

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

May 6, 2004

#### One Hundred Sixteenth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:32 a.m.

The roll showed nineteen members present. Senator Green was absent.

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

Prayer by Pastor Alan Humphries of the Soldotna Church of God:

Heavenly Father, I thank You for the privilege of living in this great land of Alaska. We are a blessed people. May we never take those blessings for granted. May we always acknowledge You as the source of those blessings: the fish from the ocean and rivers, the animals from the hills and the tundra, the timber from the mountains and the rich natural resources that provide our stable economic basis from deep inside this earth. All these things are truly blessings that we didn't create. We are just stewards of those resources. May we always strive to be men and women of integrity in our use and care of those blessings.

I pray that we would acknowledge You alone as God and not we ourselves. I pray that we would worship You and not Your creation. I pray that we would be responsible stewards of the renewable resources You have given us to enjoy.

Today, oh creator God, I ask Your special blessing and guidance upon these men and women gathered here. We as Alaskans have chosen them in good faith to represent us in the affairs of government here in Juneau. I pray they would continue to be men and women of integrity. I pray You would give them special wisdom beyond what we as humans are accustomed to and that they would be led by Your Spirit in conducting all the business of this great people. That You would lead them to find the solutions for the incredibly complex problems that face our state. I thank You for Your hand of guidance and for men and women who will be open to Your leadership. Your Word is truly a "light to our feet and a lamp for our path."

Heavenly Father, I ask these things in the name of  
Jesus Christ our Lord. Amen.

Senator Wilken led the Senate in the Pledge of Allegiance.

### **Certification**

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

### **Messages from the House**

#### **HB 414**

Message dated May 5 was read, stating the Speaker has granted limited powers of free conference to the Conference Committee considering CS FOR HOUSE BILL NO. 414(JUD) "An Act relating to filling a vacancy in the office of United States senator, and to the definition of 'political party'" and SENATE CS FOR CS FOR HOUSE BILL NO. 414(JUD) "An Act relating to filling a vacancy in the office of United States senator, and to the definition of 'political party'; and providing for an effective date" on the specific points requested (page 3335).

**SB 136**

Message dated May 5 was read, stating the House passed and returned:

CS FOR SENATE BILL NO. 136(FIN) am "An Act relating to a mandatory property tax exemption for certain private property interests on military bases or installations; relating to an optional exclusion or exemption from municipal taxation for residential property; relating to an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

**SB 274**

Message dated May 5 was read, stating the House passed and returned:

SENATE BILL NO. 274 "An Act relating to the housing assistance loan fund in the Alaska Housing Finance Corporation; creating the housing assistance loan program; repealing loans for teacher housing and providing for loans for multi-family housing; making conforming amendments; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

**SB 295**

Message dated May 5 was read, stating the House passed and returned:

SENATE BILL NO. 295 "An Act extending the termination date of the Navigable Waters Commission for Alaska; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

**SB 315**

Message dated May 5 was read, stating the House passed and returned:

SENATE BILL NO. 315 "An Act relating to the administration of commercial fishing entry permit buy-back programs."

The bill was referred to the Secretary for enrollment.

**SB 340**

Message dated May 5 was read, stating the House passed and returned:

SENATE BILL NO. 340 "An Act relating to the detention of delinquent minors in correctional facilities; relating to emergency detention of minors for evaluation for involuntary admission for mental health treatment; relating to detention of intoxicated minors and minors incapacitated by alcohol or drugs; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

**SB 358**

Message dated May 5 was read, stating the House passed and returned:

SENATE BILL NO. 358 "An Act relating to the performance of railroad track construction work for the Department of Transportation and Public Facilities by the Alaska Railroad Corporation."

The bill was referred to the Secretary for enrollment.

**SJR 27**

Message dated May 5 was read, stating the House passed and returned:

SENATE JOINT RESOLUTION NO. 27 Relating to the resolution of submerged land title disputes.

The resolution was referred to the Secretary for enrollment.

**SJR 31**

Message dated May 5 was read, stating the House passed and returned:

CS FOR SENATE JOINT RESOLUTION NO. 31(STA) Relating to urging the United States Congress to compensate the State of Alaska for the effect of federal land ownership on the state's ability to fund public education.

The resolution was referred to the Secretary for enrollment.

**Concur Messages****SB 203**

Message dated May 5 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 203(FIN) am "An Act relating to administrative hearings, to hearing officers, and to administrative law judges; establishing the office of administrative hearings and relating to that office; and providing for an effective date" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO. 203(FIN)

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

**SB 305**

Message dated May 5 was read, stating the House passed and returned for consideration SENATE BILL NO. 305 "An Act relating to state ownership of submerged land underlying water that was navigable at the time Alaska achieved statehood" with the following amendment:

HOUSE CS FOR SENATE BILL NO. 305(FIN)

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

**SB 323**

Message dated May 5 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 323(JUD) am "An Act relating to a subcontractor's, contractor's, and project owner's liability for workers' compensation, to sole proprietors and partnerships without employees, and managers or managing members of limited liability companies, and to the exclusiveness of liability for workers' compensation" with the following amendment:

CS FOR SENATE BILL NO. 323(JUD) am H

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

The presence of Senator Green was noted.

**Standing Committee Reports**

Reports dated May 5 were read, stating:

In accordance with AS 39.05.080, the Senate Resources Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

**Board of Game**

Michael R. Fleagle - McGrath  
Ben Grussendorf - Sitka

This does not reflect an intent by any of the members to vote for or against the individuals during any further sessions.

Signing the reports: Senator Ogan, Chair, Senator Wagoner, Vice Chair; Senators Ben Stevens, Seekins.

