

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

May 7, 2004

One Hundred Seventeenth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:06 a.m.

The roll showed twenty members present.

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

Dear Lord Jesus;

We thank You for this beautiful day and this beautiful season. We thank You that we can come together and think of new life springing forth, with the green trees and the grass growing. Lord, I want to thank You for the health that we have as well. We realize that there are many people whose lives we are affecting, whose health is less than what it could be.

God, as we get ready to continue with the end of session maneuvering, may we have the maturity to continue on with what You have given us. Lord, even though we disagree, may we not be disagreeable. Give us humility and give us patience, especially during this election year.

We pray especially for our families and our friends throughout this state and throughout this nation. We pray for a safe summer. In Your name, Amen.

Senator French led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor**HCR 31**

Message dated and received May 7 was read, stating the Governor transmitted the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's Office for permanent filing:

SENATE CS FOR CS FOR HOUSE
CONCURRENT RESOLUTION NO. 31(HES) am S
Proclaiming June 2004 as Traumatic Brain Injury
Awareness Month.

Legislative Resolve No. 43

Messages from the House**SB 239**

Message dated May 6 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 239(HES) am "An Act
relating to the required number of days or hours in
session in a school year; and providing for an
effective date."

The bill was referred to the Secretary for enrollment.

SB 255

Message dated May 6 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 255(FIN) "An Act
relating to traffic preemption devices."

The bill was referred to the Secretary for enrollment.

SB 286

Message dated May 6 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 286(FIN) "An Act relating to direct marketing fisheries businesses, to the fisheries business tax, and to liability for payment of taxes and assessments on the sale or transfer of fishery resources; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SB 322

Message dated May 6 was read, stating the House passed and returned:

SENATE BILL NO. 322 "An Act relating to the rate of the salmon enhancement tax."

The bill was referred to the Secretary for enrollment.

Message dated May 6 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 255**

CS FOR HOUSE BILL NO. 255(FIN)(title am) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act amending the Alaska Wage and Hour Act as it relates to the scope of administrative regulations defining a person employed in a bona fide executive, administrative, or professional capacity as it pertains to minimum salaries to require that the minimum salary for that individual be two times the minimum wage for the first forty hours of employment each week."

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

Concur Messages**SB 276**

Message dated May 6 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 276(FIN) "An Act relating to the Alaska Insurance Guaranty Association; relating to the powers of the Alaska Industrial Development and Export Authority concerning the association; and providing for an effective date" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO. 276(JUD)

President Therriault stated the message will be held on the Secretary's desk.

SB 327

Message dated May 6 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 327(STA) "An Act relating to pedestrians using rollerblades, roller skates, and rollerskis." with the following amendment:

CS FOR SENATE BILL NO. 327(STA) am H

President Therriault stated the message will be held on the Secretary's desk.

SB 328

Message dated May 6 was read, stating the House passed and returned for consideration CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 328(FIN) "An Act relating to the national forest income program in the Department of Community and Economic Development and to the authority of the department to adopt regulations; making conforming amendments; and providing for an effective date" with the following amendment:

HOUSE CS FOR CS FOR SPONSOR
SUBSTITUTE FOR SENATE BILL NO. 328(CRA)

President Therriault stated the message will be held on the Secretary's desk.

Standing Committee Reports

Report dated May 6 was read stating:

In accordance with AS 39.05.080, the Senate State Affairs Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration:

Commissioner, Department of Administration

Ray Matiashowski

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

Signing the report: Senator Gary Stevens, Chair; Senators Cowdery, Stedman.

SB 246

The Judiciary Committee considered SENATE BILL NO. 246 "An Act relating to the commission of an offense or a juvenile delinquency act involving the victim's race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin; relating to sentencing, informal adjustment, and adjudication for those offenses and acts; relating to a diversity tolerance program for certain juvenile delinquency acts; relating to a civil cause of action for certain acts involving discriminatory harassment; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 246(JUD) "An Act relating to sentencing for the commission of offenses or a juvenile delinquency act directed against peace officers, fire fighters, and other emergency responders or involving the victim's actual or perceived race, sex, color, creed, physical or mental disability, ancestry, or national origin; relating to probation, informal adjustment, and adjudication for those offenses and acts; relating to a diversity tolerance program for certain juvenile delinquency acts; and providing for an effective date."

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

The following previously published fiscal information applies:

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

The bill was referred to the Finance Committee.

SB 366

The Finance Committee considered SENATE BILL NO. 366 "An Act relating to the levy and collection of sales and use taxes, to the levy and collection of municipal sales and use taxes, and to municipal sales and use taxes on alcoholic beverages; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 366(FIN) "An Act relating to the levy and collection of sales and use taxes, and to the levy, collection, and expenditure of municipal taxes; and providing for an effective date."

Signing do pass: Senator Wilken, Cochair; Senators Bunde, Ben Stevens. Signing do not pass: Senators Hoffman, Olson. Signing no recommendation: Senator Dyson.

The following fiscal information was published today:

- Fiscal Note No. 1, indeterminate, Department of Revenue

The bill is on today's calendar.

HB 15

The Finance Committee considered CS FOR HOUSE BILL NO. 15(FIN) am "An Act relating to fair trade practices and consumer protection, to telephone solicitations, to charitable solicitations; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
15(FIN)

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

The following previously published fiscal information applies:

Fiscal Note No. 4, zero, Department of Community and Economic Development

Fiscal Note No. 5, Department of Law

The bill was referred to the Rules Committee.

HB 196

The Resources Committee considered CS FOR HOUSE BILL NO. 196(RES) "An Act relating to carbon sequestration; and providing for an effective date" and recommended it be replaced with

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

Signing amend: Senator Ogan, Chair. Signing do pass: Senators Wagoner, Dyson, Lincoln, Elton, Seekins.

