

# **SENATE JOURNAL**

## **ALASKA STATE LEGISLATURE**

### **TWENTY-SECOND LEGISLATURE -- SECOND SESSION**

**Juneau, Alaska**

**Wednesday**

**May 8, 2002**

#### **One Hundred Fifteenth Day**

Pursuant to adjournment the Senate was called to order by President Halford at 11:37 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Pastor Emeritus Richard C. Benjamin, Sr., of the Abbott Loop Community Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

I thank You Lord for these men and women of our great state who have given themselves to public service in this body. My sincere prayer is that they will have the wisdom to do that which is right for the state of Alaska, and that which is right before Your eyes. I pray for this in the Name of Jesus Christ, Amen.

Senator Leman led the Senate in the Pledge of Allegiance.

#### **Certification**

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

**Messages from the House**

**SB 153**

Message dated May 7 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 153(FIN) "An Act replacing the storage tank assistance fund with the underground storage tank revolving loan fund and relating to that revolving loan fund; repealing the tank cleanup program and the tank upgrading and closure program; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

**SB 243**

Message dated May 7 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 243(FIN) "An Act extending the termination date of the Board of Chiropractic Examiners; and relating to chiropractors."

The bill was referred to the Secretary for enrollment.

**SB 295**

Message dated May 7 was read, stating the House passed and returned:

SENATE BILL NO. 295 "An Act relating to the disclosure of information regarding delinquent minors to certain licensing agencies; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

Message dated May 7 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills**

**HB 315**

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 315(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act amending the definition of group health insurance, and allowing the Department of Administration to obtain a policy or policies of group health care insurance for employers that are small businesses, nonprofit organizations, special services organizations, or small associations for insurance purposes; and providing for an effective date."

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

**HB 527**

HOUSE BILL NO. 527 BY THE HOUSE RESOURCES COMMITTEE, entitled:

"An Act relating to entry into the Minto Flats State Game Refuge for purposes of exploration and development of oil and gas resources."

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

**Concur Messages**

**SB 319**

Message dated May 7 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 319(FIN) with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO. 319(RES) "An Act relating to shallow natural gas; and providing for an effective date."

Senator Leman moved that the Senate concur in the House amendment.

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

HCS CSSB 319(RES)

Shall the Senate Concur in the House

Amendment to CSSB 319(FIN)? Effective Dates

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 319(RES) "An Act relating to shallow natural gas; and providing for an effective date."

Senator Leman 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.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

#### **SJR 44**

Message dated May 7 was read, stating the House passed and returned for consideration CS FOR SENATE JOINT RESOLUTION NO. 44(L&C) with the following amendment:

HOUSE CS FOR CS FOR SENATE JOINT  
RESOLUTION NO. 44(L&C) Relating to  
preparation of a joint state-federal research and  
development plan.

Senator Leman moved that the Senate concur in the House amendment.

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

HCS CSSJR 44(L&C)  
Shall the Senate Concur in the House  
Amendment to CSSJR 44(L&C)?

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 44(L&C) Relating to preparation of a joint state-federal research and development plan.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

### **Reconsideration of Senate Bills**

#### **SB 364**

Senator Lincoln requested that the reconsideration on SENATE BILL NO. 364 be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE BILL NO. 364 "An Act relating to medical services under the state Medicaid program" pass the Senate?" The roll was taken with the following result:

#### **SB 364**

Third Reading - On Reconsideration

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

Yeas: Cowdery, Green, Halford, Kelly, Leman, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward

Nays: Austerman, Davis, Donley, Ellis, Elton, Hoffman, Lincoln, Wilken

and so, SENATE BILL NO. 364 passed the Senate on reconsideration and was referred to the Secretary for engrossment.

**Recess**

Senator Leman moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 12:01 p.m.

**After Recess**

The Senate reconvened at 12:59 p.m.

**Reconsideration of Senate Bills****SB 226**

Senator Ellis requested that the reconsideration on CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 226(FIN) am "An Act relating to design of highway projects; and providing for an effective date" be taken up. The bill was before the Senate on reconsideration.

Senator Donley called the Senate.

Senator Leman moved and asked unanimous consent that the bill be placed at the bottom of today's calendar. Without objection, it was so ordered.

Senator Donley lifted the call.

