

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Sunday

May 9, 2004

One Hundred Nineteenth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 2:52 p.m.

The roll showed seventeen members present. Senator Seekins was excused from a call of the Senate until evening plane time. Senators Hoffman, Lincoln were absent.

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

Heavenly Father: Thank You for this day, a day of tribute
to some valued messengers of Your will.

Each moment of each day we are blessed with Your overwhelming joy, the joy a new mother shares with the birth of new life. Each day a new mother emanates Your hope, as she prays for her child's safety, success and happiness. Every day a mother demonstrates Your lessons of forgiveness, for there is not a more forgiving soul than a mother.

Let us not forget the unbridled Love a mother possesses for her children, that love which is Your most powerful message.

Watch over our mothers that are in Your presence and give them comfort. Give strength to those mothers among us so they may continue to deliver Your power. And protect our daughters that they too may be messengers of Your will.

In the power and the glory of Your name we pray. Amen.

Senator Ellis led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

HB 414

Message dated May 8 was read, stating the House has adopted the report of the Conference Committee with limited powers of free conference considering SENATE CS FOR CS FOR HOUSE BILL NO. 414(JUD) and CS FOR HOUSE BILL NO. 414(JUD), thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 414
"An Act relating to filling a vacancy in the office of United States senator, and to the definition of 'political party'; and providing for an effective date."

SB 288

Message dated May 8 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 288(JUD) "An Act relating to temporary custody hearings, and to certain determinations concerning placement of a child in child-in-need-of-aid proceedings; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

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

**First Reading and Reference of
House Resolutions**

HCR 36

HOUSE CONCURRENT RESOLUTION NO. 36 BY THE HOUSE JUDICIARY COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 30, relating to information and services available to pregnant women.

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

HCR 37

HOUSE CONCURRENT RESOLUTION NO. 37 BY THE HOUSE LABOR AND COMMERCE COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 194, relating to delivery of distilled spirits and beer.

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

First Reading and Reference of House Bills

HB 563

CS FOR HOUSE BILL NO. 563(JUD) am(efd add) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to legislative branch ethics, to open meetings guidelines applicable to legislators, to the confidentiality of complaints and proceedings involving alleged violations of AS 24.60, and to hearings on formal charges by the Select Committee on Legislative Ethics or its subcommittees; and providing for an effective date."

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

Concur Messages

SB 30

Message dated May 8 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 30(JUD) am "An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO. 30(JUD) "An Act relating to information and services available to pregnant women and other persons; ensuring informed consent before an abortion may be performed; and providing exceptions to informed consent in certain cases." (title change authorized by HCR 36)

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

SB 194

Message dated May 8 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 194(FIN) "An Act authorizing delivery of up to two bottles of distilled spirits and 40 ounces of beer to a cruise ship passenger or hotel guest" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO. 194(L&C) "An Act authorizing delivery of up to two bottles of distilled spirits or 72 ounces of beer to a cruise ship passenger or hotel guest." (title change authorized by HCR 37)

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

SB 351

Message dated May 8 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 351(FIN) "An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means, and specifying the manner of preparing the forms that are provided by the commission" with the following amendment:

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

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

Standing Committee Reports**HB 275**

The Finance Committee considered CS FOR HOUSE BILL NO. 275(FIN) "An Act relating to animals, and to the care of and to cruelty to animals" and recommended the adoption of the Judiciary Committee Substitute offered on page 3368. 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. 1, zero, Department of Law
Fiscal Note No. 3, zero, Department of Environmental
Conservation
Fiscal Note No. 4, zero, Department of Public Safety
Fiscal Note No. 5, indeterminate, Department of Administration

The bill was referred to the Rules Committee.

HB 295

The Finance Committee considered CS FOR HOUSE BILL NO. 295(STA) am "An Act relating to the publishing, furnishing, and contents of certain notices regarding regulations or rules of certain state agencies and entities; relating to distribution of the Alaska Administrative Code, Alaska Administrative Register, and supplements to the code or register; and providing for an effective date" and recommended it be replaced with

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

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

The following fiscal information was published today:
Fiscal Note No. 3, Office of the Governor

The bill was referred to the Rules Committee.

HB 422

The Finance Committee considered CS FOR HOUSE BILL NO. 422(STA) "An Act repealing the special subaccount established in the constitutional budget reserve fund; and providing for an effective date." Signing do pass: Senator Wilken, Cochair; Senator Bunde. Signing do not pass: Senator Ben Stevens. Signing no recommendation: Senators Dyson, Hoffman, Olson.

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

The bill was referred to the Rules Committee.

HB 534

The Finance Committee considered CS FOR HOUSE BILL NO. 534(FIN) "An Act repealing the scheduled termination date of the office of victims' rights." Signing do pass: Senator Wilken, Cochair; Senators Dyson, Hoffman, Olson, Bunde, Ben Stevens.

The following previously published fiscal information applies:
Fiscal Note No. 2, Legislative Agency

The bill was referred to the Rules Committee.

HB 536

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

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

The bill was referred to the Rules Committee.

HCR 32

The Finance Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 32(EDT) am Relating to information infrastructure and establishing the Alaska Information Infrastructure Policy Task Force, and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE
CONCURRENT RESOLUTION NO. 32(FIN)

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

The following fiscal information was published today:
Fiscal Note No. 4, Legislative Agency

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

The bill was referred to the Rules Committee.

Consideration of the Calendar**Second Reading of House Bills****HB 29**

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 29(JUD) am "An Act relating to real estate licensees and real estate transactions; and providing for an effective date" was read the second time.

Senator Ogan, Vice Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 3239. Without objection, SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 29(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. Senator Guess objected.

President Therriault stated SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 29(JUD) will be on the May 10 calendar.

The presence of Senator Lincoln was noted.

HB 56

CS FOR HOUSE BILL NO. 56(L&C) "An Act relating to the award to the state of actual reasonable attorney fees and costs, including costs of investigation, in certain court actions relating to unfair trade practices; and amending Rules 54(d), 79, and 82, Alaska Rules of Civil Procedure" 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. 56(L&C) was read the third time.

Senators Elton, Ellis, French, 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 CS FOR HOUSE BILL NO. 56(L&C) "An Act relating to the award to the state of actual reasonable attorney fees and costs, including costs of investigation, in certain court actions relating to unfair trade practices; and amending Rules 54(d), 79, and 82, Alaska Rules of Civil Procedure" pass the Senate?" The roll was taken with the following result:

CSHB 56(L&C)
Third Reading - Final Passage
Court Rules

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

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

Excused: Seekins

Absent: Hoffman

and so, CS FOR HOUSE BILL NO. 56(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 Court Rule changes. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

HB 421

CS FOR HOUSE BILL NO. 421(JUD) "An Act relating to reconveyances of deeds of trust" 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. 421(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 421(JUD) "An Act relating to reconveyances of deeds of trust" pass the Senate?" The roll was taken with the following result:

CSHB 421(JUD)
Third Reading - Final Passage

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

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

Excused: Seekins

Absent: Hoffman

and so, CS FOR HOUSE BILL NO. 421(JUD) passed the Senate.

