

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

May 3, 2004

One Hundred Thirteenth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:18 a.m.

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

The prayer was offered by the Chaplain, Reverend Dr. Paula Sampson of the Holy Trinity Episcopal Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Blessed are You, God of the Universe:
You have created us and given us life.

Blessed are You, Holy One:
You have created the earth and filled it with beauty,
struggle, and hope.

Blessed are You, called by many names:
You have given us the Great Land, Alaska, blessed in
all the peoples who live here, in all the lessons we
learn, in all that remains for us to do.

Blessed are You because You love us, because You
make us worthwhile, because You give us people to
care for and work to do for Your universe, for Your
world and for Alaska, our home.

We ask Your blessing on our lives, our loves and our
work. Most especially, uphold the efforts of these
Senators, their staff, their families and all who
support them, this day and always. Amen.

Senator Ben Stevens led the Senate in the Pledge of Allegiance.

Certification

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

Standing Committee Reports

SB 282

The Finance Committee considered SENATE BILL NO. 282 "An Act relating to the identification of finfish in food products and to the misbranding of food products consisting of or containing finfish" and recommended the adoption of the Resources Committee Substitute offered on page 2456. Signing do pass: Senator Wilken, Cochair; Senators Dyson, Hoffman, Ben Stevens. Signing no recommendation: Senator Green, Cochair; Senators Olson, Bunde.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, Department of Environmental Conservation

The bill was referred to the Rules Committee.

HB 31

The Finance Committee considered HOUSE BILL NO. 31 "An Act relating to initiative and referendum petitions; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Hoffman, Olson, Bunde, Ben Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 2, zero, Office of the Governor

The bill was referred to the Rules Committee.

HB 233

The Finance Committee considered CS FOR HOUSE BILL NO. 233(EDU) am "An Act increasing the base student allocation used in the formula for state funding of public education; and providing for an effective date" and recommended it be replaced with

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

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

The following fiscal information was published today:

Fiscal Note No. 3, Department of Military and Veterans' Affairs

Fiscal Note No. 4, Department of Education and Early
Development

Fiscal Note No. 5, Department of Education and Early
Development

The bill was referred to the Rules Committee.

HB 336

The Judiciary Committee considered CS FOR HOUSE BILL NO. 336(JUD) am "An Act relating to motor vehicle insurance; limiting recovery of civil damages by an uninsured driver; and providing for an effective date" and recommended it be replaced with

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

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Alaska Court System

Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Finance Committee.

HB 337

The Finance Committee considered CS FOR HOUSE BILL NO. 337(FIN) "An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, to motor vehicle licenses and registrations, and to state identification cards." Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Olson, Bunde, Ben Stevens. Signing no recommendation: Senator Hoffman.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

HB 339

The Judiciary Committee considered 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" and recommended it be replaced with

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

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law
Fiscal Note No. 2, zero, Department of Community and Economic
Development

The bill was referred to the Rules Committee.

HB 378

The Finance Committee considered HOUSE BILL NO. 378 "An Act relating to the Alaska Food, Drug, and Cosmetic Act, including sales, advertising, certain devices, food donors, and food banks; making certain violations of organic food provisions and of the Alaska Food, Drug, and Cosmetic Act unfair methods of competition and unfair or

deceptive acts or practices under certain of the state's unfair trade practices and consumer protection laws; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Bunde, Ben Stevens. Signing no recommendation: Senators Hoffman, Olson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, Department of Environmental Conservation

The bill was referred to the Rules Committee.

HB 423

The Judiciary Committee considered CS FOR HOUSE BILL NO. 423(JUD) am "An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage." Signing do pass: Senator Seekins, Chair; Senator Ogan. Signing no recommendation: Senator Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

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

The bill was referred to the Rules Committee.

