

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

May 11, 2004

One Hundred Twenty-first Day

Pursuant to adjournment the Senate was called to order by President Therriault at 2:50 p.m.

The roll showed twenty members present.

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

Great Creator, You have made us and not we ourselves. You provided special people in our lives, as gifts, who helped to form, shape, and encourage us. You have made each of us unique, special, and diverse. Daily You renew us with the gift of life. Thank You for that gift today.

We offer to You the broad diversity among us: different backgrounds, different experiences, different perspectives, differing political views, and differing life-styles. Use our differences, not as wedges to divide or degrade, but as gifts to broaden and enrich.

Make our diversity like bonding glue, uniting us to effectively lead our great state amidst the challenges and opportunities as we head our separate ways. Give us that unquestionable integrity of heart and mind. Give us patience and understanding as we finish this twenty-third session today!

Watch over all who are traveling, to reach home safely. All of this we ask in the name of the Great Creator above. Amen.

Senator Davis led the Senate in the Pledge of Allegiance.

Messages from the Governor

HB 347

Message dated May 7 and received May 10 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE BILL NO. 347 "An Act exempting taxicabs from the passenger vehicle rental tax; and providing for an effective date."

Chapter 29, SLA 2004
Effective Date: 5/08/04

Messages from the House

SB 30

Message dated May 10 was received stating the House has failed to recede from its amendment to CS FOR SENATE BILL NO. 30(JUD) am "An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency" namely:

HOUSE CS FOR CS FOR SENATE BILL NO. 30(JUD) "An Act relating to information and services available to pregnant women and other persons; ensuring informed consent before an abortion may be performed; and providing exceptions to informed consent in certain cases."

The Speaker has appointed the following members to a Conference Committee to meet with the like committee from the Senate to consider the bills:

Representative Dahlstrom, Chair
Representative Coghill
Representative Cissna

Senate members appointed May 9:

Senator Dyson, Chair
Senator Seekins
Senator Lincoln

SB 279

Message dated May 10 was received, stating the House passed and returned:

CS FOR SENATE BILL NO. 279(FIN) "An Act authorizing and relating to the issuance of bonds by the Alaska Housing Finance Corporation for safe and clean water and hygienic sewage disposal facility capital projects and other capital projects; providing for the repayment of the bonds and bond costs; relating to the dividend paid to the state by the Alaska Housing Finance Corporation; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SB 285

Message dated May 11 was received, stating the House passed and returned:

SENATE BILL NO. 285 "An Act relating to medical assistance coverage for targeted case management services and for rehabilitative services furnished or paid for by a school district on behalf of certain children; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SB 326

Message dated May 10 was received, stating the House passed and returned:

CS FOR SENATE BILL NO. 326(STA) "An Act relating to investments of Alaska permanent fund assets; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SB 379

Message dated May 10 was received, stating the House passed and returned:

CS FOR SENATE BILL NO. 379(FIN) "An Act providing that public members of the Board of Trustees of the Alaska Permanent Fund Corporation may be removed only for cause; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SB 387

Message dated May 10 was received, stating the House passed and returned:

SENATE BILL NO. 387 am "An Act authorizing the making of certain commercial fishing loans to eligible community quota entities for the purchase of certain fishing quota shares; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SB 389

Message dated May 10 was received, stating the House passed and returned:

SENATE BILL NO. 389 "An Act relating to the conversion of certain corporations to limited liability companies; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SB 395

Message dated May 10 was received, stating the House passed and returned:

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."

The bill was referred to the Secretary for enrollment.

SJR 33

Message dated May 10 was received, stating the House passed and returned:

CS FOR SENATE JOINT RESOLUTION NO. 33(STA) Urging our United States Senators to work to allow a timely vote on the floor on all judicial nominations.

The resolution was referred to the Secretary for enrollment.

