

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Friday

May 9, 2003

One Hundred Ninth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:13 a.m.

The roll showed twenty members present.

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.

Dear Lord, I understand that Representative Joule is undergoing heart surgery at this very moment, so we bring him before You in prayer this morning. We pray that You would be with him and be with the doctors as they are working with him just now, Lord.

Dear Lord, The weather forecasters keep saying "rain" and the sun keeps shining! Thank You! As this Senate session nears conclusion, I pray that You will give each one wisdom and discernment to determine what is most important and worthy of the time left. Thank You for the effort given, the hard work by each Senator, their staff and all those who give their support to make this democratic process possible. As the session concludes, I pray that each will leave with a sense of accomplishment, that their time has been worthwhile, that they have made a difference for the citizens of our great state. May they say with the apostle, "I have fought the good fight, I have finished the race, I have kept the faith." And may the sun keep shining!
Amen.

Senator Cowdery led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

HB 124

Message dated May 8 was read, stating the House has adopted the report of the Conference Committee considering HOUSE BILL NO. 124 and SENATE CS FOR HOUSE BILL NO. 124(TRA) thus adopting:

HOUSE BILL NO. 124 "An Act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date."

The Senate adopted the Conference Committee report on May 8 (page 1248).

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

First Reading and Reference of House Resolutions

HCR 10

HOUSE CONCURRENT RESOLUTION NO. 10 BY REPRESENTATIVES WOLF, Foster, Lynn, Meyer, Heinze, Chenault, Morgan, Wilson, Gruenberg,

Relating to restoration of riparian habitat that is vital to the fisheries resources of the state.

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

First Reading and Reference of House Bills**HB 191**

CS FOR HOUSE BILL NO. 191(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the Alaska coastal management program and to policies and procedures for consistency reviews and the rendering of consistency determinations under that program; eliminating the Alaska Coastal Policy Council; annulling certain regulations relating to the Alaska coastal management program; and providing for an effective date."

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

HB 195

CS FOR HOUSE BILL NO. 195(L&C) am BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to coverage offered under an individual policy of health care insurance; relating to the state health insurance plan; and providing for an effective date."

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

HB 250

CS FOR HOUSE BILL NO. 250(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to protests of state contract awards, to claims on state contracts, to the arbitration of certain state construction contract claims, and to hearings and appeals under the State Procurement Code; making conforming amendments in the State Procurement Code; and providing for an effective date."

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

Communications

SB 218

Letter from Senator Bunde dated May 9 was received, requesting that the sponsor for SENATE BILL NO. 218 "An Act authorizing a pilot program relating to state procurement and the use of electronic commerce tools; and providing for an effective date" be corrected to read BY THE SENATE LABOR AND COMMERCE COMMITTEE.

Standing Committee Reports

Report dated May 7 was read, stating:

In accordance with AS 39.05.080, the Senate Health, Education and Social Services Committee reviewed the following with regard to confirmation of the Governor's appointments:

Board of Dental Examiners

Dr. David L. Eichler
Dr. Robert E. Warren
Dr. Kevin L. Gottlieb

Board of Dispensing Opticians

Roberta Rawcliffe

State Medical Board

Dr. Rob Breffleilh
Dr. G. Bert Flaming
Debra I. Joslin
Dr. John Troxel

Alaska Mental Health Trust Authority Board of Trustees

John F. Malone
Nelson Page

Board of Certified Direct-Entry Midwives

Mila Cosgrove

Board of Examiners in Optometry

Thomas N. Carter
Dr. John C. Cobbett

State Physical Therapy and Occupational Therapy Board

Mary Ann Paul

Board of Pharmacy

Michael Pauley
William Altland

Board of Nursing

Mary Weymiller

Professional Teaching Practices Commission

Cynthia Curran

Board of Psychologist and Psychological Associate Examiners

Dr. Lorin Bradbury
Dr. John Miller

University of Alaska Board of Regents

David J. Parks

There were no stated objections to the confirmation of any of the named individuals by committee members. This does not reflect an intent by any of the members to vote for or against the individuals during any further sessions.

