

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

April 7, 2004

#### Eighty-seventh Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:19 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Pastor Mike Rose of the Juneau Christian Center. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

He who dwells in the secret place of the Most High shall abide under the shadow of the Almighty. I will say of the Lord, "He is my refuge and my fortress; my God, in Him I will trust."

As we reflect on the great needs of the people of Alaska it is obvious that we need Your help. We ask today that You would help us to trust in You with all our hearts, and lean not to our own understanding; in all of our ways to acknowledge You and You will direct our paths. You call us to be not wise in our own eyes but to fear the Lord and depart from evil.

We thank You, Lord, that the thoughts that You think toward us are thoughts of peace and not of evil, to give us a future and a hope. Lord, we ask for Your peace and wisdom in the Senate today. We request Your blessings upon those in the Senate; may their families be protected and strengthened today.

Lord, we remember our troops overseas and we pray for their success and safety today. We thank You for answers to our prayers. Your kingdom come, Your will be done on earth as it is in Heaven, in Jesus' name. Amen.

Senator Olson led the Senate in the Pledge of Allegiance.

### **Certification**

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

### **Introduction of Chamber Staff**

Senator Wilken introduced Senate Page Jared Garrison Seay of North Pole.

### **Messages from the House**

#### **SB 283**

Message dated April 6 was read stating, the House has failed to recede from its amendment to CS FOR SENATE BILL NO. 283(FIN) "An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the constitutional budget reserve fund; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date," namely:

CS FOR SENATE BILL NO. 283(FIN) am H "An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the constitutional budget reserve fund for fiscal year 2004; making an appropriation for investment management fees for the constitutional budget reserve fund for fiscal year 2005; making appropriations to the Department of Education and Early Development for K-12 educational programs; making appropriations to the University of Alaska and the Alaska Court System; making an

appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2004 into the constitutional budget reserve fund; making an appropriation of the amount necessary to balance revenue and general fund appropriations for fiscal years 2004 and 2005; making appropriations for power cost equalization and for grants to municipalities, unincorporated communities, and designated recipients; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."  
(Title change authorized by HCR 34)

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 Coghill  
Representative Kerttula

The Speaker granted limited powers of free conference to the conferees.

**SCR 19**

Message dated April 6 was read, stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 19  
Relating to the support of fisheries education, training, and research and encouraging collaborative efforts between the state, the University of Alaska, and other educational institutions to provide fisheries education programs.

The resolution was referred to the Secretary for enrollment.

Message dated April 6 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of  
House Resolutions**

**HJR 36**

HOUSE JOINT RESOLUTION NO. 36 BY REPRESENTATIVES WEYHRAUCH, Foster, Lynn,

Requesting the National Park Service to mitigate the adverse economic effects of commercial fishing closures and restrictions in Glacier Bay National Park and Preserve.

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

**HCR 27**

CS FOR HOUSE CONCURRENT RESOLUTION NO. 27(RES) BY THE HOUSE RESOURCES COMMITTEE,

Relating to Take a Young Person Hunting Week.

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

Message dated April 6 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills**

**HB 522**

HOUSE BILL NO. 522 am BY THE HOUSE STATE AFFAIRS COMMITTEE, entitled:

"An Act relating to discharges from small commercial passenger vessels; and providing for an effective date."

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

### **Standing Committee Reports**

#### **SB 27**

The Labor and Commerce Committee considered SENATE BILL NO. 27 "An Act relating to pesticide use; relating to program receipts collected by the Department of Environmental Conservation for registrations and licenses relating to pesticides; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 27(L&C)

Signing no recommendation: Senator Bunde, Chair; Senators Davis, Gary Stevens. Signing do pass: Senator French. Signing do not pass: Senator Seekins.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Environmental Conservation

The bill was referred to the Resources Committee.

#### **SB 219**

The State Affairs Committee considered SENATE BILL NO. 219 "An Act relating to offenses against unborn children." Signing do pass: Senator Gary Stevens, Chair; Senator Cowdery. Signing no recommendation: Senator Stedman.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, indeterminate, Department of Administration

Fiscal Note No. 3, zero, Alaska Court System

President Therriault added a Finance Committee referral to the bill.