**SB 395**

Forthcoming Finance Committee Substitute (page 3321) for SENATE BILL NO. 395 "An Act relating to application of municipal ordinances providing for planning, platting, and land use regulation to interests in land owned by the Alaska Railroad Corporation; and providing for an effective date" was received today:

CS FOR SENATE BILL NO. 395(FIN) "An Act relating to application of municipal ordinances providing for planning, platting, and land use regulation to interests in land owned by the Alaska Railroad Corporation; authorizing the Alaska Railroad Corporation to extend its rail line to Fort Greely, Alaska; authorizing the Alaska Railroad Corporation to issue bonds to finance the cost of the extension and necessary facilities and equipment; and providing for an effective date."

**SB 396**

The Community and Regional Affairs considered SENATE BILL NO. 396 "An Act relating to the establishment of the Interior Rivers Port Authority; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 396(CRA)

Signing no recommendation: Senator Stedman, Chair; Senators Wagoner, Gary Stevens.

The following fiscal information was published today:

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

President Therriault added a Finance Committee referral to the bill.

The bill was referred to the Finance Committee.

**HB 123**

The Finance Committee considered CS FOR HOUSE BILL NO. 123(FIN) "An Act relating to the allocation of money appropriated to the Alaska Workforce Investment Board; and providing for an effective date" and recommended it be replaced with

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

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

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

**HB 275**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 275(FIN) "An Act relating to animals, and to the care of and to cruelty to animals" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
275(JUD)

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, zero, Department of Environmental Conservation

Fiscal Note No. 4, zero, Department of Public Safety

Fiscal Note No. 5, indeterminate, Department of Administration

The bill was referred to the Finance Committee.

**HB 417**

The Finance Committee considered HOUSE BILL NO. 417 "An Act amending the definition of 'project' in the Act establishing the Alaska Natural Gas Development Authority; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Ben Stevens. Signing no recommendation: Senators Hoffman, Bunde, Olson.



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

The bill was referred to the Rules Committee.

**HB 418**

The Finance Committee considered CS FOR HOUSE BILL NO. 418(FIN) "An Act extending the termination date of the Real Estate Commission; relating to real estate; relating to home inspectors; relating to real estate licensees; and providing for an effective date" and recommended it be replaced with

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

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

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

The bill was referred to the Rules Committee.

**HB 421**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 421(JUD) "An Act relating to reconveyances of deeds of trust." Signing do pass: Senator Seekins, Chair; Senator Therriault. Signing no recommendation: Senators Ogan, French.

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

The bill was referred to the Rules Committee.

**HB 459**

The Finance Committee considered CS FOR HOUSE BILL NO. 459(STA) "An Act relating to optically scanned and electronically generated ballots; and providing for an effective date." Signing do pass: Senator Wilken, Cochair; Senator Ben Stevens. Signing do not pass: Senator Bunde. Signing no recommendation: Senators Dyson, Hoffman, Olson.

The following previously published fiscal information applies:

Fiscal Note No. 1, Office of the Governor

The bill was referred to the Rules Committee.

**HB 489**

The Finance Committee considered HOUSE BILL NO. 489 "An Act relating to the administration of the Alaska Vocational Technical Center; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Bunde, Ben Stevens. Signing no recommendation: Senators Hoffman, Olson.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

**HB 531**

The Finance Committee considered CS FOR HOUSE BILL NO. 531(FIN) am "An Act relating to natural gas exploration and development and to nonconventional gas, and amending the section under which shallow natural gas leases may be issued; and providing for an effective date" and recommended it be replaced with

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

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

The following previously published fiscal information applies:

Fiscal Note No. 2, Department of Natural Resources

Fiscal Note No. 3, Department of Administration

The bill was referred to the Rules Committee.

### **HB 549**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 549(JUD) am "An Act relating to unsolicited communications following an aircraft accident" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
549(JUD)

Signing do pass: Senator Seekins, Chair; Senator Ogan. Signing do not pass: Senator French. Signing no recommendation: Senator Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Alaska Court System

Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Rules Committee.

### **HJR 26**

The Finance Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) Proposing amendments to the Constitution of the State of Alaska relating to and limiting appropriations from the Alaska permanent fund based on an averaged percent of the fund market value. Signing no recommendation: Senators Green, Wilken, Coauthors; Senators Dyson, Hoffman, Olson, Ben Stevens. Signing do pass: Senator Bunde.

The following fiscal information was published today:

Fiscal Note No. 4, zero, Department of Revenue

The following previously published fiscal information applies:

Fiscal Note No. 3, Office of the Governor

The resolution is on today's calendar

**Introduction and Reference of Senate Bills****SB 398**

SENATE BILL NO. 398 BY THE SENATE FINANCE COMMITTEE, entitled:

"An Act establishing the Academic Achievement and Accountability Commission; and relating to statewide education and assessment standards."

was read the first time and referred to the Health, Education and Social Services Committee.

**Consideration of the Calendar****SR 5**

Senator Ben Stevens moved and asked unanimous consent that SENATE RESOLUTION NO. 5 Relating to the National Day of Prayer, be moved to the top of the calendar. Without objection, it was so ordered.

**Second Reading of Senate Resolutions****SR 5**

SENATE RESOLUTION NO. 5 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE RESOLUTION NO. 5 Relating to the National Day of Prayer, pass the Senate?" The roll was taken with the following result:

**SR 5**

Second Reading - Final Passage

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

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

and so, SENATE RESOLUTION NO. 5 passed the Senate.