Senator Ellis gave notice of reconsideration.

HB 423

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" 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. 423(JUD) am will be on the May 10 calendar.

HB 427

CS FOR HOUSE BILL NO. 427(JUD) "An Act relating to guardianships and conservatorships, to the public guardian and the office of public advocacy, to private professional guardians and private professional conservators, to court visitors, court-appointed attorneys, guardians ad litem, and fiduciaries, and to the protection of the person or property of certain individuals, including minors; amending Rule 17(c), Alaska Rules of Civil Procedure, and Rules 16(f) and 17(e), Alaska Rules of Probate Procedure; and providing for an effective date" was read the 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. 427(JUD) will be on the May 10 calendar.

HB 459

CS FOR HOUSE BILL NO. 459(STA) "An Act relating to optically scanned and electronically generated ballots; and providing for an effective date" was read the second time.

Senator Ben Stevens offered Amendment No. 1:

Page 1, line 1, following "**ballots**":

Insert "**and to early voting**"

Page 2, following line 21:

Insert new bill sections to read:

"* **Sec. 4.** AS 15.20.064(a) is amended to read:

(a) **For 15 days before an election and on election day,**
a [A] qualified voter who meets the requirements set out in this section may vote **in locations designated by the director** [EARLY IN THE OFFICE OF AN ELECTION SUPERVISOR ON OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO AND INCLUDING ELECTION DAY].

* **Sec. 5.** AS 15.20.064(b) is amended to read:

(b) The election supervisor or other election official shall issue a ballot to the voter upon

(1) exhibition of proof of identification as required in AS 15.15.225;

(2) verification that the voter's residence address appearing on the official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S JURISDICTION]; and

(3) the voter's signing the early voting register."

Renumber the following bill sections accordingly.

Senator Ben Stevens moved for the adoption of Amendment No. 1. Without objection, Amendment No. 1 was adopted.

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

CS FOR HOUSE BILL NO. 459(STA) am S "An Act relating to optically scanned and electronically generated ballots and to early voting; and providing for an effective date" was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 459(STA) am S "An Act relating to optically scanned and electronically generated ballots and to early voting; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 459(STA) am S
Third Reading - Final Passage
Effective Date

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

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

Excused: Seekins

Absent: Hoffman

and so, CS FOR HOUSE BILL NO. 459(STA) am S 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.

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

The presence of Senator Hoffman was noted.

SCR 28

Senator Ben Stevens moved and asked unanimous consent that SENATE CONCURRENT RESOLUTION NO. 28, which had been held on the Secretary's desk (page 3470), be taken up at this time. Without objection, it was so ordered.

SENATE CONCURRENT RESOLUTION NO. 28 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 28 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 459, relating to optically scanned and electronically generated ballots, pass the Senate?" The roll was taken with the following result:

SCR 28

Second Reading - Final Passage

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

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

Excused: Seekins

and so, SENATE CONCURRENT RESOLUTION NO. 28 passed the Senate and was referred to the Secretary for engrossment.

HB 490

CS FOR HOUSE BILL NO. 490(JUD) am "An Act relating to the release of employment security records, to the binding effect of determinations and decisions regarding unemployment compensation benefits, and to contributions, interest, penalties, and payments under the Alaska Employment Security Act; providing that property under the Alaska Employment Security Act is not subject to the Uniform Unclaimed Property 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.

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President Therriault stated CS FOR HOUSE BILL NO. 490(JUD) am will be on the May 10 calendar.

HB 494

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" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 3417. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 494(FIN) was adopted.

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

SENATE CS FOR CS FOR HOUSE BILL NO. 494(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 494(FIN) "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" pass the Senate?" The roll was taken with the following result:

SCS CSHB 494(FIN)
Third Reading - Final Passage
Effective Dates

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

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

Excused: Seekins

Absent: Hoffman

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and so, SENATE CS FOR CS FOR HOUSE BILL NO. 494(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 and the bill was referred to the Secretary for engrossment.

HB 500

HOUSE BILL NO. 500(title am) "An Act including the Joint Commission on Accreditation of Healthcare Organizations under the definition of medical review organizations" 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. 500(title am) was read the third time.

The question being: "Shall HOUSE BILL NO. 500(title am) "An Act including the Joint Commission on Accreditation of Healthcare Organizations under the definition of medical review organizations" pass the Senate?" The roll was taken with the following result:

HB 500(title am)
Third Reading - Final Passage

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

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

Excused: Seekins

and so, HOUSE BILL NO. 500(title am) passed the Senate.

Senator Ellis gave notice of reconsideration.

HB 511

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" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 3468. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 511(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 SENATE CS FOR CS FOR HOUSE BILL NO. 511(FIN) will be on the May 10 calendar.

HB 513

HOUSE BILL NO. 513 "An Act relating to the enforcement of support orders through suspension of drivers' licenses; changing the name of the child support enforcement agency to the child support services agency; amending Rules 90.3 and 90.5, Alaska Rules of Civil Procedure; and providing for an effective date" was read the second time.

Senator Ogan, Vice Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 2707. Without objection, SENATE CS FOR HOUSE BILL NO. 513(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. Senator Ellis objected.

President Therriault stated SENATE CS FOR HOUSE BILL NO. 513(JUD) will be on the May 10 calendar.

HB 514

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 read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 3419. Senator Ellis objected, then withdrew his objection. There being no further objection, SENATE CS FOR CS FOR HOUSE BILL NO. 514(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 SENATE CS FOR CS FOR HOUSE BILL NO. 514(FIN) will be on the May 10 calendar.

HB 517

HOUSE BILL NO. 517(title am) "An Act relating to the definition of certain security accounts, including certain reinvestment, investment management, and custody accounts" 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. 517(title am) will be on the May 10 calendar.

HB 542

CS FOR HOUSE BILL NO. 542(RLS) "An Act reducing to \$5,000 the ceiling for a contract price allowed under one construction contractor exemption and expanding the work that a specialty contractor may perform to include, in addition to work requiring not more than three trades, work under that construction contractor exemption; and changing the definition of specialty contractor to refer to the work that a specialty contractor may perform" was read the second time.

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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. 542(RLS) will be on the May 10 calendar.

HB 545

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" 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. 545(L&C) will be on the May 10 calendar.

Reconsideration of Senate Bills

SB 366

Senator Ben Stevens requested that the reconsideration on CS FOR SENATE BILL NO. 366(FIN)(fld S) "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" be taken up. The bill was before the Senate on reconsideration.

Senator Ben Stevens 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 Ben Stevens offered Amendment No. 1:

Page 1, line 1, through page 26, line 15:

Delete all material and insert:

""An Act relating to taxation, including taxation of income of individuals, estates, and trusts; and providing for an effective date."

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

* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

PURPOSE. The purpose of this Act is to create a sustainable source of revenue to help balance the state budget. Although the majority of the state's funding will be provided from other revenue sources, these sources do not provide sufficient revenue to balance the budget. A tax on income earned in the state, coupled with a credit based on taxes paid on the permanent fund dividend, is a fair and sustainable source of revenue.