**Standing Committee Reports**

Report dated May 7 was read, stating:

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

**Alaska Public Offices Commission**

John Dapcevich - Juneau  
Sheila Gallagher - Anchorage

**Alaska Air National Guard - Brigadier General**

Colonel Jim Robinson - Fort Richardson  
Colonel Tim Scott - Eielson Air Force Base  
Colonel Gene Ramsay - Kulis ANG Base

**Space and Missile Defense - Brigadier General**

Colonel Jim Welch - Anchorage

**State Commission for Human Rights**

Kathy Wisthoff - Anchorage

There were no stated objections to the named individuals. However, this does not reflect an intent by any of the members to vote for or against the appointments during any further sessions.

Signing the report: Senator Therriault, Chair, Senators Phillips, Stevens.

**SB 247**

The Finance Committee considered SENATE BILL NO. 247 "An Act making capital appropriations and reappropriations, and capitalizing funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 247(FIN) "An Act making and amending appropriations and reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

Signing do pass: Senator Kelly, Cochair, Senators Wilken, Green, Austerman. Signing no recommendation: Senator Donley, Cochair, Senators Olson, Ward.

The bill was referred to the Rules Committee.

**SB 312**

The State Affairs Committee considered SENATE BILL NO. 312 "An Act relating to enterprise zones" and recommended the adoption of the Community and Regional Affairs Committee Substitute offered on page 3174. Signing do pass: Senator Therriault, Chair, Senators Phillips, Stevens.

The following previously published fiscal information applies:

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

Fiscal Note No. 2, indeterminate, Department of Revenue

The bill was referred to the Finance Committee.

**SB 372**

The Transportation Committee considered SENATE BILL NO. 372 "An Act providing for and relating to the issuance of general obligation bonds in a principal amount of not more than \$160,130,000 for the purpose of paying the cost of state transportation projects; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 372(TRA) "An Act providing for and relating to the issuance of general obligation bonds in a principal amount of not more than \$168,120,000 for the purpose of paying the cost of state transportation projects; and providing for an effective date."

Signing do pass: Senator Cowdery, Chair, Senator Ward. Signing no recommendation: Senator Wilken. Signing amend: Senators Taylor, Elton.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

The bill was referred to the Finance Committee.



**HB 56**

The Finance Committee considered CS FOR HOUSE BILL NO. 56(FIN) "An Act relating to minimum wages; and providing for an effective date." Signing do pass: Senator Donley, Cochair, Senator Hoffman. Signing no recommendation: Senator Kelly, Cochair, Senators Green, Austerman, Olson, Wilken, Ward, Leman.

The following fiscal information was published today:

Fiscal Note No. 4, Department of Health and Social Services

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 3, indeterminate, Department of Education and Early Development

The bill was referred to the Rules Committee.

**HB 165**

The State Affairs Committee considered CS FOR HOUSE BILL NO. 165(RES) "An Act relating to the Kenai River Special Management Area; and providing for an effective date" and recommended it be replaced with

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

Signing no recommendation: Senator Therriault, Chair, Senator Stevens. Signing do pass: Senator Phillips.

The following fiscal information was published today:

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

Fiscal Note No. 4, zero, Department of Natural Resources

The bill was referred to the Resources Committee.

**HB 471**

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 471(CRA) "An Act increasing the maximum amount of loans from the bulk fuel revolving loan fund operated by the Alaska Energy Authority; relating to the definitions of 'net income' and 'unrestricted net income' for purposes of determining the amount of the Alaska Industrial Development and Export Authority's dividend to the state; relating to communities within which rural development loans may be made by the Alaska Industrial Development and Export Authority; and providing for an effective date." Signing do pass: Senator Stevens, Chair, Senators Austerman, Torgerson, Leman.

The following previously published fiscal information applies:

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

President Halford added a Finance Committee referral to the bill.

The bill was referred to the Finance Committee.

**HB 517**

The State Affairs Committee considered CS FOR HOUSE BILL NO. 517(STA) "An Act relating to the disposition of obsolete or surplus state property." Signing do pass: Senator Therriault, Chair, Senator Stevens. Signing no recommendation: Senator Phillips.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the Rules Committee.

**HB 526**

The State Affairs Committee considered HOUSE BILL NO. 526 "An Act relating to the deadline for filing financial disclosure statements for public members and public member nominees of the Select Committee on Legislative Ethics." Signing do pass: Senator Therriault, Chair, Senators Phillips, Stevens.

The following previously published fiscal information applies:  
Fiscal Note No. 1, zero, House Rules Committee

The bill was referred to the Rules Committee.

**SB 205**

The Rules Committee considered SENATE BILL NO. 205 "An Act relating to control of nuisance wild animals; and providing for an effective date." Signing under other recommendations: Senator Phillips, Chair. Signing to calendar: Senators Cowdery, Halford, Ellis.

