

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Thursday

May 1, 2003

#### One Hundred First Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:34 a.m.

The roll showed seventeen members present. Senators Davis, Cowdery, Ogan were absent.

The prayer was offered by the Chaplain, Dr. Ken Friendly of the Lighthouse Christian Fellowship, Anchorage. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Heavenly Father, we pray this morning, as Your word reveals to us, that commitment is the key to opening the floodgates of Your wisdom and strength. Repeatedly, You have responded to unreserved commitment of those men who have faced great challenges. Even when Solomon asked for the wisdom to govern Your people, You granted him a wise, understanding and discerning heart. You have done this for many great leaders of our history, and we claim nothing less for the leaders here in this chamber today. So we personalize the assurance of the Psalmist who said to commit our way to You, trust You, and You will bring them to pass. We thank You for that today.

In Jesus' name.

Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

**Certification**

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

The presence of Senators Ogan, Cowdery was noted.

**Messages from the Governor**

Letter dated and received April 30 was read, stating in accordance with AS 39.05.080, I submit the following names for legislative confirmation of appointment to the positions noted:

**Alaska Labor Relations Agency**

Colleen Scanlon - Ketchikan  
Appointed: 04/28/2003 Term Expires: 03/01/2005

**Board of Barbers and Hairdressers**

Charlette Lushin - Fairbanks  
Appointed: 04/25/2003 Term Expires: 03/01/2006  
Joylene A. Marrs - Anchorage  
Appointed: 04/25/2003 Term Expires: 03/01/2004

**Board of Chiropractic Examiners**

Dr. David Mulholland - Anchorage  
Appointed: 04/25/2003 Term Expires: 03/01/2006

**Real Estate Commission**

Brad J. Fluetsch - Juneau  
Appointed: 04/25/2003 Term Expires: 03/01/2007  
Barbara Parker-Ramsey - Anchorage  
Appointed: 04/25/2003 Term Expires: 03/01/2007  
David B. Somers - Fairbanks  
Appointed: 04/25/2003 Term Expires: 03/01/2007  
Z. Kent Sullivan, Esq. - Juneau  
Appointed: 04/25/2003 Term Expires: 03/01/2004

**Board of Veterinary Examiners**

Steven Torrence - Fairbanks

Appointed: 04/25/2003 Term Expires: 03/01/2006

The appointments were referred to the Labor and Commerce Committee.

**Board of Fisheries**

Robert (Ed) Dersham - Anchor Point

Appointed: 03/03/1997 Reappointed: 03/20/2000

Reappointed: 07/01/2003 Term Expires: 06/30/2006

Dr. Floyd F. Bouse - Fairbanks

Appointed: 07/01/2003 Term Expires: 06/30/2006

The appointments were referred to the Resources Committee.

**State Medical Board**

Dr. Rob Breffeilh - Juneau

Appointed: 04/25/2003 Term Expires: 03/01/2004

**Board of Nursing**

Mary Weymiller - Fairbanks

Appointed: 08/23/1999 Reappointed: 04/25/2003

Term Expires: 03/01/2007

**Professional Teaching Practices Commission**

Cynthia Curran - Juneau

Appointed: 03/27/2001 Reappointed: 04/29/2003

Term Expires: 03/01/2006

**Board of Psychologist and Psychological Associate Examiners**

Dr. Lorin Bradbury - Bethel

Appointed: 04/25/2003 Term Expires: 03/01/2005

Dr. John Miller, Chugiak

Appointed: 04/25/2003 Term Expires: 03/01/2005

**Board of Pharmacy**

William Altland - Craig

Appointed: 04/25/2003 Term Expires: 03/01/2007

**University of Alaska Board of Regents**

David J. Parks - Anchorage  
Appointed: 06/01/2003 Term Expires: 06/01/2005

The appointments were referred to the Health, Education and Social Services Committee.

**Board of Governors of the Alaska Bar Association**

William Granger - Anchorage  
Appointed: 06/29/2001 Reappointed: 04/25/2003  
Term Expires: 03/01/2006

The appointment was referred to the Judiciary Committee.