The bill was referred to the Judiciary, then Finance Committees.

**SB 308**

The Judiciary Committee considered SENATE BILL NO. 308 "An Act increasing the duration of certain provisions of domestic violence protective orders from six months to one year" and recommended it be replaced with

CS FOR SENATE BILL NO. 308(JUD)  
(forthcoming)

and further recommended the adoption of a Judiciary Letter of Intent (forthcoming).

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

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Administration  
Fiscal Note No. 2, zero, Alaska Court System

The bill was referred to the Finance Committee.

**SB 341**

The Labor and Commerce Committee considered SENATE BILL NO. 341 "An Act relating to the administration of the Alaska Vocational Technical Center; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senators Seekins, Davis, French, Gary Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Labor and Workforce  
Development

The bill was referred to the Finance Committee.

**SB 351**

The Finance Committee considered SENATE BILL NO. 351 "An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means" and recommended it be replaced with

CS FOR SENATE BILL NO. 351(FIN) "An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means, and specifying the manner of preparing the forms that are provided by the commission."

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

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

The bill was referred to the Rules Committee.

**SB 371**

The Transportation Committee considered SENATE BILL NO. 371 "An Act relating to the powers and duties of the Department of Transportation and Public Facilities; relating to a long-range program for highway construction and maintenance; repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 371(TRA) "An Act relating to the powers and duties of the Department of Transportation and Public Facilities; relating to a long-range program for highway construction and maintenance; and providing for an effective date."

Signing do pass: Senators Wagoner, Cowdery, Cochairs. Signing no recommendation: Senators Lincoln, Therriault, Olson.

The following fiscal information was published today:  
Fiscal Note No. 1, zero, Department of Transportation and Public Facilities

The bill was referred to the Finance Committee.

**HB 252**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 252(STA) "An Act relating to the terms and duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 252(JUD) "An Act relating to the terms and duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors; and relating to the employment and classification of an executive secretary for the board."

(Title change authorized by SCR 24 [forthcoming])

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

The following fiscal information was published today:

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

The bill was referred to the Rules Committee.

**HB 288**

The Labor and Commerce Committee considered 2d CS FOR HOUSE BILL NO. 288(RLS) "An Act changing the name of the Department of Community and Economic Development to the Department of Commerce and Community and Economic Development" and recommended the adoption of the State Affairs Senate Committee Substitute offered on page 2067. Signing no recommendation: Senator Bunde, Chair; Senators Seekins, French. Signing do pass: Senators Davis, Gary Stevens.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.



**HB 341**

The Labor and Commerce Committee considered HOUSE BILL NO. 341 "An Act relating to the dive fishery management assessment." Signing do pass: Senator Bunde, Chair; Senators Seekins, Gary Stevens. Signing no recommendation: Senators Davis, French.

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

The bill was referred to the Finance Committee.

**HB 350**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 350(STA) "An Act adding personal injury and death from arson in the first degree to the injuries compensable by the Violent Crimes Compensation Board; and providing for an effective date." Signing do pass: Senator Seekins, Chair; Senators Ellis, Ogan, Therriault. Signing no recommendation: Senator French.

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

The bill was referred to the Rules Committee.

**HB 356**

The Labor and Commerce Committee considered HOUSE BILL NO. 356 "An Act relating to operation of alcoholic beverage delivery sites; and providing for an effective date." Signing no recommendation: Senator Bunde, Chair; Senators Seekins, Davis, Gary Stevens. Signing do pass: Senator French.

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

The bill was referred to the Rules Committee.

**HB 357**

The Finance Committee considered CS FOR HOUSE BILL NO. 357(JUD) "An Act relating to restitution; and providing for an effective date" and recommended the adoption of the Judiciary Senate Committee Substitute offered on page 2600. Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Hoffman, Olson, Bunde, Ben Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 1, indeterminate, Department of Administration

Fiscal Note No. 2, indeterminate, Department of Law

The bill was referred to the Rules Committee.