**Reconsideration of Senate Resolutions****SR 5**

Senator Ben Stevens gave notice of reconsideration on SENATE RESOLUTION NO. 5 and moved and asked unanimous consent that it be taken up at this time. Without objection, it was so ordered and the resolution was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE RESOLUTION NO. 5 Relating to the National Day of Prayer, pass the Senate?" The roll was taken with the following result:

## SR 5

Final Passage - On Reconsideration

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

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

and so, SENATE RESOLUTION NO. 5 passed the Senate on reconsideration and was referred to the Secretary for engrossment and enrollment.

**Second Reading of Senate Bills****SB 224**

SENATE BILL NO. 224 "An Act relating to lowering the legal level of intoxication for operating a motor vehicle, aircraft, or watercraft to .02 percent or the equivalent for persons under 21 years of age; relating to implied consent for purposes of determining consumption of alcohol; and providing for an effective date" was read the second time.

Senator Gary Stevens, Chair, moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 3119. Without objection, CS FOR SENATE BILL NO. 224(STA) "An Act relating to a minor operating a vehicle after consuming alcohol, to a minor refusing to submit to chemical tests, and to driving during the 24 hours after being cited for one of those offenses; and providing for an effective date" was adopted.

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

CS FOR SENATE BILL NO. 224(STA) was read the third time.

Senators Elton, Davis, Seekins, Gary Stevens, Ellis, Wagoner, Ben Stevens, Ogan, Guess, French, Dyson moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE BILL NO. 224(STA) "An Act relating to a minor operating a vehicle after consuming alcohol, to a minor refusing to submit to chemical tests, and to driving during the 24 hours after being cited for one of those offenses; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 224(STA)

Third Reading - Final Passage

Effective Date

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

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

and so, CS FOR SENATE BILL NO. 224(STA) passed the Senate.

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

### **SB 302**

SENATE BILL NO. 302 "An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state; relating to notaries public; relating to fees for issuing certificates with the seal of the state affixed; and providing for an effective date" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 3198. Without objection, CS FOR SENATE BILL NO. 302(FIN) "An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date" was adopted.

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

President Therriault stated CS FOR SENATE BILL NO. 302(FIN) will be on the May 7 calendar.

### **SB 371**

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" was read the second time.

Senator Cowdery, Cochair, moved and asked unanimous consent for the adoption of the Transportation Committee Substitute offered on page 2819. Without objection, 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" was adopted.

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

President Therriault stated CS FOR SENATE BILL NO. 371(TRA) will be on the May 7 calendar.

**Senate Bills in Second Reading****SB 395**

SENATE BILL NO. 395 "An Act relating to application of municipal ordinances providing for planning, platting, and land use regulation to interests in land owned by the Alaska Railroad Corporation; and providing for an effective date" which had been held in second reading (page 3348) was before the Senate.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 3366. Senator Ellis objected, then withdrew his objection. There being no further objection, CS FOR SENATE BILL NO. 395(FIN) "An Act relating to application of municipal ordinances providing for planning, platting, and land use regulation to interests in land owned by the Alaska Railroad Corporation; authorizing the Alaska Railroad Corporation to extend its rail line to Fort Greely, Alaska; authorizing the Alaska Railroad Corporation to issue bonds to finance the cost of the extension and necessary facilities and equipment; and providing for an effective date" was adopted.

Senator Wilken offered Amendment No. 1:

Page 1, lines 1 - 6:

Delete all material and insert:

**""An Act authorizing the Alaska Railroad Corporation to extend its rail line to Fort Greely, Alaska, and relating to that extension; authorizing the corporation to issue bonds to finance the cost of the extension and necessary facilities and equipment; relating to the Railroad Planning, Platting, and Land Use Regulation Task Force; and providing for an effective date.""**

Page 1, line 8, through page 2, line 17:

Delete all material.

Page 2, line 18:

Delete "**Sec. 2**"

Insert "**Section 1**"

Re-number the following bill sections accordingly.



Page 3, line 9:

Delete "sec. 2"

Insert "sec. 1"

Page 5, line 4:

Delete "Section 5"

Insert "Section 4"

Page 5, line 6:

Delete all material.

Renumber the following bill section accordingly.

Senator Wilken moved for the adoption of Amendment No. 1. Senator Ellis objected, then withdrew his objection. There being no further objection, Amendment No. 1 was adopted.

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

President Therriault stated CS FOR SENATE BILL NO. 395(FIN) am "An Act authorizing the Alaska Railroad Corporation to extend its rail line to Fort Greely, Alaska, and relating to that extension; authorizing the corporation to issue bonds to finance the cost of the extension and necessary facilities and equipment; relating to the Railroad Planning, Platting, and Land Use Regulation Task Force; and providing for an effective date" will be on the May 7 calendar.

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

#### **HB 83**

CS FOR HOUSE BILL NO. 83(JUD) "An Act adopting a version of the Revised Uniform Arbitration Act; relating to the state's existing Uniform Arbitration Act; amending Rules 3, 18, 19, 20, and 21, Alaska Rules of Civil Procedure, Rule 601, Alaska Rules of Evidence, and Rule 402, Alaska Rules of Appellate Procedure; and providing for an effective date" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 2985. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 83(JUD) was adopted.

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

SENATE CS FOR CS FOR HOUSE BILL NO. 83(JUD) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 83(JUD) "An Act adopting a version of the Revised Uniform Arbitration Act; relating to the state's existing Uniform Arbitration Act; amending Rules 3, 18, 19, 20, and 21, Alaska Rules of Civil Procedure, Rule 601, Alaska Rules of Evidence, and Rule 402, Alaska Rules of Appellate Procedure; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 83(JUD)

Third Reading - Final Passage

Court Rules - Effective Date

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

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

Absent: Elton, Lincoln

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 83(JUD) passed the Senate.

