

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Saturday

May 1, 2004

#### One Hundred Eleventh Day

Pursuant to adjournment the Senate was called to order by President Therriault at 1:11 p.m.

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

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

#### The Lord's Prayer

Our Father which art in heaven,  
Hallowed be Thy name.  
Thy kingdom come.  
Thy will be done on earth,  
as it is in heaven.  
Give us this day our daily bread.  
And forgive us our trespasses,  
as we forgive those who trespass against us.  
And lead us not into temptation,  
but deliver us from evil:  
For Thine is the kingdom,  
and the power, and the glory, forever.  
Amen.

Senator Seekins led the Senate in the Pledge of Allegiance.

**Certification**

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

**Messages from the Governor**

Letter dated and received April 30 was read, stating in reviewing our records, an appointee was inadvertently omitted from the submission of appointments dated April 20, 2004, requiring legislative confirmation.

In accordance with AS 39.05.080, I submit the following name for legislative confirmation of appointment to the board set out below:

**Board of Marine Pilots**

Jack G. Poulson, Esq. – Juneau

Appointed: 6/7/2001      Reappointed: 3/24/2004

Term Expires: 3/1/2008

The appointment was referred to the Labor and Commerce Committee.

The resume for this appointment has been submitted to the Offices of the Senate Secretary and the Chief Clerk.

Letter dated and received April 30 was read, stating in accordance with AS 39.05.080, I submit the following names for legislative confirmation of appointment to the boards and commissions set out below:

**Board of Certified Direct-Entry Midwives**

Dana L. Brown – Fairbanks

Appointed: 1/19/2000      Reappointed: 4/30/2004

Term Expires: 3/1/2008

Sharon K. Evans – Palmer

Appointed: 3/27/2001      Reappointed: 4/30/2004

Term Expires: 3/1/2008

**Board of Examiners in Optometry**

Dr. Jill Geering Matheson – Juneau

Appointed: 4/30/2004

Term Expires: 3/1/2008

Dr. Jeff Gonnason – Anchorage

Appointed: 4/30/2004

Term Expires: 3/1/2007

**Board of Dispensing Opticians**

Larry E. Harper – Anchorage

Appointed: 6/14/2000

Reappointed: 4/30/2004

Term Expires: 3/1/2008

The appointments were referred to the Health, Education and Social Services Committee.

**Board of Game**

Michael R. Fleagle – McGrath

Appointed: 1/21/2003

Reappointed: 4/30/2004

Term Expires: 3/1/2007

The appointment was referred to the Resources Committee.

The resumes for these appointments have been submitted to the Offices of the Senate Secretary and the Chief Clerk.

Letter dated and received April 30 was read, stating Mr. James Spalding, our appointee to the labor seat of the Alaska Labor Relations Agency, has withdrawn his acceptance of his appointment. Please remove his name from consideration for confirmation.

The presence of Senator Ogan was noted.

**Messages from the House****SB 283**

Message dated April 30 was read stating, the Speaker has appointed the following members to a Free Conference Committee to consider CS FOR SENATE BILL NO. 283(FIN) am H and

CS FOR SENATE BILL NO. 283(FIN)

APPROP: EDUC/CBR/COURTS/GRANTS/PCE

Representative Williams, Chair

Representative Kott

Representative Joule

Senate members were appointed April 27.

President Therriault stated Senator Wilken will serve as Chair for the Senate Conference Committee members.

Senator Wilken, Chair  
Senator Therriault  
Senator Hoffman

**HB 375**

Message dated April 30 was read stating, the Speaker has granted limited powers of free conference to the Conference Committee considering CS FOR HOUSE BILL NO. 375(FIN) am "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date" and SENATE CS FOR CS FOR HOUSE BILL NO. 375(FIN) am S(brf sup maj fld S) on the attached specific points.

The specific points will be published in Senate and House Joint Journal Supplement No. 18.

**HB 377**

Message dated April 30 was read stating, the Speaker has granted limited powers of free conference to the Conference Committee considering CS FOR HOUSE BILL NO. 377(FIN) "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date" and SENATE CS FOR CS FOR HOUSE BILL NO. 377(FIN) on the attached specific points.

The specific points will be published in Senate and House Joint Journal Supplement No. 18.

Messages dated April 29, April 30 and May 1 were read, stating the House passed and transmitted for consideration:

**First Reading and Reference of  
House Resolutions**

**HJR 9**

CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN) am BY THE HOUSE FINANCE COMMITTEE,

Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit.

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

**HJR 26**

CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) BY THE HOUSE FINANCE COMMITTEE,

Proposing amendments to the Constitution of the State of Alaska relating to and limiting appropriations from the Alaska permanent fund based on an averaged percent of the fund market value.

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

**HJR 48**

CS FOR HOUSE JOINT RESOLUTION NO. 48(RLS) BY THE HOUSE RULES COMMITTEE,

Sending a message of goodwill to President Chen Shui-bian and to the people of Taiwan, and reaffirming the Alaska State Legislature's 2003 resolution urging the United States Congress to support the granting of official Observer Status to the Republic of China on Taiwan and to support negotiation of a free trade agreement with the Republic of China on Taiwan.

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

**First Reading and Reference of House Bills****HB 275**

CS FOR HOUSE BILL NO. 275(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to animals, and to the care of and to cruelty to animals."

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

**HB 298**

CS FOR HOUSE BILL NO. 298(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the income of and appropriations from the Alaska permanent fund under art. IX, sec. 15(b), Constitution of the State of Alaska, and making conforming amendments; relating to the determination of net income of the mental health trust fund; and providing for an effective date."

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

**HB 333**

CS FOR HOUSE BILL NO. 333(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to an endowment for public education and the University of Alaska; relating to university land; and providing for an effective date."

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

**HB 336**

CS FOR HOUSE BILL NO. 336(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to motor vehicle insurance; limiting recovery of civil damages by an uninsured driver; and providing for an effective date."

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

**HB 338**

CS FOR HOUSE BILL NO. 338(HES) BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act relating to attendance at public school; and providing for an effective date."