**HB 447**

The State Affairs Committee considered CS FOR HOUSE BILL NO. 447(JUD) "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair; Senators Cowdery, Stedman.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Legislative Agency

The bill was referred to the Judiciary Committee.

**HB 494**

The State Affairs Committee considered CS FOR HOUSE BILL NO. 494(FIN) am "An Act relating to the methods of disbursement of money by the state, including employment compensation, unemployment payments, and permanent fund dividends, and to bank investments and deposits by the state; and providing for an effective date." Signing do pass: Senator Gary Stevens, Chair. Signing no recommendation: Senators Cowdery, Stedman.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Health and Social Services
- Fiscal Note No. 2, zero, Department of Health and Social Services
- Fiscal Note No. 3, zero, Department of Health and Social Services
- Fiscal Note No. 4, zero, Department of Labor and Workforce Development
- Fiscal Note No. 5, zero, Department of Labor and Workforce Development
- Fiscal Note No. 6, zero, Department of Revenue
- Fiscal Note No. 7, Department of Administration

The bill was referred to the Finance Committee.

### **HB 513**

The Finance Committee considered HOUSE BILL NO. 513 "An Act relating to the enforcement of support orders through suspension of drivers' licenses; changing the name of the child support enforcement agency to the child support services agency; amending Rules 90.3 and 90.5, Alaska Rules of Civil Procedure; and providing for an effective date" and recommended the adoption of the Judiciary Senate Committee Substitute offered on page 2707.

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

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Alaska Court System
- Fiscal Note No. 2, zero, Department of Revenue

The bill was referred to the Rules Committee.

### **SJR 30**

The State Affairs Committee considered SENATE JOINT RESOLUTION NO. 30 Urging the United States Congress to amend the No Child Left Behind Act of 2001. Signing do pass: Senator Gary Stevens, Chair. Signing no recommendation: Senators Cowdery, Stedman.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Senate State Affairs Committee

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

**HCR 29**

The State Affairs Committee considered HOUSE CONCURRENT RESOLUTION NO. 29 am Relating to support for therapeutic courts for repeat driving while under the influence offenders. Signing no recommendation: Senator Gary Stevens, Chair; Senators Cowdery, Stedman.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Alaska Court System

The resolution was referred to the Judiciary Committee.

**Introduction and Reference of  
Senate Resolutions**

**SJR 33**

SENATE JOINT RESOLUTION NO. 33 BY THE SENATE JUDICIARY COMMITTEE BY REQUEST,

Urging our United States Senators to work to allow a timely vote on the floor on all judicial nominations.

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

**Introduction and Reference of Senate Bills**

**SB 386**

SENATE BILL NO. 386 BY THE SENATE STATE AFFAIRS COMMITTEE, entitled:

"An Act relating to controlled livestock districts and liability for livestock."

was read the first time and referred to the Resources and Judiciary Committees.

### **Consideration of the Calendar**

#### **Third Reading of Senate Bills**

##### **SB 329**

CS FOR SENATE BILL NO. 329(RES) "An Act relating to control of nuisance moose" was read the third time.

Senator French 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 French offered Amendment No. 1:

Page 1, line 15 – Page 2, line 2:

Delete: "A civil action to recover damages or costs that arise from relocating nuisance moose may not be brought against the state or a political subdivision, officer, or employee of the state."

Senator French moved for the adoption of Amendment No. 1. Senator Ben Stevens objected.

Senator Ogan declared a conflict of interest.

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

CSSB 329(RES)  
Second Reading  
Amendment No. 1

**YEAS: 8 NAYS: 12 EXCUSED: 0 ABSENT: 0**

Yeas: Davis, Ellis, Elton, French, Guess, Hoffman, Lincoln, Olson  
Nays: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stedman,  
Stevens B, Stevens G, Therriault, Wagoner, Wilken  
Ogan changed from "Yea" to "Nay".

and so, Amendment No. 1 failed to be adopted.

CS FOR SENATE BILL NO. 329(RES) was automatically in third reading.

