

# **SENATE JOURNAL**

## **ALASKA STATE LEGISLATURE**

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

**Juneau, Alaska**

**Wednesday**

**May 15, 2002**

#### **One Hundred Twenty-second Day**

Pursuant to adjournment the Senate was called to order by President Halford at 3:25 p.m.

The roll showed eighteen members present. Senators Austerman, Phillips were absent.

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

God, grant me the serenity to accept those things we  
cannot change, the courage to change those things  
that we can, and the wisdom to know the difference.  
Amen.

Senator Elton led the Senate in the Pledge of Allegiance.

#### **Messages from the Governor**

##### **Executive Proclamation**

Under the authority of art. II, sec. 9, and art. III, sec. 17, of the Alaska Constitution, and in the public interest, I call the Twenty-Second Legislature of the State of Alaska into its second special session at Juneau, Alaska, in the legislative chambers at 2:00 p.m. on the day following the date of adjournment of the second regular session, including any extension made under art. II, sec. 8 of the Alaska Constitution to consider an amendment to the Alaska Constitution providing for priorities for the taking of fish, wildlife, and other renewable resources for subsistence.

Dated at Juneau, Alaska this 14th day of May, 2002.

/s/

Tony Knowles, Governor

**Messages from the House**

**SCR 36**

Message dated May 13 was read, stating the House passed and returned:

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

The resolution was referred to the Secretary for enrollment.

**SCR 37**

Message dated May 13 was read, stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 37  
Suspending Rules 24(c), 35, 41(b), and 42(e),  
Uniform Rules of the Alaska State Legislature,  
concerning House Bill No. 274, relating to workers'  
compensation.

The resolution was referred to the Secretary for enrollment.

**SB 100**

Message dated May 13 was read, stating the House passed and returned:

CS FOR SPONSOR SUBSTITUTE FOR SENATE  
BILL NO. 100(RLS)(title am) "An Act relating to  
regulation and operation of personal motor vehicles."

The bill was referred to the Secretary for enrollment.

**SB 235**

Message dated May 13 was read, stating the House passed and  
returned:

CS FOR SENATE BILL NO. 235(STA) "An Act  
relating to emergency and disaster relief forces as  
state employees for purposes of workers'  
compensation benefits; relating to the Emergency  
Management Assistance Compact and the  
implementation of the compact; and providing for an  
effective date."

The bill was referred to the Secretary for enrollment.

**HB 286**

Message dated May 13 was read, stating the House concurred in the  
Senate amendment to CS FOR HOUSE BILL NO. 286(RES) am, thus  
adopting:

SENATE CS FOR CS FOR HOUSE BILL NO.  
286(RES) "An Act allowing a person to hold two  
commercial fishing entry permits for a salmon fishery  
for the purpose of consolidating the fishing fleet for a  
salmon fishery; relating to salmon fishery  
associations and to salmon fishery assessments; and  
providing for an effective date."

The presence of Senators Austerman, Phillips was noted.

**HB 274**

Message dated May 13 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 274(L&C) "An Act relating to the qualification of a physician used for an employer's independent medical examination and to the authority of the Alaska Workers' Compensation Board to provide an expedited hearing when an employee needs medical treatment; and providing for an effective date" thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 274(L&C) "An Act relating to the qualification of a physician used for an employer's independent medical examination; and providing for an effective date." (Title change authorized by SCR 37)

**HB 262**

Message dated May 13 was read, stating the House concurred in the Senate amendment to HOUSE BILL NO. 262 "An Act relating to accounting for and appropriations of receipts from fees collected by the Department of Labor and Workforce Development for certain inspections and for certain plumbing and electrical worker certificates of fitness; establishing a building safety account; and providing for an effective date" thus adopting:

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

**HB 206**

Message dated May 13 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 206(RLS), thus adopting:

CS FOR HOUSE BILL NO. 206(RLS) am S "An Act relating to a vessel-based commercial fisheries limited entry system for the Bering Sea Korean hair crab fishery and for weathervane scallop fisheries, to management of offshore fisheries, and to the definition of 'person' for purposes of the commercial fisheries entry program; and providing for an effective date."