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

**HB 364**

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 364(O&G) BY THE HOUSE SPECIAL COMMITTEE ON OIL AND GAS, entitled:

"An Act prohibiting the issuance of state shallow natural gas leases in the vicinity of Kachemak Bay, modifying the authority to extend certain shallow natural gas leases, and precluding the director of the division of lands from reissuing or otherwise extending shallow natural gas leases within the Kachemak Bay area if there is a breach of a term or condition of the lease; and providing for an effective date."

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

**HB 381**

CS FOR HOUSE BILL NO. 381(RLS) BY THE HOUSE RULES COMMITTEE, entitled:

"An Act relating to child endangerment."

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

**HB 395**

CS FOR HOUSE BILL NO. 395(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the recovery of shallow natural gas, to the regulation of shallow natural gas or coal bed methane operations, and to oil and gas leasing operations involving activities not governed under the Alaska Land Act; contingently redesignating shallow natural gas as nonconventional gas, and relating to the regulation of that gas under that contingency; and providing for an effective date."

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

**HB 421**

CS FOR HOUSE BILL NO. 421(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to reconveyances of deeds of trust."

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

**HB 427**

CS FOR HOUSE BILL NO. 427(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to guardianships and conservatorships, to the public guardian and the office of public advocacy, to private professional guardians and private professional conservators, to court visitors, court-appointed attorneys, guardians ad litem, and fiduciaries, and to the protection of the person or property of certain individuals, including minors; amending Rule 17(c), Alaska Rules of Civil



Procedure, and Rules 16(f) and 17(e), Alaska Rules of Probate Procedure; and providing for an effective date."

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

**HB 443**

HOUSE BILL NO. 443 BY REPRESENTATIVES KERTTULA, Hawker, Lynn, Dahlstrom, entitled:

"An Act relating to eligibility of nurses for the teachers' and nurses' housing loan program of the Alaska Housing Finance Corporation."

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

**HB 474**

CS FOR HOUSE BILL NO. 474(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to civil liability associated with aircraft runways, airfields, and landing areas."

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

**HB 489**

HOUSE BILL NO. 489 BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the administration of the Alaska Vocational Technical Center; and providing for an effective date."

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

**HB 495**

CS FOR HOUSE BILL NO. 495(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act allowing a joint action agency to encumber property interests for security purposes; declaring certain joint action agencies to be political subdivisions for certain purposes; restricting the sale of property of the joint action agency; allowing the joint action agency to transfer property to security interest holders under a security interest or to other parties without legislative approval; and providing for an effective date."

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

**HB 512**

CS FOR HOUSE BILL NO. 512(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act establishing the Hydrogen Energy Partnership in the Department of Community and Economic Development; requiring the commissioner of community and economic development to seek public and private funding for the partnership; providing for the contingent repeal of an effective date; and providing for an effective date."

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

**HB 515**

HOUSE BILL NO. 515 BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the regulation of municipal water and sewer utilities not in competition with other water and sewer utilities."

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

**HB 531**

CS FOR HOUSE BILL NO. 531(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to natural gas exploration and development and to nonconventional gas, and amending the section under which shallow natural gas leases may be issued; and providing for an effective date."

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

**HB 539**

CS FOR HOUSE BILL NO. 539(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act exempting a person who allows a student of the University of Alaska to gain practical work experience with the person while participating in a practicum from vicarious liability as an employer, and exempting the student participating in a practicum from the Alaska Wage and Hour Act; and providing for an effective date."

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

**HB 540**

CS FOR HOUSE BILL NO. 540(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to workers' compensation insurance rates; and providing for an effective date."

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

**HB 542**

CS FOR HOUSE BILL NO. 542(RLS) BY THE HOUSE RULES COMMITTEE, entitled:

"An Act reducing to \$5,000 the ceiling for a contract price allowed under one construction contractor exemption and expanding the work that a specialty contractor may perform to include, in addition to work requiring not more than three trades, work under that construction contractor exemption; and changing the definition of specialty contractor to refer to the work that a specialty contractor may perform."

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

**HB 545**

CS FOR HOUSE BILL NO. 545(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to time extensions under the State Procurement Code for real property leases; and providing for an effective date."

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

**HB 546**

CS FOR HOUSE BILL NO. 546(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to regulation of the discharge of pollutants from timber-related activities under the National Pollutant Discharge Elimination System; relating to waste treatment and disposal permits; making conforming amendments; and providing for an effective date."

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

**HB 556**

CS FOR HOUSE BILL NO. 556(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to a port development project on Lynn Canal, providing legislative approval for the Alaska Industrial Development and Export Authority to issue bonds for the project; and providing for an effective date."

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

### **Standing Committee Reports**

Report dated April 29 was read stating:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

#### **Alcoholic Beverage Control Board**

Duane Udland – Anchorage

#### **State Assessment Review Board**

Allen S. Black – Palmer

Patrick S. Carlson – Kodiak

#### **Board of Marine Pilots**

Robert J. Arts – Anchorage

#### **Alaska Workers' Compensation Board**

Valarie L. Allmon – Anchorage

Chris N. Johansen – Fairbanks

David Kester – Anchorage

James (Jay) N. Rhodes – Ketchikan

Patricia J. Vollendorf – Anchorage

#### **State Board of Registration for Architects, Engineers and Land Surveyors**

Craig Fredeen – Eagle River

**Board of Barbers and Hairdressers**

Debra Long – Fairbanks  
Joylene A. Marrs – Anchorage  
Angela J. Rosas – Houston  
Larry Allen Ungerecht – Anchorage

This does not reflect intent by any of the members to vote for or against the individuals during any future sessions.

Signing the report: Senator Bunde, Chair; Senators French, Davis.

**SB 65**

The Finance Committee considered SENATE BILL NO. 65 "An Act authorizing the Department of Corrections to enter into agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, and the Municipality of Anchorage" and recommended it be replaced with

CS FOR SENATE BILL NO. 65(FIN) "An Act relating to correctional officers, parole officers, and probation officers; authorizing the Department of Corrections to enter into agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, the Municipality of Anchorage, and the City of Seward; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into an agreement with the City of Whittier for the confinement and care of prisoners in privately operated correctional facility space if the state cannot provide those services for the same or less cost; giving notice of and approving, and authorizing the entry into and issuance of certificates of participation for, the upgrade, expansion, and replacement of certain jails in Dillingham and Kodiak; and providing for an effective date."

Signing do pass: Senators Green, Wilken, Cochairs; Senators Hoffman, Ben Stevens, Dyson. Signing no recommendation: Senator Olson.