HB 438

The Judiciary Committee considered CS FOR HOUSE BILL NO. 438(JUD) am "An Act relating to motorists moving over or slowing down for emergency vehicles" and recommended the adoption of the State Affairs Committee Substitute offered on page 3204. Signing do pass: Senator Seekins, Chair; Senator Ogan. Signing no recommendation: Senator Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

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

The bill was referred to the Rules Committee.

HB 451

The Finance Committee considered HOUSE BILL NO. 451 "An Act relating to therapeutic courts; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Ben Stevens, Bunde.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Administration
- Fiscal Note No. 2, zero, Department of Corrections
- Fiscal Note No. 3, zero, Department of Health and Social Services
- Fiscal Note No. 4, zero, Department of Law
- Fiscal Note No. 6, Alaska Court System

The bill was referred to the Rules Committee.

HB 464

The Finance Committee considered HOUSE BILL NO. 464 "An Act extending the termination date of the Board of Certified Real Estate Appraisers" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 464(FIN)

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

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

The presence of Senator Ogan was noted.

HB 514

Forthcoming Judiciary Senate Committee Substitute (page 3242) for 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" was received today.

HB 539

The Judiciary Committee considered 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." Signing do pass: Senator Seekins, Chair; Senators Therriault, Ogan.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

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

Fiscal Note No. 3, zero, Department of Labor and Workforce Development

Fiscal Note No. 4, zero, University of Alaska

The bill was referred to the Rules Committee.

HB 546

The Finance Committee considered CS FOR HOUSE BILL NO. 546(JUD) "An Act relating to regulation of the discharge of pollutants from timber-related activities under the National Pollutant Discharge Elimination System; relating to waste treatment and disposal permits; making conforming amendments; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Ben Stevens, Bunde.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Environmental Conservation

The bill was referred to the Rules Committee.

HJR 5

The Finance Committee considered HOUSE JOINT RESOLUTION NO. 5 Proposing an amendment to the Constitution of the State of Alaska relating to initiative and referendum petitions. Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Hoffman, Olson, Bunde, Ben Stevens.

The following previously published fiscal information applies:
Fiscal Note No. 2, Office of the Governor

The resolution was referred to the Rules Committee.

Introduction and Reference of Senate Resolutions

SR 4

SENATE RESOLUTION NO. 4 BY THE SENATE RESOURCES
COMMITTEE,

Requesting the United States Congress to amend the
federal Wilderness Act to authorize fishery
enhancement programs and similar activities in
wilderness areas.

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

Reconsideration of Senate Bills

SB 272

Senator Cowdery requested that the reconsideration on CS FOR
SENATE BILL NO. 272(FIN) be taken up. The bill was before the
Senate on reconsideration.

Senator Cowdery called the Senate. The call was satisfied.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO.
272(FIN) "An Act relating to certain monetary advances in which the
deposit or other negotiation of checks to pay the advances is delayed
until a later date; and providing for an effective date" pass the
Senate?" The roll was taken with the following result:

CSSB 272(FIN)

Third Reading - On Reconsideration

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

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

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

and so, CS FOR SENATE BILL NO. 272(FIN) passed the Senate on reconsideration.

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

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

CSSB 272(FIN)

Effective Date Clauses

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

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

Nays: Davis

and so, the effective date clauses were adopted and the bill was referred to the Secretary for engrossment.

SB 136

Senator Wagoner requested that the reconsideration on CS FOR SENATE BILL NO. 136(FIN) "An Act relating to an optional exclusion or exemption from municipal taxation for residential property; and relating to an exemption from and deferral of municipal property taxes on certain types of deteriorated property" be taken up. The bill was before the Senate on reconsideration.