HCR 38

Message dated May 11 was received, stating the House passed and transmitted for consideration:

HOUSE CONCURRENT RESOLUTION NO. 38 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 337, relating to the powers of the Alaska Energy Authority to make grants and loans, to enter into contracts, and to improve, equip, operate, and maintain bulk fuel, waste energy, energy conservation, energy efficiency, and alternative energy facilities and equipment; relating to the bulk fuel revolving loan fund; relating to the Alaska Energy Authority's liability for the provision of technical assistance to rural utilities; relating to the Alaska Energy Authority's investment of the power development fund; and repealing the electrical service extension fund.

Concur Messages**SB 65**

Message dated May 10 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 65(FIN) am "An Act relating to the qualifications of correctional officers, parole officers, and probation officers; authorizing the Department of Corrections to enter into lease-purchase agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, the Municipality of Anchorage, and the City of Seward; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into a lease-purchase agreement with the City of Whittier for the confinement and care of prisoners in privately operated correctional facility space if the state cannot provide the same level of services required in state law or regulation for the same or less cost; giving notice of and approving, and authorizing the entry into and issuance of certificates of participation for, the upgrade, expansion, and replacement of certain jails in Dillingham and Kodiak; and providing for an effective date" with the following amendment:

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

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

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

HCS CSSB 65(FIN)

Shall the Senate Concur in the House

Amendment to CSSB 65(FIN) am? 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, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 65(FIN) "An Act relating to the qualifications of correctional officers, parole officers, and probation officers; authorizing the Department of Corrections to enter into lease- purchase agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, the Municipality of Anchorage, and the City of Seward; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into a lease-purchase agreement with the City of Whittier for the confinement and care of prisoners in privately operated correctional facility space if the state cannot provide the same level of services required in state law or regulation for the same or less cost; giving notice of and approving, and authorizing the entry into and issuance of certificates of participation for, the upgrade, expansion, and replacement of certain jails in Dillingham and Kodiak; and providing for an effective date."

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

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 170

Message dated May 10 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 170(JUD) "An Act relating to murder in the second degree, the justification of defense of self or others, immunity from prosecution, sentencing, probation, discretionary parole, and the right to representation in certain criminal proceedings; relating to violation of a custodian's duty; relating to sexual abuse of a minor; relating to release of information concerning certain cases involving a minor; relating to local options regarding alcoholic beverages, the offense of furnishing or delivery of alcoholic beverages to a person under 21 years of age, and forfeiture of property used in, and money or other items of value used in financial transactions derived from, violation of certain laws relating to alcoholic beverages; relating to assault by means of a

dangerous instrument; relating to operating or driving a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, to the refusal to submit to a chemical test, and to the presumptions concerning the chemical analysis of breath or blood; and providing for an effective date" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO. 170(FIN) am H "An Act relating to the justification of defense of self or others, immunity from prosecution, probation, discretionary parole, and the right to representation in certain criminal proceedings; relating to violation of a custodian's duty; relating to sexual abuse of a minor; relating to release of information concerning certain cases involving a minor; relating to local options regarding alcoholic beverages, the offense of furnishing or delivery of alcoholic beverages to a person under 21 years of age, and forfeiture of property used in, and money or other items of value used in financial transactions derived from, violation of certain laws relating to alcoholic beverages; relating to assault by means of a dangerous instrument; relating to operating or driving a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, to the refusal to submit to a chemical test, and to the presumptions concerning the chemical analysis of breath or blood; increasing the duration of certain provisions of domestic violence protective orders from six months to one year; and providing for an effective date." (Title change authorized by HOUSE CONCURRENT RESOLUTION NO. 40)

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

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

HCS CSSB 170(FIN) am H
Shall the Senate Concur in the House
Amendments to CSSB 170(JUD)? 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, the Senate concurred in the House amendments, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 170(FIN) am H.

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

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 190

Message dated May 9 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 190(STA) "An Act adding certain state-owned land and water to the Kenai River Special Management Area; relating to the mineral estate of the state-owned land and water in the Kenai River Special Management Area; relating to the Kenai River Special Management Area advisory board; and providing for an effective date" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO.
190(RLS)

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 190(RLS)

Shall the Senate Concur in the House

Amendment to CSSB 190(STA)? 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, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 190(RLS) "An Act adding certain state-owned land and water to the Kenai River Special Management Area; relating to the mineral estate of the state-owned land and water in the Kenai River Special Management Area; relating to the Kenai River Special Management Area advisory board; and providing for an effective date."