The resumes for these appointments have been submitted to the Office of the Senate Secretary.

**Messages from the House**

Message dated April 30 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills**

**HB 97**

HOUSE BILL NO. 97 am BY REPRESENTATIVE KOHRING,  
entitled:

"An Act authorizing a long-term lease of certain Alaska Railroad Corporation land at Anchorage that is the subject of Alaska Railroad Contract No. 8371; and providing for an effective date."

was read the first time and referred to the Transportation and Finance Committees with a House letter of intent (House Journal page 1207).

**Concur Messages****SJR 12**

Message dated April 30 was read, stating the House passed and returned for consideration CS FOR SENATE JOINT RESOLUTION NO. 12(RES) Supporting the halibut by-catch utilization project of the Alaska Food Coalition, with the following amendment:

HOUSE CS FOR CS FOR SENATE JOINT  
RESOLUTION NO. 12(FSH)

Senator Ben Stevens moved that the Senate concur in the House amendment.

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

HCS CSSJR 12(FSH)  
Shall the Senate Concur in the House Amendment  
to CSSJR 12(RES)?

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

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

Absent: Davis

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 12(FSH) Supporting the halibut by-catch utilization project of the Alaska Food Coalition.

The Secretary was requested to notify the House.

The resolution was referred to the Secretary for enrollment.

Senator Ben Stevens moved and asked unanimous consent that Senator Davis be excused from a call of the Senate for medical reasons from May 1 to May 5, morning plane time. Without objection, Senator Davis was excused.

**SB 108**

Message dated April 30 was read, stating the House passed and returned for consideration SENATE BILL NO. 108 "An Act relating to payment rates under the Medicaid program for health facilities and to budgeting, accounting, and reporting requirements for those facilities; abolishing the Medicaid Rate Advisory Commission; and providing for an effective date" with the following amendment:

## HOUSE CS FOR SENATE BILL NO. 108(FIN)

Senator Ben Stevens moved that the Senate concur in the House amendment.

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

HCS SB 108(FIN)

Shall the Senate Concur in the House Amendment  
to SB 108? Effective Date

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

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

Excused: Davis

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR SENATE BILL NO. 108(FIN) "An Act relating to payment rates under the Medicaid program for health facilities and to budgeting, accounting, and reporting requirements for those facilities; abolishing the Medicaid Rate Advisory Commission; and providing for an effective date."

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

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

**Communications**

The following Budget and Audit Reports were received from Pat Davidson, Legislative Auditor, in accordance with AS 24.20.311 and are on file in the Office of the Secretary of the Senate:

Department of Health and Social Services, Division of Family and Youth Services, Travel Issues, March 4, 2003

Department of Community and Economic Development, Division of Investments, Commercial Fishing Revolving Loan Fund, March 18, 2003

**Standing Committee Reports****SB 56**

The Resources Committee considered SENATE BILL NO. 56 "An Act relating to sport fishing license fees and anadromous king salmon tag fees for residents of Yukon, Canada." Signing do pass: Senator Wagoner, Vice Chair; Senators Seekins, Ben Stevens. Signing no recommendation: Senators Lincoln, Elton.

The following fiscal information was published today:  
Fiscal Note No. 1, Department of Fish and Game

The bill was referred to the Finance Committee.

**SB 63**

The State Affairs Committee considered SENATE BILL NO. 63 "An Act relating to municipal property taxation in annexed and detached areas; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 63(STA) "An Act relating to transition provisions related to municipal mergers, consolidations, dissolutions, reclassifications, annexations, detachments, and incorporations; and relating to municipal property taxation in annexed, detached, and newly incorporated areas."