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

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

**Reconsideration of House Bills****HB 83**

Senator Wilken gave notice of reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 83(JUD) and moved and asked unanimous consent that it be taken up at this time. Without objection, it was so ordered and the bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 83(JUD) "An Act adopting a version of the Revised Uniform Arbitration Act; relating to the state's existing Uniform Arbitration Act; amending Rules 3, 18, 19, 20, and 21, Alaska Rules of Civil Procedure, Rule 601, Alaska Rules of Evidence, and Rule 402, Alaska Rules of Appellate Procedure; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 83(JUD)

Third Reading - On Reconsideration

Court Rules - Effective Date

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

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

Absent: Elton

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 83(JUD) passed the Senate on reconsideration.

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

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

**HB 260**

CS FOR HOUSE BILL NO. 260(JUD) "An Act relating to immunity for free health care services provided by certain health care providers; and providing for an effective date" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 2407. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 260(JUD) was adopted.

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

President Therriault stated SENATE CS FOR CS FOR HOUSE BILL NO. 260(JUD) will be on the May 7 calendar.

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

**HB 336**

CS FOR HOUSE BILL NO. 336(JUD) am "An Act relating to motor vehicle insurance; limiting recovery of civil damages by an uninsured driver; and providing for an effective date" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 3265. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 336(JUD) was adopted.

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

President Therriault stated SENATE CS FOR CS FOR HOUSE BILL NO. 336(JUD) will be on the May 7 calendar.

**HB 337**

CS FOR HOUSE BILL NO. 337(FIN) "An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, to motor vehicle licenses and registrations, and to state identification cards" 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.

Senators Cowdery, Guess, Ellis, Lincoln, Elton, French, Seekins, Ogan, Hoffman, Ben Stevens 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. 337(FIN) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 337(FIN) "An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, to motor vehicle licenses and registrations, and to state identification cards" pass the Senate?" The roll was taken with the following result:

CSHB 337(FIN)

Third Reading - Final Passage

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

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

and so, CS FOR HOUSE BILL NO. 337(FIN) passed the Senate.

**Reconsideration of House Bills****HB 337**

Senator Bunde gave notice of reconsideration on CS FOR HOUSE BILL NO. 337(FIN) and moved and asked unanimous consent that it be taken up at this time. Without objection, it was so ordered and the bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR HOUSE BILL NO. 337(FIN) "An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, to motor vehicle licenses and registrations, and to state identification cards" pass the Senate?" The roll was taken with the following result:

CSHB 337(FIN)

Third Reading - On Reconsideration

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

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

and so, CS FOR HOUSE BILL NO. 337(FIN) passed the Senate on reconsideration, was signed by the President and Secretary and returned to the House.

#### **HB 451**

HOUSE BILL NO. 451 "An Act relating to therapeutic courts; 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. 451 was read the third time.

The question being: "Shall HOUSE BILL NO. 451 "An Act relating to therapeutic courts; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 451

Third Reading - Final Passage

Effective Date

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

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

and so, HOUSE BILL NO. 451 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.

**HB 484**

CS FOR HOUSE BILL NO. 484(JUD) am "An Act imposing a correctional facility surcharge on persons convicted of a crime under state law and on persons whose probation is revoked; relating to fees and expenses for interstate transfer of probation or parole; and providing for an effective date" was read the second time.

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

President Therriault stated CS FOR HOUSE BILL NO. 484(JUD) am will be on the May 7 calendar.

**HB 539**

CS FOR HOUSE BILL NO. 539(L&C) "An Act exempting a person who allows a student of the University of Alaska to gain practical work experience with the person while participating in a practicum from vicarious liability as an employer, and exempting the student participating in a practicum from the Alaska Wage and Hour Act; and providing for an effective date" was read the second time.

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

President Therriault stated CS FOR HOUSE BILL NO. 539(L&C) will be on the May 7 calendar.

**HB 556**

CS FOR HOUSE BILL NO. 556(FIN) "An Act relating to a port development project on Lynn Canal, providing legislative approval for the Alaska Industrial Development and Export Authority to issue bonds for the project; and providing for an effective date" was read the second time.

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

President Therriault stated CS FOR HOUSE BILL NO. 556(FIN) will be on the May 7 calendar.

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

#### **SB 97**

CS FOR SENATE BILL NO. 97(JUD) "An Act relating to public interest litigants and to attorney fees and costs and the posting of bonds or other security; amending Rules 65, 79, 80, and 82, Alaska Rules of Civil Procedure, and Rules 205, 508, and 602, Alaska Rules of Appellate Procedure; and providing for an effective date" was read the third time.

Senator Seekins 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 Seekins offered Amendment No. 1 (page 3337).

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

CS FOR SENATE BILL NO. 97(JUD) am was automatically in third reading.

The question being: "Shall CS FOR SENATE BILL NO. 97(JUD) am "An Act relating to public interest litigants and to attorney fees and costs and the posting of bonds or other security; amending Rules 65, 79, 80, and 82, Alaska Rules of Civil Procedure, and Rules 205, 508, and 602, Alaska Rules of Appellate Procedure; and providing for an effective date" pass the Senate?" The roll was taken with the following result:



CSSB 97(JUD) am  
Third Reading - Final Passage

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

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

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

and so, CS FOR SENATE BILL NO. 97(JUD) am passed the Senate.