Senator Wagoner 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 Wagoner offered Amendment No. 1:

Page 1, line 1, following "Act":

Insert "**relating to a mandatory property tax exemption for certain private property interests on military bases or installations;**"

Page 1, line 2, following "**property;**":

Delete "**and**"

Page 1, line 3, following "**deteriorated property**":

Insert "**; and providing for an effective date**"

Page 1, following line 4:

Insert a new bill section to read:

**** Section 1.** AS 29.45.030(a) is amended to read:

(a) The following property is exempt from general taxation:

(1) municipal property, including property held by a public corporation of a municipality, state property, property of the University of Alaska, or land that is in the trust established by the Alaska Mental Health Enabling Act of 1956, P.L. 84-830, 70 Stat. 709, except that

(A) a private leasehold, contract, or other interest in the property is taxable to the extent of the interest; however, an interest created by a nonexclusive use agreement between the Alaska Industrial Development and Export Authority and a user of an integrated transportation and port facility owned by the authority and initially placed in service before January 1, 1999, is taxable only to the extent of, and for the value associated with, those specific improvements used for lodging purposes;

(B) notwithstanding any other provision of law, property acquired by an agency, corporation, or other entity of the state through foreclosure or deed in lieu of foreclosure and retained as an investment of a state

entity is taxable; this subparagraph does not apply to federal land granted to the University of Alaska under AS 14.40.380 or 14.40.390, to other land granted to the university by the state to replace land that had been granted under AS 14.40.380 or 14.40.390, or to land conveyed by the state to the university under AS 14.40.365;

(C) an ownership interest of a municipality in real property located outside the municipality acquired after December 31, 1990, is taxable by another municipality; however, a borough may not tax an interest in real property located in the borough and owned by a city in that borough;

(2) household furniture and personal effects of members of a household;

(3) property used exclusively for nonprofit religious, charitable, cemetery, hospital, or educational purposes;

(4) property of a nonbusiness organization composed entirely of persons with 90 days or more of active service in the armed forces of the United States whose conditions of service and separation were other than dishonorable, or the property of an auxiliary of that organization;

(5) money on deposit;

(6) the real property of certain residents of the state to the extent and subject to the conditions provided in (e) of this section;

(7) real property or an interest in real property that is exempt from taxation under 43 U.S.C. 1620(d), as amended;

(8) property of a political subdivision, agency, corporation, or other entity of the United States to the extent required by federal law; except that a private leasehold, contract, or other interest in the property is taxable to the extent of that interest **unless the property is located on a military base or installation and the property interest is created under 10 U.S.C. 2871 - 2885 (Military Housing Privatization Initiative)**;

(9) natural resources in place including coal, ore bodies, mineral deposits, and other proven and unproven deposits of valuable materials laid down by natural processes, unharvested aquatic plants and animals, and timber."

Page 1, line 5:

Delete "*** Section 1.**"

Insert "*** Sec. 2.**"

Renumber the following bill sections accordingly.

Page 2, following line 30:

Insert a new bill section to read:

"*** Sec. 5.** Section 1 of this Act takes effect immediately under AS 01.10.070(c)."

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

Senator Guess moved and asked unanimous consent for the adoption of the following amendment to Amendment No. 1:

In paragraph (8), following "**Initiative**)"

Insert "**, provided that the leaseholder enters into an agreement to make a payment in lieu of taxes to the political subdivision that has taxing authority**"

Objections were heard, then withdrawn. There being no further objection, Amendment No. 1 was amended.

There being no further objection to Amendment No. 1 as amended, Amendment No. 1 as amended was adopted.

CS FOR SENATE BILL NO. 136(FIN) am was automatically in third reading on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 136(FIN) am "An Act relating to a mandatory property tax exemption for certain private property interests on military bases or installations; relating to an optional exclusion or exemption from municipal taxation for residential property; relating to an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 136(FIN) am
Third Reading - On Reconsideration
Effective Date

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

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

Absent: Olson

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

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

Consideration of the Calendar

Second Reading of Senate Bills

SB 217

SENATE BILL NO. 217 "An Act relating to genetic privacy; and amending Rule 82, Alaska Rules of Civil Procedure, and Rule 508, Alaska Rules of Appellate Procedure" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 2404. Senator Green objected, then withdrew her objection. There being no further objection, CS FOR SENATE BILL NO. 217(JUD) "An Act relating to genetic privacy" 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. 217(JUD) was read the third time.