The following fiscal information was published today:

Fiscal Note No. 3, zero, Department of Natural Resources

Fiscal Note No. 4, zero, Department of Environmental Conservation

The bill was referred to the Rules Committee.

HB 367

The Judiciary Committee considered CS FOR HOUSE BILL NO. 367(FIN) am "An Act relating to the licensing and regulation of adult-oriented businesses; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
367(JUD)
(forthcoming)

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

The following previously published fiscal information applies:

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

Fiscal Note No. 3, zero, Department of Public Safety

Fiscal Note No. 4, zero, Department of Community and Economic Development

The bill was referred to the Finance Committee.

HB 452

The Resources Committee considered CS FOR HOUSE BILL NO. 452(FIN) am "An Act relating to licensing and regulation of sport fishing operators and sport fishing guides; authorizing the Department of Fish and Game and the Alaska Commercial Fisheries Entry Commission to release records and reports to the Department of Natural Resources and the Department of Public Safety; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 452(RES) "An Act relating to licensing and regulation of sport fishing operators and sport fishing guides; relating to licensing and registration of sport fishing vessels; authorizing the Department of Fish and Game and the Alaska Commercial Fisheries Entry Commission to release records and reports to the Department of Natural Resources and the Department of Public Safety; and providing for an effective date."

(Title change authorized by SCR 27)

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

The following fiscal information was published today:

Fiscal Note No. 4, Department of Fish and Game

The following previously published fiscal information applies:
Fiscal Note No. 2, Department of Fish and Game
Fiscal Note No. 3, zero, Department of Public Safety

The bill was referred to the Finance Committee.

HB 474

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 474(JUD) am "An Act relating to civil liability associated with aircraft runways, airfields, and landing areas." Signing do pass: Senator Bunde, Chair; Senators Seekins, Gary Stevens. Signing no recommendation: Senator Davis.

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.

HB 494

The Finance Committee considered CS FOR HOUSE BILL NO. 494(FIN) am "An Act relating to the methods of disbursement of money by the state, including employment compensation, unemployment payments, and permanent fund dividends, and to bank investments and deposits by the state; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
494(FIN)

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

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Health and Social Services
Fiscal Note No. 2, zero, Department of Health and Social Services
Fiscal Note No. 3, zero, Department of Health and Social Services
Fiscal Note No. 4, zero, Department of Labor and Workforce Development

Fiscal Note No. 5, zero, Department of Labor and Workforce
Development
Fiscal Note No. 6, zero, Department of Revenue
Fiscal Note No. 7, Department of Administration

The bill was referred to the Rules Committee.

HB 511

The Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 511(HES) am "An Act relating to the certificate of need program for health care facilities; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
511(HES)

and further recommended the adoption of the following Health, Education and Social Services Committee Letter of Intent:

Letter of Intent

It is the intent of the Legislature that the Commissioner of the Department of Health and Social Services convene a task force to review existing Certificate of Need procedures and standards. The task force shall identify measures to improve the efficiency and effectiveness of the Certificate of Need Program. The task force shall include members who represent a broad range of health care facilities, providers, and representatives with a background in health care policy development. The task force will report its findings and recommendations directly to the Commissioner.

It is further the intent of the Legislature that the Commissioner of the Department of Health and Social Services move expeditiously to update Certificate of Need regulations, policies, and procedures including developing standards including those for concurrent review, the public release of documents under the certificate of need program, and time lines regarding the certificate of need process. In so doing, the Commissioner shall fully consider the recommendations of the Certificate of Need task force.

Signing amend: Senator Dyson, Chair. Signing do pass: Senator Davis.
Signing no recommendation: Senators Green, Guess, Wilken.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Health and Social Services
Fiscal Note No. 2, zero, Department of Health and Social Services

The bill was referred to the Finance Committee.

HB 514

The Finance Committee considered CS FOR HOUSE BILL NO. 514(FIN) am "An Act relating to child support modification and enforcement, to the establishment of paternity by the child support enforcement agency, and to the crimes of criminal nonsupport and aiding the nonpayment of child support; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
514(FIN)

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

The following fiscal information was published today:

Fiscal Note No. 10, indeterminate, Department of Revenue

The following previously published fiscal information applies:

Fiscal Note No. 2, indeterminate, Alaska Court System
Fiscal Note No. 3, indeterminate, Department of Law
Fiscal Note No. 4, zero, Department of Administration
Fiscal Note No. 5, zero, Department of Administration
Fiscal Note No. 6, zero, Department of Public Safety
Fiscal Note No. 7, indeterminate, Department of Administration

The bill was referred to the Rules Committee.

HB 536

The State Affairs Committee considered CS FOR HOUSE BILL NO. 536(MLV) "An Act relating to applications for permanent fund dividends by certain individuals serving in the armed forces, and to payment of certain 2003 and 2004 dividends; and providing for an effective date." Signing no recommendation: Senator Gary Stevens, Chair; Senators Cowdery, Stedman.

The following fiscal information was published today:

Fiscal Note No. 2, zero, Department of Revenue

The bill was referred to the Finance Committee.

HB 545

The Finance Committee considered CS FOR HOUSE BILL NO. 545(L&C) "An Act relating to time extensions under the State Procurement Code for real property leases; and providing for an effective date." Signing do pass: Senator Wilken, Cochair; Senator Dyson. Signing no recommendation: Senators Hoffman, Olson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the Rules Committee.