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

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 260

Senator Ben Stevens moved and asked unanimous consent to take up the concur message dated May 10, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 260(TRA) am "An Act relating to metropolitan planning organizations and to the policy board of the metropolitan planning organization for the Anchorage metropolitan area; relating to transportation planning in federally recognized metropolitan planning areas; and providing for an effective date" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO.
260(TRA)

Without objection, it was so ordered.

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

Senator Seekins called the Senate. Senator Seekins lifted the call.

Senator Ben Stevens withdrew his motion to take up the concur message at this time.

House Resolutions

HCR 40

Senator Ben Stevens moved and asked unanimous consent to bring up HOUSE CONCURRENT RESOLUTION NO. 40 BY THE HOUSE FINANCE COMMITTEE Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 170, relating to criminal law. Without objection, it was so ordered.

HOUSE CONCURRENT RESOLUTION NO. 40 was read the first time and was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 40 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 170, relating to criminal law, pass the Senate?" The roll was taken with the following result:

HCR 40

Final Passage

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, HOUSE CONCURRENT RESOLUTION NO. 40 passed the Senate, was signed by the President and Secretary and returned to the House.

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

Concur Messages

SB 260

Senator Ben Stevens moved and asked unanimous consent to take up the concur message dated May 10, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 260(TRA) am "An Act relating to metropolitan planning organizations and to the policy board of the metropolitan planning organization for the Anchorage metropolitan area; relating to transportation planning in federally recognized metropolitan planning areas; and providing for an effective date" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO.
260(TRA)

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 260(TRA)
Shall the Senate Concur in the House
Amendment to CSSB 260(TRA) am?

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

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

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

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 260(TRA) "An Act relating to metropolitan planning organizations and to the policy board of the metropolitan planning organization for the Anchorage metropolitan area; relating to transportation planning in federally recognized metropolitan planning areas; and providing for an effective date."

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:

HCS CSSB 260(TRA)

Effective Date Clauses

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 effective date clauses were adopted.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 272

Senator Ben Stevens moved and asked unanimous consent that the concur message on CS FOR SENATE BILL NO. 272(FIN) am H "An Act relating to certain monetary advances in which the deposit or other negotiation of checks to pay the advances is delayed until a later date; and providing for an effective date" which had been held on the Secretary's desk (page 3573) 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:

CSSB 272(FIN) am H

Shall the Senate Concur in the House

Amendment to CSSB 272(FIN)?

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

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

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

and so, the Senate concurred in the House amendment, thus adopting CS FOR SENATE BILL NO. 272(FIN) am H "An Act relating to certain monetary advances in which the deposit or other negotiation of checks to pay the advances is delayed until a later date; and providing for an effective date."

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 272(FIN) am H
Effective Date Clauses

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 effective date clauses were adopted.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 284

Senator Ben Stevens moved and asked unanimous consent that the concur message on HOUSE CS FOR CS FOR SENATE BILL NO. 284(JUD) "An Act making information on a permanent fund dividend application, other than the applicant's name, confidential, and relating to disclosure of that confidential information; and relating to confidential information in voter registration records" which had been held on the Secretary's desk (page 3574) 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 284(JUD)

Shall the Senate Concur in the House

Amendment to CSSB 284(FIN) am?

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. 284(JUD) "An Act making information on a permanent fund dividend application, other than the applicant's name, confidential, and relating to disclosure of that confidential information; and relating to confidential information in voter registration records."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 306

Senator Ben Stevens moved and asked unanimous consent to take up the concur message dated May 11, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 306(FIN) am "An Act relating to the practice of naturopathic medicine; and providing for an effective date" with the following amendment:

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

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 306(JUD)

Shall the Senate Concur in the House

Amendment to CSSB 306(FIN) am? 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, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 306(JUD) "An Act relating to the practice of naturopathic medicine; and providing for an effective date."

