

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

May 16, 2002

#### One Hundred Twenty-third Day

Pursuant to adjournment the Senate was called to order by President Halford at 12:06 p.m.

The roll showed twenty members present.

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

#### A Parent's Pledge

I promise to listen to my children, communicate with my children, teach my children right from wrong and be a good role model for them; spend time with and pay attention to my children, educate my children in mind, body and soul; work to provide a stable family life for my children; pray for and see God in my children and in all children; vote for my children to ensure them fair opportunity; speak out for my and other peoples' children's needs.

O God, help us to recover our hope for our children's sake. Help us to recover our courage for our children's sake. Help us to recover our discipline for our children's sake. Help us to recover our ability to work together for our children's sake. Help us to recover our values for our children's sake. Help us to recover a spirit of sacrifice for our children's sake. Help us to recover our faith in Thee for our children's sake. Amen.

Senator Ellis led the Senate in the Pledge of Allegiance.

**Messages from the House****SB 191**

Message dated May 15 was read, stating in the event the Senate fails to concur in the House amendment to CS FOR SENATE BILL NO. 191(JUD) "An Act relating to insurance pooling by air carriers" namely,

CS FOR SENATE BILL NO. 191(JUD) am H "An Act relating to insurance pooling by air carriers; amending the definition of group health insurance, and allowing the Department of Administration to obtain a policy or policies of group health care insurance for employers that are small businesses, nonprofit organizations, special services organizations, or small associations for insurance purposes; and providing for an effective date." (Title change authorized by HCR 32)

The Speaker appoints the following members to a Conference Committee to meet with a like committee from the Senate:

Representative Rokeberg  
Representative Kott  
Representative Joule

**SB 115**

Message dated May 15 was read, stating in the event the Senate fails to concur in the House amendment to SENATE BILL NO. 115 "An Act extending the termination date of the Board of Storage Tank Assistance" namely,

HOUSE CS FOR SENATE BILL NO. 115(RLS) am H "An Act relating to the Board of Marital and Family Therapy and the practitioners of marital and family therapy; extending the termination date of the Board of Storage Tank Assistance; setting timelines for issuance of final orders by the Regulatory Commission of Alaska, amending the authority of the commission to enter compromise settlement orders,

and extending the commission's termination date to June 30, 2004; relating to an exemption that allows one bill to continue more than one board, commission, or agency program; and providing for an effective date." (Title change authorized by HCR 31)

The Speaker appoints the following members to a Conference Committee to meet with a like committee from the Senate:

Representative Mulder  
Representative Scalzi  
Representative Kerttula

Message dated May 15 was read, stating per the Senate's request, the House returned HOUSE CS FOR SENATE BILL NO. 115(RLS) am H and SENATE BILL NO. 115.

**SB 220**

Message dated May 15 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 220(L&C) "An Act relating to the scope of practice authorized under a license to practice hairdressing."

The bill was referred to the Secretary for enrollment.

**SB 226**

Message dated May 15 was read, stating the House passed and returned:

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 226(FIN) am "An Act relating to design of highway projects; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

**SB 339**

Message dated May 15 was read, stating the House passed and returned:

SENATE BILL NO. 339 "An Act increasing fines for certain criminal offenses."

The bill was referred to the Secretary for enrollment.

**SB 364**

Message dated May 15 was read, stating the House passed and returned:

SENATE BILL NO. 364 "An Act relating to medical services under the state Medicaid program."

The bill was referred to the Secretary for enrollment.

**SB 371**

Message dated May 15 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 371(RES) am "An Act exempting the use of munitions in certain areas from a waste disposal permit requirement of the Department of Environmental Conservation; relating to general or nationwide permits under the Alaska coastal management program and to authorizations and permits issued by the Alaska Oil and Gas Conservation Commission; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

**HB 135**

Message dated May 14 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 135(JUD) am, thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 135(JUD) "An Act relating to municipal fees for certain police protection services and to a tenant's activities that result in the imposition of those fees."