The question being: "Shall CS FOR SENATE BILL NO. 329(RES) "An Act relating to control of nuisance moose" pass the Senate?" The roll was taken with the following result:

CSSB 329(RES)  
Third Reading - Final Passage

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

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

and so, CS FOR SENATE BILL NO. 329(RES) passed the Senate.

Senator French gave notice of reconsideration.

Senator Ben Stevens moved and asked unanimous consent that the Senate return to Messages from the House. Without objection, the Senate returned to:

**Messages from the House**

Message dated April 7 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 375**

CS FOR HOUSE BILL NO. 375(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"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."

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

**HB 377**

CS FOR HOUSE BILL NO. 377(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"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."

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

**Reconsideration of Senate Bills****SB 40**

Senator Ellis requested that the reconsideration on CS FOR SENATE BILL NO. 40(FIN) be taken up. The bill was before the Senate on reconsideration.

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

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 40(FIN) "An Act relating to construction of highways by the Department of Transportation and Public Facilities; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 40(FIN)

Third Reading - On Reconsideration

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

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

Nays: Davis, Ellis, Elton, French, Guess, Lincoln, Ogan, Olson, Stevens G

Excused: Hoffman

and so, CS FOR SENATE BILL NO. 40(FIN) failed to pass the Senate and was referred to the Secretary for permanent filing.

### **Consideration of the Calendar (continued)**

#### **Third Reading of Senate Resolutions**

##### **SJR 3**

CS FOR SENATE JOINT RESOLUTION NO. 3(FIN) am Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit, which had been held (page 2804), was read the third time.

Senator Guess moved and asked unanimous consent 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.

Senators Guess, Davis, Ellis, Elton, French, Hoffman, Lincoln, Olson offered Amendment No. 3:



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Page 2, line 25:

Delete "and"

Page 2, following line 25:

Insert a new paragraph to read:

“(11) from the general fund for public education, including the University of Alaska; and”

Page 2, line 26:

Delete “(11)”

Insert “(12)”

Page 3, line 20:

Delete “3,150,000,000”

Insert “2,427,250,000”

Page 3, line 21:

Delete “3,250,000,000”

Insert “2,443,625,000”

Senator Guess moved for the adoption of Amendment No. 3. Senator Dyson objected.

Senator Guess moved and asked unanimous consent for the adoption of the following amendment to Amendment No. 3:

Under Page 3, line 20:

Delete “2,427,250,000”

Insert “2,214,534,000”

Under Page 3, line 21:

Delete “2,443,625,000”

Insert “2,231,110,000”

Without objection, Amendment No. 3 was amended.

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

CSSJR 3(FIN) am  
Second Reading  
Amendment No. 3 as amended

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

Yeas: Davis, Ellis, Elton, French, Guess, Lincoln, Olson

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

Excused: Hoffman

and so, Amendment No. 3 as amended failed to be adopted.

CS FOR SENATE JOINT RESOLUTION NO. 3(FIN) am was automatically in third reading.

Senator Lincoln moved and asked unanimous consent that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 4. Senator Ben Stevens objected, then withdrew his objection.

Senators Lincoln, Davis, Ellis, Elton, French, Guess, Hoffman, Olson offered Amendment No. 4:

Page 1, line 1, following "**relating to**":

Insert "**the Alaska permanent fund and to**"

Page 1, following line 3:

Insert new resolution sections to read:

"\* **Section 1.** Article IX, sec. 15, Constitution of the State of Alaska, is amended to read:

**Section 15. Alaska Permanent Fund. (a)** At least twenty-five per cent of all mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments. All income from the permanent fund shall be deposited in the earnings reserve account and distributed as provided for under AS 37.13.140, 37.13.145, and AS 43.23.025, as those statutes

**read on July 1, 2002** [GENERAL FUND UNLESS OTHERWISE PROVIDED BY LAW].

\* **Sec. 2.** Article IX, sec. 15, Constitution of the State of Alaska, is amended by adding a new subsection to read:

(b) Notwithstanding other provisions of this constitution,

(1) AS 37.13.140, 37.13.145, AS 43.23.025, and any provisions of law referred to in those sections, remain in effect as they read on July 1, 2002, unless they are amended or repealed and the amendment or repeal is ratified by affirmative vote of a majority of the voters of the State voting on the question; and

(2) money may be appropriated from the earnings reserve account only as authorized under AS 37.13.145(b) and (c) as those subsections read on July 1, 2002, unless the appropriation is ratified by affirmative vote of a majority of the voters of the State voting on the question."

