

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

May 5, 2003

#### One Hundred Fifth Day

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

The roll showed nineteen members present. Senator Davis was absent.

Senator Ben Stevens moved and asked unanimous consent that Senator Davis be excused from a call of the Senate for medical reasons on May 5, to evening plane time. Without objection, Senator Davis was excused.

The prayer was offered by the Chaplain, Major Nila Fankhauser of The Salvation Army. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Heavenly Father, first I want to pray for some Juneau young people who were injured seriously in a car accident over the weekend. I pray, Father, that You will be very close to them. I pray that You will be with the doctors and the nurses and those attending to their needs. I pray that You will be with their families.

Lord, we are grateful for Your many blessings. We thank You for the blessing of living in a free country governed by the people. May we never take this for granted. We thank You for the privilege of living in this state of Alaska, truly the Great Land. These freedoms and privileges do not come without responsibility. I thank You for the senators gathered here, who have taken up their responsibility by answering the call to serve. I pray Your blessing

upon each one. Give them Your guidance and wisdom for the task at hand. As each contributes, help them to be open and listen to the needs of the other, and in that way, work together for the common good of our people. May all that transpires within these chambers today be only good and for the betterment of our great state and her people. In all things, Your will be done. Amen.

Senator Taylor led the Senate in the Pledge of Allegiance.

### **Certification**

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

### **Standing Committee Reports**

#### **SB 168**

The Finance Committee considered SENATE BILL NO. 168 "An Act relating to issuance and revocation of licenses for the importation, sale, distribution, or manufacture of cigarettes and tobacco products; relating to a tax refund or credit for unsaleable, returned, or destroyed tobacco products; relating to restrictions on shipping or transporting cigarettes; relating to records concerning the sale of cigarettes; amending and adding definitions relating to cigarette taxes; relating to the payment of cigarette taxes; relating to penalties applicable to cigarette taxes; relating to the definition of the wholesale price of tobacco products; relating to payment of cigarette taxes through the use of cigarette tax stamps; relating to provisions making certain cigarettes contraband and subject to seizure and forfeiture; relating to certain crimes, penalties, and interest concerning tobacco taxes and sales; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 168(FIN)  
(forthcoming)

Signing do pass: Senator Wilken, Cochair; Senators Taylor, Bunde, Ben Stevens. Signing no recommendation: Senator Olson.

The following previously published fiscal information applies:  
Fiscal Note No. 1, Department of Revenue  
Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Rules Committee.

**HB 9**

The Finance Committee considered CS FOR HOUSE BILL NO. 9(FIN) am "An Act relating to the registration of individuals who perform home inspections; relating to regulation of contractors; relating to registration fees for specialty contractors, home inspectors, and associate home inspectors; relating to home inspection requirements for residential loans purchased or approved by the Alaska Housing Finance Corporation; relating to civil actions by and against home inspectors and to civil actions arising from residential unit inspections; repealing a law that limits liability for damages based on a duty to inspect a residential unit to damages caused by gross negligence or intentional misconduct; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
9(FIN)  
(forthcoming)

Signing do pass: Senator Wilken, Cochair. Signing no recommendation: Senator Green, Cochair; Senators Hoffman, Olson, Bunde. Signing do not pass: Senator Taylor.

The following previously published fiscal information applies:  
Fiscal Note No. 1, zero, Department of Revenue  
Fiscal Note No. 2, zero, Department of Law  
Fiscal Note No. 3, zero, Department of Labor and Workforce  
Development  
Fiscal Note No. 4, Department of Community and Economic  
Development

The bill was referred to the Rules Committee.

### **Consideration of the Calendar**

#### **Second Reading of House Bills**

##### **HB 34**

HOUSE BILL NO. 34 "An Act relating to negotiated regulation making; 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. Senator Ellis objected.

President Therriault stated HOUSE BILL NO. 34 will be on the May 6 calendar.

##### **HB 59**

CS FOR HOUSE BILL NO. 59(FIN) am "An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored; and providing for an effective date" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 1047. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 59(FIN) 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.

SENATE CS FOR CS FOR HOUSE BILL NO. 59(FIN) was read the third time.

Senators Ogan, French declared a conflict of interest.

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

Senator Cowdery declared a conflict of interest.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 59(FIN) "An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 59(FIN)  
Third Reading - Final Passage  
Effective Dates

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

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

Excused: Davis

Absent: Ogan

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 59(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 referred to the Secretary for engrossment.

**HB 212**

CS FOR HOUSE BILL NO. 212(JUD) "An Act relating to trusts, including trust protectors, trustee advisors, transfers of property in trust, and transfers of trust interests, and to creditors' claims against property subject to a power of appointment" 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.