**HB 162**

Message dated May 14 was read, stating the House concurred in the Senate amendment to HOUSE BILL NO. 162, thus adopting:

SENATE CS FOR HOUSE BILL NO. 162(STA)  
"An Act relating to absences from the state under the longevity bonus program."

**HB 209**

Message dated May 14 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 209(HES), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 209(HES) "An Act directing the Department of Health and Social Services to establish a foster care transition program; relating to that program; and providing for an effective date."

**HB 225**

Message dated May 14 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 225(FIN) am, thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 225(RLS) "An Act relating to state taxation of alcoholic beverages; and increasing the alcoholic beverage state tax rates."

**HB 254**

Message dated May 14 was read, stating the House concurred in the Senate amendment to CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 254(FIN) "An Act relating to the teachers' retirement system, the judicial retirement system, and the public employees' retirement system and to the tax qualification under the

Internal Revenue Code of those systems; amending the definition of 'actuarial adjustment' in the teachers' retirement system and the public employees' retirement system; repealing certain provisions of the teachers' retirement system and the public employees' retirement system; amending the statutory limitation on payment of warrants to make an exception for warrants making benefit payments or refunds under various state retirement and benefit programs; and providing for an effective date" thus adopting:

SENATE CS FOR CS FOR SPONSOR  
SUBSTITUTE FOR HOUSE BILL NO. 254(RLS)  
"An Act relating to the teachers' retirement system, the judicial retirement system, and the public employees' retirement system and to the tax qualification under the Internal Revenue Code of those systems; amending the definition of 'actuarial adjustment' in the teachers' retirement system and the public employees' retirement system; repealing certain provisions of the teachers' retirement system and the public employees' retirement system; amending the statutory limitation on payment of warrants to make an exception for warrants making benefit payments or refunds under various state retirement and benefit programs; relating to the teachers' retirement system; relating to the public employees' retirement system in regard to temporary legislative employees and peace officers and fire fighters; and providing for an effective date." (Title change authorized by SCR 40)

**HB 276**

Message dated May 14 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 276(L&C), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO.  
276(RLS) "An Act relating to temporary permits and licenses by endorsement issued by the Board of Nursing; and relating to the delegation of nursing duties."

**HB 305**

Message dated May 14 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 305(STA) am, thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 305(RLS) "An Act prohibiting certain state employment, a student loan, or a permanent fund dividend for a person who fails to register for the military selective service; and providing for an effective date."

**HB 507**

Message dated May 14 was read, stating the House concurred in the Senate amendment to HOUSE BILL NO. 507 am "An Act naming the Trooper Hans-Peter Lothar Roelle Memorial Weigh Station and the Officer Justin Todd Wollam Memorial Bike Trail; and providing for an effective date" thus adopting:

SENATE CS FOR HOUSE BILL NO. 507(TRA)  
"An Act naming the Trooper Hans-Peter Lothar Roelle Memorial Weigh Station, the Officer Justin Todd Wollam Memorial Bike Trail, the Mail Carrier Emil Wegner Memorial Corridor, and the Katelyn Ohmer Markley Bridge; relating to the naming of the Wendy Ann Cogdell Memorial Rest Area; and providing for an effective date." (Title change authorized by SCR 39)

**HB 527**

Message dated May 14 was read, stating the House concurred in the Senate amendment to HOUSE BILL NO. 527, thus adopting:

SENATE CS FOR HOUSE BILL NO. 527(RES) am  
S "An Act relating to entry into the Minto Flats State Game Refuge for purposes of exploration and development of oil and gas resources."

**HB 303**

Senator Taylor requested that the reconsideration on 2d CS FOR HOUSE BILL NO. 303(RLS) "An Act relating to taxation of individual income; and providing for an effective date" be taken up. The bill was before the Senate on reconsideration. Senator Taylor moved and asked unanimous consent to withdraw his motion. Without objection, it was so ordered.

**Reconsideration of Senate Resolutions****SCR 46**

Senator Leman requested that the reconsideration on SENATE CONCURRENT RESOLUTION NO. 46 be taken up. The resolution was before the Senate on reconsideration.

The question to be reconsidered: "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 Reading - On Reconsideration

**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 on reconsideration and was referred to the Secretary for engrossment.