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 3**"

ReNUMBER the following resolution sections accordingly.

Page 3, lines 12 - 13:

Delete "a new section"

Insert "new sections"

Page 3, following line 13:

**"Section 30. Suspension and Repeal of amendments.** (a) Notwithstanding Section 1 of Article XIII, the 2004 amendments to Section 15 of Article IX are suspended on the date of an initial determination by the Internal Revenue Service that all or a portion of the permanent fund is subject to federal taxation. The suspension is terminated on the date the amendments are repealed under (b) of this section or one hundred eighty days after the date of a final, nonappealable judgment or order by a federal court deciding that no portion of the permanent fund would be subject to federal taxation as a result of the amendments. During the period of suspension under this subsection, Section 15 of Article IX shall apply as it read on January 1, 2003.

(b) Notwithstanding Section 1 of Article XIII, the 2004

amendments to Section 15 of Article IX are repealed one hundred eighty days after the date of a final, nonappealable judgment or order by a federal court deciding that all or a portion of the permanent fund is subject to federal taxation. Upon repeal of the 2004 amendments under this subsection, Section 15 of Article IX is amended to read as it read on January 1, 2003."

Page 3, line 14:

Delete "**Section 30**"

Insert "**Section 31**"

Senator Elton called the Senate. The call was satisfied.

Senator Lincoln moved for the adoption of Amendment No. 4.

Senator Ben Stevens objected and rose to a point of order, stating the amendment constituted discharging a bill from committee.

President Therriault, citing precedent and longstanding interpretation of the rules, ruled the amendment out of order.

Senator Ellis appealed the ruling of the Chair.

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

Uphold ruling of the Chair?

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

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

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

Excused: Hoffman

and so, the ruling of the Chair was upheld.

CS FOR SENATE JOINT RESOLUTION NO. 3(FIN) am was automatically in third reading.

Senator Elton moved and asked unanimous consent that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 5. Without objection, the bill was returned to second reading.

Senators Elton, Davis, Ellis, French, Guess, Hoffman, Lincoln, Olson offered Amendment No. 5:

Page 3, line 14, following "**Section 30.**":  
Insert "**Conditional Effect,**"

Page 3, line 14, following "(a)":

Insert "The 2004 amendment relating to an appropriation limit (art. IX, sec. 16) takes effect only if, in 2004, the voters approve an amendment to Section 15 of Article IX requiring all income from the permanent fund to be deposited in the earnings reserve account and distributed as provided for under AS 37.13.140, 37.13.145, and AS 43.23.025, as those statutes read on July 1, 2002, and authorizing amendment or repeal of those statutes only upon ratification by the voters.

(b)"

Reletter the following subsection accordingly.

Senator Elton moved and asked unanimous consent for the adoption of Amendment No. 5. Senator Ben Stevens objected.

President Therriault reminded members that Mason's Manual Rule 102 is always in effect during debate.

In accordance with Mason's Manual Rule 583, President Therriault relinquished the chair to Senator Ben Stevens, President pro tempore, in order to participate in debate.

President Therriault and Senator Ben Stevens resumed their original places.

The question being: "Shall Amendment No. 5 be adopted?" The roll was taken with the following result:

CSSJR 3(FIN) am  
Second Reading  
Amendment No. 5

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

Yeas: Davis, Ellis, Elton, French, Guess, Lincoln, Ogan, Olson

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

Excused: Hoffman

and so, Amendment No. 5 failed to be adopted.

CS FOR SENATE JOINT RESOLUTION NO. 3(FIN) am was  
automatically in third reading.