The bill is on today's calendar.

**SB 239**

The Rules Committee considered SENATE BILL NO. 239 "An Act relating to state employees who are called to active duty as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault.

The bill is on today's calendar.

**HB 196**

The Rules Committee considered CS FOR HOUSE BILL NO. 196(JUD) "An Act establishing a right of action for a legal separation; requiring a report about legal separations; and amending Rule 42(a), Alaska Rules of Civil Procedure." Signing to calendar and do pass: Senator Phillips, Chair, Senators Therriault, Cowdery. Signing under other recommendations: Senator Ellis.

The bill is on today's calendar.

**HB 262**

The Rules Committee considered HOUSE BILL NO. 262 "An Act relating to accounting for and appropriations of receipts from fees collected by the Department of Labor and Workforce Development for certain inspections and for certain plumbing and electrical worker certificates of fitness; establishing a building safety account; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 262(RLS)  
"An Act relating to the accounting for and appropriations of certain state program receipts; and providing for an effective date."  
(Title change authorized by SCR 36)

Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Ellis.  
Signing under other recommendations: Senator Therriault.

The following previously published fiscal information applies:  
Fiscal Note No. 3, Department of Labor and Work Force  
Development

The bill is on today's calendar.

**HB 355**

The Rules Committee considered CS FOR HOUSE BILL NO. 355(CRA) "An Act relating to the taxation of mobile telecommunications services by municipalities; and providing for an effective date." Signing under other recommendations: Senator Phillips, Chair, Senator Ellis. Signing to calendar: Senators Therriault, Cowdery.

The bill is on today's calendar.

**HB 362**

The Rules Committee considered HOUSE BILL NO. 362 "An Act extending the termination date of the Board of Governors of the Alaska Bar Association" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 362(RLS)

Signing under other recommendations: Senator Phillips, Chair.  
Signing to calendar: Senators Ellis, Cowdery, Therriault.

The following previously published fiscal information applies:  
Fiscal Note No. 1, zero, Alaska Court System

The bill is on today's calendar.

**SCR 26**

The Rules Committee considered SENATE CONCURRENT RESOLUTION NO. 26 Relating to Avalanche Awareness Month. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Therriault, Ellis.

The resolution is on today's calendar.

**SCR 36**

The Rules Committee considered SENATE CONCURRENT RESOLUTION NO. 36 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 262, relating to accounting for and appropriations of receipts from fees collected by the Department of Labor and Workforce Development for certain inspections and for certain plumbing and electrical worker certificates of fitness, establishing a building safety account, and providing for an effective date. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Ellis.

The resolution is on today's calendar.

**Introduction and Reference of  
Senate Resolutions****SCR 38**

SENATE CONCURRENT RESOLUTION NO. 38 BY THE SENATE RULES COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 389, relating to a provision authorizing an exemption from and deferral of municipal property taxes on certain types of deteriorated property.

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

**Consideration of the Calendar****Second Reading of Senate Bills****SB 205**

SENATE BILL NO. 205 "An Act relating to control of nuisance wild animals; and providing for an effective date" was read the second time.

Senator Torgerson, Chair, moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 2534. Senator Ellis objected, then withdrew his objection. There being no further objections, CS FOR SENATE BILL NO. 205(RES) was adopted and read the second time.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

CSSB 205(RES)

Advance from Second to Third Reading?

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

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

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

and so, the bill failed to advance to third reading.

CS FOR SENATE BILL NO. 205(RES) will be on the May 9 calendar.

**SB 239**

SENATE BILL NO. 239 "An Act relating to state employees who are called to active duty as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date" was read the second time.

Senator Lemman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Objections were heard.

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

SB 239

Advance from Second to Third Reading?

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Lemman, Lincoln, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

and so, the bill advanced to third reading.

SENATE BILL NO. 239 was read the third time.

The question being: "Shall SENATE BILL NO. 239 "An Act relating to state employees who are called to active duty as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 239

Third Reading - Final Passage

Effective Date

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Lemman, Lincoln, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

and so, SENATE BILL NO. 239 passed the Senate.

Senator Lemman 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 House Bills****HB 196**

CS FOR HOUSE BILL NO. 196(JUD) "An Act establishing a right of action for a legal separation; requiring a report about legal separations; and amending Rule 42(a), Alaska Rules of Civil Procedure" was read the second time.

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

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

CSHB 196(JUD)

Advance from Second to Third Reading?