Signing the report: Senator Dyson, Chair; Senators Green, Davis, Guess.

SB 175

The Judiciary Committee considered SENATE BILL NO. 175 "An Act relating to civil liability for commercial recreational activities and 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. 175(JUD) "An Act relating to civil liability for inherent risks in sports or recreational activities; and providing for an effective date."

Signing do pass: Senator Seekins, Chair; Senators Therriault, Ogan.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

The bill was referred to the Rules Committee.

SB 183

The State Affairs Committee considered SENATE BILL NO. 183 "An Act authorizing municipalities to provide for economic development and authorizing municipalities to expend revenue collected on an areawide or nonareawide basis to provide for economic development" and recommended it be replaced with

CS FOR SENATE BILL NO. 183(STA) "An Act authorizing certain boroughs to use revenue collected on an areawide or nonareawide basis for economic development."

Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Dyson. Signing no recommendation: Senators Hoffman, Guess.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

SB 198

The State Affairs Committee considered SENATE BILL NO. 198 "An Act relating to recovery of civil damages by a peace officer or firefighter; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 198(STA)

Signing do pass: Senator Gary Stevens, Chair; Senator Guess. Signing no recommendation: Senators Hoffman, Cowdery, Dyson.

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

The bill was referred to the Judiciary Committee.

SB 209

The Labor and Commerce Committee considered SENATE BILL NO. 209 "An Act relating to pilotage of certain foreign pleasure craft" and recommended it be replaced with

CS FOR SENATE BILL NO. 209(L&C) "An Act relating to exemption of certain foreign pleasure craft from the mandatory pilotage requirement and to civil fines imposed on the owner or operator of a pleasure craft of foreign registry; and providing for an effective date."

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

Fiscal information forthcoming.

The bill was referred to the Finance Committee.

HB 1

The Judiciary Committee considered CS FOR HOUSE BILL NO. 1(JUD) "An Act relating to stalking and to violating a protective order; and amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration." Signing do pass: Senator Seekins, Chair; Senator French. Signing no recommendation: Senators Therriault, Ellis.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law
Fiscal Note No. 2, zero, Department of Public Safety
Fiscal Note No. 3, indeterminate, Department of Administration
Fiscal Note No. 4, indeterminate, Alaska Court System

The bill was referred to the Rules Committee.

HB 46

The Judiciary Committee considered CS FOR HOUSE BILL NO. 46(STA) "An Act relating to printing of ballot titles and propositions on primary election ballots." Signing do pass: Senator Seekins, Chair; Senators Therriault, French, Ellis. Signing no recommendation: Senator Ogan.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Office of the Governor

The bill was referred to the Rules Committee.

HB 49

The Judiciary Committee considered CS FOR HOUSE BILL NO. 49(JUD) "An Act relating to the deoxyribonucleic acid (DNA) identification registration system and testing; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
49(JUD)

Signing do pass: Senator Seekins, Chair; Senator French. Signing no recommendation: Senator Therriault. Signing amend: Senator Ogan.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Public Safety

Fiscal Note No. 2, zero, Department of Law

Fiscal Note No. 3, indeterminate, Department of Administration

The bill was referred to the Finance Committee.

HB 61

The Resources Committee considered CS FOR HOUSE BILL NO. 61(FIN) "An Act establishing an exploration and development incentive tax credit for operators and working interest owners directly engaged in the exploration for and development of gas for sale and delivery without reference to volume from a lease or property in the state; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
61(RES)

Signing do pass: Senator Ogan, Chair; Senators Seekins, Ben Stevens, Wagoner. Signing no recommendation: Senator Lincoln.

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

President Therriault added a referral to the Finance Committee.

The bill was referred to the Finance Committee.