HB 551

The State Affairs Committee considered CS FOR HOUSE BILL NO. 551(JUD) am "An Act relating to the issuance of teacher certificates to and revocation of teacher certificates of persons convicted of certain felony drug offenses and to the issuance of limited teacher certificates to persons convicted of certain crimes involving a minor and felony drug offenses" and recommended it be replaced with

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

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

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

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

HB 559

The Finance Committee considered HOUSE BILL NO. 559 am "An Act extending the termination of the state training and employment program; and providing for an effective date." Signing do pass: Senator Wilken, Cochair; Senators Dyson, Bunde, Ben Stevens.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Labor and Workforce Development

The bill was referred to the Rules Committee.

**Introduction and Reference of
Senate Resolutions**

SCR 27

SENATE CONCURRENT RESOLUTION NO. 27 BY THE SENATE RESOURCES COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 452, relating to sport fishing operators and sport fishing guides.

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

Consideration of the Calendar

Second Reading of Senate Bills

SB 326

SENATE BILL NO. 326 "An Act relating to investments of Alaska permanent fund assets; and providing for an effective date" was read the second time.

Senator Gary Stevens, Chair, moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 2429. Without objection, CS FOR SENATE BILL NO. 326(STA) 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. 326(STA) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 326(STA) "An Act relating to investments of Alaska permanent fund assets; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 326(STA)

Third Reading - Final Passage

Effective Date

YEAS: 16 NAYS: 1 EXCUSED: 0 ABSENT: 3

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

Nays: Hoffman

Absent: Bunde, Ogan, Stevens G

and so, CS FOR SENATE BILL NO. 326(STA) 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.

SB 366

Senator Ben Stevens moved and asked unanimous consent that SENATE BILL NO. 366 "An Act relating to the levy and collection of sales and use taxes, to the levy and collection of municipal sales and use taxes, and to municipal sales and use taxes on alcoholic beverages; and providing for an effective date" be held to the bottom of today's calendar. Without objection, it was so ordered.

SB 376

SENATE BILL NO. 376 "An Act relating to public assistance and subpoena powers" was read the second time.

Senator Dyson, Chair, moved and asked unanimous consent for the adoption of the Health, Education and Social Services Committee Substitute offered on page 2938. Without objection, CS FOR SENATE BILL NO. 376(HES) "An Act relating to public assistance and subpoena powers; and relating to the permanent fund dividend and subpoena powers" 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. 376(HES) will be on the May 8 calendar.

SB 393

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" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 3200. Senator Ellis objected, then withdrew his objection. There being no further objection, CS FOR SENATE BILL NO. 393(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. Senator Ellis objected.

President Therriault stated CS FOR SENATE BILL NO. 393(FIN) will be on the May 8 calendar.

Second Reading of House Bills**HB 31**

HOUSE BILL NO. 31 "An Act relating to initiative and referendum petitions; and providing for an effective date" was read the second time.

Senator Ben Stevens moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated HOUSE BILL NO. 31 will be on the May 8 calendar.

HB 272

CS FOR HOUSE BILL NO. 272(STA) am "An Act relating to the advertising of motor vehicles, including trailers, for sale by motor vehicle dealers; relating to the financing of motor vehicle purchases; relating to motor vehicle sales contracts; relating to the disclosures required to be made by motor vehicle dealers when selling motor vehicles, including trailers, or when their service employees work on commission; relating to a motor vehicle dealer's selling as a new or current model vehicle, a motor vehicle required to be registered under AS 28.10; relating to a motor vehicle dealer's advertising an offer for the sale, lease, or purchase of a motor vehicle, including a trailer; relating to a motor vehicle dealer's conditioning the sale and delivery of a motor vehicle, including a trailer, on the buyer's purchase of other items; and relating to the return of a buyer's trade-in by a motor vehicle dealer" was read the second time.

Senator Seekins, Vice Chair, moved and asked unanimous consent for the adoption of the Labor and Commerce Senate Committee Substitute offered on page 3324. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 272(L&C) 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 CS FOR HOUSE BILL NO. 272(L&C) will be on the May 8 calendar.

HB 339

CS FOR HOUSE BILL NO. 339(JUD) "An Act relating to opt-out marketing plans for sales, to free trial periods for goods or services, and to acts that are unlawful as unfair trade practices" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 3266. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 339(JUD) 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. 339(JUD) was read the third time.

Senators Elton , Ellis, French, Dyson, Gary Stevens, Bunde, Cowdery, Olson moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 339(JUD) "An Act relating to opt-out marketing plans for sales, to free trial periods for goods or services, and to acts that are unlawful as unfair trade practices" pass the Senate?" The roll was taken with the following result:

SCS CSHB 339(JUD)

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, SENATE CS FOR CS FOR HOUSE BILL NO. 339(JUD) passed the Senate and was referred to the Secretary for engrossment.

HB 351

CS FOR HOUSE BILL NO. 351(JUD) "An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date" was read the second time.

Senator Ben Stevens moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated CS FOR HOUSE BILL NO. 351(JUD) will be on the May 8 calendar.

HB 438

CS FOR HOUSE BILL NO. 438(JUD) am "An Act relating to motorists moving over or slowing down for emergency vehicles" was read the second time.

Senator Gary Stevens, Chair, moved and asked unanimous consent for the adoption of the State Affairs Senate Committee Substitute offered on page 3204. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 438(STA) 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. 438(STA) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 438(STA) "An Act relating to motorists moving over or slowing down for emergency vehicles" pass the Senate?" The roll was taken with the following result:

SCS CSHB 438(STA)
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, SENATE CS FOR CS FOR HOUSE BILL NO. 438(STA) passed the Senate.

Senator Ellis gave notice of reconsideration.

HB 467

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" was read the second time.

Senator Ben Stevens moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated CS FOR HOUSE BILL NO. 467(FIN) will be on the May 8 calendar.

HB 476

CS FOR HOUSE BILL NO. 476(STA) "An Act establishing the Alaska Statehood Celebration Commission; and providing for an effective date" was read the second time.