**SB 345**

Message dated May 14 was read, stating the House has adopted the report of the Conference Committee considering HOUSE CS FOR SENATE BILL NO. 345(RLS) and SENATE BILL NO. 345, thus adopting:

CONFERENCE CS FOR SENATE BILL NO. 345  
"An Act relating to correspondence study programs; relating to funding the Alaska Challenge Youth Academy program; relating to medical assistance for rehabilitative services for certain children with disabilities; relating to agreements to pay medical assistance for covered services paid for or furnished to eligible children with disabilities by a school district; and providing for an effective date."

The Senate adopted CONFERENCE CS FOR SENATE BILL NO. 345 on May 14 (page 3546).

The bill was referred to the Secretary for engrossment and enrollment.

**Standing Committee Reports****HB 27**

The Rules Committee considered CS FOR HOUSE BILL NO. 27(FIN) "An Act relating to the registration of individuals who perform home inspections; relating to regulation of contractors; relating to registration fees for specialty contractors, home inspectors, and associate home inspectors; relating to home inspection requirements for residential loans purchased or approved by the

Alaska Housing Finance Corporation; relating to civil actions by and against home inspectors and to civil actions arising from residential unit inspections; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Ellis, Therriault, Cowdery.

**HB 182**

The Rules Committee considered CS FOR HOUSE BILL NO. 182(FIN) am "An Act relating to certain vehicles, including motorcycles and trailers; relating to the registration, bonding, and other regulation of motor vehicle dealers; relating to the registration and other regulation of certain motor vehicle buyers' agents; relating to acts and transactions involving vehicles, including trailers, and to the acts and practices of certain persons and entities involved in vehicle transactions, including trailer transactions; relating to consumer protection for used vehicle buyers; amending Rule 3, Alaska Rules of Civil Procedure; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Therriault.

The bill is on today's calendar.

**HB 203**

The Rules Committee considered CS FOR HOUSE BILL NO. 203(FIN) "An Act making an appropriation to the Legislative Council for a study of school district cost factors; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 203(RLS) "An Act making an appropriation to the Department of Education and Early Development for the foundation program; and providing for an effective date." (Title change authorized by SCR 13)

Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Therriault.

**HB 239**

The Rules Committee considered HOUSE BILL NO. 239 "An Act establishing a pilot program for a regional learning center" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 239(RLS)  
"An Act relating to the base student allocation used in the formula for state funding of public education; establishing a pilot program for a regional learning center; and providing for an effective date." (Title change authorized by SCR 45)

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

The following previously published fiscal information applies:  
Fiscal Note No. 2, Department of Education and Early Development

**HB 252**

The Rules Committee considered CS FOR HOUSE BILL NO. 252(RLS) "An Act relating to the construction of certain statutes relating to children; relating to the scope of duty and standard of care for persons who provide services to certain children and families; relating to civil liability for damages to certain children and their families resulting from failure to comply with certain statutes; relating to intensive family preservation services; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Therriault, Cowdery. Signing under other recommendations: Senator Ellis.

**HB 317**

The Rules Committee considered CS FOR HOUSE BILL NO. 317(FIN) "An Act relating to stalking and to violating a protective order; and amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration." Signing under other recommendations: Senator Phillips, Chair, Senator Therriault. Signing to calendar: Senators Ellis, Cowdery.

**HB 451**

The Rules Committee considered HOUSE BILL NO. 451 am "An Act relating to municipal bond reimbursement for school construction; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 451(RLS)  
"An Act relating to construction, rehabilitation, and improvement of schools and education-related facilities; relating to municipal bond reimbursement for school construction; and providing for an effective date." (Title change authorized by SCR 46)

Signing to calendar and do pass: Senator Phillips, Chair, Senators Cowdery, Halford. Signing under other recommendations: Senator Therriault.