Signing do pass: Senator Gary Stevens, Chair; Senator Cowdery.  
Signing no recommendation: Senator Guess.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

**SB 114**

Forthcoming fiscal information (page 1044) for the Labor and  
Commerce Committee Substitute for SENATE BILL NO. 114(L&C)  
"An Act relating to the fee for a state business license; and providing  
for an effective date" published today:

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

**SB 125**

Forthcoming fiscal information (page 1045) for the Transportation  
Committee Substitute for SENATE BILL NO. 125 "An Act relating to  
protests of state contract awards, to claims on state contracts, to the  
arbitration of certain state construction contract claims, and to hearings  
and appeals under the State Procurement Code; making conforming  
amendments in the State Procurement Code; and providing for an  
effective date" published today:

Fiscal Note No. 1, indeterminate, Department of Transportation  
and Public Facilities

**SB 145**

The State Affairs Committee considered SENATE BILL NO. 145 "An  
Act relating to reemployment of and benefits for retired teachers or  
employees, including those who participated in retirement incentive  
programs, and to the employment as teachers of members of the public  
employees' retirement system who participated in a retirement  
incentive program; and providing for an effective date" and  
recommended it be replaced with

CS FOR SENATE BILL NO. 145(STA) "An Act relating to reemployment of and benefits for retired teachers or employees, including those who participated in retirement incentive programs, and to the employment as teachers of members of the public employees' retirement system who participated in a retirement incentive program; relating to benefits for retired teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; and providing for an effective date."

Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Guess.

The following fiscal information was published today:  
Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the Health, Education and Social Services Committee.

**SB 148**

The Finance Committee considered SENATE BILL NO. 148 "An Act relating to allowable absences for certain members of the armed forces and their spouses and dependents for purposes of eligibility for permanent fund dividends; and providing for an effective date." Signing no recommendation: Senators Green, Wilken, Cochairs; Senators Hoffman, Olson, Bunde. Signing do pass: Senators Ben Stevens, Taylor.

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

The bill was referred to the Rules Committee.

**SB 155**

The Resources Committee considered SENATE BILL NO. 155 "An Act relating to hunting on the same day airborne; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 155(RES) "An Act relating to predator control programs; and providing for an effective date."

Signing do pass: Senator Wagoner, Vice Chair; Senators Dyson, Lincoln, Ben Stevens, Seekins. Signing do not pass: Senator Elton.

The following previously published fiscal information applies:  
Fiscal Note No. 1, zero, Department of Fish and Game

The bill was referred to the Rules Committee.

**SB 160**

The Judiciary Committee considered SENATE BILL NO. 160 "An Act relating to civil liability for use or attempted use of an automated external defibrillator; and providing for an effective date" and recommended the adoption of the Health, Education and Social Services Committee Substitute offered on page 834. Signing do pass: Senator Seekins, Chair; Senators Therriault, French.

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

The bill was referred to the Rules Committee.

**SB 183**

The Community and Regional Affairs Committee considered SENATE BILL NO. 183 "An Act authorizing municipalities to provide for economic development and authorizing municipalities to expend revenue collected on an areawide or nonareawide basis to provide for economic development" and recommended it be replaced with

CS FOR SENATE BILL NO. 183(CRA) "An Act authorizing certain second class boroughs to provide for economic development on an areawide basis and authorizing boroughs to expend revenue collected on an areawide or nonareawide basis to provide for economic development."

Signing no recommendation: Senator Wagoner, Chair; Senators Gary Stevens, Lincoln. Signing do not pass: Senator Elton.

The following fiscal information was published today:

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

The bill was referred to the State Affairs Committee.

**HB 34**

The Judiciary Committee considered HOUSE BILL NO. 34 "An Act relating to negotiated regulation making; and providing for an effective date." Signing do pass: Senator Seekins, Chair; Senators Ellis, French, Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Office of the Governor  
Fiscal Note No. 2, zero, Department of Revenue

The bill was referred to the Rules Committee.

**HCR 7**

The State Affairs Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(RLS) Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to executive sessions of legislative bodies; and providing for an effective date for the amendment. Signing do pass: Senator Gary Stevens, Chair. Signing no recommendation: Senators Cowdery, Guess.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Legislative Agency

The bill was referred to the Rules Committee.

**Introduction and Reference of Senate Bills**

**SB 210**

SENATE BILL NO. 210 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act regarding the computation of overtime compensation by employers before June 2, 1999; and providing for an effective date."

was read the first time and referred to the Labor and Commerce Committee.