* **Sec. 2.** AS 43.05.240 is amended by adding a new subsection to read:

(c) A taxpayer who seeks redress from a tax imposed under this title on the grounds that a tax statute or regulation violates the Constitution of the United States, the Constitution of the State of Alaska, or is preempted by federal statute, regulation, or treaty shall file the return with a notice of protest and pay the tax. The notice of protest initiates the informal conference process described in (a) of this section; however, if the taxpayer timely files an action in superior court under AS 43.05.275(c), the informal conference process is terminated. A taxpayer who fails to file a notice of protest with the return is not entitled to a refund if the tax statute or regulation is determined to be unconstitutional.

* **Sec. 3.** AS 43.05.275(a) is amended to read:

(a) Except as provided in AS 43.20.021 an in (c) of this section, a claim for credit or refund of a tax under this title for which a taxpayer is required to file a return or pay a tax may be filed by the taxpayer

(1) before the later of

(A) three years from the time the return was filed; or

(B) two years from the time the tax was paid; or

(2) within two years from the time the tax was paid, if no return was filed.

* **Sec. 4.** AS 43.05.275(c) is amended to read:

(c) A taxpayer who has filed a notice of protest with a return and has [,] paid the full amount due on the return as provided in AS 43.05.240(c) is considered to have [, AND] made a claim for a credit or refund of a tax under this title and [SECTION] may, without exhausting administrative remedies, within 60 days after the date the protest and return were filed under AS 43.05.240(c), file an action in superior court to recover on the claim if the sole ground for appeal is that a tax statute is

- (1) violative of the United States Constitution;
- (2) violative of the state constitution; or
- (3) preempted by federal statute, regulation, or treaty.

* **Sec. 5.** AS 43.20 is amended by adding a new section to read:

Sec. 43.20.009. Tax on individuals, estates, and trusts. (a) There is imposed for each taxable year an income tax, computed as provided in this section, on every

- (1) resident individual; and
- (2) nonresident and part-year resident individual, estate, and trust, with income from sources in the state.

(b) For a resident individual, the tax under this section is 31 percent of the federal income tax after federal credits and before other taxes.

(c) For a nonresident or part-year resident individual, or for an estate or a trust, the tax under this section is 31 percent of the federal income tax after federal credits and before other taxes, multiplied by a fraction, the numerator of which is income from sources in the state and the denominator of which is income from all sources.

(d) In (c) of this section, "income" means total income before adjusted gross income, as required to be shown on the federal return.

* **Sec. 6.** AS 43.20.030(a) is amended to read:

- (a) Every individual, trust, estate, partnership, and [IF A] corporation subject to tax under this chapter [, OR A PARTNERSHIP THAT HAS A CORPORATION AS A PARTNER, IS] required to make a return of income under the provisions of the Internal Revenue Code [, IT] shall file

with the department, within 30 days after the federal return is required to be filed, a return setting out

(1) the amount of tax due under this chapter, less allowable credits and payments claimed against the tax; and

(2) other information that the department requires for the purpose of carrying out the provisions of this chapter [THAT THE DEPARTMENT REQUIRES].

* Sec. 7. AS 43.20.030(d) is amended to read:

(d) A taxpayer, upon request by the department, shall file with the taxpayer's state return [FURNISH TO THE DEPARTMENT] a true [AND CORRECT] copy of the tax return [WHICH THE TAXPAYER HAS] filed with the United States Internal Revenue Service. Every taxpayer shall file an amended return with [NOTIFY] the department, and remit any additional tax and interest due, within [IN WRITING OF ANY ALTERATION IN, OR MODIFICATION OF, THE TAXPAYER'S FEDERAL INCOME TAX RETURN AND OF A RECOMPUTATION OF TAX OR DETERMINATION OF DEFICIENCY, WHETHER WITH OR WITHOUT ASSESSMENT. A FULL STATEMENT OF THE FACTS MUST ACCOMPANY THIS NOTICE. THE NOTICE SHALL BE FILED WITHIN] 60 days after a [THE] final determination of the taxpayer's federal tax liability [MODIFICATION, RECOMPUTATION OR DEFICIENCY, AND THE TAXPAYER SHALL PAY THE ADDITIONAL TAX OR PENALTY UNDER THIS CHAPTER]. For purposes of this subsection [SECTION], a final determination means [SHALL MEAN] the date [TIME] that an amended federal return is filed, the date a federal [OR A NOTICE OF DEFICIENCY OR AN] assessment is made, or the date the restrictions on assessment are waived by [MAILED TO] the taxpayer [BY THE INTERNAL REVENUE SERVICE, EXCEPT THAT IN NO EVENT WILL THERE BE A FINAL DETERMINATION FOR PURPOSES OF THIS SECTION UNTIL THE TAXPAYER HAS EXHAUSTED RIGHTS OF APPEAL UNDER FEDERAL LAW].

* Sec. 8. AS 43.20.030 is amended by adding a new subsection to read:

(h) In satisfaction of the requirements of (a) of this section, a family unit shall file a single consolidated state return for all individuals in the family unit. For purposes of this subsection,

(1) "consolidated state return" means a return that reports and aggregates, for all individuals in a family unit, the sum of all

(A) federal income taxes, after federal credits and before other taxes; and
(B) state credits under AS 43.20.046;

(2) "family unit" means all resident individuals for whom a personal exemption is claimed on a federal income tax return.

* **Sec. 9.** AS 43.20.031(c) is amended to read:

(c) In computing the tax under this chapter, a corporation [THE TAXPAYER] is not entitled to deduct any taxes based on or measured by net income.

* **Sec. 10.** AS 43.20.040 is repealed and reenacted to read:

Sec. 43.20.040. Income from sources in the state.

(a) In this chapter, income from sources in the state includes

(1) compensation for personal services rendered in the state;
(2) working in the state for salary or wages;
(3) income from real or tangible personal property located in the state;

(4) income from stocks, bonds, notes, bank deposits, and other intangible personal property having a taxable or business situs in the state; however, the receipt of interest income from intangible property in the state does not alone establish a taxable or business situs in the state;

(5) rentals and royalties for the use of or for the privilege of using, in the state, patents, copyrights, secret processes and formulas, good will, marks, trade brands, franchises, and other property having a taxable or business situs in the state;

(6) income distributed from a trust established under or governed by the laws of the state;

(7) income of a trust established under or governed by the laws of the state and income of the estate of a decedent who on the date of death was domiciled in the state;

(8) income, from a source with a taxable or business situs in the state, of

(A) a trust not established under or governed by the laws of the state; or

(B) the estate of a decedent who on the date of death was not domiciled in the state;

(9) income of whatever nature from a source with a taxable or business situs in the state.

(b) In this section, income is from a source with a taxable or business situs in the state if it is attributed to or derived from

(1) business facilities or property in the state;

(2) business, farming, or fishing activities in the state;

(3) conducting in the state the management or investment function for intangible property;

(4) a partnership, limited liability company, estate, or trust conducting business activities in the state;

(5) a corporation transacting business activities in the state that has elected to file federal returns under subchapter S of the Internal Revenue Code;

(6) any other activity from which income is received, realized, or derived in the state.

