

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Saturday

May 3, 2003

One Hundred Third Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:20 a.m.

The roll showed fifteen members present. Senators Davis, Ellis, French, Guess, Lincoln, were excused from a call of the Senate.

The prayer was offered by the Chaplain, Senator Lyda Green. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Our dear Heavenly Father, it is wonderful today to be greeted by a beautiful day and the knowledge that we have the blessings that You bring upon us. At the same time, there are many of us who feel that we have troublesome decisions and need comfort in our lives. The one sustaining assurance we have is that we are never alone, and that we have You to walk with us.

We ask for Your patience, strength and wisdom to allow us to be able to enjoy the blessings, to endure the troublesome hardships and decisions, and to give us the comfort that we need, and to let us rest in the assurance that You are with us in each of these. Amen.

Senator Ben Stevens led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor**HB 12**

Message dated May 1 and received May 2 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. 12(JUD) am "An Act relating to the crime of harassment committed by use of electronic communication."

Chapter 13, SLA 2003
Effective Date: July 30, 2003

HB 82

Message dated May 1 and received May 2 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. 82(L&C) "An Act making certain activity related to commercial electronic mail unlawful and an unfair method of competition or an unfair or deceptive act or practice under the Act enumerating unfair trade practices and consumer protections."

Chapter 14, SLA 2003
Effective Date: July 30, 2003

HB 140

Message dated and received May 2 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 CS FOR HOUSE BILL NO. 140(STA) am S(efd fld S) "An Act relating to benefits for retired teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner."

Chapter 15, SLA 2003
Effective Date:See Chapter

HCR 2

Message dated and received May 2 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

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.

Legislative Resolve No. 12

HJR 13

Message dated and received May 2 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

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.

Legislative Resolve No. 13

Messages from the House

Message dated May 2 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions**

HCR 20

HOUSE CONCURRENT RESOLUTION NO. 20 BY THE HOUSE
FINANCE COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning Senate Bill No. 115, relating to
correctional industries.

was read the first time and held on the Secretary's desk.

First Reading and Reference of House Bills

HB 10

CS FOR HOUSE BILL NO. 10(HES) BY THE HOUSE HEALTH,
EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act relating to pooling by employers and self-
employed individuals for purposes of group health
insurance; and providing for an effective date."

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

HB 86

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 86(JUD)
am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to state permitted projects; and
providing for an effective date."

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

Concur Messages**SB 115**

Message dated May 2 was read, stating the House passed and returned for consideration SENATE BILL NO. 115(efd fld) "An Act allowing expenses of the correctional industries program that may be financed from the correctional industries fund to include the salaries and benefits of state employees" with the following amendment:

HOUSE CS FOR SENATE BILL NO. 115(FIN) "An Act relating to the correctional industries program; and providing for an effective date."
(Title change authorized by HCR 20)

Second Reading of House Resolutions**HCR 20**

Senator Ben Stevens moved and asked unanimous consent that HOUSE CONCURRENT RESOLUTION NO. 20 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 115, relating to correctional industries, be brought up at this time. Without objection, it was so ordered.

HOUSE CONCURRENT RESOLUTION NO. 20, which had been held on the Secretary's desk (page 1124) was read the second time and was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 20 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 115, relating to correctional industries, pass the Senate?" The roll was taken with the following result:

HCR 20
Second Reading Final Passage

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

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

Excused: Davis, Ellis, French, Guess, Lincoln

Absent: Bunde

and so, HOUSE CONCURRENT RESOLUTION NO. 20 passed the Senate, was signed by the President and Secretary and returned to the House.

Concur Messages (continued)

SB 115

Senator Ben Stevens moved that the Senate concur in the House amendment to SENATE BILL NO. 115(efd fld) "An Act allowing expenses of the correctional industries program that may be financed from the correctional industries fund to include the salaries and benefits of state employees."

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

HCS SB 115(FIN)
Shall the Senate Concur in the House
Amendment to SB 115(efd fld)? Effective Date

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

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

Excused: Davis, Ellis, French, Guess, Lincoln

Absent: Bunde

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR SENATE BILL NO. 115(FIN) "An Act relating to the correctional industries program; and providing for an effective date."