HB 118

The Resources Committee considered CS FOR HOUSE BILL NO. 118(RES) am "An Act relating to the transportation and sale of certain commercially caught fish by an agent of a commercial fishing permit holder and to the sale of fish; and providing for an effective date" and recommended the adoption of the Labor and Commerce Senate Committee Substitute offered on page 874. Signing do pass: Senator Ogan, Chair; Senators Seekins, Ben Stevens, Wagoner, Lincoln.

The following previously published fiscal information applies:
Fiscal Note No. 3, zero, Department of Law
Fiscal Note No. 4, zero, Department of Public Safety
Fiscal Note No. 5, zero, Department of Fish and Game

The bill was referred to the Rules Committee.

HB 120

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 120(RLS) am "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." Signing do pass: Senator Bunde, Chair; Senators Davis, French, Gary Stevens.

The following previously published fiscal information applies:
Fiscal Note No. 2, zero, House Rules Committee

The bill was referred to the Rules Committee.

HB 151

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 151(JUD) am "An Act relating to claims and court actions for defects in the design, construction, and remodeling of certain dwellings; limiting when certain court actions may be brought; and amending Rules 79 and 82, Alaska Rules of Civil Procedure" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
151(L&C)

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Labor and Commerce Committee

The bill was referred to the Judiciary Committee.

HB 194

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 194(L&C) "An Act creating a tax credit under the Alaska Net Income Tax Act for contributions to regional development organizations; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
194(L&C)

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

The following previously published fiscal information applies:

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

Fiscal Note No. 3, zero, Department of Revenue

The bill was referred to the Finance Committee.

HB 242

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 242(L&C) "An Act relating to licensing of certified public accountants; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senator Gary Stevens. Signing no recommendation: Senators Davis, French.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

HB 248

The State Affairs Committee considered HOUSE BILL NO. 248 "An Act relating to the annual salary of the chief procurement officer; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senator Cowdery. Signing no recommendation: Senators Guess, Dyson.

The following previously published fiscal information applies:

Fiscal Note No. 2, zero, Department of Administration

The bill was referred to the Finance Committee.

HB 266

The State Affairs Committee considered CS FOR HOUSE BILL NO. 266(FIN) "An Act relating to questioned ballots and questioned voters, voter registration, training of election officials, preparation of election materials, provision of election materials, forms, and supplies for polling places, voter identification, absentee voting, and counting ballots; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Dyson. Signing no recommendation: Senators Hoffman, Guess.

The following fiscal information was published today:

Fiscal Note No. 3, Office of the Governor

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

The bill was referred to the Finance Committee.

SJR 6

The State Affairs Committee considered SENATE JOINT RESOLUTION NO. 6 Proposing an amendment to the Constitution of the State of Alaska relating to the duration of a regular session. Signing do not pass: Senator Gary Stevens, Chair; Senator Hoffman. Signing do pass: Senator Guess. Signing no recommendation: Senators Cowdery, Dyson.

The following fiscal information was published today:
Fiscal Note No. 1, Legislative Agency
Fiscal Note No. 2, Office of the Governor

The bill was referred to the Judiciary Committee.

Introduction and Reference of Senate Bills**SB 215**

SENATE BILL NO. 215 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act giving notice of and approving the entry into and the issuance of certificates of participation for a lease-purchase agreement for a seafood and food safety laboratory facility; relating to the use of certain investment income for certain construction costs; and providing for an effective date."

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

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

Governor's transmittal letter dated May 8, 2003:

Dear President Therriault:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to issuing certificates of participation to fund a new seafood and food safety laboratory.

The state's food safety laboratory plays a vital role in protecting the health of Alaskans. The seafood and food safety laboratory tests crabs, geoducks, and other shellfish for toxins, a service not offered in the private sector. Local dairy products must be tested by a state laboratory before they can be sold to schools and the military. Federal law also requires a state laboratory to certify private laboratories to perform drinking water compliance testing for public water systems. Additionally, the new laboratory will have an area designated as bio safety level III for testing of anthrax or other bio-terrorism agents. The new laboratory would not duplicate existing laboratories in the state.