The following fiscal information was published today:  
Fiscal Note No. 2, Department of Corrections

The bill is on today's calendar.

**SB 232**

The Finance Committee considered SENATE BILL NO. 232 "An Act relating to federal requirements for governmental plan and other qualifications for the teachers' retirement system, the public employees' retirement system, and the judicial retirement system; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 232(FIN) "An Act relating to federal tax requirements for and other provisions of the teachers' retirement system, the public employees' retirement system, and the judicial retirement system; removing village public safety officers from the public employees' retirement system; eliminating the public employees' retirement system conditional duty to refund contributions under \$1,000 to inactive employees; limiting service credit for village public safety officer service in the public employees' retirement system to five years; and providing for an effective date."

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

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

The bill was referred to the Rules Committee.

**SB 254**

The Labor and Commerce Committee considered SENATE BILL NO. 254 "An Act relating to the levy and collection of an assessment on certain tourism-related and recreation-related goods and services, and repealing the levy of excise taxes of certain passenger and recreation vehicles; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 254(L&C) "An Act relating to the levy and collection of an assessment on certain tourism-related and recreation-related sales, leases, and rentals, to tourism marketing contracts, and to vehicle rental taxes; relating to Alaska marine highway system passenger fares; and providing for an effective date."

Signing no recommendation: Senator Bunde, Chair; Senator Gary Stevens. Signing do not pass: Senator French. Signing amend: Senator Seekins.

Fiscal information forthcoming.

The bill was referred to the Finance Committee.

**SB 272**

Forthcoming fiscal note (page 3120) for the Finance Committee Substitute for SENATE BILL NO. 272 "An Act relating to certain monetary advances in which the deposit or other negotiation of certain instruments to pay the advances is delayed until a later date; and providing for an effective date" was published April 29:

Fiscal Note No. 2, Department of Community and Economic Development

The bill is on today's calendar.

**SB 302**

The Finance Committee considered SENATE BILL NO. 302 "An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state; relating to notaries public; relating to fees for issuing certificates with the seal of the state affixed; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 302(FIN) "An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date."



Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Olson, Bunde, Ben Stevens.

The following previously published fiscal information applies:  
Fiscal Note No. 1, Office of the Governor

The bill was referred to the Rules Committee.

**SB 306**

Forthcoming fiscal note (page 3121) for the Finance Committee Substitute for SENATE BILL NO. 306 "An Act relating to the practice of naturopathic medicine; and providing for an effective date" was published today:

Fiscal Note No. 2, zero, Department of Community and Economic Development

**SB 349**

The Finance Committee considered SENATE BILL NO. 349 "An Act requiring licensure of midwifery birth centers; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senators Hoffman, Olson, Ben Stevens, Dyson.

The following previously published fiscal information applies:  
Fiscal Note No. 1, Department of Health and Social Services

The bill was referred to the Rules Committee.

**SB 371**

The Finance Committee considered SENATE BILL NO. 371 "An Act relating to the powers and duties of the Department of Transportation and Public Facilities; relating to a long-range program for highway construction and maintenance; repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; and providing for an effective date" and recommended the adoption of the Transportation Committee Substitute offered on page 2819.

Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Bunde, Ben Stevens. Signing no recommendation: Senator Olson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Transportation and Public Facilities

The bill was referred to the Rules Committee.

**SB 376**

The Finance Committee considered SENATE BILL NO. 376 "An Act relating to public assistance and subpoena powers" and recommended the adoption of the Health, Education and Social Services Committee Substitute offered on page 2938.

Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Olson, Bunde, Ben Stevens.

The following fiscal information was published today:

Fiscal Note No. 3, zero, Department of Revenue

The following previously published fiscal information applies:

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

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

The bill was referred to the Rules Committee.

**SB 393**

The Finance Committee considered SENATE BILL NO. 393 "An Act relating to default on tuition, fees, and other charges of the University of Alaska and to claims on permanent fund dividends for tuition, fees, and other charges of the University of Alaska that are in default" and recommended it be replaced with

CS FOR SENATE BILL NO. 393(FIN)

Signing do pass: Senator Wilken, Cochair; Senators Hoffman, Ben Stevens, Dyson. Signing no recommendation: Senator Green, Cochair; Senator Olson.

The following fiscal information was published today:

Fiscal Note No. 1, University of Alaska

Fiscal Note No. 2, Department of Revenue

The bill was referred to the Rules Committee.

**SB 395**

The Transportation Committee considered SENATE BILL NO. 395 "An Act relating to application of municipal ordinances providing for planning, platting, and land use regulation to interests in land owned by the Alaska Railroad Corporation; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 395(TRA) "An Act relating to application of municipal ordinances providing for planning, platting, and land use regulation to interests in land owned by the Alaska Railroad Corporation; authorizing the Alaska Railroad Corporation to extend its rail line to Fort Greely, Alaska; authorizing the Alaska Railroad Corporation to issue bonds to finance the cost of the extension and necessary facilities and equipment; and providing for an effective date."

Signing do pass: Senators Wagoner, Cowdery, Cochairs. Signing no recommendation: Senator Therriault.

The following fiscal information was published today:

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

President Therriault added a Finance Committee referral to the bill.

The bill was referred to the Finance Committee.

**HB 29**

The Labor and Commerce Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 29(JUD) am "An Act relating to real estate licensees and real estate transactions; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR SPONSOR  
SUBSTITUTE FOR HOUSE BILL NO. 29(L&C)

Signing no recommendation: Senator Bunde, Chair; Senator Gary Stevens. Signing do pass: Senator Seekins. Signing amend: Senator 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 Judiciary Committee.

**HB 273**

The State Affairs Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 273(JUD) am "An Act relating to the right of a parent to waive an unemancipated child's claim of negligence against a provider of sports or recreational activities." Signing no recommendation: Senator Gary Stevens, Chair; Senators Stedman, Guess.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

The bill was referred to the Judiciary Committee.

**HB 305**

The Labor and Commerce Committee considered HOUSE BILL NO. 305 "An Act relating to the calculation and payment of unemployment compensation benefits; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 305(L&C)

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

The following fiscal information was published today:

Fiscal Note No. 2, zero, Department of Labor and Workforce Development

The bill was referred to the Finance Committee.