Senator Ben Stevens moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated CS FOR HOUSE BILL NO. 476(STA) will be on the May 8 calendar.

HB 522

HOUSE BILL NO. 522 am "An Act relating to discharges from small commercial passenger vessels; and providing for an effective date" was read the second time.

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

HOUSE BILL NO. 522 am was read the third time.

The question being: "Shall HOUSE BILL NO. 522 am "An Act relating to discharges from small commercial passenger vessels; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 522 am

Third Reading - Final Passage

Effective Dates

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

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

and so, HOUSE BILL NO. 522 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 and the bill was signed by the President and Secretary and returned to the House.

HB 540

CS FOR HOUSE BILL NO. 540(L&C) "An Act relating to workers' compensation insurance rates; and providing for an effective date" was read the second time.

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

CS FOR HOUSE BILL NO. 540(L&C) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 540(L&C) "An Act relating to workers' compensation insurance rates; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 540(L&C)
Third Reading - Final Passage
Effective Date

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

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

Absent: Hoffman

and so, CS FOR HOUSE BILL NO. 540(L&C) 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.

Third Reading of Senate Bills

SB 302

CS FOR SENATE BILL NO. 302(FIN) was read the third time.

The question being: "Shall 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" pass the Senate?" The roll was taken with the following result:

CSSB 302(FIN)
Third Reading - Final Passage
Effective Dates

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

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

Absent: Hoffman

and so, CS FOR SENATE BILL NO. 302(FIN) passed the Senate.

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

Senator Ellis gave notice of reconsideration.

SB 371

Senator Ben Stevens moved and asked unanimous consent that CS FOR SENATE BILL NO. 371(TRA) "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; and providing for an effective date" be returned to the Rules Committee. Without objection, the bill was returned to the Rules Committee.

SB 395

CS FOR SENATE BILL NO. 395(FIN) am was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 395(FIN) am "An Act authorizing the Alaska Railroad Corporation to extend its rail line to Fort Greely, Alaska, and relating to that extension; authorizing the corporation to issue bonds to finance the cost of the extension and necessary facilities and equipment; relating to the Railroad Planning, Platting, and Land Use Regulation Task Force; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 395(FIN) am
Third Reading - Final Passage
Effective Date

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

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

Nays: Ellis, Elton, French, Lincoln, Olson

Absent: Hoffman

and so, CS FOR SENATE BILL NO. 395(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.

Senator Ellis gave notice of reconsideration.

Third Reading of House Bills

HB 260

SENATE CS FOR CS FOR HOUSE BILL NO. 260(JUD) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 260(JUD) "An Act relating to immunity for free health care services provided by certain health care providers; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 260(JUD)
Third Reading - Final Passage
Effective Date

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

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

Absent: Hoffman

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 260(JUD) 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 Ellis gave notice of reconsideration.

HB 336

SENATE CS FOR CS FOR HOUSE BILL NO. 336(JUD) was read the third time.

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

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 336(JUD) "An Act relating to motor vehicle insurance; limiting recovery of civil damages by an uninsured driver; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 336(JUD)

Third Reading - Final Passage

YEAS: 12 NAYS: 7 EXCUSED: 0 ABSENT: 1

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

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

Absent: Hoffman

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 336(JUD) passed the Senate.

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

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

SCS CSHB 336(JUD)
Effective Date Clause

YEAS: 12 NAYS: 7 EXCUSED: 0 ABSENT: 1

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

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

Absent: Hoffman

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

Senator Ellis gave notice of reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 336(JUD)(efd fld S) "An Act relating to motor vehicle insurance; and limiting recovery of civil damages by an uninsured driver."

HB 484

CS FOR HOUSE BILL NO. 484(JUD) am was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 484(JUD) am "An Act imposing a correctional facility surcharge on persons convicted of a crime under state law and on persons whose probation is revoked; relating to fees and expenses for interstate transfer of probation or parole; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 484(JUD) am
Third Reading - Final Passage
Effective Date

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

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

Absent: Hoffman

and so, CS FOR HOUSE BILL NO. 484(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 Lincoln gave notice of reconsideration.

HB 539

CS FOR HOUSE BILL NO. 539(L&C) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 539(L&C) "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" pass the Senate?" The roll was taken with the following result:

CSHB 539(L&C)

Third Reading - Final Passage

Effective Date

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

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

Nays: Ellis, Elton, French, Guess, Lincoln

Absent: Hoffman

and so, CS FOR HOUSE BILL NO. 539(L&C) 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 Ellis gave notice of reconsideration.

HB 556

CS FOR HOUSE BILL NO. 556(FIN) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 556(FIN) "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" pass the Senate?" The roll was taken with the following result:

CSHB 556(FIN)
Third Reading - Final Passage
Effective Date

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

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

Nays: Ellis, French

Absent: Hoffman

and so, CS FOR HOUSE BILL NO. 556(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.

Senator Ellis gave notice of reconsideration.

Second Reading of House Resolutions

HJR 5

HOUSE JOINT RESOLUTION NO. 5 Proposing an amendment to the Constitution of the State of Alaska relating to initiative and referendum petitions, was read the second time.

Senator Ben Stevens moved and asked unanimous consent that the resolution be advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated HOUSE JOINT RESOLUTION NO. 5 will be on the May 8 calendar.

HJR 48

CS FOR HOUSE JOINT RESOLUTION NO. 48(RLS) 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 second time.

Senator Ben Stevens moved and asked unanimous consent that the resolution be advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated CS FOR HOUSE JOINT RESOLUTION NO. 48(RLS) will be on the May 8 calendar.

Third Reading of House Resolutions**HJR 26**

CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) 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 third time.

Senator French moved that the resolution be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Without objection, the resolution was returned to second reading.