**SB 211**

SENATE BILL NO. 211 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the publishing and furnishing of certain public notices regarding regulations or rules of certain state agencies; relating to distribution of the Alaska Administrative Code, Alaska Administrative Register, and supplements to the code or register; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Office of the Governor

Governor's transmittal letter dated April 30:

Dear President Therriault:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to change the Alaska Administrative Procedure Act and make other statutory improvements to provide for better and more cost-effective notice of regulatory changes.

First, the bill would allow certain state agencies to publish, in a newspaper or other publication, an abbreviated notice of proposed regulatory changes that clearly describes the changes and how an interested person may obtain more detailed information through the Internet or in written form. Second, the bill also would amend a variety of state statutes to allow agencies the flexibility of sending out individual notices by means other than regular mail. This change

would make these newspaper publication requirements consistent with the provision in the Administrative Procedure Act, that notice need be published in only one newspaper of general circulation in the state.

Under the Administrative Procedure Act, public notice of changes to regulations must be published in a newspaper of general circulation or other specified type of publication. This notice is to include an informative summary of the changes, which has been interpreted to require a comprehensive description. In practice this results in lengthy notices, usually in the classified advertisement section of the newspapers, that are expensive and often difficult to understand.

This bill would change this practice to allow for a more abbreviated notice in newspapers or other publications, clearly describing the subject matter of the changes and directing interested persons to more detailed information sources. Recognizing the utility and efficiency of the Internet, the bill requires detailed information on the changes to be available on the Alaska Online Public Notice System. Also, recognizing that the Internet is not available to all citizens, the bill would provide that detailed information be made available to interested persons by other means, if requested. Thus, the bill would allow state agencies to use the Internet to improve communications regarding regulatory changes, while still providing notice for those who do not yet have the access or ability to use the Internet.

The bill also would change statutory notice provisions for specific government entities to allow for the flexibility to use methods of communication other than regular mail in providing public notice of regulation or rule changes. There is a provision that notices shall be delivered by mail, upon request. This flexible approach was put into place in 2000 for regulations under the Administrative Procedure Act, and has proven effective. The changes in this bill would simply extend that flexibility to certain named state agencies. In addition, the bill would amend the statutes relating to publication of newspaper notices to make it consistent with the requirement in the Administrative Procedure Act that notice be published in a single newspaper of general circulation. The governmental entities affected by these changes include the Alaska Teachers' Retirement Board, Alaska Aerospace Development Corporation, Alaska Railroad Corporation,

Alaska Housing Finance Corporation, Department of Administration, Public Employees' Retirement Board, and the Alaska Industrial Development and Export Authority.

This bill also excludes specific government entities from having to publish an abbreviated notice in a newspaper or other publication relating to topics of concern to larger institutions and groups that have the ability to or already regularly communicate with the state through electronic means. These statutes include such areas as the Alaska Securities Act, the Alaska Trust Company Act, oil and gas leasing, state personnel rules, certifying authority for an electronic signature, Medicaid rate setting for facilities, and the Pipeline Act. When adopting regulations or rules under these specific statutes, the government agencies would continue to post the notice on the Alaska Online Public Notice System and furnish the notice to interested parties and other government entities, but would not be required to publish the abbreviated notice. The government entities affected by these changes include the lieutenant governor, Department of Administration, Department of Revenue, Department of Health and Social Services, State Assessment Review Board, Alaska Oil and Gas Conservation Commission, Department of Natural Resources, Department of Community and Economic Development, and the Regulatory Commission of Alaska.

The changes to public notice procedures made by the bill would be applicable to public notices issued on or after the effective date of the Act.

Lastly, this bill would amend the requirement for the lieutenant governor, at state expense, to supply a complete set of the Alaska Administrative Code, the Alaska Administrative Register, and each supplement to the code or register to the clerk of each local government unit. This bill allows local government units' clerks to request a paper or electronic copy of the publications, and would require payment for the requested copy. Because electronic access to the Alaska Administrative Code is currently available through the legislature's website, and through links to that website found on various state agency websites, local governments still would have a "no-cost" option for access to the information.