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

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 323

Senator Ben Stevens moved and asked unanimous consent to take up the concur message dated May 5, 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

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:

CSSB 323(JUD) am H
Shall the Senate Concur in the House
Amendment to CSSB 323(JUD) am?

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

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

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

and so, the Senate concurred in the House amendment, thus adopting
CS FOR SENATE BILL NO. 323(JUD) am H "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."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 327

Senator Ben Stevens moved and asked unanimous consent to take up
the concur message dated May 6, stating the House passed and
returned for consideration CS FOR SENATE BILL NO. 327(STA)
"An Act relating to pedestrians using rollerblades, roller skates, and
rollerskis" with the following amendment:

CS FOR SENATE BILL NO. 327(STA) am H

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:

CSSB 327(STA) am H
Shall the Senate Concur in the House
Amendment to CSSB 327(STA)?

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 CS FOR SENATE BILL NO. 327(STA) am H "An Act relating to pedestrians using rollerblades, roller skates, and roller skis."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 328

Senator Ben Stevens moved and asked unanimous consent to take up the concur message dated May 6, stating the House passed and returned for consideration 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" with the following amendment:

HOUSE CS FOR CS FOR SPONSOR
SUBSTITUTE FOR SENATE BILL NO. 328(CRA)

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 CSSSSB 328(CRA)

Shall the Senate Concur in the House

Amendment to CSSSSB 328(FIN)? - 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 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 328(CRA) "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."

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 329

Senator Ben Stevens moved and asked unanimous consent to take up the concur message dated May 10, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 329(RES) "An Act relating to control of nuisance moose" with the following amendment:

CS FOR SENATE BILL NO. 329(RES) am H

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:

CSSB 329(RES) am H
Shall the Senate Concur in the House
Amendment to CSSB 329(RES)?

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 Senate concurred in the House amendment, thus adopting CS FOR SENATE BILL NO. 329(RES) am H "An Act relating to control of nuisance moose."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

SB 338

Senator Ben Stevens moved and asked unanimous consent that the concur message on CS FOR SENATE BILL NO. 338(STA) am H "An Act relating to actionable claims against state employees; and providing for an effective date" which had been held on the Secretary's desk (page 3574) be taken up at this time. Without objection, it was so ordered.

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

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

CSSB 338(STA) am H

Shall the Senate Concur in the House

Amendment to CSSB 338(STA)? Effective Dates

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

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

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

Ogan changed from "Yea" to "Nay".

Dyson changed from "Nay" to "Yea".

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 amendment. In the event the House fails to recede, the President appointed a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Seekins, Chair

Senator Green

Senator French

SB 382

Senator Ben Stevens moved and asked unanimous consent to take up the concur message dated May 10, stating the House passed CS FOR SENATE BILL NO. 382(CRA) am "An Act relating to replat approval; relating to the platting of right-of-way acquired through eminent domain proceedings; and providing for an effective date" with the following amendment:

CS FOR SENATE BILL NO. 382(CRA) am H

Without objection, it was so ordered.

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

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

CSSB 382(CRA) am H
Shall the Senate Concur in the House
Amendment to CSSB 382(CRA) am?

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

Nays: 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 failed to concur.

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

SB 385

Senator Ben Stevens moved and asked unanimous consent to take up the concur message dated May 10, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 385(JUD) am "An Act relating to homeland security, to civil defense, to emergencies and to disasters, including disasters in the event of attacks, outbreaks of disease, or threats of attack or outbreak of disease; establishing the Alaska division of homeland security and emergency management in the Department of Military and Veterans' Affairs and relating to the functions of that division and that department; and providing for an effective date" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO. 385(RLS) am H

Without objection, it was so ordered.

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

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

HCS CSSB 385(RLS) am H

Shall the Senate Concur in the House

Amendments to CSSB 385(JUD) am? Effective Dates

YEAS: 19 NAYS: 1 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, Wilken

Nays: Wagoner

and so, the Senate concurred in the House amendments, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 385(RLS) am H "An Act relating to homeland security, to civil defense, to emergencies and to disasters, including disasters in the event of attacks, outbreaks of disease, or threats of attack or outbreak of disease; establishing the Alaska division of homeland security and emergency management in the Department of Military and Veterans' Affairs and relating to the functions of that division and that department; 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.