Senator French offered Amendment No. 1:

Page 2, line 3, following "year.":

Insert "Appropriations from the fund for a fiscal year may be made only as follows:

- (1) two-thirds of the total amount appropriated for a fiscal year shall be used for a program of annual permanent fund dividend payments to State residents established by law;
- (2) one-third of the total amount appropriated for a fiscal year shall be appropriated to the general fund."

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

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

CSHJR 26(FIN)
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

and so, Amendment No. 1 failed.

CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) was automatically in third reading.

In accordance with Mason's Manual Rule 583, President Therriault relinquished the chair to Senator Ben Stevens, President pro tempore, in order to participate in debate.

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

Senator Therriault offered Amendment No. 2:

Page 1, line 1, through page 2, line 12:

Delete all material and insert:

"Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund, establishing the earnings account, and permitting distribution from the account only for costs of administering the permanent fund, permanent fund dividends, public education, and deposits to the principal of the permanent fund; and providing for an effective date for the amendments.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* **Section 1.** Article IX, sec. 15, Constitution of the State of Alaska, is amended to read:

Section 15. Alaska Permanent Fund. (a) At least twenty-five per cent of all mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments. **The earnings account is established as a separate account in the fund.** All income from the permanent fund, **determined in accordance with generally accepted accounting principles as provided by law,** shall be **accounted for** [DEPOSITED] in the **earnings account.** **Appropriations may only be made from the earnings account as provided in (b) and (c) of this section** [GENERAL FUND UNLESS OTHERWISE PROVIDED BY LAW].

* **Sec. 2.** Article IX, sec. 15, Constitution of the State of Alaska, is amended by adding new subsections to read:

(b) Appropriations under this subsection from the earnings account for a fiscal year may not exceed five percent of the average of the market values of the fund on June 30 for the first five of the six fiscal years immediately preceding that fiscal year. Appropriations from the earnings account may be made only for the following purposes:

- (1) costs of administering the permanent fund;
- (2) a program of dividend payments for State residents established by law; and
- (3) public education.

(c) Appropriations from the earnings account to the principal of the permanent fund may be made at any time.

* **Sec. 3.** Article XV, Constitution of the State of Alaska, is amended by adding a new section to read:

Section 30. Transition; Effective Date. (a) On January 1, 2005, the unencumbered, unappropriated balance of the earnings reserve account established under AS 37.13.145(a) becomes part of the Alaska permanent fund, and the fund shall be reconstituted as follows:

(1) the fund principal consists of that portion of the total fund value attributable to all deposits made under Section 15 of Article IX before January 1, 2005, all appropriations made to the fund principal before January 1, 2005, and all other transfers made to the fund principal before January 1, 2005;

(2) the earnings account consists of that portion of the total fund value not attributed to principal under (1) of this subsection.

(b) Section 15(b) of Article IX first applies to appropriations for fiscal year 2006. Appropriations from the permanent fund for fiscal year 2005 are subject to Section 15 of Article IX as that section read on June 30, 2004.

(c) The 2004 amendments relating to the Alaska permanent fund (art. IX, sec. 15) and this section take effect January 1, 2005."

Senator Therriault moved for the adoption of Amendment No. 2.

Senator Guess objected.

Senator Cowdery called the Senate. The call was satisfied.

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

CSHJR 26(FIN)
Second Reading
Amendment No. 2

YEAS: 6 NAYS: 14 EXCUSED: 0 ABSENT: 0

Yeas: Cowdery, Dyson, Green, Seekins, Stevens G, Therriault

Nays: Bunde, Davis, Ellis, Elton, French, Guess, Hoffman, Lincoln, Ogan, Olson, Stedman, Stevens B, Wagoner, Wilken

and so, Amendment No. 2 failed.

CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) was automatically in third reading.

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

Senator Therriault offered Amendment No. 3:

Page 1, line 1, through page 2, line 12:

Delete all material and insert:

"Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund, establishing the earnings account, and permitting deposits to the principal of the permanent fund; and providing for an effective date for the amendments.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* **Section 1.** Article IX, sec. 15, Constitution of the State of Alaska, is amended to read:

Section 15. Alaska Permanent Fund. (a) At least twenty-five per cent of all mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments.

The earnings account is established as a separate account in the fund. All income from the permanent fund, **determined in accordance with generally accepted accounting principles as provided by law,** shall be **accounted for** [DEPOSITED] in the **earnings account.** **Appropriations may only be made from the earnings account as provided in (b) and (c) of this section** [GENERAL FUND UNLESS OTHERWISE PROVIDED BY LAW].

* **Sec. 2.** Article IX, sec. 15, Constitution of the State of Alaska, is amended by adding new subsections to read:

(b) Appropriations under this subsection from the earnings account for a fiscal year may not exceed five percent of the average of the market values of the fund on June 30 for the first five of the six fiscal years immediately preceding that fiscal year.

(c) Appropriations from the earnings account to the principal of the permanent fund may be made at any time.

* **Sec. 3.** Article XV, Constitution of the State of Alaska, is amended by adding a new section to read:

Section 30. Transition; Effective Date. (a) On January 1, 2005, the unencumbered, unappropriated balance of the earnings reserve account established under AS 37.13.145(a) becomes part of the Alaska permanent fund, and the fund shall be reconstituted as follows:

(1) the fund principal consists of that portion of the total fund value attributable to all deposits made under Section 15 of Article IX before January 1, 2005, all appropriations made to the fund principal before January 1, 2005, and all other transfers made to the fund principal before January 1, 2005;

(2) the earnings account consists of that portion of the total fund value not attributed to principal under (1) of this subsection.

(b) Section 15(b) of Article IX first applies to appropriations for fiscal year 2006. Appropriations from the permanent fund for fiscal year 2005 are subject to Section 15 of Article IX as that section read on June 30, 2004.