I urge your prompt consideration and passage of this bill.

Sincerely,  
/s/  
Frank H. Murkowski  
Governor

### **Consideration of the Calendar**

#### **Second Reading of Senate Bills**

##### **SB 156**

Senator Ben Stevens moved and asked unanimous consent that SENATE BILL NO. 156 "An Act relating to the posting and giving of certain warnings about drinking alcohol during pregnancy when selling or dispensing pregnancy testing kits, birth control devices, or birth control prescriptions" be returned to the Rules Committee. Without objection, the bill was returned to the Rules Committee.

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

##### **HB 159**

HOUSE BILL NO. 159 "An Act relating to the frequency of examinations of certain persons licensed to engage in the business of making loans of money, credit, goods, or things in action; repealing the requirement for a state examination and evaluation of the Alaska Commercial Fishing and Agriculture Bank; and providing for an effective date" was read the second time.

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

President Therriault stated HOUSE BILL NO. 159 will be on the May 2 calendar.

**HB 187**

HOUSE BILL NO. 187 "An Act extending the termination date of the Board of Storage Tank Assistance; and providing for an effective date" was read the second time.

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

HOUSE BILL NO. 187 was read the third time.

Senator Ellis called the Senate. The call was satisfied.

The question being: "Shall HOUSE BILL NO. 187 "An Act extending the termination date of the Board of Storage Tank Assistance; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 187

Third Reading - Final Passage

Effective Date

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

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

Nay: Hoffman

Excused: Davis

and so, HOUSE BILL NO. 187 passed the Senate.

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

**Third Reading of Senate Bills****SB 98**

CS FOR SENATE BILL NO. 98(TRA) "An Act relating to civil liability for boat owners and to civil liability for guest passengers on an aircraft or watercraft; and providing for an effective date" was read the third time.

Senator Taylor 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 Taylor offered Amendment No. 1:

Page 1, line 2:

Delete "**on an aircraft or watercraft**"  
Insert "**in a vehicle**"

Page 2, line 4:

Delete "**aircraft and watercraft guest passengers**"  
Insert "**guest passengers in a vehicle**"

Page 2, line 5:

Delete "an aircraft or watercraft"  
Insert "a vehicle"

Page 2, line 6:

Delete "aircraft or watercraft"  
Insert "vehicle"

Page 2, line 7:

Delete "aircraft or watercraft"  
Insert "vehicle"

Page 2, lines 11 - 12:

Delete "an aircraft or watercraft if the aircraft or watercraft"  
Insert "a vehicle if the vehicle"

Page 2, lines 13 - 14:

Delete "an aircraft or watercraft that occurs while demonstrating an aircraft or watercraft"

Insert "a vehicle that occurs while demonstrating the vehicle"

Page 2, line 24:

Delete "aircraft or watercraft"

Insert "vehicle"

Page 2, following line 26:

Insert "(c) In this section, "vehicle" means a device in which people may be transported."

Senator Taylor moved and asked unanimous consent for the adoption of Amendment No. 1. Senator Bunde objected. Senator Taylor moved and asked unanimous consent to withdraw Amendment No. 1. Without objection, Amendment No. 1 was withdrawn.

CS FOR SENATE BILL NO. 98(TRA) was automatically in third reading.

Senators Bunde, Cowdery moved and asked unanimous consent to abstain from voting due to a conflict of interest. Objections were heard and Senators Bunde, Cowdery were required to vote.

Senators Ogan, Wilken, Seekins, Wagoner, Lincoln, Dyson, Hoffman, Olson, Green, declared a conflict of interest.

Senator Taylor moved and asked unanimous consent that the members who had declared a conflict of interest not be allowed to vote. President Therriault ruled that all members would be required to vote. Senator Taylor challenged the ruling of the Chair.

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

The question being: "Shall the ruling of the Chair be upheld?" The roll was taken with the following result:

SB 98

Uphold ruling of the Chair?