**HB 353**

The State Affairs Committee considered CS FOR HOUSE BILL NO. 353(JUD) "An Act exempting certain teachers at certain schools from jury service during school terms; and amending Rule 15(k), Alaska Rules of Administration." Signing no recommendation: Senator Gary Stevens, Chair; Senator Stedman. Signing do pass: Senator Guess.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Alaska Court System

Fiscal Note No. 2, zero, Department of Education and Early Development

The bill was referred to the Health, Education and Social Services Committee.

**HB 423**

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 423(JUD) am "An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage." Signing do pass: Senator Bunde, Chair. Signing no recommendation: Senators French, Davis.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, zero, Department of Public Safety

The bill was referred to the Judiciary Committee.

**HB 425**

The Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 425(EDU) "An Act relating to funding for school districts operating secondary school boarding programs and to funding for school districts from which boarding students come; and providing for an effective date." Signing do pass: Senator Dyson, Chair. Signing no recommendation: Senators Guess, Green, Davis, Wilken.

The following previously published fiscal information applies:

Fiscal Note No. 2, Department of Education and Early

Development

The bill was referred to the Finance Committee.

**HB 430**

The Labor and Commerce Committee considered HOUSE BILL NO. 430 "An Act relating to employees under 21 years of age in the premises of hotels, restaurants, and eating places that are licensed to sell, serve, deliver, or dispense alcoholic beverages." Signing do pass: Senator Bunde, Chair; Senator Davis. Signing no recommendation: Senator Gary Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Labor and Workforce  
Development

Fiscal Note No. 2, zero, Department of Public Safety

The bill was referred to the Finance Committee.

**HB 438**

The State Affairs Committee considered CS FOR HOUSE BILL NO. 438(JUD) am "An Act relating to motorists moving over or slowing down for emergency vehicles" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
438(STA)

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, zero, Department of Public Safety

The bill was referred to the Judiciary Committee.

**HB 467**

The State Affairs Committee considered CS FOR HOUSE BILL NO. 467(FIN) "An Act establishing an Alaska Commemorative Coin Commission to develop the design concepts and to make recommendations regarding the final design of the Alaska quarter under the 50 States Commemorative Coin Program Act; and providing for an effective date." Signing no recommendation: Senator Gary Stevens, Chair; Senator Stedman. Signing do pass: Senator Guess.

The following previously published fiscal information applies:

Fiscal Note No. 2, zero, House Finance Committee

The bill was referred to the Health, Education and Social Services Committee.

**HB 476**

The State Affairs Committee considered CS FOR HOUSE BILL NO. 476(STA) "An Act establishing the Alaska Statehood Celebration Commission; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senators Stedman, Guess.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Legislative Agency

Fiscal Note No. 3, zero, House Finance Committee

The bill was referred to the Rules Committee.

**HB 486**

The Finance Committee considered CS FOR HOUSE BILL NO. 486(FIN) "An Act relating to reclamation bonding and financial assurance for certain mines; relating to financial assurance limits for lode mines; establishing the mine reclamation trust fund; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senator Ben Stevens. Signing no recommendation: Senators Hoffman, Olson.

The following fiscal information was published today:

Fiscal Note No. 3, Department of Revenue

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Natural Resources

The bill was referred to the Rules Committee.

**HB 500**

The Health, Education and Social Services Committee considered HOUSE BILL NO. 500(title am) "An Act including the Joint Commission on Accreditation of Healthcare Organizations under the definition of medical review organizations." Signing do pass: Senator Dyson, Chair; Senators Guess, Green, Davis, Wilken.

The following previously published fiscal information applies:

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

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

The bill was referred to the Rules Committee.

**HB 517**

The Labor and Commerce Committee considered HOUSE BILL NO. 517(title am) "An Act relating to the definition of certain security accounts, including certain reinvestment, investment management, and custody accounts." Signing do pass: Senator Bunde, Chair. Signing no recommendation: Senators Davis, Gary Stevens.

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 522**

The Resources Committee considered HOUSE BILL NO. 522 am "An Act relating to discharges from small commercial passenger vessels; and providing for an effective date." Signing do pass: Senator Ogan, Chair; Senators Elton, Dyson, Wagoner, Ben Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Environmental  
Conservation

The bill was referred to the Rules Committee.

**HB 549**

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 549(JUD) am "An Act relating to unsolicited communications following an aircraft accident" and recommended it be replaced with

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



Signing no recommendation: Senator Bunde, Chair; Senators Seekins, Gary Stevens. Signing do not pass: Senator French.

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 Judiciary Committee.

### **SJR 33**

The State Affairs Committee considered SENATE JOINT RESOLUTION NO. 33 Urging our United States Senators to work to allow a timely vote on the floor on all judicial nominations, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO.  
33(STA)

Signing do pass: Senator Gary Stevens, Chair, Senator Cowdery. Signing do not pass: Senator Guess. Signing no recommendation: Senator Stedman.

The following fiscal information was published today:

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

The resolution was referred to the Judiciary Committee.

### **HJR 36**

The State Affairs Committee considered HOUSE JOINT RESOLUTION NO. 36 Requesting the National Park Service to mitigate the adverse economic effects of commercial fishing closures and restrictions in Glacier Bay National Park and Preserve. Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Stedman. Signing no recommendation: Senator Guess.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Legislative Agency

The resolution was referred to the Resources Committee.

**HJR 41**

The State Affairs Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 41(RES) Relating to support for the Federal Land Recreational Visitor Protection Act. Signing no recommendation: Senator Gary Stevens, Chair; Senators Cowdery, Stedman. Signing do pass: Senator Guess.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Resources Committee

The resolution was referred to the Resources Committee.

**Special Committee Reports****HB 375**

The following report was received April 29:

April 26, 2004

Dear Mr. President and Mr. Speaker,

The CONFERENCE COMMITTEE considered CS FOR HOUSE BILL NO. 375(FIN) am "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date" and SENATE CS FOR CS FOR HOUSE BILL NO. 375(FIN) am S(brf sup maj fld S) respectfully requests limited powers of free conference on the following specific points (details listed in attached reports):

- Allocations with Items Subject to Conference
- Language Subject to Conference
- Structural Changes Subject to Conference
- Mental Health Capital Projects Subject to Conference

The details of the specific points will be published in Senate and House Joint Journal Supplement No. 18.