The current lease will soon expire, requiring the facility to be relocated. Building a state-owned facility is cheaper than leasing a privately-owned facility, and the state owns a parcel of land ready for development. The Alaska State Legislature has recognized the need for replacement through previous planning and design appropriations. The bill I transmit today is the next and final step in providing Alaskans with a worthwhile facility by setting up a bonding structure for its construction. The proposed method is the issuance of certificates of participation for a lease-purchase agreement.

In the interests of public health for Alaskans and consumers of Alaskan food, fish and dairy products, as well as the economic health of these industries, I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Frank H. Murkowski
Governor

SB 216

SENATE BILL NO. 216 BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to international airports revenue bonds; and providing for an effective date."

was read the first time and referred to the Transportation and Finance Committees.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

Governor's transmittal letter dated May 8:

Dear President Therriault:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to bond funding of capital improvements for the Alaska International Airports System.

The bill increases the cumulative authorization for international airports revenue bonds, allowing the sale of up to \$76,600,000 in new revenue bonds to support capital improvement programs for FY 04 through FY 06 at the Ted Stevens Anchorage International Airport and Fairbanks International Airport, referred to collectively as the Alaska International Airports System (AIAS), and certain passenger terminal renovation work at the Ted Stevens Anchorage International Airport.

Funding for operations and capital improvements of the AIAS is obtained from charges for the use of airport facilities, primarily paid by commercial airlines. The AIAS and the airlines that are signatories to the International Airports System Operating Agreement have agreed to a capital improvement program approved by the signatory airline ratepayers under the operating agreement. Under the operating agreement, effective from September 1, 2001 through June 30, 2006, the AIAS has shifted from cash funding long-term projects in advance through annual capital charges paid by the airlines through rates and fees, to revenue bond funding for most projects. Revenue bond funding allows annual debt service to be paid through airline rates and fees spread over longer periods of time, such as the useful life of

airport projects. The bonds are not a general obligation of the state, and the state does not pledge its faith and credit to the payment of the bonds. The issuance of the bonds does not directly or indirectly or contingently obligate the state or any political subdivision thereof to apply money from, or levy or pledge, any form of taxation whatever to the payment of the bonds.

Additional bond authorization under AS 37.15.410 was granted in 2001 to implement the capital improvement program for the first two years of the Operating Agreement. Additional bond authorization is now required to finance the continuation of the capital improvement program. AS 37.15.410 currently authorizes the state to issue up to \$447,900,000 of revenue bonds to support airport projects. This authority, cumulative since the inception of AS 37.15.410, will be exhausted by June 30, 2003, with outstanding bond principal standing at \$368,200,000.

The authority sought in this bill would increase the bond authorization limit to finance three more years of capital improvements at both the Ted Stevens Anchorage International Airport and Fairbanks International Airport, as well as completion costs of the redevelopment of Concourse C at the Ted Stevens Anchorage International Airport passenger terminal. By covering these needs in a single new bond issue, the state would be able to reduce costs related to the debt issuance.

The Alaska International Airports System is an increasingly vital and growing part of our economic engine. The airports system and the state's major air carriers propose to continue developing our world-class international airports through the implementation of the International Airports Operating Agreement, supported by the issuance of these additional revenue bonds. In order to assure timely project development, I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Frank H. Murkowski
Governor

SB 217

SENATE BILL NO. 217 BY SENATOR OLSON, entitled:

"An Act relating to genetic privacy; and amending Rule 82, Alaska Rules of Civil Procedure, and Rule 508, Alaska Rules of Appellate Procedure."

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

SB 218

SENATE BILL NO. 218 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act authorizing a pilot program relating to state procurement and the use of electronic commerce tools; and providing for an effective date."