(c) The 2004 amendments relating to the Alaska permanent fund (art. IX, sec. 15) and this section take effect January 1, 2005."

Senator Therriault moved for the adoption of Amendment No. 3. Senator Ellis objected.

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

CSHJR 26(FIN)
Second Reading
Amendment No. 3

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

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

Nays: Davis, Ellis, Elton, French, Lincoln, Ogan, Olson, Stevens B

and so, Amendment No. 3 was adopted.

CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) am S
Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund, establishing the earnings account, and permitting deposits to the principal of the permanent fund; and providing for an effective date for the amendments, was automatically in third reading.

President Therriault and Senator Ben Stevens resumed their original places.

Senator Guess called the Senate. The call was satisfied.

The question being: "Shall CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) am S Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund, establishing the earnings account, and permitting deposits to the principal of the permanent fund; and providing for an effective date for the amendments, pass the Senate?" The roll was taken with the following result:

CSHJR 26(FIN) am S
Third Reading - Final Passage

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

Yeas: Bunde, Seekins, Stedman, Stevens G, Therriault

Nays: Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Ogan, Olson, Stevens B, Wagoner, Wilken

and so, CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) am S failed to pass the Senate.

Senator Ben Stevens gave notice of reconsideration on CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) am S(fld S).

Second Reading of Senate Resolutions

SR 4

SENATE RESOLUTION NO. 4 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE RESOLUTION NO. 4 Requesting the United States Congress to amend the federal Wilderness Act to authorize fishery enhancement programs and similar activities in wilderness areas, pass the Senate?" The roll was taken with the following result:

SR 4

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, SENATE RESOLUTION NO. 4 passed the Senate and was referred to the Secretary for engrossment and enrollment.

Reconsideration of House Resolutions

HJR 9

Senator Wilken requested that the reconsideration on SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN)(fld S) be taken up. The resolution was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN) Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit, pass the Senate?" The roll was taken with the following result:

SCS CSHJR 9(FIN)

Third Reading - On Reconsideration

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, lacking the necessary 14 votes, SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN) failed to pass the Senate on reconsideration.

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN)(fld S) Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit, was referred to the Secretary for filing.

Reconsideration of Senate Bills

SB 97

Senator Seekins requested that the reconsideration on CS FOR SENATE BILL NO. 97(JUD) am(ct rule fld)(efd fld) "An Act relating to public interest litigants and to attorney fees and costs and the posting of bonds or other security" be taken up. The bill was before the Senate on reconsideration.

Senator Seekins moved and asked unanimous consent 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 Seekins offered Amendment No. 2:

Page 4, line 16:

Delete "otherwise have an"
Insert "have a sufficient"

Page 4, line 19:

Delete "otherwise has an"
Insert "has a sufficient"

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

CS FOR SENATE BILL NO. 97(JUD) am was automatically in third reading on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 97(JUD) am "An Act relating to public interest litigants and to attorney fees and costs and the posting of bonds or other security; amending Rules 65, 79, 80, and 82, Alaska Rules of Civil Procedure, and Rules 205, 508, and 602, Alaska Rules of Appellate Procedure; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 97(JUD) am
Third Reading - On Reconsideration

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

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

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

Absent: Ogan

and so, CS FOR SENATE BILL NO. 97(JUD) am failed to pass the Senate on reconsideration.

Second Reading of Senate Bills (continued)

SB 366

SENATE BILL NO. 366 "An Act relating to the levy and collection of sales and use taxes, to the levy and collection of municipal sales and use taxes, and to municipal sales and use taxes on alcoholic beverages; and providing for an effective date" which had been held to the bottom of today's calendar (page 3422) was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 3414. Without objection, CS FOR SENATE BILL NO. 366(FIN) "An Act relating to the levy and collection of sales and use taxes, and to the levy, collection, and expenditure of municipal taxes; 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. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 366(FIN) was read the third time.

Senator French declared a conflict of interest.

The question being: "Shall CS FOR SENATE BILL NO. 366(FIN) "An Act relating to the levy and collection of sales and use taxes, and to the levy, collection, and expenditure of municipal taxes; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 366(FIN)

Third Reading - Final Passage

YEAS: 7 NAYS: 12 EXCUSED: 0 ABSENT: 1

Yeas: Bunde, Cowdery, Green, Seekins, Stevens B, Therriault, Wilken

Nays: Davis, Dyson, Ellis, Elton, French, Guess, Hoffman, Lincoln, Olson, Stedman, Stevens G, Wagoner

Absent: Ogan

and so, CS FOR SENATE BILL NO. 366(FIN) failed to pass the Senate.

Senator Ben Stevens gave notice of reconsideration.

SB 97

Senator Seekins moved that the Senate rescind its previous action in failing on reconsideration CS FOR SENATE BILL NO. 97(JUD) an "An Act relating to public interest litigants and to attorney fees and costs and the posting of bonds or other security; amending Rules 65, 79, 80, and 82, Alaska Rules of Civil Procedure, and Rules 205, 508, and 602, Alaska Rules of Appellate Procedure; and providing for an effective date." Senator Ellis objected.

Senator Seekins called the Senate. The call was satisfied.

The question being: "Shall the Senate rescind its previous action?" The roll was taken with the following result:

CSSB 97(JUD) am
Rescind Previous Action in
Failing CSSB 97(JUD) am?

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

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

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

and so, the Senate rescinded its previous action.