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

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

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

and so, the bill failed to advance to third reading.

CS FOR HOUSE BILL NO. 196(JUD) will be on the May 9 calendar.

**SCR 36**

SENATE CONCURRENT RESOLUTION NO. 36 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 36 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 262, relating to accounting for and appropriations of receipts from fees collected by the Department of Labor and Workforce Development for certain inspections and for certain plumbing and electrical worker certificates of fitness, establishing a building safety account, and providing for an effective date, pass the Senate?" The roll was taken with the following result:



SCR 36

Second Reading - Final Passage

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

and so, SENATE CONCURRENT RESOLUTION NO. 36 passed the Senate and was referred to the Secretary for engrossment.

**HB 262**

HOUSE BILL NO. 262 "An Act relating to accounting for and appropriations of receipts from fees collected by the Department of Labor and Workforce Development for certain inspections and for certain plumbing and electrical worker certificates of fitness; establishing a building safety account; and providing for an effective date" was read the second time.

Senator Phillips, Chair, moved and asked unanimous consent for the adoption of the Rules Senate Committee Substitute offered on page 3227. Senator Ellis objected.

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

HB 262

Second Reading

Adopt Rules Senate Committee Substitute?

**YEAS: 17 NAYS: 3 EXCUSED: 0 ABSENT: 0**

Yeas: Austerman, Cowdery, Davis, Donley, Elton, Green, Halford, Hoffman, Kelly, Leman, Olson, Phillips, Stevens, Therriault, Torgerson, Ward, Wilken

Nays: Ellis, Lincoln, Taylor

and so, SENATE CS FOR HOUSE BILL NO. 262(RLS) "An Act relating to the accounting for and appropriations of certain state program receipts; and providing for an effective date" (Title change authorized by SCR 36) was adopted and read the second time.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

SCS HB 262(RLS)

Advance from Second to Third Reading?

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

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

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

and so, the bill failed to advance to third reading.

SENATE CS FOR HOUSE BILL NO. 262(RLS) will be on the May 9 calendar.

Senator Lincoln moved and asked unanimous consent to be excused from a call of the Senate for the remainder of today's calendar due to illness. Without objection, Senator Lincoln was excused.

**HB 355**

CS FOR HOUSE BILL NO. 355(CRA) "An Act relating to the taxation of mobile telecommunications services by municipalities; and providing for an effective date" was read the second time.

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

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

CSHB 355(CRA)

Advance from Second to Third Reading?

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

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Davis, Ellis, Elton, Hoffman, Olson

Excused: Lincoln

and so, the bill failed to advance to third reading.

CS FOR HOUSE BILL NO. 355(CRA) will be on the May 9 calendar.

**HB 362**

HOUSE BILL NO. 362 "An Act extending the termination date of the Board of Governors of the Alaska Bar Association" was read the second time.

Senator Phillips, Chair, moved and asked unanimous consent for the adoption of the Rules Senate Committee Substitute offered on page 3228. Senator Donley objected.

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

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

HB 362

Second Reading

Adopt Rules Senate Committee Substitute?

**YEAS: 13 NAYS: 6 EXCUSED: 1 ABSENT: 0**

Yeas: Austerman, Cowdery, Davis, Ellis, Elton, Hoffman, Kelly, Olson, Stevens, Taylor, Therriault, Torgerson, Wilken

Nays: Donley, Green, Halford, Leman, Phillips, Ward

Excused: Lincoln

and so, SENATE CS FOR HOUSE BILL NO. 362(RLS) was adopted and read the second time.

Senator Leman 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 HOUSE BILL NO. 362(RLS) was read the third time.

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

The question being: "Shall SENATE CS FOR HOUSE BILL NO. 362(RLS) "An Act extending the termination date of the Board of Governors of the Alaska Bar Association" pass the Senate?" The roll was taken with the following result:

SCS HB 362(RLS)

Third Reading - Final Passage

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Olson, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Phillips

Excused: Lincoln

and so, SENATE CS FOR HOUSE BILL NO. 362(RLS) passed the Senate.

Senator Ward gave notice of reconsideration.

**Third Reading of Senate Bills****SB 363**

CS FOR SENATE BILL NO. 363(STA) "An Act relating to communications and elections, to reporting of contributions and expenditures, and to campaign misconduct in the second degree; relating to disclosure by individuals of contributions to candidates; and providing for an effective date" was read the third time.