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

The bill is on today's calendar.

**SCR 13**

The Rules Committee considered SENATE CONCURRENT RESOLUTION NO. 13 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 203, making an appropriation for a study of school district cost factors. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford, Therriault.

**Introduction and Reference of  
Senate Resolutions**

**SCR 45**

SENATE CONCURRENT RESOLUTION NO. 45 BY THE SENATE RULES COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning HOUSE BILL NO. 239, relating to establishing a regional learning center.

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



**SCR 46**

SENATE CONCURRENT RESOLUTION NO. 46 BY THE  
SENATE RULES COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),  
Uniform Rules of the Alaska State Legislature,  
concerning House Bill No. 451, relating to  
reimbursement of municipal bonds for schools.

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

**Consideration of the Calendar****Second Reading of House Bills****SCR 46**

SENATE CONCURRENT RESOLUTION NO. 46, which had been  
placed on the Secretary's desk (page 3573) was read the second time  
and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION  
NO. 46 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules  
of the Alaska State Legislature, concerning House Bill No. 451,  
relating to reimbursement of municipal bonds for schools, pass the  
Senate?" The roll was taken with the following result:

SCR 46

Second - Final Passage

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

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

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

and so, SENATE CONCURRENT RESOLUTION NO. 46 passed the  
Senate.

Senator Ellis gave notice of reconsideration.

**HB 451**

HOUSE BILL NO. 451 am "An Act relating to municipal bond reimbursement for school construction; and providing for an effective date" was read the second time.

Senator Phillips, Chair, moved and asked unanimous consent for the adoption of the Rules Senate Committee Substitute offered on page 3571. Senator Ellis objected.

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

HB 451(RLS) am  
Second Reading  
Adopt Rules Committee Substitute?

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

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

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

and so, SENATE CS FOR HOUSE BILL NO. 451(RLS) "An Act relating to construction, rehabilitation, and improvement of schools and education-related facilities; relating to municipal bond reimbursement for school construction; and providing for an effective date" (Title change authorized by SCR 46) was adopted and read the second time.

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

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

SCS HB 451(RLS)  
Advance from Second to Third Reading?

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

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

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

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

SENATE CS FOR HOUSE BILL NO. 451(RLS) will be on the May 16 calendar.

**HB 182**

CS FOR HOUSE BILL NO. 182(FIN) am "An Act relating to certain vehicles, including motorcycles and trailers; relating to the registration, bonding, and other regulation of motor vehicle dealers; relating to the registration and other regulation of certain motor vehicle buyers' agents; relating to acts and transactions involving vehicles, including trailers, and to the acts and practices of certain persons and entities involved in vehicle transactions, including trailer transactions; relating to consumer protection for used vehicle buyers; amending Rule 3, Alaska Rules of Civil Procedure; and providing for an effective date" was read the second time.

Senator Stevens, Chair, moved and asked unanimous consent for the adoption of the Labor and Commerce Senate Committee Substitute offered on page 2972. Senator Ellis objected.

Senator Ellis called the Senate. The call was satisfied.

Senator Ellis withdrew his objection. There being no further objections, SENATE CS FOR CS FOR HOUSE BILL NO. 182(L&C) was adopted and read the second time.

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

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

SCS CSHB 182(L&C)

Advance from Second to Third Reading?

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

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

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

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

SENATE CS FOR CS FOR HOUSE BILL NO. 182(L&C) will be on the May 16 calendar.

**HB 350**

CS FOR HOUSE BILL NO. 350(FIN) am "An Act relating to murder, conspiracy, criminal mischief, and terroristic threatening; and providing for an effective date" was read the second time.

Senator Taylor, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 3257. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 350(JUD) was adopted and read the second time.

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

Senator Halford called the Senate. The call was satisfied.