Senators Taylor, Seekins moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

President Therriault stated CS FOR HOUSE BILL NO. 212(JUD) will be on the May 6 calendar.

**HB 249**

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" 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. 249(JUD) am will be on the May 6 calendar.

**Third Reading of Senate Bills**

**SB 63**

CS FOR SENATE BILL NO. 63(STA) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 63(STA) "An Act relating to transition provisions related to municipal mergers, consolidations, dissolutions, reclassifications, annexations, detachments, and incorporations; and relating to municipal property taxation in annexed, detached, and newly incorporated areas" pass the Senate?" The roll was taken with the following result:

CSSB 63(STA)  
Third Reading - Final Passage

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

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

Excused: Davis

Absent: Ogan

and so, CS FOR SENATE BILL NO. 63(STA) passed the Senate and was referred to the Secretary for engrossment.

### **Third Reading of House Bills**

#### **HB 127**

SENATE CS FOR CS FOR HOUSE BILL NO. 127(STA) "An Act relating to roadside memorials within the right-of-way of a state highway" was read the third time.

Senator Lincoln 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.

Senator Lincoln offered Amendment No. 1:

Page 1, line 8, following "accident":  
Insert "or other incident in the right-of-way"

Senator Lincoln moved and asked unanimous consent for the adoption of Amendment No. 1. Objections were heard.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

SCS CSHB 127(STA)  
Second Reading  
Amendment No. 1

**YEAS: 10 NAYS: 9 EXCUSED: 1 ABSENT: 0**

Yeas: Bunde, Dyson, Ellis, Elton, French, Guess, Hoffman, Lincoln, Ogan, Olson

Nays: Cowdery, Green, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Excused: Davis

and so, Amendment No. 1 was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 127(STA) am S was automatically in third reading.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 127(STA) am S "An Act relating to roadside memorials within the right-of-way of a state highway" pass the Senate?" The roll was taken with the following result:

SCS CSHB 127(STA) am S  
Third Reading - Final Passage

**YEAS: 13 NAYS: 5 EXCUSED: 1 ABSENT: 1**

Yeas: Dyson, Ellis, Elton, French, Guess, Lincoln, Ogan, Olson, Seekins, Stevens B, Stevens G, Wagoner, Wilken

Nays: Bunde, Cowdery, Green, Taylor, Therriault

Excused: Davis

Absent: Hoffman

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 127(STA) am S passed the Senate.

Senator Ben Stevens gave notice of reconsideration.

**HB 146**

CS FOR HOUSE BILL NO. 146(HES) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 146(HES) "An Act repealing the termination date of certain provisions that require the reporting of social security numbers and automated data matching with financial institutions for child support enforcement purposes; relating to social security numbers on applications for commercial fishing licenses; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 146(HES)

Third Reading - Final Passage

**YEAS: 12 NAYS: 5 EXCUSED: 1 ABSENT: 2**

Yeas: Bunde, Cowdery, Ellis, Elton, French, Green, Guess, Lincoln, Stevens B, Stevens G, Wagoner, Wilken

Nays: Dyson, Olson, Seekins, Taylor, Therriault

Excused: Davis

Absent: Hoffman, Ogan

and so, CS FOR HOUSE BILL NO. 146(HES) passed the Senate.

Senator Ben Stevens moved for the adoption of the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSHB 146(HES)

Effective Date Clause

**YEAS: 17 NAYS: 0 EXCUSED: 1 ABSENT: 2**

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

Excused: Davis

Absent: Hoffman, Ogan

and so, the effective date clause was adopted and the bill was signed by the President and Secretary and returned to the House.

**Unfinished Business****SB 88**

The reconsideration on SENATE BILL NO. 88 "An Act relating to standards for forest resources and practices; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

**SB 148**

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

**SB 173**

The reconsideration on SENATE BILL NO. 173(efd fld) "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; and making conforming amendments" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

**EO 108**

In accordance with Article III, Section 23 of the Alaska Constitution, action was not taken on the following Executive Order and it was returned to the Office of the Governor at 10:40 a.m., May 5, 2003:

Executive Order No. 108 Transferring the functions from the Department of Administration and the Department of Education and Early Development to the Department of Health and Social Services.

**EO 109**

In accordance with Article III, Section 23 of the Alaska Constitution, action was not taken on the following Executive Order and it was returned to the Office of the Governor at 10:40 a.m., May 5, 2003:

Transferring the Violent Crimes Compensation Board from the Department of Public Safety to the Department of Administration.