Senator Guess called the Senate. The call was satisfied.

Senators Dyson, French, Elton, Ellis, Ogan, Guess, Cowdery, Stedman, Lincoln, Wagoner moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE BILL NO. 217(JUD) "An Act relating to genetic privacy" pass the Senate?" The roll was taken with the following result:

CSSB 217(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, CS FOR SENATE BILL NO. 217(JUD) passed the Senate.

Senator Ben Stevens moved and asked unanimous consent that the Judiciary Committee Letter of Intent offered on page 2404 be adopted as a Senate Letter of Intent. Without objection, the Senate Letter of Intent was adopted.

Senator Seekins gave notice of reconsideration.

SB 306

SENATE BILL NO. 306 "An Act relating to the practice of naturopathic medicine; and providing for an effective date" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 3120. Without objection, CS FOR SENATE BILL NO. 306(FIN) was adopted.

Senator Bunde offered Amendment No. 1:

Page 6, line 22, following "physician":

Insert "who is
(A)

Page 6, line 23:

Delete "AS 08.64 able to comply with the terms of the agreement;"
Insert "AS 08.64;
(B) able to comply with the terms of the agreement;
(C) engaged in the active practice of medicine in the
state; and
(D) committed to supervising not more than six
licensees under this section;"

Senator Bunde moved for the adoption of Amendment No. 1. Senator Seekins objected.

Senator Seekins moved and asked unanimous consent for the adoption of the following amendment to Amendment No. 1:

In subparagraph (D), following "committed to":

Delete "supervising"
Insert "collaborate with"

Senator Ellis objected, then withdrew his objection. There being no further objection, Amendment No. 1 was amended.

There being no further objections to Amendment No. 1 as amended, Amendment No. 1 as amended 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 Guess objected.

President Therriault stated CS FOR SENATE BILL NO. 306(FIN) am will be on the May 4 calendar.

Second Reading of House Bills**HB 496**

CS FOR HOUSE BILL NO. 496(STA) "An Act creating the youth vote ambassador program and relating to that program; authorizing the members of the program to be appointed to serve on election boards; relating to qualifications for appointment to election boards; 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. 496(STA) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 496(STA) "An Act creating the youth vote ambassador program and relating to that program; authorizing the members of the program to be appointed to serve on election boards; relating to qualifications for appointment to election boards; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 496(STA)

Third Reading - Final Passage

Effective Date

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

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

and so, CS FOR HOUSE BILL NO. 496(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 signed by the President and Secretary and returned to the House.

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

Third Reading of Senate Bills

SB 231

CS FOR SENATE BILL NO. 231(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 231(FIN) "An Act relating to unclaimed property; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 231(FIN)

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 SENATE BILL NO. 231(FIN) passed the Senate.

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

Third Reading of House Bills

HB 428

CS FOR HOUSE BILL NO. 428(JUD) am was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 428(JUD) am "An Act relating to civil liability for acts related to obtaining alcohol for persons under 21 years of age or for persons under 21 years of age being on licensed premises" pass the Senate?" The roll was taken with the following result:

CSHB 428(JUD) am
Third Reading - Final Passage

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. 428(JUD) am passed the Senate.

Senator Ellis gave notice of reconsideration.

Third Reading of Senate Resolutions

SJR 33

CS FOR SENATE JOINT RESOLUTION NO. 33(STA) was read the third time.

The question being: "Shall CS FOR SENATE JOINT RESOLUTION NO. 33(STA) Urging our United States Senators to work to allow a timely vote on the floor on all judicial nominations, pass the Senate?"
The roll was taken with the following result:

CSSJR 33(STA)
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, CS FOR SENATE JOINT RESOLUTION NO. 33(STA) passed the Senate.

Senator Ellis gave notice of reconsideration.