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

Consideration of the Calendar**Senate Bills in Second Reading****SB 93**

SENATE BILL NO. 93 "An Act relating to limitations on actions to quiet title to, eject a person from, or recover real property or the possession of it; and providing for an effective date" which had been read the second time and returned to the Rules Committee (page 1230) was before the Senate in second reading.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 1199. Senator Taylor objected.

The question being: "Shall the Judiciary Committee Substitute be adopted?" The roll was taken with the following result:

SB 93
Second Reading
Adopt Judiciary Committee Substitute?

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

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

Nays: Elton, French, Guess, Ogan, Taylor

and so, CS FOR SENATE BILL NO. 93(JUD) "An Act relating to limitations on actions to quiet title to, eject a person from, or recover real property or the possession of it; relating to adverse possession; and providing for an effective date" was adopted.

Senator Wagoner offered Amendment No. 1:

Page 1, line 5, through page 2, line 3:

Delete all material and insert:

**** Section. 1.** AS 09.10.030 is amended to read:

Sec. 09.10.030. Actions to recover real property [IN 10 YEARS]. **Except as provided in (b) of this section, a** [A] person may not bring an action for the recovery of real property [,] or for the recovery of the possession of it unless the action is commenced within 10 years. An action may not be maintained **under this subsection** for the recovery unless it appears that the plaintiff, an ancestor, a predecessor, or the grantor of the plaintiff was seized or possessed of the premises in question within 10 years before the commencement of the action.

*** Sec. 2.** AS 09.10.030 is amended by adding a new subsection to read:

(b) An action may be brought at any time by a person who was seized or possessed of the real property in question at some time before the commencement of the action or whose grantor or predecessor was seized or possessed of the real property in question at some time before commencement of the action, and whose ownership interest in the real property is recorded under AS 40.17, in order to

- (1) quiet title to that real property; or
- (2) eject a person from that real property."

Renumber the following bill sections accordingly.

Page 2, line 25:

Delete "sec. 1"

Insert "secs. 1 and 2"

Senator Wagoner moved for the adoption of Amendment No. 1.
Senator Taylor objected.

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

CSSB 93(JUD)
Second Reading
Amendment No. 1

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

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

Nays: Taylor

and so, Amendment No. 1 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 SENATE BILL NO. 93(JUD) am was read the third time.

Senator Taylor moved that CS FOR SENATE BILL NO. 93(JUD) am be returned to the Rules Committee. Objections were heard.

The question being: "Shall CS FOR SENATE BILL NO. 93(JUD) am be returned to the Rules Committee?" The roll was taken with the following result:

CSSB 93(JUD) am
Third Reading - Final Passage
Return to Rules Committee?

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

Yeas: French, Green, Guess, Taylor, Wilken

Nays: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman,
Lincoln, Ogan, Seekins, Stevens B, Stevens G, Therriault, Wagoner

Absent: Olson

and so, the motion failed.

The question being: "Shall CS FOR SENATE BILL NO. 93(JUD) am
"An Act relating to limitations on actions to quiet title to, eject a
person from, or recover real property or the possession of it; relating to
adverse possession; and providing for an effective date" pass the
Senate?" The roll was taken with the following result:

CSSB 93(JUD) am
Third Reading - Final Passage
Effective Date

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

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

Nays: Dyson, French, Green, Ogan, Taylor

and so, CS FOR SENATE BILL NO. 93(JUD) am 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 Ogan gave notice of reconsideration.

Second Reading of Senate Bills**SB 192**

SENATE BILL NO. 192 "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 second time.

Senator Bunde, Chair, moved and asked unanimous consent for the adoption of the Labor and Commerce Committee Substitute offered on page 1201. Senator Ellis objected, then withdrew his objection. There being no further objections, CS FOR SENATE BILL NO. 192(L&C) "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; relating to local workforce investment areas and boards; repealing the business incentive training program; and providing for an effective date" 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. Senator Ellis objected.

President Therriault stated CS FOR SENATE BILL NO. 192(L&C) will be on the May 10 calendar.