(c) If a business, trade, or profession is carried on partly inside and partly outside the state, other than the rendering of purely personal services by an individual, the income from sources in the state shall be determined as provided in AS 43.19.

* **Sec. 11.** AS 43.20 is amended by adding a new section to article 1 to read:

Sec. 43.20.046. Individual, trust, and estate tax credits.

(a) For a resident, a trust established under or governed by the laws of this state, or the estate of a decedent who on the date of death was domiciled in this state, the income tax imposed on that resident, trust, or estate by another state or territory of the United States for the taxable

year, on income derived from sources in that state or territory, is allowed as a credit against the tax under this chapter.

(b) The credit under (a) of this section is determined by multiplying the tax computed under this chapter by a fraction, the numerator of which is the income derived from sources in the other state or territory and the denominator of which is income derived from all sources. The credit under (a) of this section may not exceed the actual tax paid to the other state or territory.

(c) For each personal exemption claimed on the federal return, 33 percent of the amount of the Alaska permanent fund dividend under AS 43.23.045 is allowed as a credit against the tax under this chapter if the individual for whom the personal exemption is claimed received the dividend in the taxable year.

(d) To the extent required by federal law, an individual is allowed as a credit against the tax under this chapter 10.2 percent of interest received by the individual in the taxable year upon obligations unconditionally backed by the full faith and credit of the United States.

(e) An individual, estate, or trust is allowed only the state credits provided in this section. The total state credit allowed under this section may not exceed the tax liability for the taxable year for the individual except that, for an individual in a family unit who files a consolidated state return under AS 43.20.030(h), the aggregate credit of all individuals in the family unit may not exceed the aggregate tax liability of all individuals in the family unit. A credit may not be carried, in whole or in part, to a different taxable year.

* Sec. 12. AS 43.20.160(c) is amended to read:

(c) The department shall prescribe and furnish all necessary forms, and adopt and publish all necessary regulations in plain and concise language conformable with this chapter for the assessment and collection of the taxes imposed by this chapter. [THE DEPARTMENT SHALL APPLY AS FAR AS PRACTICABLE THE ADMINISTRATIVE AND JUDICIAL INTERPRETATIONS OF THE FEDERAL INCOME TAX LAW. THE DEPARTMENT SHALL ALSO PREPARE A CONCISE STATEMENT OF THE CONTENTS OF THE CODE

SECTIONS REFERRED TO IN THIS CHAPTER FOR THE INFORMATION OF THE TAXPAYER AND MAKE THEM AVAILABLE TO THE TAXPAYER MAKING A RETURN].

* **Sec. 13.** AS 43.20 is amended by adding a new section to read:

Sec. 43.20.171. Tax withholding on wages of individuals. (a) Every employer making payment of wages, salaries, or crew shares

(1) shall deduct and withhold an amount of tax computed in a manner to approximate the amount of tax due on those wages, salaries, or crew shares under this chapter for that taxable year;

(2) shall remit the tax withheld to the department accompanied by a return on a form prescribed by the department at the times required by the department by regulation;

(3) is liable for the payment of the tax required to be deducted and withheld under this section but is not liable to any individual for the amount of the payment; and

(4) shall furnish to the employee on or before January 31 of the succeeding year, or within 30 days after a request by the employee after the employee's termination if the 30-day period ends before January 31, a written statement on a form prescribed by the department showing

(A) the name and taxpayer identification number of the employer;

(B) the name and social security number of the employee;

(C) the total amount of wages, salary, or crew shares for the taxable year; and

(D) the total amount deducted and withheld as tax for the taxable year.

(b) The department shall publish the rate of withholding required by this section.

(c) In this section,

(1) "employee" includes an individual who receives compensation on a crew share basis in connection with a commercial fishing activity;

(2) "employer" includes a person who pays compensation to an individual on a crew share basis in connection with a commercial fishing activity.

* **Sec. 14.** AS 43.20.200(b) is amended to read:

(b) The same period of limitation upon the assessment and collection of taxes imposed under this chapter and the same exceptions to it shall apply as provided in 26 U.S.C. 6501 - 6503 (Internal Revenue Code). In the case of additional tax due by reason of a modification, recomputation, or determination of deficiency in a taxpayer's federal income tax return, the period of limitation on assessment commences from the date that the amended return [NOTICE] required in AS 43.20.030(d) is filed, and if no amended return [NOTICE] is filed the tax may be assessed at any time.

* **Sec. 15.** AS 43.20.340 is amended by adding new paragraphs to read:

(12) "domicile" means the place where an individual has established a true permanent home and principal establishment to which the individual has the intention of returning whenever absent;

(13) "individual" means a natural person, married or unmarried, adult or minor, subject to payment of income tax under 26 U.S.C. (Internal Revenue Code);

(14) "nonresident" means an individual who is not a resident or part-year resident;

(15) "resident" means an individual who, for the entire taxable year, was domiciled in the state or resided in the state.

* **Sec. 16.** AS 43.20.010, 43.20.013, 43.20.200(a), and 43.20.300 are repealed.

* **Sec. 17.** TRANSITION: REGULATIONS. Notwithstanding sec. 20 of this Act, the Department of Revenue may proceed to adopt regulations necessary to implement the provisions of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before January 1, 2005.

* **Sec. 18.** SEVERABILITY. Under AS 01.10.030, if any provision of this Act, or the application of a provision of this Act to any person or circumstance is held invalid, the remainder of this Act and the application to other persons is not affected.

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* **Sec. 19.** Section 17 of this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 20.** Except as provided in sec. 19 of this Act, this Act takes effect January 1, 2005."

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

Senator Ben Stevens moved for the adoption of Amendment No. 1. Objections were heard.

Senator Ellis rose to a point of order. President Therriault cautioned members to proceed in order.

Senator Ben Stevens rose to a point of personal privilege.

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

CSSB 366(FIN)
Second Reading
Amendment No. 1

YEAS: 4 NAYS: 15 EXCUSED: 1 ABSENT: 0

Yea: Elton, Hoffman, Lincoln, Stevens B

Nay: Bunde, Cowdery, Davis, Dyson, Ellis, French, Green, Guess, Ogan, Olson, Stedman, Stevens G, Therriault, Wagoner, Wilken

Excused: Seekins

and so, Amendment No. 1 failed.

CS FOR SENATE BILL NO. 366(FIN) was automatically in third reading on reconsideration.

The question to be reconsidered: "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 – On Reconsideration

YEAS: 4 NAYS: 15 EXCUSED: 1 ABSENT: 0

Yea: Bunde, Cowdery, Stevens B, Wilken

Nay: Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Ogan, Olson, Stedman, Stevens G, Therriault, Wagoner

Excused: Seekins

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

CS FOR SENATE BILL NO. 366(FIN)(fld S) was referred to the Secretary permanent filing.