Senator Therriault 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 Therriault offered Amendment No. 1:

Page 2, following line 9:

Insert a new bill section to read:

"\* **Sec. 4.** AS 15.13.040 is amended by adding a new subsection to read:

(j) Every individual, person, nongroup entity, or group contributing more than \$500 to a group organized for the principal purpose of influencing the outcome of a proposition shall report the contribution or contributions on a form prescribed by the commission not later than 30 days after the contribution that requires the contributor to report under this subsection is made. The report must include the name, address, principal occupation, and employer of the individual filing the report and the amount of the contribution, as well as the total amount of contributions made to that group by that individual, person, nongroup entity, or group during the calendar year."

Renumber the following bill sections accordingly.

Page 2, line 17:

Delete "advertising"

Insert "**communication** [ADVERTISING]"

Page 4, line 17, following "candidate":

Insert "or proposition, as that term is defined in AS 15.13.065(c)"

Senator Therriault moved for the adoption of Amendment No. 1. Senator Ellis objected, then withdrew his objection. There being no further objections, Amendment No. 1 was adopted.

CS FOR SENATE BILL NO. 363(STA) am was automatically in third reading.

The question being: "Shall CS FOR SENATE BILL NO. 363(STA) am "An Act relating to communications and elections, to reporting of contributions and expenditures, and to campaign misconduct in the second degree; relating to disclosure by individuals of contributions to candidates; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 363(STA) am  
Third Reading - Final Passage  
Effective Date

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Excused: Lincoln

and so, CS FOR SENATE BILL NO. 363(STA) am passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

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

#### **HB 381**

HOUSE BILL NO. 381 was read the third time.

The question being: "Shall HOUSE BILL NO. 381 "An Act relating to the crime of failure to stop at the direction of a peace officer; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 381  
Third Reading - Final Passage  
Effective Date

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

Yeas: Austerman, Green, Olson, Stevens, Taylor, Torgerson, Wilken

Nays: Cowdery, Davis, Donley, Ellis, Elton, Halford, Hoffman, Kelly, Leman, Phillips, Therriault, Ward

Excused: Lincoln

and so, HOUSE BILL NO. 381 failed.

Senator Phillips gave notice of reconsideration.

### **Second Reading of Senate Resolutions**

#### **SCR 26**

SENATE CONCURRENT RESOLUTION NO. 26 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 26 Relating to Avalanche Awareness Month, pass the Senate?" The roll was taken with the following result:

SCR 26  
Second Reading - Final Passage

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Excused: Lincoln

and so, SENATE CONCURRENT RESOLUTION NO. 26 passed the Senate and was referred to the Secretary for engrossment.

**Citations**

Honoring – Ninilchik Wolverines Girls Basketball Team, 2001-2002  
Class 2A – 3Peat State Champions and Ninilchik Wolverines Boys  
Basketball Team

Senator(s) Torgerson, Leman, Ward, Halford, Hoffman, Lincoln,  
Stevens, Green, Kelly, Therriault, Wilken, Elton, Davis, Austerman,  
Taylor, Cowdery

Honoring – National Correctional Officers' Week, May 5 – 11, 2002

Senator(s) Torgerson, Phillips, Halford, Hoffman, Lincoln, Ellis,  
Stevens, Green, Kelly, Therriault, Wilken, Leman, Elton, Davis,  
Austerman, Taylor, Cowdery

Honoring – Kaitlin Vadla

Senator(s) Ward, Halford, Hoffman, Lincoln, Stevens, Green, Kelly,  
Therriault, Wilken, Leman, Elton, Davis, Austerman, Taylor, Cowdery

Honoring – Holy Cross Elementary School, Best School Participation  
– September Campbell, Morgan Turner, Peter Demientieff, Best  
Alternative to Drinking Posters

Senator(s) Lincoln, Ward, Halford, Hoffman, Stevens, Green, Kelly,  
Therriault, Wilken, Leman, Elton, Davis, Austerman, Taylor, Cowdery

Honoring – Glenn and Florence Sachs, 60<sup>th</sup> Wedding Anniversary

Senator(s) Elton, Halford, Hoffman, Lincoln, Stevens, Green, Kelly,  
Therriault, Wilken, Leman, Davis, Austerman, Taylor, Cowdery  
Representative(s) Hudson, Kerttula

Honoring – Ann M. Tremarello

Senator(s) Wilken, Halford, Hoffman, Lincoln, Stevens, Green, Kelly,  
Therriault, Leman, Elton, Davis, Austerman, Taylor, Cowdery  
Representative(s) Hayes

Honoring – Shishmaref Northern Lights Boys Basketball Team,  
Winners of the 1A Boys State Basketball Championship