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

Yea: Bunde, Cowdery, Dyson, Elton, French, Green, Guess, Hoffman, Ogan, Olson, Seekins, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis, Lincoln, Taylor

Excused: Davis

and so the ruling of the chair was upheld and all members were required to vote.

The question being: "Shall CS FOR SENATE BILL NO. 98(TRA) "An Act relating to civil liability for boat owners and to civil liability for guest passengers on an aircraft or watercraft; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 98(TRA)

Third Reading - Final Passage

Effective Dates

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

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

Nays: Ellis, Elton, French, Guess, Taylor

Excused: Davis

and so, CS FOR SENATE BILL NO. 98(TRA) passed the Senate.

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

Senator Taylor gave notice of reconsideration.

**Third Reading of House Bills****HB 23**

CS FOR HOUSE BILL NO. 23(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 23(JUD) "An Act relating to court-ordered restitution and compensation following a criminal conviction" pass the Senate?" The roll was taken with the following result:

CSHB 23(JUD)

Third Reading - Final Passage

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

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

Excused: Davis

Absent: Ellis

and so, CS FOR HOUSE BILL NO. 23(JUD) passed the Senate.

Senators Dyson, Seekins, Wagoner, Elton, Lincoln, French, Taylor, Ogan, Cowdery, Olson, moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 23(JUD) was signed by the President and Secretary and returned to the House.

**Second Reading of Senate Resolutions****SJR 17**

SENATE JOINT RESOLUTION NO. 17 Relating to the Alaska-Yukon Intergovernmental Relations Accord, to annual legislative exchanges, and to continuing intergovernmental work on matters of joint concern and mutual interest, was read the second time.

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

SENATE JOINT RESOLUTION NO. 17 was read the third time.

The question being: "Shall SENATE JOINT RESOLUTION NO. 17 Relating to the Alaska-Yukon Intergovernmental Relations Accord, to annual legislative exchanges, and to continuing intergovernmental work on matters of joint concern and mutual interest, pass the Senate?" The roll was taken with the following result:

SJR 17

Third Reading - Final Passage

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

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

Excused: Davis

Absent: Ellis

and so, SENATE JOINT RESOLUTION NO. 17 passed the Senate

Senators Dyson, Seekins, Wagoner, Lincoln, Elton, Ellis, Ben Stevens, Ogan, Cowdery, Taylor, moved and asked unanimous consent to be shown as cosponsors on the resolution. Without objection, it was so ordered.

SENATE JOINT RESOLUTION NO. 17 was referred to the Secretary for engrossment.

#### **Second Reading of House Resolutions**

**HCR 11**

CS FOR HOUSE CONCURRENT RESOLUTION NO. 11(FSH) am was read the second time and was before the Senate on final passage.

The question being: "Shall CS FOR HOUSE CONCURRENT RESOLUTION NO. 11(FSH) am Relating to Alaska Wild Salmon Week, June 30 - July 4, 2003, pass the Senate?" The roll was taken with the following result:

CSHCR 11(FSH) am  
Second Reading - Final Passage

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

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

Excused: Davis

and so, CS FOR HOUSE CONCURRENT RESOLUTION NO. 11(FSH) am passed the Senate.

Senators Lincoln, Dyson, Gary Stevens, Wagoner, Elton, Ellis, Taylor, Ben Stevens, Cowdery, Bunde, Wilken, Olson, moved and asked unanimous consent to be shown as cross sponsors on the resolution. Without objection, it was so ordered.

CS FOR HOUSE CONCURRENT RESOLUTION NO. 11(FSH) am was signed by the President and Secretary and returned to the House.

### **Citations**

Honoring – Mark Sledge, 2003 National Military Fish and Wildlife Association, Special Achievement Award

Representative(s) Dahlstrom

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

Honoring – Senator Alan Austerman

Representative(s) Ogg

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

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

Senator Ben Stevens moved and asked unanimous consent that the following citation be made a special order of business. Without objection, it was so ordered.