Third Reading of House Bills

HB 93

SENATE CS FOR CS FOR HOUSE BILL NO. 93(TRA) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 93(TRA) "An Act relating to boating safety, registration, and numbering; extending the sunset date of changes in ch. 28, SLA 2000; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 93(TRA)

Third Reading - Final Passage

Effective Date

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

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

Nay: Green, Ogan

Excused: Seekins

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and so, SENATE CS FOR CS FOR HOUSE BILL NO. 93(TRA) 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 227

CS FOR HOUSE BILL NO. 227(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 227(JUD) "An Act increasing the jurisdictional limit for small claims and for magistrates from \$7,500 to \$10,000; increasing the jurisdictional limit of district courts in certain civil cases from \$50,000 to \$100,000; expanding the jurisdiction of district courts; limiting magistrates from hearing certain small claims cases; and amending Rule 11(a)(4), Alaska District Court Rules of Civil Procedure, relating to service of process for small claims" pass the Senate?" The roll was taken with the following result:

CSHB 227(JUD)
Third Reading - Final Passage
Court Rule

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

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

Excused: Seekins

Absent: Bunde

and so, CS FOR HOUSE BILL NO. 227(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 court rule change. Without objection, it was so ordered.

Senator Ellis gave notice of reconsideration.

HB 252

SENATE CS FOR CS FOR HOUSE BILL NO. 252(JUD) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 252(JUD) "An Act relating to the terms and duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors; and relating to the employment and classification of an executive secretary for the board" pass the Senate?" The roll was taken with the following result:

SCS CSHB 252(JUD)
Third Reading - Final Passage

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

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

Excused: Seekins

Absent: Bunde, Wagoner

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 252(JUD) passed the Senate.

Senator Elton gave notice of reconsideration.

SCR 24

Senator Ben Stevens moved and asked unanimous consent that SENATE CONCURRENT RESOLUTION NO. 24, which had been held on the Secretary's desk, (page 2850) be taken up at this time. Without objection, it was so ordered.

SENATE CONCURRENT RESOLUTION NO. 24 was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 24 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 252, relating to boards under AS 08.01, pass the Senate?" The roll was taken with the following result:

SCR 24
Final Passage

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

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

Excused: Seekins

Absent: Bunde

and so, SENATE CONCURRENT RESOLUTION NO. 24 passed the Senate and was referred to the Secretary for engrossment.

HB 273

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 273(JUD) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 273(JUD) "An Act relating to the right of a parent to waive an unemancipated child's claim of negligence against a provider of sports or recreational activities" pass the Senate?" The roll was taken with the following result:

SCS CSSSHB 273(JUD)
Third Reading - Final Passage

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

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

Excused: Seekins

Absent: Bunde

and so, SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 273(JUD) passed the Senate.

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

Senator Bunde gave notice of reconsideration.

HB 285

CS FOR HOUSE BILL NO. 285(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 285(JUD) "An Act adopting the Uniform Electronic Transactions Act; repealing certain statutes relating to electronic records and electronic signatures; amending Rule 402, Alaska Rules of Evidence; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 285(JUD)
Third Reading - Final Passage
Court Rule - Effective Date

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

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

Excused: Seekins

and so, CS FOR HOUSE BILL NO. 285(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 Court Rule change. Without objection, it was so ordered.

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 Dyson moved and asked unanimous consent to be shown as a cross sponsor on the bill. Without objection, it was so ordered.

Senator Ellis gave notice of reconsideration.

HB 288

SENATE CS FOR CS FOR HOUSE BILL NO. 288(STA) was read the third time.

Senator Cowdery called the Senate. The call was satisfied.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 288(STA) "An Act changing the name of the Department of Community and Economic Development to the Department of Commerce, Community, and Economic Development" pass the Senate?" The roll was taken with the following result:

SCS CSHB 288(STA)
Third Reading - Final Passage

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

Yea: Bunde, Cowdery, Dyson, Ogan, Olson, Stedman, Stevens B, Stevens G, Wagoner, Wilken

Nay: Davis, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Therriault

Excused: Seekins

Ogan changed from "Nay" to "Yea".

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 288(STA) failed to pass the Senate.

Senator Ben Stevens gave notice of reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 288(STA)(fld S).

HB 366

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

The question being: "Shall CS FOR HOUSE BILL NO. 366(FIN) "An Act relating to animal classic charitable gaming; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 366(FIN)
Third Reading - Final Passage
Effective Date

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

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

Excused: Seekins

and so, CS FOR HOUSE BILL NO. 366(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 Bunde gave notice of reconsideration.

HB 418

SENATE CS FOR CS FOR HOUSE BILL NO. 418(FIN) was read the third time.

Senator French declared a conflict of interest.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 418(FIN) "An Act extending the termination date of the Real Estate Commission; relating to real estate; relating to home inspectors; relating to real estate licensees; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 418(FIN)
Third Reading - Final Passage
Effective Date

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

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

Excused: Seekins

Absent: Cowdery

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 418(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 Bunde gave notice of reconsideration.

HB 419

SENATE CS FOR CS FOR HOUSE BILL NO. 419(FIN) was read the third time.

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

Senator Ben Stevens moved and asked unanimous consent that Senator Guess be excused from a call of the Senate for the remainder of the day due to illness. Without objection, Senator Guess was excused.

HB 419

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 419(FIN) "An Act relating to regional seafood development associations and to regional seafood development taxes" pass the Senate?" The roll was taken with the following result:

SCS CSHB 419(FIN)
Third Reading - Final Passage

YEAS: 16 NAYS: 1 EXCUSED: 2 ABSENT: 1

Yea: Bunde, Cowdery, Davis, Dyson, Ellis, French, Green, Hoffman, Lincoln, Olson, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Elton

Excused: Guess, Seekins

Absent: Ogan

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 419(FIN) passed the Senate.

Senator Ellis gave notice of reconsideration.

HB 424

CS FOR HOUSE BILL NO. 424(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 424(JUD) "An Act relating to review by the Legislative Affairs Agency of certain state agency regulations proposed for adoption, amendment, or repeal under the Administrative Procedure Act; repealing provisions relating to annulment of regulations; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 424(JUD)

Third Reading - Final Passage

YEAS: 11 NAYS: 7 EXCUSED: 2 ABSENT: 0

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

Nay: Davis, Ellis, Elton, French, Hoffman, Lincoln, Olson

Excused: Guess, Seekins

Olson changed from "Yea" to "Nay".

and so, CS FOR HOUSE BILL NO. 424(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:

CSHB 424(JUD)
Effective Date Clause

YEAS: 11 NAYS: 7 EXCUSED: 2 ABSENT: 0

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

Nay: Davis, Ellis, Elton, French, Hoffman, Lincoln, Olson

Excused: Guess, Seekins

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

CS FOR HOUSE BILL NO. 424(JUD)(efd fld S) was referred to the
Secretary for engrossment.

HB 531

SENATE CS FOR CS FOR HOUSE BILL NO. 531(FIN) "An Act
relating to natural gas exploration and development and to
nonconventional gas, and amending the section under which shallow
natural gas leases may be issued; and providing for an effective date"
was read the third time.

Senator Elton 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 Elton offered Amendment No. 1:

Page 6, line 29 following "purposes;"

Insert: "(C) allow the use of toxic hydraulic fracturing fluids;"

Renumber accordingly.