Senator(s) Olson, Halford, Hoffman, Lincoln, Ellis, Stevens, Green,  
Kelly, Therriault, Wilken, Leman, Elton, Davis, Austerman, Taylor,  
Cowdery

Representative(s) Joule



Honoring – Dan Eide, Valdez High School Varsity Basketball Coach  
Representative(s) Harris  
Senator(s) Lincoln, Halford, Hoffman, Stevens, Green, Kelly,  
Therriault, Wilken, Leman, Elton, Davis, Austerman, Taylor, Cowdery

Honoring – Sheila Gaddis  
Representative(s) Cissna  
Senator(s) Davis, Phillips, Halford, Hoffman, Lincoln, Stevens, Kelly,  
Therriault, Wilken, Leman, Elton, Austerman, Taylor, Cowdery, Ellis

Honoring – Koahnic Broadcast Corporation  
Representative(s) Morgan  
Senator(s) Lincoln, Halford, Hoffman, Ellis, Stevens, Kelly,  
Therriault, Wilken, Leman, Elton, Davis, Austerman, Taylor, Cowdery

Honoring – Alaska Resources Library & Information Services  
Representative(s) Kerttula, Porter, Hudson  
Senator(s) Elton, Halford, Hoffman, Lincoln, Stevens, Green, Kelly,  
Therriault, Wilken, Leman, Davis, Austerman, Taylor, Cowdery

In Memoriam – Doris B. Charles  
Senator(s) Lincoln, Halford, Hoffman, Stevens, Green, Kelly,  
Therriault, Wilken, Leman, Elton, Davis, Austerman, Taylor, Cowdery

In Memoriam – Herman T. Jackson  
Senator(s) Lincoln, Halford, Hoffman, Stevens, Green, Kelly,  
Therriault, Wilken, Leman, Elton, Davis, Austerman, Taylor, Cowdery

In Memoriam – Teddy Walter Northway  
Senator(s) Lincoln, Phillips, Halford, Hoffman, Ellis, Stevens, Green,  
Kelly, Therriault, Wilken, Leman, Elton, Davis, Austerman, Taylor,  
Cowdery

In Memoriam – Ferdinand "Fred" Chiei, Jr.  
Senator(s) Leman, Ward, Donley, Phillips, Halford, Hoffman, Lincoln,  
Stevens, Green, Kelly, Therriault, Wilken, Elton, Davis, Austerman,  
Taylor, Cowdery

In Memoriam – Robert "Bob" Resoff  
Senator(s) Leman, Ward, Donley, Halford, Hoffman, Lincoln,  
Stevens, Green, Kelly, Therriault, Wilken, Elton, Davis, Austerman,  
Taylor, Cowdery

In Memoriam – Robert Simon  
Representative(s) Kerttula, Hudson  
Senator(s) Elton, Halford, Hoffman, Lincoln, Stevens, Green, Kelly,  
Therriault, Wilken, Leman, Davis, Austerman, Taylor, Cowdery

In Memoriam – Terry Pegues  
Representative(s) Kerttula, Hudson  
Senator(s) Elton, Phillips, Halford, Hoffman, Lincoln, Stevens, Green,  
Kelly, Therriault, Wilken, Leman, Davis, Austerman, Taylor,  
Cowdery

In Memoriam – Professor David M. Hopkins, Ph.D.  
Representative(s) Kerttula, Davies, Hudson  
Senator(s) Elton, Halford, Hoffman, Lincoln, Stevens, Green, Kelly,  
Therriault, Wilken, Leman, Davis, Austerman, Taylor, Cowdery

In Memoriam – Ms. Lenora Weaver  
Representative(s) Croft  
Senator(s) Ellis, Donley, Phillips, Halford, Hoffman, Lincoln, Stevens,  
Green, Kelly, Therriault, Wilken, Leman, Elton, Davis, Austerman,  
Taylor, Cowdery

In Memoriam – Marsha Marie Melton  
Representative(s) Ogan, Kerttula  
Senator(s) Green, Ward, Halford, Hoffman, Lincoln, Stevens, Kelly,  
Therriault, Wilken, Leman, Elton, Davis, Austerman, Taylor, Cowdery

In Memoriam – Esther Pinon  
Representative(s) Croft  
Senator(s) Ellis, Phillips, Donley, Halford, Hoffman, Lincoln, Stevens,  
Green, Kelly, Therriault, Wilken, Leman, Elton, Davis, Austerman,  
Taylor, Cowdery

In Memoriam – Eleanor June Smith  
Representative(s) Chenault  
Senator(s) Ward, Halford, Hoffman, Lincoln, Stevens, Green, Kelly,  
Therriault, Wilken, Leman, Elton, Davis, Austerman, Taylor, Cowdery

Senator Leman moved and asked unanimous consent that the citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

**Reconsideration of Senate Bills****SB 226**

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 226 (FIN) am, which had been placed at the bottom of the calendar (page 3222), was before the Senate.