**Reconsideration of House Bills****HB 296**

Senator Leman requested that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 296(JUD) be taken up. The bill was before the Senate on reconsideration.



The question to be reconsidered: "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 - On Reconsideration

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

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

Nays: Elton, Green, Lincoln, Wilken

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 296(JUD) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

**HB 397**

Senator Leman requested that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 397(TRA) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "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 - On Reconsideration

Effective Date

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

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

Nays: Davis, Ellis, Hoffman, Lincoln, Wilken

Kelly changed from "Nay" to "Yea".

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

**HB 421**

Senator Leman requested that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 421(FIN) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "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 - On Reconsideration

**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 on reconsideration and was referred to the Secretary for engrossment.

**HB 515**

Senator Leman requested that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 515(FIN) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "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 - On Reconsideration

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 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.

### **Recess**

Senator Leman moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 12:28 p.m.

### **After Recess**

The Senate reconvened at 3:47 p.m.

**Messages from the House (continued)****SB 324**

Message dated May 16 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 324(L&C) "An Act providing that a utility or electric operating entity owned and operated by a political subdivision of the state competing directly with a telecommunications utility is not subject to the Alaska Public Utilities Regulatory Act."

The bill was referred to the Secretary for enrollment.

**HB 246**

Message dated May 16 was read, stating the House concurred in the Senate amendment to 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 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" thus adopting:

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." (Title change authorized by SCR 42)

### **Consideration of the Calendar**

#### **Second Reading of House Bills**

##### **HB 521**

CS FOR HOUSE BILL NO. 521(CRA) "An Act relating to municipal improvement areas" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 3293. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 521(FIN) was adopted and read the second time.

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

SENATE CS FOR CS FOR HOUSE BILL NO. 521(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 521(FIN) "An Act relating to municipal improvement areas" pass the Senate?" The roll was taken with the following result:

SCS CSHB 521(FIN)

Third Reading - Final Passage

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

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

Absent: Torgerson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 521(FIN) passed the Senate and was referred to the Secretary for engrossment.

**HB 300**

HOUSE BILL NO. 300 "An Act relating to the procurement of certain travel services" was read the second time.

Senator Therriault, Chair, moved and asked unanimous consent for the adoption of the State Affairs Senate Committee Substitute offered on page 3178. Without objection, SENATE CS FOR HOUSE BILL NO. 300(STA) was adopted and read the second time.

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

SENATE CS FOR HOUSE BILL NO. 300(STA) was read the third time.

Senators Wilken, Taylor, Olson, Davis, Ellis, Cowdery, Hoffman, Lincoln, Elton moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall SENATE CS FOR HOUSE BILL NO. 300(STA) "An Act relating to the procurement of certain travel services" pass the Senate?" The roll was taken with the following result:

SCS HB 300(STA)

Third Reading - Final Passage

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

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

Absent: Austerman

and so, SENATE CS FOR HOUSE BILL NO. 300(STA) passed the Senate and was referred to the Secretary for engrossment.

**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 read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 3292. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 332(FIN) was adopted and read the second time.

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

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

SENATE CS FOR CS FOR HOUSE BILL NO. 332(FIN) was read the third time.

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

SCS CSHB 332(FIN)  
Third Reading - Final Passage  
Effective Date

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

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

Nays: Austerman

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 332(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 and the bill was referred to the Secretary for engrossment.

**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 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 3179. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 393(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. Without objection, it was so ordered.

SENATE CS FOR CS FOR HOUSE BILL NO. 393(L&C) was read the third time.



The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 393(L&C) "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" pass the Senate?" The roll was taken with the following result:

SCS CSHB 393(L&C)  
Third Reading - Final Passage  
Effective Dates - Court Rules

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

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

Nays: Green, Leman

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 393(L&C) 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 clauses. Without objection, it was so ordered.

Senator Leman 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 referred to the Secretary for engrossment.

**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 read the second time.

Senator Leman 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. 344(STA) was read the third time.