Signing the report: Representative Harris, Chair; Representatives Williams, Croft. Senators Green, Wilken, Hoffman.

President Therriault granted the Conference Committee limited powers of free conference as requested.

**HB 377**

The following report was received April 29:

April 26, 2004

Dear Mr. President and Mr. Speaker,

The CONFERENCE COMMITTEE considered CS FOR HOUSE BILL NO. 377(FIN) "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date" and SENATE CS FOR CS FOR HOUSE BILL NO. 377(FIN) respectfully requests limited powers of free conference on the following specific points (details listed in attached reports):

- Allocations with Items Subject to Conference
- Language Subject to Conference
- Structural Changes Subject to Conference
- Mental Health Capital Projects Subject to Conference

The details of the specific points will be published in Senate and House Joint Journal Supplement No. 18.

Signing the report: Representative Harris, Chair; Representatives Williams, Croft. Senators Green, Wilken, Hoffman.

President Therriault granted the Conference Committee limited powers of free conference as requested.

**Consideration of the Calendar****Second Reading of Senate Bills****SB 65**

SENATE BILL NO. 65 "An Act authorizing the Department of Corrections to enter into agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, and the Municipality of Anchorage" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 3196. Without objection, CS FOR SENATE BILL NO. 65(FIN) "An Act relating to correctional officers, parole officers, and probation officers; authorizing the Department of Corrections to enter into agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, the Municipality of Anchorage, and the City of Seward; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into an agreement with the City of Whittier for the confinement and care of prisoners in privately operated correctional facility space if the state cannot provide those services for the same or less cost; giving notice of and approving, and authorizing the entry into and issuance of certificates of participation for, the upgrade, expansion, and replacement of certain jails in Dillingham and Kodiak; and providing for an effective date" was adopted.

Senator Green offered Title Amendment No. 1:

Page 1, line 1, following "**relating to**":

Insert "**the qualifications of**"

Senator Green moved for the adoption of Title Amendment No. 1. Without objection, Title Amendment No. 1 was adopted.

Senators Guess, Green offered Amendment No. 2:

Page 4, line 7:

Delete "these services"

Insert "the same level of services required in state law or regulation"

Page 4, line 9:

Delete "these services"

Insert "the same level of services required in state law or regulation"

Senator Guess moved for the adoption of Amendment No. 2. Without objection, Amendment No. 2 was adopted.

Senators Wagoner, Green offered Amendment No. 3:

Page 3, line 28:

Insert new subsection

“(d) at the end of the term of the lease-purchase agreement, the state shall own the correctional facility”

Page 5, line 17:

Insert new subsection

“(e) at the end of the term of the lease-purchase agreement, the state shall own the correctional facility”

Senator Wagoner moved for the adoption of Amendment No. 3. Senator French objected, then withdrew his objection. There being no further objection, Amendment No. 3 was adopted.

Senator Ben Stevens moved and asked unanimous consent that CS FOR SENATE BILL NO. 65(FIN) am be held in second reading to the bottom of today's calendar. Without objection, it was so ordered.

### **Reconsideration of Senate Bills**

#### **SB 368**

Senator Bunde requested that the reconsideration on CS FOR SENATE BILL NO. 368(FIN) am be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 368(FIN) am "An Act relating to taxes on cigarettes and tobacco products, to tax stamps on cigarettes, to forfeiture of cigarettes and of property used in the manufacture, transportation, or sale of unstamped cigarettes, and to licenses and licensees under the Cigarette Tax Act; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 368(FIN) am  
Third Reading - On Reconsideration  
Effective Date

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

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Guess, Lincoln, Olson, Seekins, Stedman, Stevens B, Stevens G, Wilken

Nays: Green, Hoffman, Ogan, Therriault, Wagoner

and so, CS FOR SENATE BILL NO. 368(FIN) am passed the Senate on reconsideration.

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.

### **Second Reading of Senate Bills (continued)**

#### **SB 132**

SENATE BILL NO. 132 "An Act removing the Old Minto townsite from the Minto Flats State Game Refuge; and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Minto Village Council" was read the second time.

Senator Ogan, Chair, moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 3118. Without objection, CS FOR SENATE BILL NO. 132(RES) "An Act removing the Old Minto townsite from the Minto Flats State Game Refuge; and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Native Village of Minto" 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. 132(RES) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 132(RES) "An Act removing the Old Minto townsite from the Minto Flats State Game Refuge; and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Native Village of Minto" pass the Senate?" The roll was taken with the following result:

CSSB 132(RES)

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, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

and so, CS FOR SENATE BILL NO. 132(RES) passed the Senate.

Senator Cowdery gave notice of reconsideration.

**SB 272**

SENATE BILL NO. 272 "An Act relating to certain monetary advances in which the deposit or other negotiation of certain instruments to pay the advances is delayed until a later date; 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 Committee Substitute offered on page 3119. Without objection, CS FOR SENATE BILL NO. 272(FIN) "An Act relating to certain monetary advances in which the deposit or other negotiation of checks to pay the advances is delayed until a later date; 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. 272(FIN) will be on the May 2 calendar.

**Second Reading of House Bills****HB 213**

CS FOR HOUSE BILL NO. 213(FIN) "An Act relating to a provisional driver's license and to issuance of a driver's license; 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 3010. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 213(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. 213(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 213(FIN) "An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 213(FIN)  
Third Reading - Final Passage  
Effective Date

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

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

Nays: Seekins, Therriault

Absent: Hoffman

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 213(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 clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

**HB 524**

HOUSE BILL NO. 524 am "An Act relating to the protection of land and water from waste disposal; providing for the regulation of waste management; making conforming amendments; and providing for an effective date" was read the second time.

Senator Ogan, Chair, moved and asked unanimous consent for the adoption of the Resources Senate Committee Substitute offered on page 2774. Without objection, SENATE CS FOR HOUSE BILL NO. 524(RES) 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 SENATE CS FOR HOUSE BILL NO. 524(RES) will be on the May 2 calendar.