The question to be reconsidered: "Shall CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 226 (FIN) am "An Act relating to design of highway projects; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSSSB 226(FIN) am  
Third Reading - On Reconsideration  
Effective Date

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Green, Kelly, Leman, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Elton, Halford, Hoffman

Excused: Lincoln

and so, CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 226 (FIN) am passed the Senate on reconsideration.

Senator Leman 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.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SB 226**

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 226(FIN) am "An Act relating to design of highway projects; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 239**

SENATE BILL NO. 239 "An Act relating to state employees who are called to active duty as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 363**

CS FOR SENATE BILL NO. 363(STA) am "An Act relating to communications and elections, to reporting of contributions and expenditures, and to campaign misconduct in the second degree; relating to disclosure by individuals of contributions to candidates; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 364**

SENATE BILL NO. 364 "An Act relating to medical services under the state Medicaid program" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SCR 26**

SENATE CONCURRENT RESOLUTION NO. 26 Relating to Avalanche Awareness Month, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SCR 36**

SENATE CONCURRENT RESOLUTION NO. 36 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 262, relating to accounting for and appropriations of receipts from fees collected by the Department of Labor and Workforce Development for certain inspections and for certain plumbing and electrical worker certificates of fitness, establishing a building safety account, and providing for an effective date, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**Adjournment**

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., May 9, 2002. Without objection, the Senate adjourned at 2:55 p.m.

Heidi Vogel  
Secretary of the Senate

May 2002

**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 08      Wednesday                      Senate Finance 532              9:00 AM**  
 += HB 58 UNEMPLOYMENT COMPENSATION BENEFITS  
 <Listen Only Teleconference for HB 58>  
 HB 56 MINIMUM WAGE  
 HB 521 MUNICIPAL IMPROVEMENT AREAS  
 HB 443 TATTOOING AND BODY PIERCING  
 Bills Previously Heard/Scheduled  
 -- Teleconference Upon Request --

**May 09      Thursday                                  Senate Finance 532              9:00 AM**  
 HB 332 COUNCIL ON DOMESTIC VIOLENCE  
 HB 296 MUNICIPAL MERGER AND CONSOLIDATION  
 HB 239 VOCATIONAL EDUCATION PILOT PROGRAM  
 HB 53 SEISMIC HAZARDS SAFETY COMMISSION  
 Bills Previously Heard/Scheduled  
 -- Teleconference Upon Request --

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**May 08      Wednesday                                  Butrovich 205                  3:00 PM**  
 -- Time Change --  
 Confirmation Hearings

**May 09      Thursday                                      Fahrenkamp 203                  1:30 PM**  
 -- Location Change --  
 = SB 230 PSYCHOTROPIC DRUGS FOR CHILDREN  
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**JUDICIARY**

**May 08      Wednesday                                      Beltz 211              3:00 PM**

-- Time Change --

- + HB 348 VIOLATION OF A DOMESTIC VIOLENCE ORDER
- + HB 350 TERRORISTIC THREATS
- + HB 180 YOUTH SERVICES: REGULATION & TASK FORCE
- + HB 501 UNCLAIMED PROPERTY & RESTITUTION
- + SB 235 EMERGENCY MANAGEMENT ASSISTANCE COMPACT
- + SB 271 MARINE AND RAIL TRANSPORTATION AUTHORITY
- + SJR 32 CONST. AM:MARINE/RAIL TRANSPORTATION FUND
- SB 87 SPECIAL ABSENTEE BALLOTS
- + Bills Previously Heard/Scheduled
- + HB 304 PERM. FUND INCOME/ DIVIDENDS/ FUNDS

**May 10      Friday    Beltz 211              1:30 PM**

- + HB 317 STALKING & PROTECTIVE ORDERS
- + HB 27 HOME INSPECTORS/CONTRACTORS
- + HB 182 MOTOR VEHICLE SALES AND DEALERS
- + HB 393 SALES OF BUSINESS OPPORTUNITIES
- + HB 489 CRUELTY TO ANIMALS
- + HB 499 SUCCESSOR LIABILITY FOR PRODUCT LIABILITY
- + Bills Previously Heard/Scheduled