Senator Ben Stevens moved and asked unanimous consent that the vote on concurrence be considered the vote on the effective date clause. Without objection, it was so ordered.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Standing Committee Reports

SB 85

The Judiciary Committee considered SENATE BILL NO. 85 "An Act relating to sentencing and to the earning of good time deductions for certain sexual offenses" and recommended the adoption of the State Affairs Committee Substitute offered on page 807. Signing do pass: Senator Seekins, Chair; Senators French, Ellis. Signing no recommendation: Senators Therriault, Ogan.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Corrections

Fiscal Note No. 2, zero, Department of Law

President Therriault added a Finance Committee referral to SENATE BILL NO. 85.

The bill was referred to the Finance Committee.

HB 2

The Judiciary Committee considered CS FOR HOUSE BILL NO. 2(JUD)(title am) "An Act relating to the statute of limitations for certain civil actions relating to acts constituting sexual offenses; and providing for an effective date." Signing do pass: Senator Seekins, Chair; Senators French, Ogan.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Alaska Court System

Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Rules Committee.

HB 184

The Labor and Commerce Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 184(L&C) am "An Act relating to individual deferred annuities; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR SPONSOR
SUBSTITUTE FOR HOUSE BILL NO. 184(L&C)

Signing do pass: Senator Bunde, Chair; Senator Seekins. Signing no recommendation: Senators French, Gary Stevens.

The following fiscal information was published today:

Fiscal Note No. 2, zero, Department of Law

The following previously published fiscal information applies:

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

The bill was referred to the Judiciary Committee.

HB 249

The Judiciary Committee considered CS FOR HOUSE BILL NO. 249(JUD) am "An Act relating to the award of costs and attorney fees to defendants under court rule in civil actions brought under monopoly and restraint of trade statutes; and providing for an effective date." Signing do pass: Senator Seekins, Chair. Signing no recommendation: Senators French, Ogan.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Alaska Court System

The bill was referred to the Rules Committee.

**Introduction and Reference of
Senate Resolutions****SCR 13**

SENATE CONCURRENT RESOLUTION NO. 13 BY SENATOR LINCOLN,

Encouraging the Department of Corrections to provide canned Alaska pink salmon to inmates of the Alaska prison system.

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 88**

SENATE BILL NO. 88 "An Act relating to standards for forest resources and practices; 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 Elton objected.

President Therriault stated SENATE BILL NO. 88 will be on the May 4 calendar.

SB 148

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" 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 Elton objected.

President Therriault stated SENATE BILL NO. 148 will be on the May 4 calendar.

SB 173

SENATE BILL NO. 173 "An Act repealing statutes pertaining to the Alaska Science and Technology Foundation and transferring money in the foundation's endowment; repealing statutes relating to the BIDCO assistance program; repealing statutes pertaining to the international trade and business endowment and transferring money in the international trade and business endowment; transferring oversight administration of outstanding Alaska Science and Technology Foundation loans and grants to the Alaska Industrial Development and Export Authority; establishing an Alaska BIDCO assistance program to be administered by the Department of Community and Economic Development; making conforming amendments; 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 Elton objected.

President Therriault stated SENATE BILL NO. 173 will be on the May 4 calendar.

Third Reading of Senate Bills**SB 89**

CS FOR SENATE BILL NO. 89(JUD) "An Act amending the definitions in the Regulation of Lobbying Act and the definition of 'lobbyist' as it applies in the act setting standards of conduct for legislators and legislative employees" was read the third time.

Senator Ben Stevens moved and asked unanimous consent that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Without objection, the bill was returned to second reading.

Senators Therriault, Ben Stevens offered Amendment No. 1:

Page 1, line 1, following "**An Act amending the**":

Delete "**definitions in the**"

Page 1, line 3, following "**employees**":

Insert "; and amending the Regulation of Lobbying Act and the legislative standards of conduct to allow a lobbyist to give and a person covered by legislative standards of conduct to accept tickets to a charity event during a legislative session"

Page 1, following line 4:

Insert a new bill section to read:

"* **Section 1.** AS 24.45.121(a) is amended to read:

- (a) A lobbyist may not
- (1) engage in any activity as a lobbyist before registering under AS 24.45.041;
 - (2) do anything with the intent of placing a public official under personal obligation to the lobbyist or to the lobbyist's employer;
 - (3) intentionally deceive or attempt to deceive any public official with regard to any material fact pertinent to pending or proposed legislative or administrative action;
 - (4) cause or influence the introduction of a legislative measure solely for the purpose of thereafter being employed to secure its passage or its defeat;
 - (5) cause a communication to be sent to a public official in the name of any fictitious person or in the name of any real person, except with the consent of that person;
 - (6) accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action;
 - (7) serve as a member of a state board, or commission, if the lobbyist's employer may receive direct economic benefit from a decision of that board or commission;
 - (8) serve as a campaign manager or director, serve as a campaign treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a fund-raising event, directly or indirectly collect contributions for, or deliver contributions to, a candidate, or otherwise engage in the fund-raising activity of a legislative campaign or campaign for governor or lieutenant governor if the lobbyist has registered, or is required to register as a lobbyist, under this chapter, during the calendar year; this paragraph does not apply to a representational lobbyist as defined in the regulations of the Alaska Public Offices Commission, and does not prohibit a lobbyist from making personal contributions to a candidate as authorized by AS 15.13 or personally advocating on behalf of a candidate;

(9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person covered by AS 24.60, during a legislative session, a gift, other than food or beverage for immediate consumption, **except for tickets to a charity event described in AS 24.60.080(c)(10)**;

(10) make or offer a gift or a campaign contribution whose acceptance by the person to whom it is offered would violate AS 24.60.

Renumber the following bill section accordingly.

Page 2, following line 26:

Insert a new bill section to read:

* **Sec. 5.** AS 24.60.080(c) is amended by adding a new paragraph to read:

(10) tickets from a lobbyist for a charity event at any time, including during a legislative session; in this paragraph, "charity event" means an event the proceeds of which go to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council has approved in advance; the tickets may entitle the bearer to admission to the event, to entertainment, to food or beverages, or to other gifts or services involved in the charity event."

Renumber the following bill sections accordingly.

Senator Ben Stevens moved and asked unanimous consent for the adoption of Amendment No. 1. Senator Elton objected, then withdrew his objection. There being no further objections, Amendment No. 1 was adopted.

CS FOR SENATE BILL NO. 89(JUD) am was automatically in third reading.

The question being: "Shall CS FOR SENATE BILL NO. 89(JUD) am "An Act amending the Regulation of Lobbying Act and the definition of 'lobbyist' as it applies in the act setting standards of conduct for legislators and legislative employees; and amending the Regulation of Lobbying Act and the legislative standards of conduct to allow a lobbyist to give and a person covered by legislative standards of conduct to accept tickets to a charity event during a legislative session" pass the Senate?" The roll was taken with the following result:

CSSB 89(JUD) am
Third Reading - Final Passage

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

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

Nays: Elton

Excused: Davis, Ellis, French, Guess, Lincoln

and so, CS FOR SENATE BILL NO. 89(JUD) am passed the Senate.

Senator Elton gave notice of reconsideration.

SB 155

CS FOR SENATE BILL NO. 155(RES) "An Act relating to predator control programs; and providing for an effective date" was read the third time.

Senators Hoffman, Wilken, Taylor, moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE BILL NO. 155(RES) "An Act relating to predator control programs; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 155(RES)
Third Reading - Final Passage
Effective Date

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

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

Nays: Elton

Excused: Davis, Ellis, French, Guess, Lincoln

and so, CS FOR SENATE BILL NO. 155(RES) 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.

Senator Elton gave notice of reconsideration.

Second Reading of House Resolutions

HCR 7

CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(RLS) was read the second time and was before the Senate on final passage.

The question being: "Shall CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(RLS) 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, pass the Senate?" The roll was taken with the following result:

CSHCR 7(RLS)

Second Reading - Final Passage

YEAS: 15 NAYS: 0 EXCUSED: 5 ABSENT: 0

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

Excused: Davis, Ellis, French, Guess, Lincoln

and so, CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(RLS) passed the Senate.

Senator Ben Stevens moved and asked unanimous consent that the vote on the passage of the resolution be considered the vote on the effective date clause. Without objection, it was so ordered.

Senator Elton gave notice of reconsideration.