**Third Reading of Senate Bills****SB 136**

CS FOR SENATE BILL NO. 136(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 136(FIN) "An Act relating to an optional exclusion or exemption from municipal taxation for residential property; and relating to an exemption from and deferral of municipal property taxes on certain types of deteriorated property" pass the Senate?" The roll was taken with the following result:

CSSB 136(FIN)

Third Reading - Final Passage

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

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

Absent: Hoffman, Ogan

and so, CS FOR SENATE BILL NO. 136(FIN) passed the Senate.

Senator Guess gave notice of reconsideration.

**SB 354**

CS FOR SENATE BILL NO. 354(STA) "An Act relating to complaints filed with, and investigations, hearings, and orders of, the State Commission for Human Rights; making conforming amendments; and providing for an effective date" was read the third time.

Senator Guess moved 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 Guess offered Amendment No. 1:

Page 2, line 24:

Delete "**for administrative convenience**"

Insert "**of complaints**"

Page 2, line 26:

Delete "for administrative convenience"

Page 2, line 27:

Delete "in the executive director's discretion"

Insert "with the concurrence of the commission"

Page 3, line 3:

Delete all material.

Renumber the following paragraphs accordingly.

Page 3, line 5, following "facts;":  
Insert "or"

Page 3, line 6:  
Delete all material.

Renumber the following paragraphs accordingly.

Page 3, line 7:  
Delete ";"  
Insert "."

Page 3, lines 8 - 9:  
Delete all material.

Senator Guess moved for the adoption of Amendment No. 1. Senator Ben Stevens objected.

Senator Green called the Senate. The call was satisfied.

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

CSSB 354(STA)  
Second Reading  
Amendment No. 1

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

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

Nays: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Bunde changed from "Yea" to "Nay".

and so, Amendment No. 1 failed.

CS FOR SENATE BILL NO. 354(STA) was automatically in third reading.

Senator Guess moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 2. Without objection, the bill was returned to second reading.

Senator Guess offered Amendment No. 2:

Page 4, lines 18 - 19:

Delete "**The commission may not order an award of noneconomic or punitive damages in any case**"

Senator Guess moved for the adoption of Amendment No. 2. Senator Green objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSSB 354(STA)  
Second Reading  
Amendment No. 2

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

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

Nays: Bunde, Cowdery, Dyson, Green, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

and so, Amendment No. 2 failed.

CS FOR SENATE BILL NO. 354(STA) was automatically in third reading.

Senator Guess moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 3. Without objection, the bill was returned to second reading.

Senator Guess offered Amendment No. 3:

Page 4, line 21, following "order":

Insert "**appropriate relief, including but not limited to**"

Page 5, line 12:

Delete "[, BUT NOT BE LIMITED TO,]"

Insert ", but not be limited to,"

Senator Guess moved for the adoption of Amendment No. 3. Senator Ben Stevens objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

CSSB 354(STA)  
Second Reading  
Amendment No. 3

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

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

Nays: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

and so, Amendment No. 3 failed.

CS FOR SENATE BILL NO. 354(STA) was automatically in third reading.

The question being: "Shall CS FOR SENATE BILL NO. 354(STA) "An Act relating to complaints filed with, and investigations, hearings, and orders of, the State Commission for Human Rights; making conforming amendments; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 354(STA)  
Third Reading - Final Passage

**YEAS: 13 NAYS: 7 EXCUSED: 0 ABSENT: 0**

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

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

and so, CS FOR SENATE BILL NO. 354(STA) passed the Senate.

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

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

CSSB 354(STA)  
Effective Date Clauses

**YEAS: 13 NAYS: 7 EXCUSED: 0 ABSENT: 0**

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

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

and so, the effective date clauses failed to be adopted.

Senator Seekins gave notice of reconsideration on CS FOR SENATE BILL NO. 354(STA)(efd fld) "An Act relating to complaints filed with, and investigations, hearings, and orders of, the State Commission for Human Rights; and making conforming amendments."

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

#### **HB 347**

HOUSE BILL NO. 347 was read the third time.

The question being: "Shall HOUSE BILL NO. 347 "An Act exempting taxicabs from the passenger vehicle rental tax; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 347  
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, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

and so, HOUSE BILL NO. 347 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 signed by the President and Secretary and returned to the House.

Senators Wilken, Dyson, Ellis, Elton, Guess moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

### **Senate Bills in Second Reading**

#### **SB 65**

CS FOR SENATE BILL NO. 65(FIN) am "An Act relating to the qualifications of correctional officers, parole officers, and probation officers; authorizing the Department of Corrections to enter into agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, the Municipality of Anchorage, and the City of Seward; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into an agreement with the City of Whittier for the confinement and care of prisoners in privately operated correctional facility space if the state cannot provide those services for the same or less cost; giving notice of and approving, and authorizing the entry into and issuance of certificates of participation for, the upgrade, expansion, and replacement of certain jails in Dillingham and Kodiak; and providing for an effective date," which had been held to the bottom of today's calendar (page 3211), was before the Senate in second reading.

Senator Wagoner moved that the Senate rescind its previous action in adopting Amendment No. 3. Without objection, it was so ordered.

Amendment No. 3 was before the Senate.

Senator Wagoner moved and asked unanimous consent to withdraw Amendment No. 3. Without objection, Amendment No. 3 was withdrawn.

Senator Wagoner offered Amendment No. 4:

Page 1, line 2, following "into":

Insert "**lease-purchase**"

Page 1, line 6:

Delete "**an**"

Insert "**a lease-purchase**"

Page 2, line 24, following "into":

Insert "lease-purchase"

Page 3, line 12, following "shall":

Insert "initially"

Page 3, line 13:

Delete "lease"

Insert "lease-purchase agreement"

Page 3, line 14, following "the facility":

Insert "and the state to own the facility at the end of the lease term"

Page 3, line 18:

Delete "lease"

Insert "lease-purchase agreement"

Page 3, line 19, following the first occurrence of "facility":

Insert "and own the facility at the end of the term of the agreement"

Page 3, line 19:

Delete "lease"

Insert "lease-purchase agreement"

Page 3, line 21

Delete "lease"

Insert "lease-purchase"



Page 4, line 1:

Delete "an"

Insert "a lease-purchase"

Page 4, line 11, following "The":

Insert "lease-purchase"

Page 4, line 15, following "law.":

Insert "The state shall own the facility at the end of the term of the lease-purchase agreement."