President Therriault stated that under Uniform Rule 43(b), engrossment may be waived on all bills considered today.

Reconsideration of House Bills

HB 452

Senator Ben Stevens requested that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 452(RES) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 452(RES) "An Act relating to licensing and regulation of sport fishing operators and sport fishing guides; relating to licensing and registration of sport fishing vessels; authorizing the Department of Fish and Game and the Alaska Commercial Fisheries Entry Commission to release records and reports to the Department of Natural Resources and the Department of Public Safety; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 452(RES)

Third Reading - On Reconsideration

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, SENATE CS FOR CS FOR HOUSE BILL NO. 452(RES) 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 clauses. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

HB 511

Senator Ben Stevens requested that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 511(FIN) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 511(FIN) "An Act relating to the certificate of need program for health care facilities; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 511(FIN)
Third Reading - On Reconsideration
Effective Date

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

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

Nays: Ellis, French, Wagoner

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 511(FIN) 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 referred to the Secretary for engrossment.

HB 513

Senator Ben Stevens requested that the reconsideration on SENATE CS FOR HOUSE BILL NO. 513(JUD) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR HOUSE BILL NO. 513(JUD) "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" pass the Senate?" The roll was taken with the following result:

SCS HB 513(JUD)
Third Reading - On Reconsideration
Court Rules - Effective Date

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

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

Nays: Green, Ogan

and so, SENATE CS FOR HOUSE BILL NO. 513(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 514

Senator Ben Stevens requested that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 514(FIN) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 514(FIN) "An Act relating to child support modification and enforcement, to the establishment of paternity by the child support enforcement agency, and to the crimes of criminal nonsupport and aiding the nonpayment of child support; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 514(FIN)

Third Reading - On Reconsideration

Court Rule - Effective Date

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

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

Nays: Green, Hoffman, Lincoln, Ogan, Olson

Hoffman changed from "Yea" to "Nay".

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 514(FIN) 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 change. 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 464

Senator Ben Stevens requested that the reconsideration on SENATE CS FOR HOUSE BILL NO. 464(FIN) "An Act extending the termination date of the Board of Certified Real Estate Appraisers" be taken up. The bill was before the Senate on reconsideration.

Senator Ogan 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 Ogan offered Amendment No. 1:

Page 1, line 2, following "**appraisers**":

Insert "**; relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services; and providing for an effective date**"

Page 1, following line 3:

Insert a new bill section to read:

**** Section 1.** AS 08.01.010(7) is amended to read:

(7) **Big Game Commercial Services Board (AS 08.54.591) and** regulation of big game guides and transporters under AS 08.54;"

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 2**"

Page 1, following line 6:

Insert new bill sections to read:

**** Sec. 3.** AS 08.03.010(c) is amended by adding a new paragraph to read:

(22) Big Game Commercial Services Board
(AS 08.54.591) -- June 30, 2007.

* **Sec. 4.** AS 08.54 is amended by adding new sections to article 1 to read:

Sec. 08.54.591. Creation and membership of board. (a) For the purposes of licensing and regulating the activities of providers of commercial services to big game hunters in the interest of the state's wildlife resources, there is created the Big Game Commercial Services Board. For administrative purposes, the board is in the Department of Community and Economic Development.

(b) The board consists of seven members as follows:

(1) two members who are current, licensed registered guide-outfitters;

(2) two members who are licensed transporters;

(3) one member of the Board of Game who is chosen by the Board of Game and who does not hold a guide or transport license;

(4) one member who represents private landholders affected by guided hunting activities or transportation services and who does not hold a license issued under this chapter; and

(5) one public member.

Sec. 08.54.595. Board assistance. The Department of Fish and Game, Department of Natural Resources, Department of Law, and Department of Public Safety shall provide the board with information, data, or technical assistance requested by the board for the purposes of licensing and regulating the activities of providers of commercial services to big game hunters.