**HB 350**

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

SCS CSHB 350(JUD)

Advance from Second to Third Reading?

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

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

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

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

SENATE CS FOR CS FOR HOUSE BILL NO. 350(JUD) will be on the May 16 calendar.

Senator Leman moved and asked unanimous consent that the Senate move down the Calendar to Third Reading of House Bills. Senator Ellis objected.

The question being: "Shall the Senate Advance to Third Reading of House Bills?" The roll was taken with the following result:

Shall the Senate advance to Third Reading of House Bills?

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

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

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

and so, the Senate advanced to:

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

#### **HB 303**

2d CS FOR HOUSE BILL NO. 303(RLS) "An Act relating to taxation of individual income; and providing for an effective date" was read the third time.

Senator Ellis moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Senator Taylor objected.

The question being: "Shall the bill be returned to second reading for the purpose of a specific amendment?" The roll was taken with the following result:

2d CSHB 303(RLS)

Third Reading - Final Passage

Return to Second for Specific Amendment

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

Yeas: Austerman, Davis, Ellis, Elton, Hoffman, Lincoln, Olson

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

and so, the bill was not returned to second reading.

The question being: "Shall 2d CS FOR HOUSE BILL NO. 303(RLS) "An Act relating to taxation of individual income; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

2d CSHB 303(RLS)

Third Reading - Final Passage

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

Yeas: Austerman, Hoffman

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

and so, 2d CS FOR HOUSE BILL NO. 303(RLS) failed.

Senator Wilken gave notice of reconsideration.

**HB 447**

HOUSE BILL NO. 447 was read the third time.

The question being: "Shall HOUSE BILL NO. 447 "An Act relating to the interest rates that may be charged on loans by the Commercial Fishing and Agriculture Bank" pass the Senate?" The roll was taken with the following result:

HB 447

Third Reading - Final Passage

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

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

Nays: Torgerson

and so, HOUSE BILL NO. 447 passed the Senate.

Senator Ellis gave notice of reconsideration.

**HB 56**

CS FOR HOUSE BILL NO. 56(FIN) was read the third time.

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

The question being: "Shall CS FOR HOUSE BILL NO. 56(FIN) "An Act relating to minimum wages; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 56(FIN)

Third Reading - Final Passage

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

Yeas: Donley, Elton, Halford, Hoffman, Lincoln, Olson, Phillips

Nays: Austerman, Cowdery, Davis, Ellis, Green, Kelly, Leman, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Olson changed from "Nay" to "Yea".

and so, CS FOR HOUSE BILL NO. 56(FIN) failed.

Senator Kelly gave notice of reconsideration.

**HB 296**

SENATE CS FOR CS FOR HOUSE BILL NO. 296(JUD) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 296(JUD) "An Act relating to mergers and consolidations of municipalities" pass the Senate?" The roll was taken with the following result:

SCS CSHB 296(JUD)  
Third Reading - Final Passage

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

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

Nays: Elton, Green, Wilken

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 296(JUD) passed the Senate.

Senator Ellis gave notice of reconsideration.

**HB 397**

SENATE CS FOR CS FOR HOUSE BILL NO. 397(TRA) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 397(TRA) "An Act exempting a person driving certain motor vehicles, aircraft, or watercraft from driver licensing requirements; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 397(TRA)  
Third Reading - Final Passage  
Effective Date

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

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

Nays: Ellis, Wilken

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 397(TRA) passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on



the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered.

Senator Ellis gave notice of reconsideration.

**HB 421**

SENATE CS FOR CS FOR HOUSE BILL NO. 421(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 421(FIN) "An Act relating to requiring the Department of Natural Resources to develop and maintain a standardized procedure for processing applications and issuing permits, authorizations, and certifications under the Alaska Water Use Act and to make a record of those items and amendments and orders affecting them available on the Internet" pass the Senate?" The roll was taken with the following result:

SCS CSHB 421(FIN)

Third Reading - Final Passage

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

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

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

Senator Ellis gave notice of reconsideration.