Senator Ben Stevens moved for the adoption of the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSSB 97(JUD) am  
Effective Date Clause

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

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

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

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

Senator Ben Stevens moved for the adoption of the Court Rule changes.

The question being: "Shall the Court Rule changes be adopted?" The roll was taken with the following result:

CSSB 97(JUD) am(efd fld)  
Adopt Court Rule changes?

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

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

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

and so, the Court Rule changes failed to be adopted.

Senator Seekins gave notice of reconsideration on CS FOR SENATE BILL NO. 97(JUD) am(ct rule fld)(efd fld) "An Act relating to public interest litigants and to attorney fees and costs and the posting of bonds or other security."

**SB 232**

CS FOR SENATE BILL NO. 232(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 232(FIN) "An Act relating to federal tax requirements for and other provisions of the teachers' retirement system, the public employees' retirement system, and the judicial retirement system; removing village public safety officers from the public employees' retirement system; eliminating the public employees' retirement system conditional duty to refund contributions under \$1,000 to inactive employees; limiting service credit for village public safety officer service in the public employees' retirement system to five years; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 232(FIN)

Third Reading - Final Passage

Effective Date

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

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

Absent: Ogan

and so, CS FOR SENATE BILL NO. 232(FIN) passed the Senate.

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

**SB 254**

CS FOR SENATE BILL NO. 254(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 254(FIN) "An Act relating to tourism marketing contracts; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 254(FIN)

Third Reading - Final Passage

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

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

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

Absent: Ogan

and so, CS FOR SENATE BILL NO. 254(FIN) passed the Senate.

Senator Ben Stevens moved for the adoption of the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSSB 254(FIN)

Effective Date Clause

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

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

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

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

Senator Ellis gave notice of reconsideration on CS FOR SENATE BILL NO. 254(FIN)(efd fld).

**SB 392**

SENATE BILL NO. 392 was read the third time.

The question being: "Shall SENATE BILL NO. 392 "An Act relating to the expenses of investigation, hearing, or public advocacy before the Regulatory Commission of Alaska, to calculation of the regulatory cost charge for public utilities and pipeline carriers to include the Department of Law's costs of its public advocacy function, to inspection of certain books and records by the attorney general when participating as a party in a matter before the Regulatory Commission of Alaska; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 392

Third Reading - Final Passage

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

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

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

Olson changed from "Yea" to "Nay".

and so, SENATE BILL NO. 392 passed the Senate.

Senator Ben Stevens moved for the adoption of the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

SB 392

Effective Date Clause

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

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

Nays: Davis, Elton

and so, the effective date clause was adopted.

Senator Ellis gave notice of reconsideration.

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

#### **HB 378**

HOUSE BILL NO. 378 was read the third time.

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

The question being: "Shall HOUSE BILL NO. 378 "An Act relating to the Alaska Food, Drug, and Cosmetic Act, including sales, advertising, certain devices, food donors, and food banks; making certain violations of organic food provisions and of the Alaska Food, Drug, and Cosmetic Act unfair methods of competition and unfair or deceptive acts or practices under certain of the state's unfair trade practices and consumer protection laws; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 378

Third Reading - Final Passage

Effective Date

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

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

Nays: Davis

and so, HOUSE BILL NO. 378 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.

**HB 546**

CS FOR HOUSE BILL NO. 546(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 546(JUD) "An Act relating to regulation of the discharge of pollutants from timber-related activities under the National Pollutant Discharge Elimination System; relating to waste treatment and disposal permits; making conforming amendments; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 546(JUD)

Third Reading - Final Passage

Effective Date

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

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

Absent: Wilken

and so, CS FOR HOUSE BILL NO. 546(JUD) passed the Senate.

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

### **Second Reading of Senate Resolutions**

**SR 3**

SENATE RESOLUTION NO. 3 Relating to commemoration of Senator Frank R. Ferguson and other distinguished Senators, was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 3332. Without objection, CS FOR SENATE RESOLUTION NO. 3(FIN) was adopted and was before the Senate on final passage.

The question being: "Shall CS FOR SENATE RESOLUTION NO. 3(FIN) Relating to commemoration of Senator Frank R. Ferguson and other distinguished Senators, pass the Senate?" The roll was taken with the following result:

CSSR 3(FIN)

Second Reading - Final Passage

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

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

Absent: Bunde, Cowdery, Ogan

and so, CS FOR SENATE RESOLUTION NO. 3(FIN) passed the Senate and was referred to the Secretary for engrossment and enrollment.

Senators Lincoln, Dyson, French, Ellis, Elton, Davis, Ben Stevens, Guess, Hoffman, Bunde, Cowdery moved and asked unanimous consent to be shown as cosponsors on the resolution. Without objection, it was so ordered.

### **Reconsideration of House Bills**

#### **HB 546**

Senator Wilken gave notice of reconsideration on CS FOR HOUSE BILL NO. 546(JUD) and moved and asked unanimous consent that it be taken up at this time. Without objection, it was so ordered and the bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR HOUSE BILL NO. 546(JUD) "An Act relating to regulation of the discharge of pollutants from timber-related activities under the National Pollutant Discharge Elimination System; relating to waste treatment and disposal permits; making conforming amendments; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 546(JUD)

Third Reading - On Reconsideration

Effective Date

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

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

and so, CS FOR HOUSE BILL NO. 546(JUD) passed the Senate on reconsideration.

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

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

#### **HJR 26**

CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) Proposing amendments to the Constitution of the State of Alaska relating to and limiting appropriations from the Alaska permanent fund based on an averaged percent of the fund market value, was read the second time.

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

President Therriault stated CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) will be on the May 7 calendar.