Reconsideration of Senate Bills

SB 97

CS FOR SENATE BILL NO. 97(JUD) am was before the Senate in
third reading on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO.
97(JUD) am "An Act relating to public interest litigants and to
attorney fees and costs and the posting of bonds or other security;
amending Rules 65, 79, 80, and 82, Alaska Rules of Civil Procedure,
and Rules 205, 508, and 602, Alaska Rules of Appellate Procedure;
and providing for an effective date" pass the Senate?" The roll was
taken with the following result:

CSSB 97(JUD) am
Third Reading - On Reconsideration

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

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

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

and so, CS FOR SENATE BILL NO. 97(JUD) am passed the Senate
on reconsideration.

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

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

CSSB 97(JUD) am
Effective Date Clause

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 effective date clause failed to be adopted.

Senator Ben Stevens moved for the adoption of the Court Rule changes.

The question being: "Shall the Court Rule changes be adopted?" The roll was taken with the following result:

CSSB 97(JUD) am(efd fld)
Court Rules

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 Court Rule changes failed to be adopted and CS FOR SENATE BILL NO. 97(JUD) am(ct rule fld)(efd fld) "An Act relating to public interest litigants and to attorney fees and costs and the posting of bonds or other security" was referred to the Secretary for engrossment.

Citations

Honoring – Cecilia Kunz

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

Representative(s) Weyhrauch, Kerttula

Honoring – Benjamin D. Coronell Upon His Retirement

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

Representative(s) Weyhrauch, Kerttula

Honoring – Charles H. Benson, Jr. and Celeste Haimbach Benson

Representative(s) Gara

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

Honoring – Joan Hamilton

Representative(s) Kapsner

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

In Memoriam – Sonya Dora Ivanoff

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

Representative(s) Foster

In Memoriam – Mike Tunahom

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

In Memoriam – Betty Lorenson

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

Representative(s) Ogg

In Memoriam – Susan Tanape

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

Representative(s) Seaton

In Memoriam – W.W. “Bud” Kasulka

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

Representative(s) Seaton

In Memoriam – Joseph Maxwell “Max” Hamilton

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

Representative(s) Seaton

In Memoriam – Charles Henry “Hank” Rosenthal

Representative(s) Berkowitz

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

In Memoriam – Eva Renate Asbury

Representative(s) Seaton

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

In Memoriam – Peter Ivor Elvsaas, Sr.

Representative(s) Seaton

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

In Memoriam – Robert Lawrance Pelkey, Sr.

Representative(s) Seaton

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

In Memoriam – Emil V. Nelson

Representative(s) Seaton

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

In Memoriam – Edward Edson Schofield

Representative(s) Seaton

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

Senator Seekins moved and asked unanimous consent to be excused from a call of the Senate from 6:00 p.m., May 8 to evening plane time, May 9. Without objection, Senator Seekins was excused.

SCR 26

Senator Dyson, Chair, moved and asked unanimous consent that the Health, Education and Social Services Committee referral be waived on SENATE CONCURRENT RESOLUTION NO. 26 Urging the Department of Health and Social Services to immediately adopt regulations to aggressively contain the costs of personal care services in the medical assistance program. Without objection, the resolution was referred to the Rules Committee.

SB 254

The reconsideration on CS FOR SENATE BILL NO. 254(FIN)(efd fld) "An Act relating to tourism marketing contracts" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

SB 392

The reconsideration on SENATE BILL NO. 392 "An Act relating to the expenses of investigation, hearing, or public advocacy before the Regulatory Commission of Alaska, to calculation of the regulatory cost charge for public utilities and pipeline carriers to include the Department of Law's costs of its public advocacy function, to inspection of certain books and records by the attorney general when participating as a party in a matter before the Regulatory Commission of Alaska; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 97**

CS FOR SENATE BILL NO. 97(JUD) am(ct rule fld)(efd fld) "An Act relating to public interest litigants and to attorney fees and costs and the posting of bonds or other security" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 254

CS FOR SENATE BILL NO. 254(FIN)(efd fld) "An Act relating to tourism marketing contracts" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 326

CS FOR SENATE BILL NO. 326(STA) "An Act relating to investments of Alaska permanent fund assets; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 392

SENATE BILL NO. 392 "An Act relating to the expenses of investigation, hearing, or public advocacy before the Regulatory Commission of Alaska, to calculation of the regulatory cost charge for public utilities and pipeline carriers to include the Department of Law's costs of its public advocacy function, to inspection of certain books and records by the attorney general when participating as a party in a matter before the Regulatory Commission of Alaska; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HB 339

SENATE CS FOR CS FOR HOUSE BILL NO. 339(JUD) "An Act relating to opt-out marketing plans for sales, to free trial periods for goods or services, and to acts that are unlawful as unfair trade practices" was engrossed, signed by the President and Secretary and returned to the House for consideration.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., May 8, 2004. Without objection, the Senate adjourned at 10:33 p.m.

Kirsten Waid
Secretary of the Senate

July 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

COMMUNITY & REGIONAL AFFAIRS

May 07 Friday Fahrenkamp 203 2:00 PM
 -- Time Change --
 Bills Previously Heard/Scheduled
 + HB 561 G.O. BONDS FOR TRANSPORTATION PROJECTS
 + Bills Previously Heard/Scheduled

FINANCE

May 07 Friday Senate Finance 532 8:00 AM
 -- Afternoon Meeting Has Been Canceled --
 + SB 308 DOMESTIC VIOLENCE PROTECTIVE ORDERS
 + HB 56 UNFAIR TRADE PRACTICES ATTY FEES/COSTS
 + HB 341 DIVE FISHERY MANAGEMENT ASSESSMENT
 + HB 342 DRIVING UNDER INFLUENCE/ALCOHOL OFFENSES
 + HB 425 SCHOOL FUNDS RELATED TO BOARDING SCHOOLS
 + HCR 32 AK INFO INFRASTRUCTURE POLICY TASK FORCE
 += SB 366 STATE SALES TAX
 <Invited Testimony Only for SB 366>
 += HB 15 SOLICITATIONS/CONSUMER PROTECTION
 += HB 422 BUDGET RESERVE FUND INVESTMENT
 += HB 494 ELECTRONIC PAYMENT FOR STATE BUSINESS
 += HB 514 CHILD SUPPORT ENFORCEMENT/ CRIMES
 += HB 545 STATE REAL PROPERTY LEASE EXTENSIONS
 += HB 559 STEP PROGRAM CONTINUANCE
 + Bills Previously Heard/Scheduled