Third Reading of Senate Bills**SB 168**

CS FOR SENATE BILL NO. 168(FIN) am was read the third time.

Senator Ellis called the Senate. The call was satisfied.

The question being: "Shall CS FOR SENATE BILL NO. 168(FIN) am "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 and penalties for 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 stamps; relating to cigarette sales; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 168(FIN) am
Third Reading - Final Passage
Effective Dates

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

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

Nays: Hoffman, Olson

and so, CS FOR SENATE BILL NO. 168(FIN) am 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.

Senator Olson gave notice of reconsideration.

SB 210

SENATE BILL NO. 210 was read the third time.

The question being: "Shall SENATE BILL NO. 210 "An Act regarding the computation of overtime compensation by employers before June 2, 1999; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 210

Third Reading - Final Passage

Effective Date

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 BILL NO. 210 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 and the bill was referred to the Secretary for engrossment.

Third Reading of House Bills

HB 170

HOUSE BILL NO. 170 "An Act increasing certain motor vehicle registration fees; and providing for an effective date was read the third time.

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

The question being: "Shall HOUSE BILL NO. 170 "An Act increasing certain motor vehicle registration fees; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 170

Third Reading - Final Passage

YEAS: 12 NAYS: 8 EXCUSED: 0 ABSENT: 0

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

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

and so, HOUSE BILL NO. 170 passed the Senate.

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

President Therriault called the Senate. The call was satisfied.

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

HB 170

Effective Date Clause

YEAS: 11 NAYS: 9 EXCUSED: 0 ABSENT: 0

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

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

and so the effective date clause failed.

Senator Ellis gave notice of reconsideration on HOUSE BILL NO. 170(efd fld S) "An Act increasing certain motor vehicle registration fees."

Citations

Honoring – The Frontiersman Newspaper

Representative(s) Masek

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

Honoring – Juneau-Douglas High School Men's Basketball

Representative(s) Kerttula, Weyhrauch

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

In Memoriam – Eckley Kinnicutt Guerin

Representative(s) Kerttula, Weyhrauch

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

In Memoriam – Dorothy Marvin Rhodes

Representative(s) Kerttula, Weyhrauch

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

HB 102

Senator Green moved and asked unanimous consent to be shown as a cross sponsor on CS FOR HOUSE BILL NO. 102(STA) "An Act relating to concealed deadly weapons." Without objection, it was so ordered.

Senator French moved and asked unanimous consent to be excused from a call of the Senate from May 9, evening plane time, to May 12, morning plane time. Without objection, Senator French was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 210**

SENATE BILL NO. 210 "An Act regarding the computation of overtime compensation by employers before June 2, 1999; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment**SB 139**

SENATE BILL NO. 139 "An Act repealing the termination date of the Alaska salmon price report program; and providing for an effective date" 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 4:30 p.m., May 8, 2003.

SCR 9

SENATE CONCURRENT RESOLUTION NO. 9 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 52, relating to the forfeiture of certain property used in certain crimes, 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 4:30 p.m., May 8, 2003.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., May 10, 2003. Without objection, the Senate adjourned at 1:29 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 09 Friday Fahrenkamp 203 1:30 PM
 + HB 209 MUNI.TAX: PROPERTY AFFECTED BY DISASTER
 Bills Previously Heard/Scheduled
 += SCR 12 BOROUGH INCORPORATION: UNORG AREAS

FINANCE

May 09 Friday Senate Finance 532 9:00 AM
 + SB 102 CHARITABLE GAMING REVENUE
 + HB 229 PAROLE FOR MEDICAL/COGNITIVE DISABILITY
 + Bills Previously Heard/Scheduled

May 10 Saturday Senate Finance 532 9:00 AM
 + HB 105 COMMERCIAL FISHING LOANS
 + HB 109 TREASURY WARRANTS/LAPSED APPROPRIATIONS
 + SB 185 ROYALTY REDUCTION ON CERTAIN OIL
 + SB 213 KNIK ARM BRIDGE AND TOLL AUTHORITY
 + SCR 10 CHARTER SCHOOL TASK FORCE
 + HB 49 EXPAND DNA DATABASE