### **Reconsideration of Senate Bills**

#### **SB 364**

Senator Green requested that the reconsideration on CS FOR SENATE BILL NO. 364(HES)(efd fld) be taken up. The bill was before the Senate on reconsideration.



The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 364(HES) "An Act relating to liability for expenses of placement in certain mental health facilities; relating to the mental health treatment assistance program; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 364(HES)

Third Reading - On Reconsideration

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

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

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

Absent: Hoffman

and so, CS FOR SENATE BILL NO. 364(HES) passed the Senate on reconsideration.

Senator Ben Stevens moved for the adoption of the effective date clauses.

The question being: "Shall the effective date clauses be adopted?" The roll was taken with the following result:

CSSB 364(HES)

Effective Date Clauses

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

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

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

Absent: Hoffman

and so, the effective date clauses failed to be adopted and CS FOR SENATE BILL NO. 364(HES)(efd fld) was referred to the Secretary for engrossment.

**Consideration of the Calendar (continued)****Third Reading of House Resolutions****HJR 9**

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN) Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit, was read the third time.

Senator Guess moved and asked unanimous consent that the resolution be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Without objection, the resolution was returned to second reading.

Senators Guess, Davis, Ellis, Elton, French, Lincoln, Olson, Hoffman offered Amendment No. 1:

Page 3, following line 11:

Insert a new paragraph to read:

"(12) an appropriation for kindergarten through twelfth grade public education or the University of Alaska;"

Renumber the following paragraphs accordingly.

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

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

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

SCS CSHJR 9(FIN)

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

and so, Amendment No. 1 failed.

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN) was automatically in third reading.

The question being: "Shall SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN) 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:

SCS CSHJR 9(FIN)

Third Reading - Final Passage

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

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

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

Absent: Green

Cowdery changed from "Nay" to "Yea".

and so, SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN) failed to passed the Senate.

Senator Wilken gave notice of reconsideration on SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN)(fld S).

### **Citations**

Honoring – Peter Bullock

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

Honoring – Niniichik Lady Wolverines

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

Honoring – Southeast Alaska Area Council Boy Scouts of America

Representative(s) Weyhrauch, Kerttula

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

Honoring – June Liebing

Representative(s) Gatto

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

Honoring – Sondra Markwardt

Representative(s) Gatto

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

Honoring – 25th Anniversary Snowshoe Elementary School

Representative(s) Stoltze

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

In Memoriam – Phyllis Abbott

Representative(s) Seaton

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

In Memoriam – Scott Cunningham

Representative(s) Seaton

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

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

**Unfinished Business****HB 427**

Senator Wilken, Cochair, moved and asked unanimous consent that the Finance Committee referral be waived on CS FOR HOUSE BILL NO. 427(JUD) "An Act relating to guardianships and conservatorships, to the public guardian and the office of public advocacy, to private professional guardians and private professional conservators, to court visitors, court-appointed attorneys, guardians ad litem, and fiduciaries, and to the protection of the person or property of certain individuals, including minors; amending Rule 17(c), Alaska Rules of Civil Procedure, and Rules 16(f) and 17(e), Alaska Rules of Probate Procedure; and providing for an effective date." Without objection, the bill was referred to the Rules Committee.

**Concur Messages****SB 203**

Senator Ben Stevens moved and asked unanimous consent that the concur message on HOUSE CS FOR CS FOR SENATE BILL NO. 203(FIN) "An Act relating to administrative hearings, to hearing officers, and to administrative law judges; establishing the office of administrative hearings and relating to that office; and providing for an effective date" which had been held on the Secretary's desk (page 3365) be taken up at this time. Without objection, it was so ordered.

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

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

HCS CSSB 203(FIN)

Shall the Senate Concur in the House

Amendment to CSSB 203(FIN) am? - Effective Dates

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

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

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 203(FIN) "An Act relating to administrative hearings, to hearing officers, and to administrative law judges; establishing the office of administrative hearings and relating to that office; and providing for an effective date."

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

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

### **SB 301**

Senator Ben Stevens moved and asked unanimous consent that the concur message on HOUSE CS FOR CS FOR SENATE BILL NO. 301(FIN) am H "An Act relating to the Alaska Pioneers' Home and the Alaska Veterans' Home; relating to eligibility for admission to the Alaska Pioneers' Home and Alaska Veterans' Home; relating to the eligibility of residents for the Alaska Pioneers' Home and the Alaska Veterans' Home for general relief assistance; relating to state veterans' home facilities; making conforming amendments; and providing for an effective date" which had been held on the Secretary's desk (page 2917) be taken up at this time. Without objection, it was so ordered.

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

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

HCS CSSB 301(FIN) am H

Shall the Senate Concur in the House Amendments  
to CSSB 301(FIN)?

**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

Davis changed from "Nay" to "Yea".

Ogan changed from "Yea" to "Nay".

and so, the Senate failed to concur.

The Secretary was requested to notify the House of the Senate's action  
and request the House to recede from its amendments.

### **SB 305**

Senator Ben Stevens moved and asked unanimous consent that the  
concur message on HOUSE CS FOR SENATE BILL NO. 305(FIN)  
"An Act relating to state ownership of submerged land underlying  
water that was navigable at the time Alaska achieved statehood" which  
had been held on the Secretary's desk (page 3365) be taken up at this  
time. Without objection, it was so ordered.

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

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

HCS SB 305(FIN)

Shall the Senate Concur in the House  
Amendment to SB 305?