Citations

Honoring – Phyllis and Gene Sundberg on their 50th Golden Wedding Anniversary

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

Honoring – Sgt. Tyler Allen Hall

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

Honoring – Juneau Jumpers

Representative(s) Kerttula, Weyhrauch

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

Honoring – Gastineau Channel Little League Senior Girls All-Stars, State Senior Division Softball Champions, Northwest Region Champions

Representative(s) Kerttula, Weyhrauch

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

Honoring – Dr. Julius R. Krevans, Jr.

Representative(s) Kapsner

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

In Memoriam – Marina M. Gundersen

Representative(s) Moses

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

Recede Messages

HB 414

Senator Ben Stevens moved and asked unanimous consent that the recede message on CS FOR HOUSE BILL NO. 414(JUD) "An Act relating to filling a vacancy in the office of United States senator, and to the definition of 'political party,'" which had been held on the Secretary's desk (page 3238), be taken up at this time. Without objection, it was so ordered.

Senator Ben Stevens moved that the Senate recede from its amendment and recommended the body vote no.

Senator Ben Stevens called the Senate. The call was satisfied.

The question being: "Shall the Senate recede from its amendment?"
The roll was taken with the following result:

SCS CSHB 414(JUD)

Shall the Senate Recede from its Amendment
to CSHB 414(JUD)?

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, the Senate failed to recede.

The Secretary was requested to notify the House.

Reconsideration of Senate Bills**SB 217**

Senator Seekins moved and asked unanimous consent that the reconsideration on CS FOR SENATE BILL NO. 217(JUD) be taken up at this time. Without objection, it was so ordered and the bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 217(JUD) "An Act relating to genetic privacy" pass the Senate?" The roll was taken with the following result:

CSSB 217(JUD)

Third Reading - On Reconsideration

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

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

and so, CS FOR SENATE BILL NO. 217(JUD) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

Reconsideration of Senate Resolutions**SJR 33**

Senator Seekins moved and asked unanimous consent that the reconsideration on CS FOR SENATE JOINT RESOLUTION NO. 33(STA) Urging our United States Senators to work to allow a timely vote on the floor on all judicial nominations, be taken up at this time. Senator Ellis objected.

The question being: "Shall the reconsideration on CS FOR SENATE JOINT RESOLUTION NO. 33(STA) be taken up on the same day?" The roll was taken with the following result:

CSSJR 33(STA)

Take Up Reconsideration Same Day?

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, the reconsideration was not taken up.

Unfinished Business

HB 10

Senators Dyson, Bunde, Cowdery, Olson, Guess, Davis, Seekins, Ellis moved and asked unanimous consent to be shown as cross sponsors on CS FOR HOUSE BILL NO. 10(HES) "An Act relating to pooling by employers and self-employed individuals for purposes of group health insurance; and providing for an effective date." Without objection, it was so ordered.

HJR 5

Senators Dyson, Stedman, Cowdery, Bunde, Wilken moved and asked unanimous consent to be shown as cross sponsors on HOUSE JOINT RESOLUTION NO. 5 Proposing an amendment to the Constitution of the State of Alaska relating to initiative and referendum petitions. Without objection, it was so ordered.

HB 31

Senators Dyson, Seekins, Cowdery, Bunde, Wilken, Stedman moved and asked unanimous consent to be shown as cross sponsors on HOUSE BILL NO. 31 "An Act relating to initiative and referendum petitions; and providing for an effective date." Without objection, it was so ordered.

HB 512

Senator Davis moved and asked unanimous consent to be shown as a cross sponsor on CS FOR HOUSE BILL NO. 512(FIN) "An Act establishing the Hydrogen Energy Partnership in the Department of Community and Economic Development; requiring the commissioner of community and economic development to seek public and private funding for the partnership; providing for the contingent repeal of an effective date; and providing for an effective date." Without objection, it was so ordered.