Senator Elton moved for the adoption of Amendment No. 1. Senator
Green objected.

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

SCS CSHB 531(FIN)
Second Reading
Amendment No. 1

YEAS: 7 NAYS: 10 EXCUSED: 2 ABSENT: 1

Yea: Davis, Ellis, Elton, French, Lincoln, Olson, Stevens G

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

Excused: Guess, Seekins

Absent: Hoffman

and so, Amendment No. 1 failed.

SENATE CS FOR CS FOR HOUSE BILL NO. 531(FIN) was automatically in third reading.

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

Senator Elton offered Amendment No. 2:

Page 42, line 12:

Insert

***Sec. 45.** AS 38.05.945 is amended by adding a new subsection to read:

- (i) in addition to the requirements of AS 38.05.945(b), for non-conventional gas leases the director shall provide notification by mail to each land owner, municipality, tribal organization, and community council within 5 miles of the proposed action. Each published or mailed notice must include a detailed map of the area considered for the lease."

Renumber accordingly.

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

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

SCS CSHB 531(FIN)
Second Reading
Amendment No. 2

YEAS: 8 NAYS: 9 EXCUSED: 2 ABSENT: 1

Yea: Davis, Dyson, Ellis, Elton, French, Lincoln, Olson, Stevens G

Nay: Bunde, Cowdery, Green, Ogan, Stedman, Stevens B, Therriault, Wagoner, Wilken

Excused: Guess, Seekins

Absent: Hoffman

and so, Amendment No. 2 failed.

SENATE CS FOR CS FOR HOUSE BILL NO. 531(FIN) was automatically in third reading.

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

Senator Ellis offered Amendment No. 3:

Page 6, line 26:

Delete: "or"

Page 6, line 27 following "(B)":

Insert: issue a permit to drill in an area specifically excluded by a municipal ordinance declaring the area to be:

- i) sensitive fish or wildlife habitat incompatible with operations involving nonconventional gas,
- ii) a recreational area incompatible with operations involving nonconventional gas, or
- iii) a residential area incompatible with operations involving nonconventional gas, or

(C)

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

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

SCS CSHB 531(FIN)
Second Reading
Amendment No. 3

YEAS: 8 NAYS: 10 EXCUSED: 2 ABSENT: 0

Yea: Davis, Ellis, Elton, French, Hoffman, Lincoln, Olson, Stevens G

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

Excused: Guess, Seekins

Hoffman changed from "Nay" to "Yea".

and so, Amendment No. 3 failed.

SENATE CS FOR CS FOR HOUSE BILL NO. 531(FIN) was automatically in third reading.

Senator Ellis moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 4. Without objection, the bill was returned to second reading.

Senator Ellis offered Amendment No. 4:

Page 40, line 10; following "land":

Insert ";"

(4) for a nonconventional gas lease, rights under the reservation as set out in AS 38.05.125 may not be exercised under the lease unless the owner and the state and its lessees, successors, or assigns reach a prior written agreement under which the state and its lessees, successors, or assigns may enter upon the land in the exercise of the reserved right; only one written agreement authorizing entry onto the land may be required under this subparagraph to authorize

activity by the state and its lessees, successors, or assigns, or by their agents, attorneys, and servants as allowed under this subsection; an agreement entered into under this subparagraph is

- (i) for the duration of the period of production or recovery operations unless the parties agree to a different duration; and
- (ii) a covenant running with the land"

Renumber accordingly.

Senator Ellis moved for the adoption of Amendment No. 4. Senator Ben Stevens objected.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

SCS CSHB 531(FIN)
Second Reading
Amendment No. 4

YEAS: 8 NAYS: 10 EXCUSED: 2 ABSENT: 0

Yea: Davis, Ellis, Elton, French, Hoffman, Lincoln, Olson, Stevens G

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

Excused: Guess, Seekins

and so, Amendment No. 4 failed.

SENATE CS FOR CS FOR HOUSE BILL NO. 531(FIN) was automatically in third reading.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 531(FIN) "An Act relating to natural gas exploration and development and to nonconventional gas, and amending the section under which shallow natural gas leases may be issued; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 531(FIN)
Third Reading - Final Passage
Effective Date

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

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

Excused: Guess, Seekins

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 531(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.

HB 533

SENATE CS FOR CS FOR HOUSE BILL NO. 533(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 533(FIN) "An Act relating to the state's administrative procedures and to judicial oversight of administrative matters" pass the Senate?" The roll was taken with the following result:

SCS CSHB 533(FIN)
Third Reading - Final Passage

YEAS: 15 NAYS: 3 EXCUSED: 2 ABSENT: 0

Yea: Bunde, Cowdery, Davis, Elton, Green, Hoffman, Lincoln, Ogan, Olson, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nay: Dyson, Ellis, French

Excused: Guess, Seekins

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 533(FIN) passed the Senate.

Senator Ellis gave notice of reconsideration.

Reconsideration of House Bills

HB 531

Senator Ben Stevens gave notice of reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 531(FIN) "An Act relating to natural gas exploration and development and to nonconventional gas, and amending the section under which shallow natural gas leases may be issued; and providing for an effective date."

Senator Ben Stevens moved and asked unanimous consent that the reconsideration be taken up at this time. Senator Ellis objected.

Senator Ben Stevens withdrew his motion to take the reconsideration up at this time.

House Bills in Third Reading

HB 188

HOUSE BILL NO. 188 "An Act relating to the authority of the Department of Natural Resources to issue citations for certain skiing violations; relating to establishing a bail schedule for certain skiing violations and to procedures for issuing a citation for a skiing violation" was before the Senate in third reading.

Senator French 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.

Senators French, Ogan offered Amendment No. 1:

Page 2, line 2, following "section.":

Insert "A bail amount may not exceed \$50."

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:

HB 188
Second Reading
Amendment No. 1

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

Yea: Davis, Ellis, French, Hoffman, Lincoln, Ogan, Olson

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

Excused: Guess

and so, Amendment No. 1 failed.

HOUSE BILL NO. 188 was automatically in third reading.

The question being: "Shall HOUSE BILL NO. 188 "An Act relating to the authority of the Department of Natural Resources to issue citations for certain skiing violations; relating to establishing a bail schedule for certain skiing violations and to procedures for issuing a citation for a skiing violation" pass the Senate?" The roll was taken with the following result:

HB 188
Third Reading - Final Passage

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

Yea: Bunde, Cowdery, Dyson, Elton, Green, Olson, Seekins, Stevens B, Stevens G, Therriault, Wilken

Nay: Davis, Ellis, French, Hoffman, Lincoln, Ogan, Stedman, Wagoner

Excused: Guess

and so, HOUSE BILL NO. 188 passed the Senate.

Senator French gave notice of reconsideration.

Reconsideration of House Bills**HB 467**

Senator Wilken requested that the reconsideration on 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" be taken up. The bill was before the Senate on reconsideration.

Senator Wilken 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.