Unfinished Business**SJR 6**

Senators Dyson, Ogan, Wagoner, moved and asked unanimous consent to be shown as cosponsors on SENATE JOINT RESOLUTION NO. 6 Proposing an amendment to the Constitution of the State of Alaska relating to the duration of a regular session. Without objection, it was so ordered.

SB 88

Senators Wilken, Taylor, Dyson, Wagoner, moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 88 "An Act relating to standards for forest resources and practices; and providing for an effective date." Without objection, it was so ordered.

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 10:00 a.m., May 4, 2003. Without objection, the Senate adjourned at 12:34 p.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

May 05 Monday Fahrenkamp 203 1:30 PM
 + HB 194 REGIONAL DEVELOPMENT ORG TAX CREDIT

May 07 Wednesday Fahrenkamp 203 1:30 PM
 + SCR 12 BOROUGH INCORPORATION: UNORG AREAS
 <Testimony by Invitation Only>

FINANCE

May 05 Monday Senate Finance 532 9:00 AM
 += HB 9 HOME INSPECTORS/CONTRACTORS
 + SB 168 CIGARETTE SALE/DISTRIBUTION
 + SB 114 INCREASE BUSINESS LICENSE FEE
 + SB 177 PERS/TRS COLA FOR ACTIVE DUTY MILITARY
 + HB 90 TAX CREDIT:SALMON DEVELOPMENT/UTILIZATION
 + Bills Previously Heard/Scheduled
 <Committee may recess until 5 pm>

May 06 Tuesday Senate Finance 532 9:00 AM
 + HB 57 ROYALTY GAS CONTRACTS
 + HB 170 MOTOR VEHICLE REGISTRATION FEES
 + HB 203 AIDEA DIVIDENDS TO STATE
 + HB 79 AK REGIONAL ECONOMIC ASSISTANCE PROGRAM
 + Bills Previously Heard/Scheduled
 <Committee may recess until 5 pm>

FINANCE (continued)

May 07 Wednesday Senate Finance 532 9:00 AM
 + HB 256 DIVIDEND PAYMENT TO STATE BY AHFC
 + SB 31 RAILROAD UTILITY CORRIDOR TO & IN CANADA
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

May 05 Monday Butrovich 205 1:30 PM
 + SB 202 EDUCATION FUNDING & PUPIL TRANSPORTATION
 + SB 145 REEMPLOYMENT OF RETIRED TEACHERS
 Bills Previously Heard/Scheduled

May 07 Wednesday Butrovich 205 1:30 PM
 Medicaid Funding and Program Issues:
 Federal Center for Medicare and Medicaid
 Services
 Bills Previously Heard/Scheduled

May 09 Friday Butrovich 205 1:30 PM
 Bills Previously Heard/Scheduled

JUDICIARY

May 03 Saturday Beltz 211 9:00 AM
 -- Time Change --
 + HB 212 POWERS OF APPOINTMENTS/TRUSTS/CREDITORS
 + HB 1 STALKING & PROTECTIVE ORDERS
 + SB 175 LIABILITY:RECREATIONAL ACTIVITY/BOATS/AIR
 + SB 176 CIVIL LIABILITY FOR LIVESTOCK ACTIVITIES
 += HB 114 ISSUANCE OF SEARCH WARRANTS
 + Bills Previously Heard/Scheduled

STATE AFFAIRS (continued)

May 08 Thursday Beltz 211 3:30 PM
 HB 248 SALARY OF CHIEF PROCUREMENT OFFICER
 = SJR 6 CONST AM: 90 DAY LEGISLATIVE SESSION
 + SB 198 DAMAGES RECOVERED BY POLICE/FIREFIGHTER
 SB 211 REGULATIONS: NOTICE AND DISTRIBUTION
 HB 266 ELECTIONS
 Bills Previously Heard/Scheduled

TRANSPORTATION

May 06 Tuesday Butrovich 205 1:30 PM
 + HB 97 LONG-TERM LEASES OF ALASKA RR LAND
 Bills Previously Heard/Scheduled

JOINT COMMITTEES

CONFERENCE COMMITTEE ON HB 75 & HB 76

May 06 Tuesday Senate Finance 532 4:00 PM
 HB 75 APPROP: OPERATING BUDGET/LOANS/FUNDS
 HB 76 APPROP: MENTAL HEALTH BUDGET
 Organization, Request for Limited Powers