HEALTH, EDUCATION & SOCIAL SERVICES

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

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

May 12 Monday Butrovich 205 1:30 PM
 Bills Previously Heard/Scheduled

May 14 Wednesday Butrovich 205 1:30 PM
 Bills Previously Heard/Scheduled

May 16 Friday Butrovich 205 1:30 PM
 + HB 25 HEALTH CARE SERVICES DIRECTIVES
 Bills Previously Heard/Scheduled

JUDICIARY

May 09 Friday Beltz 211 1:00 PM
 += HB 224 CIGARETTE SALES REQUIREMENTS
 + SB 203 OFFICE OF ADMINISTRATIVE HEARINGS
 += HB 214 PUNITIVE DAMAGES AGAINST EMPLOYERS
 += SB 2 PARENT LIABILITY FOR DAMAGE BY CHILD
 += SJR 3 CONST AM: APPROPRIATION/SPENDING LIMIT
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

May 13 Tuesday Beltz 211 1:30 PM
 Bills Previously Heard/Scheduled
 = HB 135 MARITAL & FAMILY THERAPISTS
 Confirmation Hearings:
 Alaska Labor Relations - Colleen Scanlon
 Board of Barbers and Hairdressers -
 Charlene Lushin, Joylene A. Marrs
 Board of Chiropractic Examiners - Dr. David Mulholland
 Real Estate Commission - Brad J. Fluetsch, Barbara Parker-
 Ramsey, David B. Somers, Z. Kent Sullivan, Esq.
 Board of Veterinary Examiners - Steven Torrence
 Workers Compensation Board - John Abshire, Richard
 Behrends, Andrew Piekarski, Marc Stemp
 + SB 218 STATE PROCUREMENT PILOT PROGRAM
 + SB 194 LIQUOR DELIVERED TO HOTELS/CRUISE SHIPS
 + HB 83 REVISED UNIFORM ARBITRATION ACT
 + HB 234 BREWPUBS; ABC BOARD

RESOURCES

May 09 Friday Butrovich 205 3:30 PM
 Confirmation Hearing:
 Board of Fisheries - John E. Jensen
 + HB 191 COASTAL MANAGEMENT PROGRAMS
 + HB 104 PAYMENT OF FISHERY BUSINESS TAX
 + Bills Previously Heard/Scheduled

TRANSPORTATION

May 09 Friday Butrovich 205 5:30 PM
 -- Time Change --
 + SB 216 INTERNATIONAL AIRPORTS REVENUE BONDS

May 10 Saturday Butrovich 205 9:00 AM
 + Bills Previously Heard/Scheduled

May 13 Tuesday Butrovich 205 1:30 PM
 HB 280 COMMERCIAL MOTOR VEHICLES:REGULATIONS
 + HB 250 STATE CONTRACTS

JOINT COMMITTEES

CONFERENCE COMMITTEE ON HB 75 & HB 76

May 09 Friday Senate Finance 532 4:00 PM
 = HB 75 APPROP: OPERATING BUDGET/LOANS/FUNDS
 = HB 76 APPROP:MENTAL HEALTH BUDGET
 Dept of Administration
 Dept of Community/Economic Development
 Dept of Environmental Conservation
 Dept of Natural Resources
 Dept of Public Safety
 The following may be taken up:
 Dept of Labor/Workforce Development
 Dept of Transportation/Public Facilities
 Legislature

JOINT COMMITTEES

CONFERENCE COMMITTEE ON HB 75 & HB 76 (continued)

May 10 Saturday Senate Finance 532 12:00 PM
= HB 75 APPROP: OPERATING BUDGET/LOANS/FUNDS
= HB 76 APPROP:MENTAL HEALTH BUDGET
 Depts to be announced