Page 5, line 23, following "Act":

Insert ", provided the state acquires ownership of the facilities as a condition of the certificates and agreements"

Page 5, line 26:

Delete "lease-financing"

Insert "lease-purchase financing"

Page 6, line 28:

Delete "sec. 6"

Insert "secs. 1 - 7"

Senator Wagoner moved for the adoption of Amendment No. 4.  
Senator Ogan objected, then withdrew his objection.

Senator Wagoner moved and asked unanimous consent for the adoption of the following amendment to Amendment No. 4:

In Amendment No. 4 , delete the following:

“Page 5, line 23, following "Act":

Insert ", provided the state acquires ownership of the facilities as a condition of the certificates and agreements"

Page 5, line 26:

Delete "lease-financing"

Insert "lease-purchase financing"”

Under Page 6, line 28:  
Delete "secs. 1 – 7"  
Insert "secs. 1 – 5"

Without objection, Amendment No. 4 was amended.

Senator Green moved and asked unanimous consent to be shown as a cosponsor on Amendment No. 4 as amended. Without objection, it was so ordered.

There being no further objection to the adoption of Amendment no. 4 as amended, Amendment No. 4 as amended was adopted.

Senator Guess offered Title Amendment No. 5:

Page 1, line 8:  
Delete **"those services"**  
Insert **"the same level of services required in state law or regulation"**

Senator Guess moved for the adoption of Amendment No. 5. Without objection, Amendment No. 5 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. 65(FIN) am was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 65(FIN) am "An Act relating to the qualifications of correctional officers, parole officers, and probation officers; authorizing the Department of Corrections to enter into lease-purchase agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, the Municipality of Anchorage, and the City of Seward; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into a lease-purchase agreement with the City of Whittier for the confinement and care of prisoners in privately

operated correctional facility space if the state cannot provide the same level of services required in state law or regulation for the same or less cost; giving notice of and approving, and authorizing the entry into and issuance of certificates of participation for, the upgrade, expansion, and replacement of certain jails in Dillingham and Kodiak; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 65(FIN) am  
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, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

and so, CS FOR SENATE BILL NO. 65(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 clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

### **Unfinished Business**

#### **SB 97**

President Therriault added a Judiciary Committee referral to SENATE BILL NO. 97 "An Act relating to public interest litigants and to attorney fees; and amending Rule 82, Alaska Rules of Civil Procedure."

The bill was referred to the Judiciary Committee.

#### **SJR 33**

Senator Seekins, Chair, moved and asked unanimous consent that the Judiciary Committee referral be waived on SENATE JOINT RESOLUTION NO. 33 Urging our United States Senators to work to allow a timely vote on the floor on all judicial nominations. Senator Ellis objected.

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

SJR 33

Waive resolution from committee?

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

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

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

and so, the Judiciary Committee referral was waived.

The resolution was referred to the Rules Committee.

### **Reconsideration of Senate Bills**

**SB 311**

Senator French requested that the reconsideration on CS FOR SENATE BILL NO. 311(JUD) (efd fld) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 311(JUD) "An Act providing for a special deposit for workers' compensation insurers; relating to the board of governors of the Alaska Insurance Guaranty Association; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to restructuring the Alaska workers' compensation system; eliminating the Alaska Workers' Compensation Board; establishing a division of workers' compensation within the Department of Labor and Workforce Development and assigning certain Alaska Workers' Compensation Board functions to the division and the Department of Labor and Workforce Development; establishing a Workers' Compensation Appeals Commission; assigning certain functions of the Alaska Workers' Compensation Board to the Workers' Compensation Appeals Commission and the Workers' Compensation Hearings Board; relating to agreements that discharge workers' compensation liability; providing for hearing examiners and hearing panels in workers' compensation proceedings; relating to workers' compensation

awards; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to assigned risk pools and insurers; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 311(JUD)

Third Reading - On Reconsideration

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

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

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

and so, CS FOR SENATE BILL NO. 311(JUD) passed the Senate on reconsideration.

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

Senator Ben Stevens called the Senate. Senator Ben Stevens lifted the call.

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

CSSB 311(JUD)

Effective Date Clauses

**YEAS: 11 NAYS: 8 EXCUSED: 0 ABSENT: 1**

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

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

Absent: Ogan

and so, the effective date clause failed to be adopted and CS FOR SENATE BILL NO. 311(JUD)(efd fld) was referred to the Secretary for engrossment.

**HB 443**

Senators Elton, Dyson, Gary Stevens, Lincoln, French, Ellis, Wagoner, Olson moved and asked unanimous consent to be shown as cross sponsors on HOUSE BILL NO. 443 "An Act relating to eligibility of nurses for the teachers' and nurses' housing loan program of the Alaska Housing Finance Corporation." Without objection, it was so ordered.

**SB 65**

Senators Gary Stevens, Dyson, Cowdery, Bunde, Stedman, Davis, Lincoln moved and asked unanimous consent to be shown as cosponsors on CS FOR SENATE BILL NO. 65(FIN) am "An Act relating to the qualifications of correctional officers, parole officers, and probation officers; authorizing the Department of Corrections to enter into lease-purchase agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, the Municipality of Anchorage, and the City of Seward; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into a lease-purchase agreement with the City of Whittier for the confinement and care of prisoners in privately operated correctional facility space if the state cannot provide the same level of services required in state law or regulation for the same or less cost; giving notice of and approving, and authorizing the entry into and issuance of certificates of participation for, the upgrade, expansion, and replacement of certain jails in Dillingham and Kodiak; and providing for an effective date." Without objection, it was so ordered.

**SB 377**

Senator Wilken, Cochair, moved and asked unanimous consent that the Finance Committee referral be waived on SENATE BILL NO. 377 "An Act relating to the state's mechanical code, to mechanical contractors and mechanical administrators, to mechanical standards and inspections involved in certain housing loans, and to the adoption of the state's mechanical code; and providing for an effective date."

Without objection, the bill was referred to the Rules Committee.

### **Announcements**

Announcements are at the end of the journal.