**HB 515**

SENATE CS FOR CS FOR HOUSE BILL NO. 515(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 515(FIN) "An Act relating to missions and measures to be applied to certain expenditures by the executive branch of state government and the University of Alaska and by the judicial branch of

state government from the state operating budget for the fiscal year ending June 30, 2003; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 515(FIN)

Third Reading - Final Passage

Effective Date

**YEAS: 16 NAYS: 4 EXCUSED: 0 ABSENT: 0**

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

Nays: Elton, Hoffman, Lincoln, Olson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 515(FIN) passed the Senate.

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

Senator Ellis gave notice of reconsideration.

**HB 160**

CS FOR HOUSE BILL NO. 160(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 160(JUD) "An Act requiring the reporting of induced terminations of pregnancies" pass the Senate?" The roll was taken with the following result:

CSHB 160(JUD)

Third Reading - Final Passage

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

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

Nays: Lincoln

and so, CS FOR HOUSE BILL NO. 160(JUD) passed the Senate.

Senator Ellis gave notice of reconsideration.

**HB 208**

CS FOR HOUSE BILL NO. 208(RES) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 208(RES) "An Act relating to aquatic farming of shellfish; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CASHB 208(RES)

Third Reading - Final Passage

Effective Date

**YEAS: 16 NAYS: 4 EXCUSED: 0 ABSENT: 0**

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

Nays: Green, Halford, Phillips, Ward

and so, CS FOR HOUSE BILL NO. 208(RES) passed the Senate.

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

Senator Ellis gave notice of reconsideration.

**HB 504**

CS FOR HOUSE BILL NO. 504(FIN) am was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 504(FIN) am "An Act relating to the wages of people working in the fisheries business" pass the Senate?" The roll was taken with the following result:

CSHB 504(FIN) am  
Third Reading - Final Passage

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

Yeas: Austerman, Cowdery, Green, Hoffman, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Wilken

Nays: Davis, Donley, Ellis, Elton, Halford, Kelly, Therriault, Torgerson, Ward

and so, CS FOR HOUSE BILL NO. 504(FIN) am passed the Senate.

Senator Kelly gave notice of reconsideration.

### **Reconsideration of House Bills**

#### **HB 246**

Senator Phillips requested that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 246(JUD) am S "An Act relating to regulation of a person providing insurance for the cost of medical care, to confidentiality of insurance records, to insurance hearings, to insurance fees, to annual and quarterly statements by insurers, to managed care insurance, to taxes on insurance, to insurer certificates of authority, to risk based capital for insurers, to unauthorized and nonadmitted insurers, to surplus lines insurance, to health insurance, to life insurance, to annuity insurance, to consumer credit insurance, to insurer liquidation, to multiple employer welfare arrangements, to title insurance, to the Alaska Insurance Guaranty Association, to hospital and medical service corporations, to motor vehicle insurance, and to regulation of insurance producers, agents, brokers, managers, and adjusters; and providing for an effective date" be taken up. The bill was before the Senate on reconsideration.

Senator Phillips moved that the Senate return to second reading for the purpose of rescinding its previous action in adopting Amendment No. 1. Objections were heard.

President Halford lifted the call.

### **Recess**

Senator Leman moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 6:00 p.m.

#### After Recess

The Senate reconvened at 9:15 p.m.

Senator Green called the Senate. The call was satisfied.

#### HB 246

The question being: "Shall the Senate return to second reading for the purpose of rescinding its previous action in adopting Amendment No. 1?" The roll was taken with the following result:

SCS CSHB 246(JUD) am S

Third Reading - On Reconsideration

Return to Second to Rescind Previous Action

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

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

Nays: Donley, Ellis, Elton

and so, the bill was returned to second reading.

Senator Phillips moved that the Senate rescind its previous action in adopting amendment No. 1.