Senators Wilken, Green offered Amendment No. 1:

Page 3, lines 1 - 2:

Delete all material and insert:

"(d) Public members of the commission are not entitled to compensation, and, notwithstanding AS 39.20.180, they are not entitled to reimbursement for expenses incurred in serving on the commission or for per diem."

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

CS FOR HOUSE BILL NO. 467(FIN) am S was automatically in third reading on reconsideration.

The question to be reconsidered: "Shall CS FOR HOUSE BILL NO. 467(FIN) am S "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" pass the Senate?" The roll was taken with the following result:

CSHB 467(FIN) am S
Third Reading - On Reconsideration
Effective Date

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

Yea: Bunde, Cowdery, Davis, Dyson, Elton, French, Green, Hoffman, Lincoln, Olson, Seekins, Stedman, Stevens B, Stevens G, Wagoner, Wilken

Nay: Ellis, Ogan, Therriault

Excused: Guess

Ellis changed from "Yea" to "Nay".

and so, CS FOR HOUSE BILL NO. 467(FIN) am S 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.

HB 476

Senator Wilken requested that the reconsideration on CS FOR HOUSE BILL NO. 476(STA) "An Act establishing the Alaska Statehood Celebration Commission; and providing for an effective date" be taken up. The bill was before the Senate on reconsideration.

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

Amendment No. 1 was not offered.

Senators Wilken, Green offered Amendment No. 2:

Page 2, lines 22 - 23:

Delete all material and insert:

"(d) Notwithstanding AS 39.20.180, public members of the commission are not entitled to expenses, travel, or per diem allowances."

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

CS FOR HOUSE BILL NO. 476(STA) am S was automatically in third reading on reconsideration.

The question to be reconsidered: "Shall CS FOR HOUSE BILL NO. 476(STA) am S "An Act establishing the Alaska Statehood Celebration Commission; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 476(STA) am S
Third Reading - On Reconsideration
Effective Date

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

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

Excused: Guess

and so, CS FOR HOUSE BILL NO. 476(STA) am S 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.

Citations

Honoring – Captain Paul Gonzalez
Representative(s) McGuire

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

Honoring – James Nestic, Mayor of Old Harbor
Representative(s) Ogg
Senator(s) Gary Stevens, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben Stevens, Wagoner, Wilken

Honoring – Norman Sutliff
Representative(s) Ogg
Senator(s) Gary Stevens, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben Stevens, Wagoner, Wilken

In Memoriam – Lee Daniel Williams
Representative(s) Kohring, Gatto, Harris, Masek, Stoltze
Senator(s) Green, Ogan, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben Stevens, Gary Stevens, Wagoner, Wilken

In Memoriam – Gary Dean Ackerman, Sr.
Representative(s) Guttenberg
Senator(s) Seekins, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Olson, 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.

Unfinished Business

Senator French moved and asked unanimous consent to be excused from the Senate, not subject to a call, from May 25 through June 1. Without objection, Senator French was excused.

HB 31

The reconsideration on HOUSE BILL NO. 31 "An Act relating to initiative and referendum petitions; and providing for an effective date" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

HB 51

The reconsideration on CS FOR HOUSE BILL NO. 51(HES) "An Act requiring pharmacists to include generic drug information on containers in which brand-name prescription drug orders are dispensed" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

HB 272

The reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 272(L&C) am S "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 not taken up this legislative day and the bill was referred to the Secretary for engrossment.

HJR 5

The reconsideration on HOUSE JOINT RESOLUTION NO. 5 Proposing an amendment to the Constitution of the State of Alaska relating to initiative and referendum petitions, was not taken up this legislative day and the resolution was signed by the President and Secretary and returned to the House.

HJR 26

Senator Ben Stevens moved and asked unanimous consent that the reconsideration on CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) am S(fld 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, be held to the next legislative day. Without objection, it was so ordered.

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, which passed the Senate May 8 (page 3495), was signed by the President and Secretary and returned to the House.

Concur Messages**SB 30**

Senator Ben Stevens moved and asked unanimous consent that the concur message on HOUSE CS FOR CS FOR SENATE BILL NO. 30(JUD) "An Act relating to information and services available to pregnant women and other persons; ensuring informed consent before an abortion may be performed; and providing exceptions to informed consent in certain cases" which had been held on the Secretary's desk (page 3510) be taken up at this time. Without objection, it was so ordered.

Senator Ben Stevens moved that the Senate concur in the House amendment and recommended the body vote no.

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

HCS CSSB 30(JUD)

Shall the Senate Concur in the House
Amendment to CSSB 30(JUD) am?

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

Yea: Davis, Ellis, Elton, French, Lincoln

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

Excused: Guess

and so, the Senate failed to concur.

The Secretary was requested to notify the House of the Senate's action and request the House to recede from its amendment. In the event the House fails to recede, the President appointed a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Dyson, Chair
Senator Seekins
Senator Lincoln

The Secretary was requested to notify the House.

SB 194

Senator Ben Stevens moved and asked unanimous consent that the concur message on HOUSE CS FOR CS FOR SENATE BILL NO. 194(L&C) "An Act authorizing delivery of up to two bottles of distilled spirits or 72 ounces of beer to a cruise ship passenger or hotel guest" which had been held on the Secretary's desk (page 3510) be taken up at this time. Without objection, it was so ordered.

Senator Ben Stevens 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 194(L&C)
Shall the Senate Concur in the House
Amendment to CSSB 194(FIN)?

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

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

Nays: Elton

Excused: Guess

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 194(L&C) "An Act authorizing delivery of up to two bottles of distilled spirits or 72 ounces of beer to a cruise ship passenger or hotel guest."

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The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 273

Senator Ben Stevens moved and asked unanimous consent that the concur message on HOUSE CS FOR CS FOR SENATE BILL NO. 273(FIN) "An Act amending the size, membership, and powers of the board of directors of the Alaska Seafood Marketing Institute and making a corresponding change in the quorum requirement; authorizing the establishment of the seafood marketing assessment at a rate of 0.5 percent or 0.6 percent of the value of seafood products produced; providing for an election to retain, terminate, or increase the seafood marketing assessment; providing for the repeal of the salmon marketing tax and provisions related to the salmon marketing tax; and providing for an effective date" which had been held on the Secretary's desk (page 3462) be taken up at this time. Without objection, it was so ordered.

Senator Ben Stevens 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 273(FIN)

Shall the Senate Concur in the House

Amendment to CSSB 273(FIN)? Effective Dates

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

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

Excused: Guess

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 273(FIN) "An Act amending the size, membership, and powers of the board of directors of the Alaska Seafood Marketing Institute and making a corresponding change in the quorum requirement; authorizing the establishment of

the seafood marketing assessment at a rate of 0.5 percent or 0.6 percent of the value of seafood products produced; providing for an election to retain, terminate, or increase the seafood marketing assessment; providing for the repeal of the salmon marketing tax and provisions related to the salmon marketing tax; and providing for an effective date."

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

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 276

Senator Ben Stevens moved and asked unanimous consent that the concur message on HOUSE CS FOR CS FOR SENATE BILL NO. 276(JUD) "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" which had been held on the Secretary's desk (page 3412) be taken up at this time. Without objection, it was so ordered.