### **Special Order of Business**

Honoring – Julia Walker

Representative(s) Masek, Morgan

Senator(s) Therriault, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

Senator Ben Stevens moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

### **Unfinished Business**

#### **SB 125**

Senator Gary Stevens, Chair, moved and asked unanimous consent that the State Affairs Committee referral be waived on SENATE BILL NO. 125 "An Act relating to protests of state contract awards, to claims on state contracts and to hearings under the State Procurement Code; making conforming amendments in the State Procurement Code; and providing for an effective date." Without objection, the bill was referred to the Rules Committee.

#### **SB 192**

Senator Dyson, Chair, moved and asked unanimous consent that the Health, Education and Social Services Committee referral be waived on SENATE BILL NO. 192 "An Act relating to teachers and training programs in the Department of Labor and Workforce Development, to the placement in the exempt service of certified teachers employed by the Department of Labor and Workforce Development, to their eligibility to participate in the Teachers' Retirement System of Alaska,

and to the functions of the Alaska Workforce Investment Board regarding the Kotzebue Technical Center and the Alaska Vocational Technical Center; and providing for an effective date." Without objection, the bill was referred to the Labor and Commerce Committee.

Senator Ben Stevens moved and asked unanimous consent that the Senate return to messages from the House. Senator Ellis objected, then withdrew his objection. There being no further objections, the Senate returned to:

#### **Messages from the House**

##### **HB 75**

Message dated May 1 was read, stating the House failed to concur in the Senate amendment to CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75(FIN) am(brf sup maj fld) and respectfully requests the Senate to recede from its amendment, namely:

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75(FIN)(brf sup maj fld S) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date."

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Harris, Chair  
Representative Williams  
Representative Croft

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

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

SCS CSSSHB 75(FIN)(brf sup maj fld S)  
Shall the Senate Recede from its Amendment  
to CSSSHB 75(FIN)am (brf sup maj fld)?

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

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

Excused: Davis

and so, the Senate failed to recede.

President Therriault previously appointed members to a Conference Committee to meet with the like committee from the House (page 1057):

Senator Wilken  
Senator Green  
Senator Hoffman

The Secretary was requested to notify the House.

**HB 76**

Message dated May 1 was read, stating the House failed to concur in the Senate amendments to CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 76(FIN) and respectfully requests the Senate to recede from its amendments, namely:

SENATE CS FOR CS FOR SPONSOR  
SUBSTITUTE FOR HOUSE BILL NO. 76(FIN) am  
S "An Act making appropriations for the operating  
and capital expenses of the state's integrated  
comprehensive mental health program; and providing  
for an effective date."

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Harris, Chair  
Representative Williams  
Representative Croft

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

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

SCS CSSSHB 76(FIN) am S  
Shall the Senate Recede from its Amendments  
to CSSSHB 76(FIN)?

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

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

Excused: Davis

and so, the Senate failed to recede.

President Therriault previously appointed members to a Conference Committee to meet with the like committee from the House (page 1058):

Senator Wilken  
Senator Green  
Senator Hoffman

The Secretary was requested to notify the House.

#### **Unfinished Business (continued)**

Senator Lincoln moved and asked unanimous consent to be excused from a call of the Senate on May 3. Without objection, Senator Lincoln was excused.

**SB 147**

The reconsideration on SENATE BILL NO. 147 "An Act relating to control of nuisance wild animals; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SB 147**

SENATE BILL NO. 147 "An Act relating to control of nuisance wild animals; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SJR 17**

SENATE JOINT RESOLUTION NO. 17 Relating to the Alaska-Yukon Intergovernmental Relations Accord, to annual legislative exchanges, and to continuing intergovernmental work on matters of joint concern and mutual interest was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**Adjournment**

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., May 2, 2003. Without objection, the Senate adjourned at 2:02 p.m.