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

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

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR SENATE BILL NO. 305(FIN) "An Act relating to state ownership of submerged land underlying water that was navigable at the time Alaska achieved statehood."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

### **HB 409**

The reconsideration on CS FOR HOUSE BILL NO. 409(FSH) "An Act relating to the maximum length of salmon seine vessels; 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.

## **Announcements**

Announcements are at the end of the journal.

## **Engrossment**

### **SB 224**

CS FOR SENATE BILL NO. 224(STA) "An Act relating to a minor operating a vehicle after consuming alcohol, to a minor refusing to submit to chemical tests, and to driving during the 24 hours after being cited for one of those offenses; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

### **SB 232**

CS FOR SENATE BILL NO. 232(FIN) "An Act relating to federal tax requirements for and other provisions of the teachers' retirement system, the public employees' retirement system, and the judicial retirement system; removing village public safety officers from the public employees' retirement system; eliminating the public employees' retirement system conditional duty to refund contributions under \$1,000 to inactive employees; limiting service credit for village



public safety officer service in the public employees' retirement system to five years; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 364**

CS FOR SENATE BILL NO. 364(HES)(efd fld) "An Act relating to liability for expenses of placement in certain mental health facilities; and relating to the mental health treatment assistance program" was engrossed, signed by the President and Secretary and transmitted to the House for consideration with a Senate Letter of Intent.

**HB 83**

SENATE CS FOR CS FOR HOUSE BILL NO. 83(JUD) "An Act adopting a version of the Revised Uniform Arbitration Act; relating to the state's existing Uniform Arbitration Act; amending Rules 3, 18, 19, 20, and 21, Alaska Rules of Civil Procedure, Rule 601, Alaska Rules of Evidence, and Rule 402, Alaska Rules of Appellate Procedure; and providing for an effective date" was engrossed, signed by the President and Secretary and returned 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., May 7, 2004. Without objection, the Senate adjourned at 8:14 p.m.

Kirsten Waid  
Secretary of the Senate

September 2023

**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>May 06</b>     | <b>Thursday</b>                        | <b>Beltz 211</b>          | <b>8:30 AM</b>     |
|                   | -- Time and Location Change --         |                           |                    |
|                   | Bills Previously Heard/Scheduled       |                           |                    |
| <br><b>May 07</b> | <br><b>Friday</b>                      | <br><b>Fahrenkamp 203</b> | <br><b>1:30 PM</b> |
|                   | Bills Previously Heard/Scheduled       |                           |                    |
| + HB 561          | G.O. BONDS FOR TRANSPORTATION PROJECTS |                           |                    |
| +                 | Bills Previously Heard/Scheduled       |                           |                    |

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**FINANCE**

- |               |  |                           |                |
|---------------|--|---------------------------|----------------|
| <b>May 06</b> | <b>Thursday</b>                          | <b>Senate Finance 532</b> | <b>8:00 AM</b> |
| + HB 15       | SOLICITATIONS/CONSUMER PROTECTION        |                           |                |
| + HB 417      | AK NATURAL GAS DEV. AUTHORITY INITIATIVE |                           |                |
| + HB 418      | REAL ESTATE COM'N/LICENSEE/HOME INSPECT  |                           |                |
| + HB 422      | BUDGET RESERVE FUND INVESTMENT           |                           |                |
| + HB 494      | ELECTRONIC PAYMENT FOR STATE BUSINESS    |                           |                |
| + HB 514      | CHILD SUPPORT ENFORCEMENT/ CRIMES        |                           |                |
| + HB 545      | STATE REAL PROPERTY LEASE EXTENSIONS     |                           |                |
| + HB 559      | STEP PROGRAM CONTINUANCE                 |                           |                |
| += HJR 26     | CONST. AM: PF APPROPS/INFLATION-PROOFING |                           |                |
| +             | Bills Previously Heard/Scheduled         |                           |                |

**FINANCE (continued)**

- May 07      Friday                      Senate Finance 532              8:00 AM**
- + SB 308 DOMESTIC VIOLENCE PROTECTIVE ORDERS
  - + HB 56 UNFAIR TRADE PRACTICES ATTY FEES/COSTS
  - + HB 341 DIVE FISHERY MANAGEMENT ASSESSMENT
  - + HB 342 DRIVING UNDER INFLUENCE/ALCOHOL OFFENSES
  - + HB 425 SCHOOL FUNDS RELATED TO BOARDING SCHOOLS
  - + HCR 32 AK INFO INFRASTRUCTURE POLICY TASK FORCE
  - += SB 366 STATE SALES TAX  
                  <Invited Testimony Only for SB 366>
  - += HB 15 SOLICITATIONS/CONSUMER PROTECTION
  - += HB 422 BUDGET RESERVE FUND INVESTMENT
  - += HB 494 ELECTRONIC PAYMENT FOR STATE BUSINESS
  - += HB 514 CHILD SUPPORT ENFORCEMENT/ CRIMES
  - += HB 545 STATE REAL PROPERTY LEASE EXTENSIONS
  - += HB 559 STEP PROGRAM CONTINUANCE
  - + Bills Previously Heard/Scheduled

- May 08      Saturday                      Senate Finance 532              10:00 AM**
- + HB 534 MAKE OFFICE OF VICTIMS RIGHTS PERMANENT
  - + HB 275 ANIMALS AND CRUELTY TO ANIMALS
  - + Bills Previously Heard/Scheduled
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**HEALTH, EDUCATION & SOCIAL SERVICES**

- May 06      Thursday                      Fahrenkamp 203              5:00 PM**
- Time Change --