### **Engrossment**

#### **SB 65**

CS FOR SENATE BILL NO. 65(FIN) am "An Act relating to the qualifications of correctional officers, parole officers, and probation officers; authorizing the Department of Corrections to enter into lease-purchase agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, the Municipality of Anchorage, and the City of Seward; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into a lease-purchase agreement with the City of Whittier for the confinement and care of prisoners in privately operated correctional facility space if the state cannot provide the same level of services required in state law or regulation for the same or less cost; giving notice of and approving, and authorizing the entry into and issuance of certificates of participation for, the upgrade, expansion, and replacement of certain jails in Dillingham and Kodiak; and providing for an effective date." was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

#### **SB 311**

CS FOR SENATE BILL NO. 311(JUD)(efd fld) "An Act providing for a special deposit for workers' compensation insurers; relating to the board of governors of the Alaska Insurance Guaranty Association; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to restructuring the Alaska workers' compensation system; eliminating the Alaska Workers' Compensation Board; establishing a division of workers' compensation within the Department of Labor and Workforce

Development and assigning certain Alaska Workers' Compensation Board functions to the division and the Department of Labor and Workforce Development; establishing a Workers' Compensation Appeals Commission; assigning certain functions of the Alaska Workers' Compensation Board to the Workers' Compensation Appeals Commission and the Workers' Compensation Hearings Board; relating to agreements that discharge workers' compensation liability; providing for hearing examiners and hearing panels in workers' compensation proceedings; relating to workers' compensation awards; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; and relating to assigned risk pools and insurers" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 368**

CS FOR SENATE BILL NO. 368(FIN) am "An Act relating to taxes on cigarettes and tobacco products, to tax stamps on cigarettes, to forfeiture of cigarettes and of property used in the manufacture, transportation, or sale of unstamped cigarettes, and to licenses and licensees under the Cigarette Tax Act; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**HB 213**

SENATE CS FOR CS FOR HOUSE BILL NO. 213(FIN) "An Act relating to a provisional driver's license and to issuance of a driver's license; 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 1:00 p.m., May 2, 2004. Without objection, the Senate adjourned at 4:00 p.m.

Kirsten Waid  
Secretary of the Senate

August 2004

**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

**FINANCE**

**May 01      Saturday                      Senate Finance 532              9:00 AM**  
No Meeting Scheduled

**May 02      Sunday                                  Senate Finance 532              12:00 PM**  
-- Teleconference <Listen Only> --  
-- Time Change --

- + SB 284 PF DIVIDEND APPLICATION RECORDS PRIVATE
- + HB 298 DISTRIBUTIONS OF APPROPS FROM PERM FUND
- + HJR 9 CONST AM: APPROPRIATION/SPENDING LIMIT
- + HJR 26 CONST. AM: PF APPROPS/INFLATION-PROOFING
- + Bills Previously Heard/Scheduled
- + Invited Testimony Only

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**May 03      Monday                                  Butrovich 205              1:30 PM**  
+ HB 511 CERTIFICATE OF NEED PROGRAM  
Bills Previously Heard/Scheduled  
If Necessary

**May 05      Wednesday                              Butrovich 205              1:30 PM**  
+ Bills Previously Heard/Scheduled  
If Necessary

**HEALTH, EDUCATION & SOCIAL SERVICES (continued)**

**May 07 Friday Butrovich 205 1:30 PM**  
 + Bills Previously Heard/Scheduled  
 If Necessary

**JUDICIARY**

**May 01 Saturday Butrovich 205 5:00 PM**  
 += SJR 33 CONGRESSIONAL VOTE ON JUDICIAL NOMINATION  
 <JUD Referral Waived>  
 += HB 29 REAL PROPERTY TRANSACTIONS/LICENSEES  
 += HB 15 SOLICITATIONS/CONSUMER PROTECTION  
 += HB 514 CHILD SUPPORT ENFORCEMENT/ CRIMES  
 Bills Previously Heard/Scheduled

**May 02 Sunday Butrovich 205 3:00 PM**  
 + HB 539 UNIV. STUDENT PRACTICUM LIABILITY/WAGES  
 + HB 339 TRADE PRACTICES: FREE TRIAL/OPT-OUT PLANS  
 + HB 336 MOTOR VEHICLE INS./ UNINSURED DRIVERS  
 + HB 438 MOVE OVER LAW FOR DRIVERS  
 + HB 423 TAXICAB DRIVER LIABILITY  
 + Bills Previously Heard/Scheduled

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**LABOR & COMMERCE**

**May 04 Tuesday Beltz 211 1:30 PM**  
 + HCR 32 AK INFO INFRASTRUCTURE POLICY TASK FORCE  
 + HB 490 EMPLOYMENT SECURITY ACT AMENDMENTS  
 <Pending Referral>  
 Bills Previously Heard/Scheduled  
 Including, but Not Limited to:  
 += HB 540 WORKERS' COMPENSATION INSURANCE RATES  
 += HB 418 REAL ESTATE COM'N/LICENSEE/HOME INSPECT

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**STATE AFFAIRS**

- May 01 Saturday Beltz 211**  
 \*\*\* Immediately Following Session \*\*\*
- + SJR 34 TAIWAN STATUS AND PRESIDENT
  - + SCR 25 STATE CONSTRUCTION/MAINTENANCE CONTRACTS  
<Above Item Removed from Agenda>
  - + HB 379 OFFICE OF CITIZENSHIP ASSISTANCE
  - + HB 366 ANIMAL CLASSICS CHARITABLE GAMING
  - + HB 490 EMPLOYMENT SECURITY ACT AMENDMENTS
  - + HB 309 PROHIBIT RELEASE OF PREDATORY FISH
  - + HB 351 CARBON MONOXIDE DETECTION DEVICES  
Bills Previously Heard/Scheduled
  - + = HB 405 SCHOOL PERFORMANCE DESIGNATION/REPORT
  - + = HB 373 STATE TREASURY WARRANTS

**JOINT COMMITTEES**

**CONFERENCE COMMITTEE ON SB 283**

- May 01 Saturday Senate Finance 532 4:30 PM**  
 = SB 283 APPROP: EDUC/CBR/COURTS/GRANTS/PCE

**LEGISLATIVE COUNCIL**

- May 05 Wednesday House Finance Room 5:00 PM**  
 Agenda To Be Announced

**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

- May 07 Friday Capitol 120 8:00 AM**  
 + Full Committee Meeting: Open Session  
 Advisory Opinion 04-03  
 <Public Comment by Invitation Only>  
 Open Meetings