Third Reading - Final Passage

Effective Dates

**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 HOUSE BILL NO. 160(FIN) 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 clauses. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

**Second Reading of House Resolutions**

**HJR 13**

CS FOR HOUSE JOINT RESOLUTION NO. 13(HES) Urging adoption of the Alaska recommendations for implementing the No Child Left Behind Act of 2001, was read the second time.

Senator Dyson, Chair, moved and asked unanimous consent for the adoption of the Health, Education and Social Services Senate Committee Substitute offered on page 859. Senator Ellis objected, then withdrew his objection. There being no further objections, SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 13(HES) was adopted.

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

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 13(HES) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 13(HES) Urging adoption of the Alaska recommendations for implementing the No Child Left Behind Act of 2001, pass the Senate?" The roll was taken with the following result:

SCS CSHJR 13(HES)

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, SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 13(HES) passed the Senate and was referred to the Secretary for engrossment.

### **Citations**

Honoring – Nikiski Bulldogs Girls' Basketball Team, 2002-2003 Class 3A State Championship

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

Representative(s) Chenault

Honoring – Ninilchik Wolverines Girls' Basketball Team, 2002-2003  
District 3 Class 2A  
State Champions  
Senator(s) Wagoner, Therriault, Bunde, Cowdery, Davis, Dyson,  
Elton, Green, Guess, Hoffman, Lincoln, Seekins, Ben Stevens, Gary  
Stevens, Taylor, Wilken  
Representative(s) Chenault

Honoring – Cook Inlet Academy Boys' Basketball Team, 2002-2003  
District 3/Class 2A Championship  
Senator(s) Wagoner, Therriault, Bunde, Cowdery, Davis, Dyson,  
Elton, Green, Guess, Hoffman, Lincoln, Seekins, Ben Stevens, Gary  
Stevens, Taylor, Wilken

In Memoriam – Malcolm S. Johnson, Isaiah T. Johnson  
Senator(s) Davis, Therriault, Bunde, Cowdery, Dyson, Elton, French,  
Green, Guess, Hoffman, Lincoln, Olson, 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.

### **Unfinished Business**

#### **SB 184**

Senators Ellis, Dyson, Wagoner, Green moved and asked unanimous  
consent to be shown as cosponsors on SENATE BILL NO. 184 "An  
Act relating to the sale, offer for sale, representation, and labeling of  
food or other agricultural products as organic, and to the state organic  
certification program; and providing for an effective date." Without  
objection, it was so ordered.

#### **SJR 15**

Senator Elton moved and asked unanimous consent to be shown as a  
cosponsor on SENATE JOINT RESOLUTION NO. 15 Relating to the  
USA PATRIOT Act and to defending the Bill of Rights, the  
Constitution of the State of Alaska, and civil liberties. Without  
objection, it was so ordered.

**HB 64**

The reconsideration on CS FOR HOUSE BILL NO. 64(JUD) "An Act relating to court approval of the purchase of structured settlements" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****HJR 13**

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 13(HES) Urging adoption of the Alaska recommendations for implementing the No Child Left Behind Act of 2001, was engrossed, signed by the President and Secretary and returned to the House for consideration.

**Enrollment****SB 83**

SENATE BILL NO. 83 "An Act naming the Sven Haakanson, Sr. Airport at Old Harbor" 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 23, 2003.

**Adjournment**

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 24, 2003. Without objection, the Senate adjourned at 11:39 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.