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

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

The question being: "Shall CS FOR SENATE JOINT RESOLUTION  
NO. 3(FIN) am Proposing amendments to the Constitution of the State  
of Alaska relating to an appropriation limit, pass the Senate?" The roll  
was taken with the following result:

CSSJR 3(FIN) am  
Third Reading - Final Passage

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

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

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

Excused: Hoffman

and so, lacking the necessary fourteen votes, CS FOR SENATE  
JOINT RESOLUTION NO. 3(FIN) am failed to pass the Senate.

Senator Dyson gave notice of reconsideration.

**Unfinished Business**

Senator Wilken moved and asked unanimous consent to be excused from the Senate, not subject to a call, from afternoon plane time, April 23 to evening plane time, April 25. Without objection, Senator Wilken was excused.

Senator Gary Stevens moved and asked unanimous consent to be excused from a call of the Senate from plane time, April 16 to plane time, April 19. Without objection, Senator Gary Stevens was excused.

**SB 283**

Pursuant to the message stating the House failed to recede from its amendment to CS FOR SENATE BILL NO. 283(FIN) "An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the constitutional budget reserve fund; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date"

namely

CS FOR SENATE BILL NO. 283(FIN) am H "An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the constitutional budget reserve fund for fiscal year 2004; making an appropriation for investment management fees for the constitutional budget reserve fund for fiscal year 2005; making appropriations to the Department of Education and Early Development for K-12 educational programs; making appropriations to the University of Alaska and the Alaska Court System; making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2004 into the constitutional budget reserve fund; making an appropriation of the amount necessary to balance revenue and general fund appropriations for fiscal years 2004 and 2005; making appropriations for power cost equalization and for grants to

municipalities, unincorporated communities, and designated recipients; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date," President Therriault appointed the following members to the conference committee considering the bills:

Senator Ben Stevens, Chair  
Senator Green  
Senator Elton

House members appointed April 6 (House Journal page 3237).

President Therriault granted the Senate members limited powers of free conference.

The Secretary was requested to notify the House.

**SB 328**

The reconsideration on CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 328(FIN) "An Act relating to the national forest income program in the Department of Community and Economic Development and to the authority of the department to adopt regulations; making conforming amendments; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

**Announcements**

Announcements are at the end of the journal.

**Engrossment**

**SB 328**

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 328(FIN) "An Act relating to the national forest income program in the Department of Community and Economic Development and to the authority of the department to adopt regulations; making conforming amendments; and providing for an effective date" 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 10:00 a.m., April 8, 2004. Without objection, the Senate adjourned at 3:20 p.m.

Kirsten Waid  
Secretary of the Senate

April 2004

**Announcements**

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

**STANDING COMMITTEES**

+ indicates teleconference  
 = indicates bill previously heard/scheduled

**COMMUNITY & REGIONAL AFFAIRS**

<b>Apr 07</b>	<b>Wednesday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	-- Meeting Canceled --		
+ SB 132	MINTO FLATS GAME REFUGE & TOWNSITE		
<b>Apr 09</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		

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**FINANCE**

<b>Apr 07</b>	<b>Wednesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
+ SB 256	APPROP: OPERATING BUDGET/LOANS/FUNDS		
+ SB 258	APPROP: MENTAL HEALTH BUDGET		
+ HB 375	APPROP: OPERATING BUDGET/LOANS/FUNDS <Pending Referral>		
+ HB 377	APPROP: MENTAL HEALTH BUDGET <Pending Referral>		
+ SB 374	PERMANENT FUND INCOME DISTRIBUTION		
	Bills Previously Heard/Scheduled		
+ SB 337	ENERGY PROGRAMS & FUNDS		
+ SB 303	BIG GAME GUIDE BOARD & SERVICES < Above Bill Teleconference LISTEN ONLY >		

**FINANCE (continued)**

**Apr 08 Thursday Senate Finance 532 8:00 AM**  
 -- Time Change --  
 + SB 336 CORRECTIONS: FEES/SURCHARGE  
 + HB 213 PROVISIONAL DRIVER'S LICENSE  
 + Bills Previously Heard/Scheduled