* **Sec. 5.** AS 08.54.600 is amended to read:

Sec. 08.54.600. Duties of board [DEPARTMENT].

(a) The board [DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT] shall

(1) prepare and [,] grade [, AND ADMINISTER]

(A) a qualification examination for a registered guide-outfitter [GUIDE] license that

requires demonstration that the applicant is qualified generally to provide guided and outfitted hunts and, in particular, possesses knowledge of fishing, hunting, and guiding laws and regulations; and

(B) a certification examination for each game management unit in which the registered **guide-outfitter** [GUIDE] intends to provide big game hunting services; the examination must require demonstration that the registered **guide-outfitter** [GUIDE] is qualified to provide guided and outfitted hunts in the game management unit for which the registered **guide-outfitter** [GUIDE] seeks to be certified and, in particular, must require demonstration that the registered **guide-outfitter** [GUIDE] possesses knowledge of the terrain, transportation problems, game, and other characteristics of the game management unit;

(2) **authorize the issuance of** [ISSUE] registered **guide-outfitter** [GUIDE], master **guide-outfitter** [GUIDE], class-A assistant guide, assistant guide, and transporter licenses;

(3) [COMPILE, MAINTAIN, AND PUBLISH AN ANNUAL ROSTER OF REGISTERED GUIDES AND MASTER GUIDES LICENSED UNDER THIS CHAPTER; A PERSON LISTED IN THE ROSTER WHOSE LICENSE IS REVOKED OR SUSPENDED SHALL BE REMOVED FROM THE ROSTER WHILE THE PERSON'S LICENSE IS REVOKED OR SUSPENDED;

(4)] impose appropriate disciplinary sanctions on a licensee under AS 08.54.600 - 08.54.790;

(4) [(5)] require an applicant for issuance or renewal of any class of guide license or of a transporter license to state in a written and signed document whether the applicant's right to obtain, or exercise the privileges granted by, a hunting, guiding, outfitting, or transportation services license is revoked or suspended in this state or another state or in Canada;

(5) [(6)] regularly disseminate information regarding examinations and other qualifications for all classes of guide licenses to residents of the rural areas of the state;

(6) [(7)] adopt procedural and substantive regulations required by this chapter;

(7) provide for administration of [(8) ADMINISTER] examinations for registered **guide-outfitters** [GUIDES] at least twice a year [; AN EXAMINATION MAY NOT BE GIVEN WITHIN 90 DAYS AFTER THE PREVIOUS EXAMINATION; AT LEAST ONCE EVERY OTHER YEAR THE DEPARTMENT SHALL GIVE THE EXAMINATION AT A LOCATION OTHER THAN ANCHORAGE].

(b) The **board** [DEPARTMENT] shall provide for administration of an oral examination for a registered **guide-outfitter** [GUIDE] license or for a game management unit certification if **requested at the time of application for the license** [AN APPLICANT EXPERIENCES A SPECIFIC LANGUAGE DISABILITY].

* **Sec. 6.** AS 08.54.600 is amended by adding a new subsection to read:

(c) The board may adopt regulations as the board considers appropriate to

(1) establish a code of ethics for professions regulated by the board;

(2) establish requirements for the contents of written contracts to provide big game hunting services and transportation services to clients;

(3) authorize the department to request a copy of a big game hunting services or transportation services contract entered into by a person licensed under this chapter.

* **Sec. 7.** AS 08.54.605(a) is amended to read:

(a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and 08.54.660, a person may not receive or renew a registered **guide-outfitter** [GUIDE] license, master **guide-outfitter** [GUIDE] license, class-A assistant guide license, assistant guide license, or transporter license if

(1) the person has been convicted of

(A) a violation of a state **or federal** hunting, guiding, or transportation services statute or regulation [WITHIN THE LAST FIVE YEARS] for

which the person was

(i) [FINED MORE THAN \$1,000 OR] imprisoned for more than five days **within the previous five years;**

(ii) fined more than \$1,000 in the previous 12 months;

(iii) fined more than \$3,000 in the previous 36 months; or

(iv) fined more than \$5,000 in the previous 60 months;

(B) a felony within the last five years; or

(C) a felony offense against the person under AS 11.41 within the last 10 years; or

(2) the person's right to obtain, or exercise the privileges granted by, a hunting, guiding, outfitting, or transportation services license is suspended or revoked in this state or another state or in Canada.