SB 278

The reconsideration on CS FOR SENATE BILL NO. 278(FIN) "An Act relating to fees for the inspection of recreational devices, including instructional devices, for certificates of fitness for electrical wiring and plumbing, and for licenses for boiler operators; relating to the building safety account; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

HB 524

The reconsideration on SENATE CS FOR HOUSE BILL NO. 524(RES) "An Act relating to the protection of land and water from waste disposal; providing for the regulation of waste management; making conforming amendments; and providing for an effective date." was 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 132**

CS FOR SENATE BILL NO. 132(RES) "An Act removing the Old Minto townsite from the Minto Flats State Game Refuge; and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Native Village of Minto" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 136

CS FOR SENATE BILL NO. 136(FIN) am "An Act relating to a mandatory property tax exemption for certain private property interests on military bases or installations; relating to an optional exclusion or exemption from municipal taxation for residential property; relating to an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 217

CS FOR SENATE BILL NO. 217(JUD) "An Act relating to genetic privacy" was engrossed, signed by the President and Secretary and transmitted to the House for consideration with a Senate Letter of Intent.

SB 231

CS FOR SENATE BILL NO. 231(FIN) "An Act relating to unclaimed property; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 272

CS FOR SENATE BILL NO. 272(FIN) "An Act relating to certain monetary advances in which the deposit or other negotiation of checks to pay the advances is delayed until a later date; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 278

CS FOR SENATE BILL NO. 278(FIN) "An Act relating to fees for the inspection of recreational devices, including instructional devices, for certificates of fitness for electrical wiring and plumbing, and for licenses for boiler operators; relating to the building safety account; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HB 524

SENATE CS FOR HOUSE BILL NO. 524(RES) "An Act relating to the protection of land and water from waste disposal; providing for the regulation of waste management; making conforming amendments; and providing for an effective date" was 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 4, 2004. Without objection, the Senate adjourned at 12:40 p.m.

Kirsten Waid
Secretary of the Senate

May 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 03 Monday Fahrenkamp 203 1:30 PM
 + SB 396 INTERIOR RIVERS PORT AUTHORITY
 + HCR 28 STUDIES OF SALMON HARVESTING COOPERATIVES
 Bills Previously Heard/Scheduled
 = SB 335 EMERGENCY SERVICES DISPATCH/911 SURCHARGE

May 05 Wednesday Fahrenkamp 203 1:30 PM
 Bills Previously Heard/Scheduled

May 07 Friday Fahrenkamp 203 1:30 PM
 Bills Previously Heard/Scheduled

FINANCE

May 03 Monday Senate Finance 532 9:00 AM
 += HB 233 INCREASE EDUCATION FUNDING
 += SB 282 PREPARED FOOD: WILD/FARMED FISH DISCLOSURE
 + SB 254 TOURISM & RECREATION ASSESSMENT
 + SB 395 MUNICIPAL LAND USE REGULATION
 + HB 10 GROUP HEALTH INSURANCE FOR PRIVATE GROUPS
 + HB 31 INITIATIVE/REFERENDUM PETITIONS
 + HB 337 ANATOMICAL GIFTS REGISTRY
 + HB 378 FOOD, DRUGS, COSMETICS, CERTAIN DEVICES
 + HB 546 POLLUTION DISCHARGE & WASTE TRMT/DISPOSAL
 + HB 451 THERAPEUTIC COURTS
 + HB 464 EXTEND BOARD OF REAL ESTATE APPRAISERS
 + HJR 5 CONST AM: INITIATIVE/REFERENDUM PETITIONS
 + Bills Previously Heard/Scheduled

FINANCE (continued)