Kirsten Waid  
Secretary of the Senate

June 2003

**Announcements**

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

**STANDING COMMITTEES**

+ indicates teleconference

= indicates bill previously heard/scheduled

**COMMUNITY & REGIONAL AFFAIRS**

**May 02      Friday                      Fahrenkamp 203              1:30 PM**  
No Meeting Scheduled

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**FINANCE**

**May 01      Thursday                      Senate Finance 532              9:00 AM**  
= SB 72 EXTEND REGULATORY COMMISSION OF ALASKA  
SB 180 SAFETY CODE TASK FORCE  
= SB 148 PFD: ALLOWABLE ABSENCE FOR MILITARY SVC  
Bills Previously Heard/Scheduled

**May 02      Friday                              Senate Finance 532              9:00 AM**  
+= SB 100 APPROP: CAPITAL PROJECTS  
<Teleconference on above Bill>  
\*\*\* Public Testimony \*\*\*  
Bills Previously Heard/Scheduled

**May 02      Friday                              Senate Finance 532              4:00 PM**  
-- Time Change --  
= SB 100 APPROP: CAPITAL PROJECTS  
Bills Previously Heard/Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

<b>May 02</b>	<b>Friday</b>	<b>Butrovich 205</b>	<b>1:30 PM</b>
-- Meeting Canceled --			
+	Bills Previously Heard/Scheduled		
<b>May 05</b>	<b>Monday</b>	<b>Butrovich 205</b>	<b>1:30 PM</b>
+	SB 202	EDUCATION FUNDING & PUPIL TRANSPORTATION	
+	SB 145	REEMPLOYMENT OF RETIRED TEACHERS	
Bills Previously Heard/Scheduled			
<b>May 07</b>	<b>Wednesday</b>	<b>Butrovich 205</b>	<b>1:30 PM</b>
Bills Previously Heard/Scheduled			
<b>May 09</b>	<b>Friday</b>	<b>Butrovich 205</b>	<b>1:30 PM</b>
Bills Previously Heard/Scheduled			

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**JUDICIARY**

<b>May 02</b>	<b>Friday</b>	<b>Beltz 211</b>	<b>1:00 PM</b>
+	HB 114	ISSUANCE OF SEARCH WARRANTS	
+	HB 49	EXPAND DNA DATABASE	
+	SB 30	ABORTION: INFORMED CONSENT; INFORMATION	
+	Bills Previously Heard/Scheduled		

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**LABOR & COMMERCE**

<b>May 01</b>	<b>Thursday</b>	<b>Beltz 211</b>	<b>2:15 PM</b>
-- Time Change --			
+=	SB 13	INSURANCE DISCRIMINATION BY CREDIT RATING	
+	SB 186	CHARITABLE GAMING/ELECTRONIC GAMING	
+	SB 178	STATE LOTTERY	
	Bills Previously Heard/Scheduled		
+=	HB 214	PUNITIVE DAMAGES AGAINST EMPLOYERS	
+=	HB 184	INDIVIDUAL DEFERRED ANNUITIES	

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**RESOURCES**

<b>May 02</b>	<b>Friday</b>	<b>Butrovich 205</b>	<b>3:30 PM</b>
+ SB 149	REPEAL CERTAIN TIMBER SALE REQUIREMENTS		
+	Bills Previously Heard/Scheduled		
<b>May 05</b>	<b>Monday</b>	<b>Butrovich 205</b>	<b>3:30 PM</b>
	Confirmation Hearings:		
	Board of Fisheries		
+	Bills Previously Heard/Scheduled		

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**STATE AFFAIRS**

<b>May 01</b>	<b>Thursday</b>	<b>Beltz 211</b>	<b>3:30 PM</b>
+ SJR 18	CONST. AM: PF APPROPS/INFLATION-PROOFING		
+ SB 195	CERTIFICATES OF PARTICIPATION FOR JAILS		
	Bills Previously Heard/Scheduled		
HB 127	ROADSIDE MEMORIALS		

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**TRANSPORTATION**

<b>May 01</b>	<b>Thursday</b>	<b>Butrovich 205</b>	<b>1:30 PM</b>
	-- Meeting Canceled --		
	Bills Previously Heard/Scheduled		

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**JOINT COMMITTEES****LEGISLATIVE COUNCIL**

<b>May 02</b>	<b>Friday</b>	<b>Capitol 208</b>	<b>12:00 PM</b>
	Information Technology Subcommittee		
	Information Technology & Alaska's Future		