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

SCS CSHB 246(JUD) am S

Rescind Previous Action in  
adopting Amendment No. 1?

**YEAS: 16 NAYS: 4 EXCUSED: 0 ABSENT: 0**

Yeas: Austerman, Davis, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward,

Wilken

Nays: Cowdery, Donley, Ellis, Elton

and so, the Senate rescinded its previous action.

Amendment No. 1 was before the Senate.

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

Page 37, following line 8, replace existing sec. 60(i) with the following:

"**Sec. 60.** AS 21.89.020 is amended by adding a new subsection to read:

(i) An insurance company offering automobile liability insurance in this state for personal injury or destruction of property shall initially offer, in writing, to cover the insured person against medical expenses as a result of bodily injury or death resulting from the operation of a motor vehicle. An insured who declines coverage offered under this subsection shall, at the initial offer, sign a waiver of coverage. Nothing in this subsection affects coverage required to be offered under another provision of law."

Renumber the following bill sections accordingly.

Page 37, following line 14:

Insert a new bill section to read:

"\* **Sec. 62.** Section 51 of this Act takes effect July 1, 2003."

Renumber the following bill sections accordingly.

Page 37, line 15:

Delete "This"

Insert "Except as provided in sec. 62 of this Act, this"

Objections were heard.

Senator Taylor withdrew his amendment to Amendment No. 1.

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

In sec. 60:

Delete "(i)" and replace with the following:

"(i) An insurance company offering automobile liability insurance in this state for personal injury or destruction of property shall initially offer, in writing, to cover the insured person against medical expenses as a result of bodily injury or death resulting from the operation of a motor vehicle. An insured who declines coverage offered under this subsection shall, at the initial offer, sign a waiver of coverage. Nothing in this subsection affects coverage required to be offered under another provision of law."

Objections were heard.

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

SCS CSHB 246(JUD) am S

Second Reading

Amendment to Amendment No. 1

**YEAS: 10 NAYS: 10 EXCUSED: 0 ABSENT: 0**

Yeas: Austerman, Donley, Ellis, Elton, Kelly, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Cowdery, Davis, Green, Halford, Hoffman, Leman, Lincoln, Olson, Phillips, Stevens

and so, the amendment to Amendment No. 1 failed.

Senator Donley moved and asked unanimous consent to withdraw Amendment No. 1. Without objection, it was so ordered.

SENATE CS FOR CS FOR HOUSE BILL NO. 246(JUD) was automatically in third reading on reconsideration.

Senator Taylor moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 3.

Senator Green objected.

The question being: "Shall the bill be returned to second reading for the purpose of a specific amendment?" The roll was taken with the following result:

SCS CSHB 246(JUD)

Third Reading - On Reconsideration

Return to Second for Specific Amendment

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

Yeas: Donley, Kelly, Stevens, Taylor, Therriault, Ward, Wilken

Nays: Austerman, Cowdery, Davis, Ellis, Elton, Green, Halford, Hoffman, Leman, Lincoln, Olson, Phillips, Torgerson

and so, the bill was not returned to second reading.

Senator Taylor moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 4. Senator Ellis objected.

The question being: "Shall the bill be returned to second reading for the purpose of a specific amendment?" The roll was taken with the following result:

SCS CSHB 246(JUD)

Third Reading - On Reconsideration

Return to Second for Specific Amendment

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

Yeas: Cowdery, Donley, Green, Kelly, Taylor, Therriault, Wilken

Nays: Austerman, Davis, Ellis, Elton, Halford, Hoffman, Leman, Lincoln, Olson, Phillips, Stevens, Torgerson, Ward

and so, the bill was not returned to second reading.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 246(JUD) "An Act relating to regulation of a



person providing insurance for the cost of medical care, to confidentiality of insurance records, to insurance hearings, to insurance fees, to annual and quarterly statements by insurers, to managed care insurance, to taxes on insurance, to insurer certificates of authority, to risk based capital for insurers, to unauthorized and nonadmitted insurers, to surplus lines insurance, to health insurance, to life insurance, to annuity insurance, to consumer credit insurance, to insurer liquidation, to multiple employer welfare arrangements, to title insurance, to the Alaska Insurance Guaranty Association, to hospital and medical service corporations, and to regulation of insurance producers, agents, brokers, managers, and adjusters; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 246(JUD)

Third Reading - On Reconsideration

Effective Date

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

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

Nays: Kelly, Therriault, Wilken

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 246(JUD) passed the Senate on reconsideration.