May 04 Tuesday Senate Finance 532 9:00 AM
 += SR 3 COMMEMORATING SEN. FRANK FERGUSON
 += SB 254 TOURISM & RECREATION ASSESSMENT
 += SB 395 MUNICIPAL LAND USE REGULATION
 + SB 224 LOWER DWI FOR MINORS TO .02
 + HB 93 BOATING SAFETY,REGISTRATION, NUMBERING
 + HB 227 DISTRICT COURTS & SMALL CLAIMS
 + HB 336 MOTOR VEHICLE INS./ UNINSURED DRIVERS
 + HB 419 REGIONAL SEAFOOD DEVELOPMENT ASS'NS./TAX
 + HB 424 REGULATION REVIEW / ANNULMENT
 + HB 484 CORRECTIONS: FEES/SURCHARGE
 + HB 533 IF UNREAS. AGENCY DELAY, COURT DECIDES
 + HJR 44 SEA OTTER RESEARCH/ENDANGERED SPECIES
 HB 511 CERTIFICATE OF NEED PROGRAM
 <Pending Referral>
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

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

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

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

JUDICIARY

May 03 Monday Butrovich 205 8:00 AM
 + HB 273 PARENTS' WAIVER OF CHILD'S SPORTS CLAIM
 + HB 275 ANIMALS AND CRUELTY TO ANIMALS
 + HB 427 GUARDIANS, CONSERVATORS, ETC
 + HB 549 UNSOLICITED COMMUNICATION:AIRCRAFT CRASH
 + Bills Previously Heard/Scheduled

May 04 Tuesday Butrovich 205 8:00 AM
 += HB 275 ANIMALS AND CRUELTY TO ANIMALS
 += HB 427 GUARDIANS, CONSERVATORS, ETC
 += SB 97 ATTY FEES: PUBLIC INTEREST LITIGANTS
 += SB 246 HATE CRIMES/DISCRIMINATION/TOLERANCE PROG
 += Bills Previously Heard/Scheduled

LABOR & COMMERCE

May 04 Tuesday Beltz 211 1:30 PM
 + HCR 32 AK INFO INFRASTRUCTURE POLICY TASK FORCE
 + HB 490 EMPLOYMENT SECURITY ACT AMENDMENTS
 Bills Previously Heard/Scheduled
 Including, but Not Limited to:
 + HB 272 MOTOR VEHICLE DEALERS
 <Pending Referral>
 + HB 559 STEP PROGRAM CONTINUANCE
 + HB 512 HYDROGEN ENERGY RESEARCH PROGRAM
 + HB 542 CONSTRUCTION CONTRACTORS
 + HB 421 DEED OF TRUST RECONVEYANCE
 Confirmation Hearing:
 Board of Marine Pilots
 Jack G. Poulson, Esq., - Juneau
 Bills Previously Heard/Scheduled
 Including, but not Limited to:
 += HB 540 WORKERS' COMPENSATION INSURANCE RATES
 += HB 418 REAL ESTATE COM'N/LICENSEE/HOME INSPECT

RESOURCES

May 03 Monday Butrovich 205 3:30 PM
 + HB 319 REC.CABIN SITES/ LOTTERY SALE/RTS. RESERV
 + HJR 36 MITIGATING GLACIER BAY FISHING CLOSURES
 + HJR 41 LAND RECREATIONAL VISITOR PROTECTION ACT
 + Bills Previously Heard/Scheduled

May 04 Tuesday Butrovich 205 3:30 PM
 + SR 4 AMEND WILDERNESS ACT
 + HB 395 SHALLOW NATURAL GAS/ OIL AND GAS
 + HB 531 CONVENTIONAL & NONCONVENTIONAL GAS LEASES
 + Bills Previously Heard/Scheduled

STATE AFFAIRS

May 04 Tuesday Beltz 211 3:30 PM
 + HB 364 NATURAL GAS LEASES NEAR KATCHEMAK BAY
 + HB 551 DRUG FELONY DISQUALIFIES TEACHER
 + Bills Previously Heard/Scheduled

TRANSPORTATION

May 03 Monday Beltz 211 2:00 PM
 + HB 272 MOTOR VEHICLE DEALERS

JOINT COMMITTEES

LEGISLATIVE COUNCIL

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

SELECT COMMITTEE ON LEGISLATIVE ETHICS

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