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

CSHB 344(STA)

Third Reading - Final Passage

Effective Date

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

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

Nays: Donley, Phillips, Taylor, Ward

and so, CS FOR HOUSE BILL NO. 344(STA) passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

**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 read the second time.

Senator Leman 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. 443(L&C) was read the third time.

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

CSHB 443(L&C)  
Third Reading - Final Passage  
Effective Date

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

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

Nays: Elton, Green, Therriault

Absent: Ward

and so, CS FOR HOUSE BILL NO. 443(L&C) passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

**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 read the second time.

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

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

CSHB 499(JUD)

Advance from Second to Third Reading?

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

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

Nays: Ellis, Elton, Lincoln

and so, the bill advanced to third reading.

CS FOR HOUSE BILL NO. 499(JUD) was read the third time.

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

CSHB 499(JUD)

Third Reading - Final Passage

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

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

Nays: Austerman, Donley, Ellis, Elton, Halford, Lincoln

and so, CS FOR HOUSE BILL NO. 499(JUD) passed the Senate, was signed by the President and Secretary and returned to the House.

**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 read the second time.

Senator Leman 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. 501 was read the third time.

The question being: "Shall HOUSE BILL NO. 501 "An Act relating to the use of unclaimed property to pay court-ordered restitution; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 501

Third Reading - Final Passage

Effective Date

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

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

and so, HOUSE BILL NO. 501 passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

**HB 517**

CS FOR HOUSE BILL NO. 517(STA) "An Act relating to the disposition of obsolete or surplus state property" was read the second time.

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

CS FOR HOUSE BILL NO. 517(STA) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 517(STA) "An Act relating to the disposition of obsolete or surplus state property" pass the Senate?" The roll was taken with the following result:

CSHB 517(STA)

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, CS FOR HOUSE BILL NO. 517(STA) passed the Senate, was signed by the President and Secretary and returned to the House.

**HB 53**

CS FOR HOUSE BILL NO. 53(STA) "An Act establishing the Alaska Seismic Hazards Safety Commission" was read the second time.

Senator Lemman offered Amendment No. 1:

Page 4, line 9:

Delete "2005"

Insert "2004"

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

Senator Donley moved and asked unanimous consent to add his name as a sponsor of Amendment No. 1. Without objection, it was so ordered.

Senator Lemman moved and asked unanimous consent to remove his name as a sponsor of Amendment No. 1. Without objection, it was so ordered.

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

CSHB 53(STA)

Second Reading

Amendment No. 1

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

Yeas: Cowdery, Donley, Green, Taylor, Ward

Nays: Austerman, Davis, Ellis, Elton, Halford, Hoffman, Kelly, Lemman, Lincoln, Olson, Phillips, Stevens, Therriault, Torgerson, Wilken

and so, Amendment No. 1 failed.

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

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

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

CSHB 53(STA)

Advance from Second to Third Reading?

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

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

Nays: Donley, Green, Taylor

and so, the bill advanced to third reading.

CS FOR HOUSE BILL NO. 53(STA) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 53(STA) "An Act establishing the Alaska Seismic Hazards Safety Commission" pass the Senate?" The roll was taken with the following result:

CSHB 53(STA)

Third Reading - Final Passage

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

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

Nays: Green, Phillips, Wilken

and so, CS FOR HOUSE BILL NO. 53(STA) passed the Senate, was signed by the President and Secretary and returned to the House.



**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 read the second time.

Senator Cowdery offered Amendment No. 1:

Page 1, line 11:

Delete "\$200,000"

Insert "\$150,000"

Senator Cowdery moved for the adoption of Amendment No. 1. Senator Ellis objected.

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

CSHB 471(CRA)  
Second Reading  
Amendment No. 1

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

Yeas: Cowdery, Donley, Green, Kelly, Phillips, Ward, Wilken

Nays: Austerman, Davis, Ellis, Elton, Halford, Hoffman, Leman, Lincoln, Olson, Stevens, Taylor, Therriault, Torgerson

Therriault changed from "Yea" to "Nay".

and so, Amendment No. 1 failed.

President Halford called the Senate. The call was satisfied.