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

**SB 268**

Senator Taylor moved and asked unanimous consent that the Senate rescind its previous action in concurring in the House amendment to SENATE BILL NO. 268 "An Act relating to the issuance of state-guaranteed revenue bonds by the Alaska Housing Finance Corporation to finance mortgages for qualifying veterans; and providing for an effective date."

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

SB 268 am H

Rescind previous action in concurring with House amendment to SB 268?

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

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

Nays: Kelly, Leman, Therriault

and so, the Senate rescinded its previous action.

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

SB 268 am H

Shall the Senate concur in the House amendment to SB 268?

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

Yeas: Kelly, Leman, Therriault

Nays: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Lincoln, Olson, Phillips, Stevens, Taylor, Torgerson, Ward, Wilken

and so, the Senate failed to concur.

### **Reconsideration of House Resolutions**

#### **HCR 32**

Senator Ellis requested that the reconsideration on HOUSE CONCURRENT RESOLUTION NO. 32 be taken up. The resolution was before the Senate on reconsideration.

The question to be reconsidered: "Shall HOUSE CONCURRENT

RESOLUTION NO. 32 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 191, relating to insurance pooling by air carriers, pass the Senate?" The roll was taken with the following result:

HCR 32

Second Reading - On Reconsideration

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

Yeas: Davis, Ellis, Elton, Hoffman, Leman, Lincoln, Olson

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

and so, HOUSE CONCURRENT RESOLUTION NO. 32 failed.

HOUSE CONCURRENT RESOLUTION NO. 32(fld S) was returned to the House for permanent filing.

### **Unfinished Business**

#### **HB 53**

CS FOR HOUSE BILL NO. 53(STA) "An Act establishing the Alaska Seismic Hazards Safety Commission" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

#### **HB 300**

HOUSE BILL NO. 300 "An Act relating to the procurement of certain travel services" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

#### **HB 332**

CS FOR HOUSE BILL NO. 332(FIN) "An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; relating to the council's duties; placing the executive director and staff of the council in the exempt service; and providing for an effective date" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**HB 344**

CS FOR HOUSE BILL NO. 344(STA) "An Act increasing fees for driver's licenses, instruction permits, and identification cards; and providing for an effective date" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**HB 389**

CS FOR HOUSE BILL NO. 389(CRA) "An Act eliminating the delayed repeal of a provision authorizing an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**HB 393**

CS FOR HOUSE BILL NO. 393(JUD) am "An Act relating to unfair and deceptive trade practices and to the sale of business opportunities; amending Rules 4 and 73, Alaska Rules of Civil Procedure; and providing for an effective date" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**HB 443**

CS FOR HOUSE BILL NO. 443(L&C) "An Act retroactively extending the application and licensing deadlines and amending the effective date of certain provisions relating to regulation of persons who practice tattooing and permanent cosmetic coloring or body piercing; and providing for an effective date" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**HB 471**

CS FOR HOUSE BILL NO. 471(CRA) "An Act increasing the maximum amount of loans from the bulk fuel revolving loan fund operated by the Alaska Energy Authority; relating to the definitions of 'net income' and 'unrestricted net income' for purposes of determining the amount of the Alaska Industrial Development and Export Authority's dividend to the state; relating to communities within which rural development loans may be made by the Alaska Industrial

Development and Export Authority; and providing for an effective date" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**HB 499**