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**LABOR & COMMERCE**

**May 09      Thursday    Beltz 211              1:30 PM**

- + SB 320 MOTOR VEHICLE INSURANCE & REPAIRS
- Bills Previously Heard/Scheduled

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**RESOURCES**

**May 08      Wednesday    Butrovich 205              3:30 PM**

- + SB 366 CHITINA DIP NET FISHERY PERMIT FEE
- + HB 287 EXEMPT ENTRY PERMITS FROM CREDITOR CLAIMS
- + HB 447 COM FISH & AGRICULTURE BANK INTEREST RATE
- + Bills Previously Heard/Scheduled

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**RULES**

**May 08      Wednesday                      Fahrenkamp 203              9:30 AM**

- SB 252 EMPLOYMENT AND TRAINING PROGRAM/BOARD
- SB 355 LET ME HELP ACCOUNT
- SB 371 PERMIT EXEMPTION FOR MUNITIONS USE
- HB 4 MOTOR VEHICLES & DRUNK DRIVING
- HB 32 SEX CRIME AND PORNOGRAPHY FORFEITURES
- HB 225 ALCOHOLIC BEVERAGE TAX
- = HB 262 STATE PROGRAM RECEIPTS/ BLDG.SAFETY ACCT
- HB 274 WORKERS' COMP: HEARING/MEDICAL EXAM
- SCR 37 SUSPEND UNIFORM RULES FOR HB 274
- HB 286 FISHING PERMITS/ASSOCIATIONS/ASSESSMENTS
- HB 344 INCREASE DRIVER'S LICENSE/PERMIT FEES
- = HB 397 NO DRIVERS' LIC. FOR OFF HWY VEHICLES
- HB 421 WATER USE ACT PROCEDURES & RECORDS
- HB 504 WAGES FOR WORKERS IN FISHERIES
- HB 515 OPERATING BUDGET MISSIONS AND MEASURES

**May 09      Thursday                              Fahrenkamp 203              9:30 AM**

- SB 54 ALASKA VETERANS ADVISORY COUNCIL
- SB 247 REAPPROPRIATIONS & CAPITAL APPROPRIATIONS
- SB 267 ALASKA VETERANS' MEM.ENDOWMENT FUND
- = HB 389 MUNI TAX EXEMPTION: DETERIORATED PROPERTY
- SCR 38 SUSPEND UNIFORM RULES FOR HB 389
- HB 420 REPEAL SUNSET FOR TEMP WATER USE PERMITS

**May 09      Thursday                              Fahrenkamp 203**

- <Upon Recess>
- SB 235 EMERGENCY MANAGEMENT ASSISTANCE COMPACT
- <Pending Referral>

**May 10      Friday                                      Fahrenkamp 203              9:30 AM**

- = SB 252 EMPLOYMENT AND TRAINING PROGRAM/BOARD
- HB 56 MINIMUM WAGE
- HB 162 ABSENCES UNDER LONGEVITY BONUS PROGRAM
- HB 209 PROGRAM FOR FORMER FOSTER CHILDREN
- = HB 458 STATE EMPLOYEE PROBATIONARY PERIOD
- HB 526 DISCLOSURE BY ETHICS COMMITTEE MEMBERS

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STATE AFFAIRS

**May 09 Thursday Beltz 211 3:30 PM**  
+ HB 303 INDIVIDUAL INCOME TAX  
Bills Previously Heard/Scheduled  
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TRANSPORTATION

**May 09 Thursday Butrovich 205 1:30 PM**  
-- Meeting Canceled --  
HB 507 NAMING WEIGH STATION AND BIKE TRAIL  
Bills Previously Heard/Scheduled  
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JOINT COMMITTEES

CONFERENCE COMMITTEES ON HB 403 & HB 404

**May 08 Wednesday Senate Finance 532 4:00 PM**  
= HB 403 APPROP: OPERATING BUDGET/LOANS/FUNDS  
= HB 404 APPROP: MENTAL HEALTH BUDGET

**May 09 Thursday Senate Finance 532 4:00 PM**  
= HB 403 APPROP: OPERATING BUDGET/LOANS/FUNDS  
= HB 404 APPROP: MENTAL HEALTH BUDGET  
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LEGISLATIVE BUDGET & AUDIT

**May 10 Friday House Finance 519 12:00 PM**  
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LEGISLATIVE COUNCIL

**May 08 Wednesday Capitol 208 8:30 AM**  
Information Technology Subcommittee