**EO 110**

In accordance with Article III, Section 23 of the Alaska Constitution, action was not taken on the following Executive Order and it was returned to the Office of the Governor at 10:40 a.m., May 5, 2003:

Transferring the Alcoholic Beverage Control Board and its functions from the Department of Revenue to the Department of Public Safety.

**EO 111**

In accordance with Article III, Section 23 of the Alaska Constitution, action was not taken on the following Executive Order and it was returned to the Office of the Governor at 10:40 a.m., May 5, 2003:

Transferring from the Regulatory Commission of Alaska to the Attorney General certain public advocacy responsibilities and functions.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SB 63**

CS FOR SENATE BILL NO. 63(STA) "An Act relating to transition provisions related to municipal mergers, consolidations, dissolutions, reclassifications, annexations, detachments, and incorporations; and relating to municipal property taxation in annexed, detached, and newly incorporated areas" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 88**

SENATE BILL NO. 88 "An Act relating to standards for forest resources and practices; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

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

**SB 173**

SENATE BILL NO. 173(efd fld) "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; and making conforming amendments" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**HB 59**

SENATE CS FOR CS FOR HOUSE BILL NO. 59(FIN) "An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored; and providing for an effective date" was engrossed, signed by the President and Secretary and returned 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., May 6, 2003. Without objection, the Senate adjourned at 12:14 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

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**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 05 Monday Beltz 211 1:00 PM**  
 += SB 175 LIABILITY:RECREATIONAL ACTIVITY/BOATS/AIR  
 += SB 176 CIVIL LIABILITY FOR LIVESTOCK ACTIVITIES  
 += HB 114 ISSUANCE OF SEARCH WARRANTS  
 += HB 177 CONCEALED HANDGUNS  
 + Bills Previously Heard/Scheduled

**May 06 Tuesday Beltz 211 8:00 AM**  
 + HB 224 CIGARETTE SALES REQUIREMENTS  
 + HB 214 PUNITIVE DAMAGES AGAINST EMPLOYERS  
 + SB 13 INSURANCE DISCRIMINATION BY CREDIT RATING  
 + Bills Previously Heard/Scheduled

**LABOR & COMMERCE**

**May 06 Tuesday Beltz 211 1:30 PM**  
+ SB 192 DOL TEACHERS AND TRAINING PROGRAMS  
+ SB 210 WAGE AND HOUR OVERTIME COMPUTATION  
+ SB 154 NURSE EDUC LOAN REPAYMENT PROGRAM  
+ HB 51 LABELING OF PRESCRIBED DRUGS  
+ SB 32 INSURANCE FOR MOTOR VEHICLE REPAIRS  
Bills Previously Heard/Scheduled  
+= SB 102 CHARITABLE GAMING REVENUE  
<Listen Only Teleconference>

**May 08 Thursday Beltz 211 1:30 PM**  
+ HB 151 DWELLING DESIGN/CONSTRUCTION CLAIMS  
+ HB 242 EXAM FOR CPA'S  
<Pending Referral>  
+ HB 120 SERVICE CONTRACT SALES ARE NOT INSURANCE  
+ HB 135 MARITAL & FAMILY THERAPISTS  
+ HB 194 REGIONAL DEVELOPMENT ORG TAX CREDIT  
<Pending Referral>  
+ SB 209 MARINE PILOT FOR FOREIGN PLEASURE CRAFT  
Bills Previously Heard/Scheduled

**RESOURCES**

**May 05 Monday Butrovich 205 3:30 PM**  
+= SB 149 REPEAL CERTAIN TIMBER SALE REQUIREMENTS  
+ SB 185 ROYALTY REDUCTION ON CERTAIN OIL  
+ Confirmation Hearings:  
Board of Fisheries  
+ Bills Previously Heard/Scheduled  
<Meeting will recess from 5 - 6 pm>

**May 07 Wednesday Butrovich 205 3:30 PM**  
<Meeting will recess from 5 - 6 pm>

**May 09 Friday Butrovich 205 3:30 PM**

**STATE AFFAIRS**

**May 06 Tuesday Beltz 211 3:30 PM**  
 SB 203 OFFICE OF ADMINISTRATIVE HEARINGS  
 + HB 81 MOTOR VEHICLE EMISSIONS INSPECTION  
 = HB 14 PERMANENT FUND ALLOWABLE ABSENCES  
 = SJR 18 CONST. AM: PF APPROPS/INFLATION-PROOFING  
 Bills Previously Heard/Scheduled

**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  
 Senate Bill:  
 KNIK ARM CROSSING BRIDGE/TOLL AUTHORITY  
 <Pending Introduction and Referral>  
 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