**HB 471**

Senator Donley offered Amendment No. 2:

Page 2, line 12:

Delete Section 4

Re-number following sections accordingly.

Senator Donley moved for the adoption of Amendment No. 2. Objections were heard.

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

CSHB 471(CRA)  
Second Reading  
Amendment No. 2

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

Yeas: Cowdery, Donley, Green, Phillips, Taylor, Therriault, Ward

Nays: Austerman, Davis, Ellis, Elton, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Stevens, Torgerson, Wilken

and so, Amendment No. 2 failed.

Senator Leman 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. 471(CRA) was read the third time.

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

CSHB 471(CRA)  
Third Reading - Final Passage  
Effective Date

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

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

Nays: Cowdery, Donley, Phillips

and so, CS FOR HOUSE BILL NO. 471(CRA) passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

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

#### **HB 451**

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" was read the third time.

Senator Torgerson 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 Torgerson offered Amendment No. 1:

Page 5, lines 3, 11, 19, 27:  
Delete "(j)(2), (3), (5)"  
Insert "(j)(2) - (5)"

Senator Torgerson moved for the adoption of Amendment No. 1.

Objections were heard. Senator Torgerson moved and asked unanimous consent to withdraw Amendment No. 1. Without objection, it was so ordered.

Senator Leman moved and asked unanimous consent that the bill be placed at the bottom of today's calendar. Without objection, SENATE CS FOR HOUSE BILL NO. 451(RLS) was placed at the bottom of the calendar.

**HB 182**

SENATE CS FOR CS FOR HOUSE BILL NO. 182(L&C) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 182(L&C) "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" pass the Senate?" The roll was taken with the following result:

SCS CSHB 182(L&C)

Third Reading - Final Passage

Effective Date      Court Rule

**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. 182(L&C) 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 Leman 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 and the bill was referred to the Secretary for engrossment.

**HB 350**

SENATE CS FOR CS FOR HOUSE BILL NO. 350(JUD) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 350(JUD) "An Act relating to murder, conspiracy, criminal mischief, and terroristic threatening; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 350(JUD)  
Third Reading - Final Passage  
Effective Date

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

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

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 350(JUD) passed the Senate.

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

**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 5:22 p.m.

**After Recess**

The Senate reconvened at 9:12 p.m.

### **House Bills in Third Reading**

#### **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 before the Senate in third reading.

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

### **Reconsideration of House Bills**

#### **HB 504**

Senator Lincoln requested that the reconsideration on CS FOR HOUSE BILL NO. 504(FIN) am be taken up. The bill was before the Senate on reconsideration.

Senator Ellis called the Senate. The call was satisfied.

The question to be reconsidered: "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 - On Reconsideration

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

Yeas: Austerman, Cowdery, Green, Hoffman, Kelly, Leman, Olson,

Phillips, Stevens, Taylor, Therriault, Torgerson, Wilken

Nays: Davis, Donley, Ellis, Elton, Halford, Lincoln, Ward

and so, CS FOR HOUSE BILL NO. 504(FIN) am passed the Senate on reconsideration, was signed by the President and Secretary and returned to the House.

**HB 56**

Senator Kelly requested that the reconsideration on CS FOR HOUSE BILL NO. 56(FIN) be taken up. The bill was before the Senate on reconsideration.

Senator Hoffman moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Objections were heard.

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:

CSHB 56(FIN)

Third Reading - On Reconsideration

Return to Second for Specific Amendment

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

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

Nays: Austerman, 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 to be reconsidered: "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 - On Reconsideration

Effective Date

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

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

Nays: Leman

Taylor changed from "Nay" to "Yea".

Olson changed from "Nay" to "Yea".

and so, CS FOR HOUSE BILL NO. 56(FIN) 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 signed by the President and Secretary and returned to the House.

#### **House Bills in Third Reading (continued)**

##### **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 before the Senate in third reading.

Senator Kelly 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 Kelly offered Amendment No. 1:



Page 4, line 22, following "ALLOCATION.":

Insert "(a)"

Page 5, following line 31:

Insert a new subsection to read:

"(b) The port and harbor facilities described in (a) of this section that are currently owned by the state are in need of substantial investment in capital maintenance and upgrades. The legislature intends to provide for the required investment, and intends transfer of ultimate ownership of and responsibility for the state-owned harbor facilities to the municipalities in which they are located.