Senator Ben Stevens 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 276(JUD)

Shall the Senate Concur in the House

Amendment to CSSB 276(FIN)? - Effective Dates

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

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

Excused: Guess

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and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 276(JUD) "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."

Senator Ben Stevens moved and asked unanimous consent that the vote on concurrence 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.

SB 351

Senator Ben Stevens moved and asked unanimous consent that the concur message on HOUSE CS FOR CS FOR SENATE BILL NO. 351(STA) "An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means, and specifying the manner of preparing the forms that are provided by the commission" which had been held on the Secretary's desk (page 3511) be taken up at this time. Without objection, it was so ordered.

Senator Ben Stevens 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 351(STA)
Shall the Senate Concur in the House
Amendment to CSSB 351(FIN)?

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

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

Excused: Guess

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 351(STA) "An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means, and specifying the manner of preparing the forms that are provided by the commission."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 365

Senator Ben Stevens moved and asked unanimous consent that the concur message on HOUSE CS FOR CS FOR SENATE BILL NO. 365(FIN) "An Act relating to the regulation of speech-language pathologist assistants; and providing for an effective date" which had been held on the Secretary's desk (page 3462) be taken up at this time. Without objection, it was so ordered.

Senator Ben Stevens 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 365(FIN)
Shall the Senate Concur in the House
Amendment to CSSB 365(FIN)? Effective Date

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

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

Excused: Guess

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 365(FIN) "An Act relating to the regulation of speech-language pathologist assistants; and providing for an effective date."

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

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

HCR 37

Senator Ben Stevens moved and asked unanimous consent that HOUSE CONCURRENT RESOLUTION NO. 37 which had been held on the Secretary's desk (page 3509) be taken up at this time. Without objection, it was so ordered.

HOUSE CONCURRENT RESOLUTION NO. 37 was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 37 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 194, relating to delivery of distilled spirits and beer, pass the Senate?" The roll was taken with the following result:

HCR 37
Final Passage

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

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

Excused: Guess

and so, HOUSE CONCURRENT RESOLUTION NO. 37 passed the Senate, was signed by the President and Secretary and returned to the House.

Announcements

Announcements are at the end of the journal.

Engrossment**HB 272**

SENATE CS FOR CS FOR HOUSE BILL NO. 272(L&C) am S "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 engrossed and signed by the President and Secretary.

HB 424

CS FOR HOUSE BILL NO. 424(JUD)(efd fld S) "An Act relating to review by the Legislative Affairs Agency of certain state agency regulations proposed for adoption, amendment, or repeal under the Administrative Procedure Act; and repealing provisions relating to annulment of regulations" was engrossed, signed by the President and Secretary and returned to the House.

HB 459

CS FOR HOUSE BILL NO. 459(STA) am S "An Act relating to optically scanned and electronically generated ballots and to early voting; and providing for an effective date" was engrossed and signed by the President and Secretary.

HB 467

CS FOR HOUSE BILL NO. 467(FIN) am S "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 engrossed and signed by the President and Secretary.

HB 476

CS FOR HOUSE BILL NO. 476(STA) am S "An Act establishing the Alaska Statehood Celebration Commission; and providing for an effective date" was engrossed and signed by the President and Secretary.

HB 494

SENATE CS FOR CS FOR HOUSE BILL NO. 494(FIN) "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" was engrossed and signed by the President and Secretary.

SCR 28

SENATE CONCURRENT RESOLUTION NO. 28 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 459, relating to optically scanned and electronically generated ballots, was engrossed, signed by the President and Secretary and transmitted 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 10, 2004. Without objection, the Senate adjourned at 11:06 p.m.

Kirsten Waid
Secretary of the Senate

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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 09 Sunday Senate Finance 532 12:00 PM

+ = HB 422 BUDGET RESERVE FUND INVESTMENT
+ = HCR 32 AK INFO INFRASTRUCTURE POLICY TASK FORCE
+ SB 396 INTERIOR RIVERS PORT AUTHORITY
+ = HB 275 ANIMALS AND CRUELTY TO ANIMALS
+ HB 295 REGULATIONS: NOTICE AND DISTRIBUTION
+ HB 495 4 DAM POOL JOINT ACTION AGENCY
+ = HB 534 MAKE OFFICE OF VICTIMS RIGHTS PERMANENT
+ HB 536 PFUND APPLICATION DEADLINES: MILITARY
+ Bills Previously Heard/Scheduled

May 10 Monday Senate Finance 532 8:00 AM

-- Time Change --
+ = HB 341 DIVE FISHERY MANAGEMENT ASSESSMENT
<Above Bill Hearing Canceled>
= HB 342 DRIVING UNDER INFLUENCE/ALCOHOL OFFENSES
+ HB 319 REC.CABIN SITES/ LOTTERY SALE/RTS. RESERV
+ HB 338 ATTENDANCE AT PUBLIC SCHOOL
+ HB 461 EMERGENCY SERVICES DISPATCH/911 SURCHARGE
<Pending Referral>
HB 552 GAMBLING & GAMING
<Pending Referral>
+ Bills Previously Heard/Scheduled
+ = HB 495 4 DAM POOL JOINT ACTION AGENCY

HEALTH, EDUCATION & SOCIAL SERVICES

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 09	Sunday	Butrovich 205	10:00 AM
+-- HB 563	-- Meeting Postponed to Call of Chair -- LEGISLATIVE PROCEDURE & ETHICS GUIDELINES		
+-- HB 503	TOBACCO MASTER SETTLEMENT AGREEMENT <Above Bill Hearing Canceled> Bills Previously Heard/Scheduled		
May 10	Monday	Butrovich 205	8:00 AM
+-- HB 563	LEGISLATIVE PROCEDURE & ETHICS GUIDELINES		
+ Bills Previously Heard/Scheduled			

RESOURCES

May 10	Monday	Butrovich 205	
+ HCR 39	ALASKA ROYALTY AND REVENUE TASK FORCE Meeting time: At the Call of the Chair		

STATE AFFAIRS

May 10	Monday	Beltz 211	3:30 PM
+ HB 327	POWERS/DUTIES DOTPF <Pending Referral>		

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JOINT COMMITTEES

CONFERENCE COMMITTEE ON HB 375 & HB 377

May 10 Monday Senate Finance 532 7:00 AM
-- Meeting Postponed To Call of Chair--
+= HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS
+= HB 377 APPROP:MENTAL HEALTH BUDGET

CONFERENCE COMMITTEE ON SB 283

May 09 Sunday Senate Finance 532 4:00 PM
-- Rescheduled to 05/10/04 --
= SB 283 APPROP: EDUC/CBR/COURTS/GRANTS/PCE

May 10 Monday Senate Finance 532 12:00 PM
-- Rescheduled from 05/9/04 --
= SB 283 APPROP: EDUC/CBR/COURTS/GRANTS/PCE

OTHER MEETINGS

JOINT LEGISLATIVE HEALTH CAUCUS

May 10 Monday Butrovich 205 12:00 PM
"Alaskans Talk About the Week of the
Uninsured."

JOINT SESSION

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