CS FOR HOUSE BILL NO. 499(JUD) "An Act declaring legislative intent to reject the continuity of enterprise exception to the doctrine of successor liability adopted in *Savage Arms, Inc. v. Western Auto Supply*, 18 P.3d 49 (Alaska 2001) as it relates to products liability; providing that a successor corporation or other business entity that acquires assets of a predecessor corporation or other business entity is subject to liability for harm to persons or property caused by a defective product sold or otherwise distributed commercially by the predecessor only if the acquisition is accompanied by an agreement for the successor to assume the liability, results from a fraudulent conveyance to escape liability for the debts or liabilities of the predecessor, constitutes a consolidation or merger with the predecessor, or results in the successor's becoming a continuation of the predecessor; defining 'business entity' that acquires assets to include a sole proprietorship; and applying this Act to the sale, lease, exchange, or other disposition of assets by a corporation, a limited liability company, a partnership, a limited liability partnership, a limited partnership, a sole proprietorship, or other business entity that occurs before, on, or after the effective date of this Act" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**HB 501**

HOUSE BILL NO. 501 "An Act relating to the use of unclaimed property to pay court-ordered restitution; and providing for an effective date" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**HB 517**

CS FOR HOUSE BILL NO. 517(STA) "An Act relating to the disposition of obsolete or surplus state property" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**HB 521**

CS FOR HOUSE BILL NO. 521(CRA) "An Act relating to municipal improvement areas" was not taken up on the May 15 calendar. The bill

will be on the May 16 calendar.

**HB 524**

SENATE CS FOR CS FOR HOUSE BILL NO. 524(FIN) "An Act relating to the issuance of general obligation bonds for the purpose of paying the cost of design, construction, and major maintenance of educational and museum facilities; and providing for an effective date" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**HB 525**

SENATE CS FOR CS FOR HOUSE BILL NO. 525(FIN) "An Act providing for and relating to the issuance of state guaranteed transportation revenue anticipation bonds in a principal amount of not more than \$102,805,000 for the purpose of paying the cost of transportation projects that qualify for federal highway aid and the allocation of those bond proceeds; relating to the issuance of general obligation bonds in a principal amount of not more than \$123,914,500 for the purpose of paying the cost of state transportation projects; and providing for an effective date" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**HB 528**

SENATE CS FOR CS FOR HOUSE BILL NO. 528(FIN) "An Act relating to programs of state reimbursement for debt payments for certain capital projects; and providing for an effective date" was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**SCR 38**

SENATE CONCURRENT RESOLUTION NO. 38 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 389, relating to a provision authorizing an exemption from and deferral of municipal property taxes on certain types of deteriorated property, was not taken up on the May 15 calendar. The bill will be on the May 16 calendar.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****HB 246**

SENATE CS FOR CS FOR HOUSE BILL NO. 246(JUD) "An Act relating to regulation of a person providing insurance for the cost of medical care, to confidentiality of insurance records, to insurance hearings, to insurance fees, to annual and quarterly statements by insurers, to managed care insurance, to taxes on insurance, to insurer certificates of authority, to risk based capital for insurers, to unauthorized and nonadmitted insurers, to surplus lines insurance, to health insurance, to life insurance, to annuity insurance, to consumer credit insurance, to insurer liquidation, to multiple employer welfare arrangements, to title insurance, to the Alaska Insurance Guaranty Association, to hospital and medical service corporations, and to regulation of insurance producers, agents, brokers, managers, and adjusters; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**Adjournment**

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., May 16, 2002. Without objection, the Senate adjourned at 10:08 p.m.

Heidi Vogel  
Secretary of the Senate





**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 15      Wednesday              Senate Finance 532**

-- Call of the Chair --  
Bills Previously Heard/Scheduled  
-- Teleconference Upon Request --

**May 16      Thursday                      Senate Finance 532**

-- Call of the Chair --  
Bills Previously Heard/Scheduled  
-- Teleconference Upon Request --