- May 07      Friday                      Butrovich 205              1:30 PM**
- + HB 338 ATTENDANCE AT PUBLIC SCHOOL
  - + HB 381 CHILD ENDANGERMENT DRIVING OFFENSES
  - + HB 405 SCHOOL PERFORMANCE DESIGNATION/REPORT
  - + HB 353 JURY DUTY EXEMPTION FOR CERTAIN TEACHERS
  - + HB 443 TEACHERS AND NURSES HOUSING LOAN PROGRAM
  - + Confirmation Hearings
  - + Bills Previously Heard/Scheduled

- May 10      Monday                      Butrovich 205              1:30 PM**
- + Bills Previously Heard/Scheduled

**HEALTH, EDUCATION & SOCIAL SERVICES (continued)**

**May 12**      **Wednesday**                      **Butrovich 205**              **1:30 PM**  
 +              Bills Previously Heard/Scheduled

**May 14**      **Friday**                                      **Butrovich 205**              **1:30 PM**  
 +              Bills Previously Heard/Scheduled

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**JUDICIARY**

**May 06**      **Thursday**                                  **Butrovich 205**              **8:00 AM**  
 +    SB 397    LEGISLATIVE PROCEDURE & ETHICS GUIDELINES  
 +    HB 421    DEED OF TRUST RECONVEYANCE  
 +              Bills Previously Heard/Scheduled

**May 07**      **Friday**                                      **Butrovich 205**              **8:00 AM**  
 +    HB 552    GAMBLING & GAMING  
 +    SB 397    LEGISLATIVE PROCEDURE & ETHICS GUIDELINES  
 +    HB 367    LICENSING ADULT-ORIENTED BUSINESSES  
 +    SB 246    HATE CRIMES/DISCRIMINATION/TOLERANCE PROG  
 +              Bills Previously Heard/Scheduled

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**LABOR & COMMERCE**

**May 06**      **Thursday**                                  **Beltz 211**                      **1:30 PM**  
 +    HB 474    LIABILITY FOR AIRPORTS AND AIRSTRIPS  
                  Bills Previously Heard/Scheduled

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**RESOURCES**

**May 06**      **Thursday**                                  **Butrovich 205**              **3:30 PM**  
 +    HB 364    NATURAL GAS LEASES NEAR KATCHEMAK BAY  
 +    HB 309    PROHIBIT RELEASE OF PREDATORY FISH  
 +              Bills Previously Heard/Scheduled

**May 07**      **Friday**                                      **Butrovich 205**              **3:30 PM**  
 +              Bills Previously Heard/Scheduled

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STATE AFFAIRS

**May 06      Thursday    Beltz 211                          4:45 PM**  
 -- Time Change --  
 + HB 536 PFUND APPLICATION DEADLINES: MILITARY  
 + Confirmation Hearing:  
 Ray Matiashowski, Commissioner  
 Department of Administration  
 + Bills Previously Heard/Scheduled

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JOINT COMMITTEES

CONFERENCE COMMITTEE FOR HOUSE BILL 414

**May 06      Thursday    Capitol 120                          7:00 PM**  
 <Meeting Postponed to 05/07/04>  
 = HB 414 U.S.SENATE VACANCY/DEF OF POLITICAL PARTY

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CONFERENCE COMMITTEE ON HB 375 & HB 377

**May 06      Thursday    Senate Finance 532                          4:30 PM**  
 -- Meeting Postponed to 7:00 a.m. May 7--  
 = HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 = HB 377 APPROP:MENTAL HEALTH BUDGET  
 Departments to be Considered:  
 Administration  
 Environmental Conservation  
 Fish & Game  
 Law  
 Military & Veterans Affairs  
 Natural Resources  
 Revenue  
 Transportation & Public Facilities  
 Court System

**CONFERENCE COMMITTEE ON HB 375 & HB 377  
(continued)**

**May 07      Friday                      Senate Finance 532              7:00 AM**  
 = HB 375 APPROP: OPERATING BUDGET/LOANS/FUNDS  
 = HB 377 APPROP: MENTAL HEALTH BUDGET  
 Departments to be Considered:  
 Administration  
 Environmental Conservation  
 Fish & Game  
 Law  
 Military & Veterans Affairs  
 Natural Resources  
 Revenue  
 Transportation & Public Facilities  
 Court System

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**CONFERENCE COMMITTEE ON SB 283**

**May 06      Thursday                      Senate Finance 532              5:30 PM**  
 -- Postponed to 05/07/04 --  
 = SB 283 APPROP: EDUC/CBR/COURTS/GRANTS/PCE

**May 07      Friday                      Senate Finance 532              5:00 PM**  
 = SB 283 APPROP: EDUC/CBR/COURTS/GRANTS/PCE

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**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

**May 07      Friday                      Capitol 120              8:00 AM**  
 + Full Committee Meeting: Open Session  
 Advisory Opinion 04-03  
 <Public Comment by Invitation Only>  
 Open Meetings

**May 07      Friday                      Beltz 211              10:00 AM**  
 Senate Subcommittee Continued  
 Public Comment<by Invitation Only>  
 Executive Session followed by Public  
 Session

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SENATE JOURNAL

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**OTHER MEETINGS**

**JOINT SESSION**

<b>May 10</b>	<b>Monday</b>	<b>House Chamber</b>	<b>3:00 PM</b>
	Governor's Appointees		

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**MAJORITY CAUCUS**

<b>May 06</b>	<b>Thursday</b>	<b>Butrovich 205</b>	<b>4:15 PM</b>
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**MINORITY CAUCUS**

<b>May 06</b>	<b>Thursday</b>	<b>Beltz 211</b>	<b>4:15 PM</b>
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