* **Sec. 8.** AS 08.54.605(c) is amended to read:

(c) A person may not receive a certification for a game management unit if the person is prohibited by (a) of this section from receiving or renewing a registered **guide-outfitter** [GUIDE] license or master **guide-outfitter** [GUIDE] license.

* **Sec. 9.** AS 08.54.610 is amended to read:

Sec. 08.54.610. Registered guide-outfitter [GUIDE] license. (a) A natural person is entitled to a registered **guide-outfitter** [GUIDE] license if the person

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guiding and outfitting activities;

(3) either

(A) has passed the qualification examination prepared [AND ADMINISTERED] by the **board** [DEPARTMENT] under AS 08.54.600; or

(B) provides evidence of 25 years of experience as a class-A assistant guide or class-A assistant guide-outfitter;

(4) has passed a certification examination prepared [AND ADMINISTERED] by the **board** [DEPARTMENT] under AS 08.54.600 for at least one game management unit;

(5) has legally hunted **big game** in the state for part of each of any five years in a manner directly contributing to the person's experience and competency as a guide;

(6) has been licensed as and performed the services of a class-A assistant guide or assistant guide, or of a class-A assistant guide-outfitter or assistant guide-outfitter under former AS 08.54.300 - 08.54.590, in the state for a part of each of three years;

(7) is capable of performing the essential duties associated with guiding and outfitting;

(8) has been favorably recommended in writing by eight big game hunters whose recommendations have been solicited by the department from a list provided by the applicant, including at least two favorable recommendations for each year of any three years during which the person was a class-A assistant guide or assistant guide, or a class-A assistant guide-outfitter or assistant guide-outfitter under former AS 08.54.300 - 08.54.590;

(9) has provided proof of financial responsibility if required by the department under AS 08.54.680; and

(10) has applied for a registered **guide-outfitter** [GUIDE] license on a form provided by the department and paid the license application fee and the registered **guide-outfitter** [GUIDE] license fee.

(b) A master **guide-outfitter** [GUIDE] license authorizes a registered **guide-outfitter** [GUIDE] to use the title master **guide-outfitter** [GUIDE], but is for all other purposes under this chapter a registered **guide-outfitter** [GUIDE] license. A natural person is entitled to receive a renewable master **guide-outfitter** [GUIDE] license if the person

(1) is, at the time of application for a master **guide-outfitter** [GUIDE] license, licensed as a registered **guide-outfitter** [GUIDE] under this section;

(2) has been licensed in this state as a registered guide or a guide-outfitter, under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or this chapter, for at least 12 of the last 15 years, including the year immediately preceding the year in which the person applies for a master **guide-outfitter** [GUIDE] license;

(3) submits a list to the department of at least 25 clients for whom the person has personally provided guiding or outfitting services and the person receives a favorable evaluation from 10 of the clients selected from the list by the department; and

(4) applies for a master **guide-outfitter** [GUIDE] license on a form provided by the department and pays the application fee, if any.

(c) A registered **guide-outfitter** [GUIDE] may contract to guide or outfit hunts for big game and may provide transportation services, personally or through an assistant, to big game hunters who are clients of the **registered guide-outfitter** [GUIDE].

(d) A person who is licensed as a registered **guide-outfitter** [GUIDE] may be employed by another registered **guide-outfitter** [GUIDE] to perform the functions of a registered **guide-outfitter** [GUIDE] or class-A assistant guide in the game management unit for which the person is certified under AS 08.54.600 or of an assistant guide in any game management unit.

(e) A registered **guide-outfitter** [GUIDE] who contracts for a guided hunt shall be

(1) physically present in the field with the client at least once during the contracted hunt; and

(2) in the field and participating in the contracted hunt, unless the hunt is being conducted by a class-A assistant guide or a registered **guide-outfitter** [GUIDE] employed by the contracting registered **guide-outfitter** [GUIDE].