FINANCE (continued)

May 08 Saturday Senate Finance 532 9:00 AM
 -- Time Change --

- + SB 308 DOMESTIC VIOLENCE PROTECTIVE ORDERS
- + HB 56 UNFAIR TRADE PRACTICES ATTY FEES/COSTS
- + HB 341 DIVE FISHERY MANAGEMENT ASSESSMENT
- + HB 342 DRIVING UNDER INFLUENCE/ALCOHOL OFFENSES
- + HB 425 SCHOOL FUNDS RELATED TO BOARDING SCHOOLS
- + HB 452 GUIDED SPORT FISHING/ ADFG & CFEC RECORDS
- + HCR 32 AK INFO INFRASTRUCTURE POLICY TASK FORCE
- + HB 511 CERTIFICATE OF NEED PROGRAM
- + HB 91 RETIRED PEACE OFFICER'S MEDICAL BENEFITS
 <Invited testimony Only on HB 511>
- + Bills Previously Heard/Scheduled

May 08 Saturday Senate Finance 532 10:00 AM

- + HB 534 MAKE OFFICE OF VICTIMS RIGHTS PERMANENT
 <Bill Hearing Postponed to 5/9/04>
- + HB 275 ANIMALS AND CRUELTY TO ANIMALS
 <Bill Hearing Postponed to 5/9/04>
- + Bills Previously Heard/Scheduled

May 09 Sunday Senate Finance 532

- + SB 396 INTERIOR RIVERS PORT AUTHORITY
- + HB 275 ANIMALS AND CRUELTY TO ANIMALS
- + HB 295 REGULATIONS: NOTICE AND DISTRIBUTION
- + HB 534 MAKE OFFICE OF VICTIMS RIGHTS PERMANENT
- + HB 536 PFUND APPLICATION DEADLINES: MILITARY
- + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

May 07 Friday Butrovich 205 4:00 PM

- + HB 338 ATTENDANCE AT PUBLIC SCHOOL
- + HB 381 CHILD ENDANGERMENT DRIVING OFFENSES
- + HB 405 SCHOOL PERFORMANCE DESIGNATION/REPORT
- + HB 353 JURY DUTY EXEMPTION FOR CERTAIN TEACHERS
- + HB 443 TEACHERS AND NURSES HOUSING LOAN PROGRAM
- + Confirmation Hearings
- + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

May 10 Monday Butrovich 205 1:30 PM
 + Bills Previously Heard/Scheduled

May 12 Wednesday Butrovich 205 1:30 PM
 + -- Meeting Canceled --
 Bills Previously Heard/Scheduled

May 14 Friday Butrovich 205 1:30 PM
 + -- Meeting Canceled --
 Bills Previously Heard/Scheduled

JUDICIARY

May 07 Friday Butrovich 205 8:00 AM
 + HB 552 GAMBLING & GAMING
 + SB 397 LEGISLATIVE PROCEDURE & ETHICS GUIDELINES
 + HB 367 LICENSING ADULT-ORIENTED BUSINESSES
 + SB 246 HATE CRIMES/DISCRIMINATION/TOLERANCE PROG
 + Bills Previously Heard/Scheduled

May 08 Saturday Butrovich 205 9:00 AM
 + HB 563 LEGISLATIVE PROCEDURE & ETHICS GUIDELINES
 <Pending Referral>
 += SB 397 LEGISLATIVE PROCEDURE & ETHICS GUIDELINES
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

May 08 Saturday Fahrenkamp 203 10:00 AM
 + HB 255 WAGES:TRAINING/FLEX-TIME/DEFINITIONS

RESOURCES

May 07 Friday Butrovich 205 3:30 PM
 + Bills Previously Heard/Scheduled

JOINT COMMITTEES

CONFERENCE COMMITTEE FOR HOUSE BILL 414

May 07 Friday Capitol 120 5:00 PM
 -- Time Change --
 Pending Call of the Chair
 = HB 414 U.S.SENATE VACANCY/DEF OF POLITICAL PARTY

May 08 Saturday Capitol 120 8:30 AM
 = HB 414 U.S.SENATE VACANCY/DEF OF POLITICAL PARTY

CONFERENCE COMMITTEE ON HB 375 & HB 377

May 07 Friday Senate Finance 532 7:00 AM
 = HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS
 = HB 377 APPROP:MENTAL HEALTH BUDGET
 Departments to be Considered:
 Administration
 Environmental Conservation
 Fish & Game
 Law
 Military & Veterans Affairs
 Natural Resources
 Revenue
 Transportation & Public Facilities
 Court System

CONFERENCE COMMITTEE ON SB 283

May 07 Friday Senate Finance 532 5:00 PM
 -- Meeting Canceled --
 = SB 283 APPROP: EDUC/CBR/COURTS/GRANTS/PCE

JOINT COMMITTEES (continued)

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

May 07 **Friday** **Beltz 211** **10:00 AM**
 Senate Subcommittee Continued
 Public Comment<by Invitation Only>
 Executive Session followed by Pubic
 Session

OTHER MEETINGS

JOINT SESSION

May 10 **Monday** **House Chamber** **3:00 PM**
 Governor's Appointees

MAJORITY CAUCUS

May 07 **Friday** **Butrovich 205** **3:30 PM**