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

SENATE CS FOR CS FOR HOUSE BILL NO. 525(FIN) am S was automatically in third reading.

Senator Kelly 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 Kelly offered Amendment No. 2:

Page 2, line 24:

Delete "Subject to appropriation, the"

Insert "The"

Page 2, line 25:

Delete "allocated"

Insert "appropriated"

Page 2, line 26:

Delete "for"

Insert "to be allocated among"

Page 3, line 14:

Delete "authorized by"  
Insert "ratified by a majority of"  
Delete ", subject to appropriation"  
Insert "who vote on the question"

Page 3, line 15:

Delete "may be"  
Insert "is"

Page 3, line 30:

Delete "may be"  
Insert "is"

Page 4, line 2:

Delete "authorized"  
Insert "made"

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

SENATE CS FOR CS FOR HOUSE BILL NO. 525(FIN) am S was automatically in third reading.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 525(FIN) am S "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" pass the Senate?" The roll was taken with the following result:

SCS CSHB 525(FIN) am S  
Third Reading - Final Passage  
Effective Date

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken  
#AKS00970 END

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 525(FIN) am S passed the Senate.

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

**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 before the Senate in third reading.

Senator Kelly moved and asked unanimous consent 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 Kelly offered Amendment No. 1:

Page 1, following line 3:

Insert a new bill section to read:

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

LEGISLATIVE FINDINGS. The legislature finds that, after the reimbursements to the Cordova Electric Cooperative made under AS 42.45.065(b), added by sec. 5(b) of this Act, the cooperative will no longer need or receive payments from the state for power cost equalization under AS 42.45.110."

Page 1, line 4:

Delete **\* Section 1.**"

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

Renumber the following bill sections accordingly.

Page 6, line 4:

Delete "sec. 4"

Insert "sec. 5"

Senator Kelly moved for the adoption of Amendment No. 1. Senator

Lincoln objected.

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

On line 5 of Amendment No. 1:

Delete "FINDINGS"

Insert "INTENT"

On line 5 of Amendment No. 1:

Delete "finds"

Insert "intends"

Senator Lincoln moved and asked unanimous consent for the adoption of the amendment to Amendment No. 1. Without objection, Amendment No. 1 was amended.

Senator Lincoln withdrew her objection to Amendment No. 1. There being no further objections, Amendment No. 1 as amended was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 528 (FIN) am S was automatically in third reading.

Senator Kelly 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 Kelly offered Amendment No. 2:

Page 3, line 26:

Delete "fiscal year two years earlier"

Insert "immediately preceding fiscal year [TWO YEARS EARLIER]"

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

SENATE CS FOR CS FOR HOUSE BILL NO. 528 (FIN) am S was

automatically in third reading.

Senator Kelly 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 Kelly offered Amendment No. 3:

Page 1, following line 3:

Insert a new bill section to read:

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

FINDINGS; INTENT. (a) The port and harbor facilities described in sec. 4 of this Act that are currently owned by the state are in need of substantial investment in capital maintenance and upgrades.

(b) The legislature intends to provide for the required investment, and intends transfer of ultimate ownership of and responsibility for the state-owned port and harbor facilities to the municipalities in which they are located."

Page 1, line 4:

Delete **"\* Section 1."**

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

Renumber the following bill sections accordingly.

Page 6, line 4:

Delete "sec. 4"

Insert "sec. 5"

Senator Kelly moved for the adoption of Amendment No. 3. Without objection, Amendment No. 3 was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 528 (FIN) am S was automatically in third reading.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL

NO. 528(FIN) am S "An Act relating to programs of state reimbursement for debt payments for certain capital projects; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 528(FIN) am S  
Third Reading - Final Passage  
Effective Date

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

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

Nays: Leman, Ward

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 528 (FIN) am S passed the Senate.