**Apr 09 Friday Senate Finance 532 9:00 AM**  
 No Meeting Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Apr 07 Wednesday Butrovich 205 1:30 PM**  
 -- Rescheduled to 5:30 pm 04/07/04 --  
 + HCR 31 TRAUMATIC BRAIN INJURY AWARENESS MONTH  
 += HB 25 HEALTH CARE SERVICES DIRECTIVES  
 + Bills Previously Heard/Scheduled  
 += SB 385 SECURITY;DIV. HOMELAND SECURITY/EMER. MGT

**Apr 07 Wednesday Butrovich 205 5:30 PM**  
 -- Rescheduled from 1:30 04/07/04 --  
 + HCR 31 TRAUMATIC BRAIN INJURY AWARENESS MONTH  
 += HB 25 HEALTH CARE SERVICES DIRECTIVES  
 + Bills Previously Heard/Scheduled  
 += SB 385 SECURITY;DIV. HOMELAND SECURITY/EMER. MGT

**Apr 09 Friday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

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**JUDICIARY**

**Apr 07 Wednesday Butrovich 205 8:00 AM**  
 + SB 246 HATE CRIMES/DISCRIMINATION/TOLERANCE PROG  
 + HB 350 CRIME VICTIMS' COMPENSATION FOR ARSON  
 += HB 252 OCC LICENSING: TERMS OF BD & CONT. EDUC  
 += SB 308 DOMESTIC VIOLENCE PROTECTIVE ORDERS  
 += SB 323 WORKERS COMPENSATION AND CONTRACTORS  
 + Bills Previously Heard/Scheduled  
 \*\*\* Meeting Will Recess Until 5:30 PM \*\*\*

**JUDICIARY (continued)**

**Apr 07 Wednesday Butrovich 205 5:30 PM**  
 -- Meeting Canceled --  
 \*\*\*After Recess\*\*\*  
 += SB 311 INSURANCE & WORKERS' COMPENSATION SYSTEM  
 + Bills Previously Heard/Scheduled

**Apr 09 Friday Butrovich 205 8:00 AM**  
 No Meeting Scheduled

**LABOR & COMMERCE**

**Apr 08 Thursday Beltz 211 1:30 PM**  
 No Meeting Scheduled

**RESOURCES**

**Apr 07 Wednesday Butrovich 205 3:30 PM**  
 -- Rescheduled to 4 pm 04/07/04 --  
 + Bills Previously Heard/Scheduled

**Apr 09 Friday Butrovich 205 3:30 PM**  
 No Meeting Scheduled

**Apr 12 Monday Butrovich 205 3:30 PM**  
 No Meeting Scheduled

**STATE AFFAIRS**

**Apr 08 Thursday Beltz 211 3:30 PM**  
 No Meeting Scheduled

**Apr 13 Tuesday Beltz 211**  
 --- Upon Adjournment ---  
 + Confirmation Hearing: Roger E. Holl  
 Alaska Public Offices Commission  
 + HB 93 BOATING SAFETY,REGISTRATION, NUMBERING  
 += SB 224 LOWER DWI FOR MINORS TO .02  
 + Bills Previously Heard/Scheduled

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**STATE AFFAIRS (continued)**

**Apr 15 Thursday Beltz 211 3:30 PM**  
No Meeting Scheduled

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**TRANSPORTATION**

**Apr 08 Thursday Butrovich 205 1:30 PM**  
No Meeting Scheduled

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**JOINT COMMITTEES**

**LEGISLATIVE BUDGET & AUDIT**

**Apr 15 Thursday House Finance 519 12:00 PM**  
Veteran's Home Feasibility Study  
Presented by ASCG

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**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

**Apr 14 Wednesday Anch Lio Conf Rm 8:30 AM**  
-- Teleconference <Listen Only> --  
\*\*SUBCOMMITTEE MEETING\*\*  
+ Open Meetings

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**OTHER MEETINGS**

**ENERGY POLICY TASK FORCE**

**Apr 10 Saturday Anchorage 10:00 AM**  
AIDEA/AEA Board Room  
813 W. Northern Lights Blvd., Third Floor