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

**SCR 38**

SENATE CONCURRENT RESOLUTION NO. 38 was read the second time and was before the Senate on final passage.

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

SCR 38  
Second Reading - Final Passage

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

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green,

Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

and so, SENATE CONCURRENT RESOLUTION NO. 38 passed the Senate and was referred to the Secretary for engrossment.

**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 before the Senate in third reading on reconsideration.

Senator Leman moved that the bill be returned to second reading for the purpose adopting a Rules Senate Committee Substitute offered on page 3407. Without objection, the bill was returned to second reading.

Senator Leman moved for the adoption of the Rules Senate Committee Substitute. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 389(RLS) "An Act changing the date of 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" (Title change authorized by SCR 38) was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 389(RLS) was automatically in third reading on reconsideration.

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

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 389(RLS) "An Act changing the date of 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" pass the Senate?" The roll was taken with the following result:

SCS CSHB 389(RLS)

Third Reading - On Reconsideration

Effective Date

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

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

Nays: Green

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 389(RLS) 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 referred to the Secretary for engrossment.

### **Unfinished Business**

#### **HB 160**

The reconsideration on CS FOR HOUSE BILL NO. 160(JUD) "An Act requiring the reporting of induced terminations of pregnancies" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

#### **HB 208**

The reconsideration on CS FOR HOUSE BILL NO. 208(RES) "An Act relating to aquatic farming of shellfish; 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 447**

The reconsideration on HOUSE BILL NO. 447 "An Act relating to the interest rates that may be charged on loans by the Commercial Fishing and Agriculture Bank" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.



**HB 303**

The reconsideration on 2d CS FOR HOUSE BILL NO. 303(RLS)(fld S) "An Act relating to taxation of individual income; and providing for an effective date" was not taken up this legislative day and the bill was returned to the House for permanent filing.

**HB 451**

SENATE CS FOR HOUSE BILL NO. 451(RLS), which had been placed at the bottom of the calendar (page 3626), was not taken up this legislative day and the bill was returned to the House for permanent filing.

**HB 524**

SENATE CS FOR CS FOR HOUSE BILL NO. 524(FIN), which had been placed at the bottom of the calendar (page 3628), was not taken up this legislative day and the bill was returned to the House for permanent filing.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****HB 182**

SENATE CS FOR CS FOR HOUSE BILL NO. 182(L&C) "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 engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 296**

SENATE CS FOR CS FOR HOUSE BILL NO. 296(JUD) "An Act relating to mergers and consolidations of municipalities" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 300**

SENATE CS FOR HOUSE BILL NO. 300(STA) "An Act relating to the procurement of certain travel services" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 332**

SENATE CS FOR 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 engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 350**

SENATE CS FOR CS FOR HOUSE BILL NO. 350(JUD) "An Act relating to murder, conspiracy, criminal mischief, and terroristic threatening; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 389**

SENATE CS FOR CS FOR HOUSE BILL NO. 389(RLS) "An Act changing the date of 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 engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 393**

SENATE CS FOR CS FOR HOUSE BILL NO. 393(L&C) "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 engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 397**

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" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 421**

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" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 515**

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" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 521**

SENATE CS FOR CS FOR HOUSE BILL NO. 521(FIN) "An Act relating to municipal improvement areas" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 525**

SENATE CS FOR CS FOR HOUSE BILL NO. 525(FIN) am S "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 engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 528**

SENATE CS FOR CS FOR HOUSE BILL NO. 528(FIN) am S "An Act relating to programs of state reimbursement for debt payments for certain capital projects; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**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 engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SCR 46**

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, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**Adjournment**

Under the provisions of art. II, sec. 8 of the Alaska Constitution, the Twenty-Second Alaska Senate was adjourned sine die at midnight, May 16, 2002.

Heidi Vogel  
Secretary of the Senate

May 2002

**Announcements**

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

**STANDING COMMITTEES**

+ indicates teleconference

= indicates bill previously heard/scheduled

**FINANCE**

**May 16      Thursday                      Senate Finance 532**

-- Call of the Chair --

Bills Previously Heard/Scheduled

-- Teleconference Upon Request --