* **Sec. 10.** AS 08.54.620 is amended to read:

Sec. 08.54.620. Class-A assistant guide license. (a) A natural person is entitled to a class-A assistant guide license if the person

(1) is 21 years of age or older;
(2) applies for a class-A assistant guide license on a form provided by the department and pays the license application fee and the license fee; [AND]

(3) **possesses a current first aid card issued by the Red Cross or a similar organization; and**

(4) either

(A) has

(i) been employed during at least three calendar years as any class of licensed guide in the game management unit for which the license is sought; and

(ii) at least 10 years' hunting experience in the state; military service outside of the state for not more than three years shall be accepted as part of the required 10 years' hunting experience; [OR]

(B) provides

(i) evidence that the person physically resides in the game management unit in which the person is to be employed;

(ii) evidence that the person has had at least 15 years' hunting experience in the game management unit in which the person is to be employed; military service outside of the state for not more than three years shall be accepted as part of the required 15 years' hunting experience; and

(iii) a written recommendation from a registered **guide-outfitter** [GUIDE, STATE TROOPER, STATE FISH AND WILDLIFE LAW ENFORCEMENT OFFICER, OR STATE FISH OR GAME BIOLOGIST WHO IS FAMILIAR WITH THE PERSON OR] who intends to employ the person as a class-A assistant guide; **or**

(C) provides evidence that the

person

(i) physically resides in

the game management unit in which the person is to be employed;

(ii) has at least 10 years' hunting experience in the state; military service outside of the state for not more than three years shall be accepted as part of the required 10 years' hunting experience; and

(iii) has passed a class-A assistant guide training course approved by the board.

(b) A class-A assistant guide

(1) may not contract to guide or outfit a big game hunt;

(2) shall be employed by and under the supervision of a registered **guide-outfitter** [GUIDE] who has contracted with the client for whom the class-A assistant guide is conducting the hunt;

(3) may take charge of a camp and **provide** [CONDUCT] guide **services** [ACTIVITIES] from the camp without the contracting registered **guide-outfitter** [GUIDE] being in the field and participating in the contracted hunt if the contracting registered **guide-outfitter** [GUIDE] is supervising the guiding activities;

(4) may not perform functions of a class-A assistant guide outside of the game management unit for which the license is issued; and

(5) may be employed by a registered **guide-outfitter** [GUIDE] to perform the functions of an assistant guide in any game management unit.

* **Sec. 11.** AS 08.54.630 is amended to read:

Sec. 08.54.630. Assistant guide license. (a) A natural person is entitled to an assistant guide license if the person

(1) is 18 years of age or older;

(2) has legally hunted **big game** in the state during two calendar years;

(3) possesses a first aid card issued by the Red Cross or a similar organization;

(4) **either**

(A) obtains a written recommendation from a registered **guide-outfitter** [GUIDE, STATE TROOPER, STATE FISH AND WILDLIFE LAW ENFORCEMENT OFFICER, OR STATE FISH OR GAME BIOLOGIST WHO IS FAMILIAR WITH THE PERSON OR] who intends to employ the person as an assistant guide; **or**

(B) **provides evidence that the person passed an assistant guide training course approved by the board;** and

(5) applies for an assistant guide license on a form provided by the department and pays the license application fee and the license fee.

(b) An assistant guide

(1) may not contract to guide or outfit a big game hunt;

(2) shall be employed by a registered **guide-outfitter** [GUIDE] and under the supervision of a registered **guide-outfitter** [GUIDE] or class-A assistant guide while the assistant guide is in the field on guided hunts; and

(3) may not take charge of a camp or **provide** [CONDUCT] guide **services** [ACTIVITIES] unless the contracting registered **guide-outfitter** [GUIDE] is in the field and participating in the contracted hunt or a registered **guide-outfitter** [GUIDE] or class-A assistant guide employed by the contracting guide is physically present and supervising the hunt.

* **Sec. 12.** AS 08.54.640(a) is amended to read:

(a) Notwithstanding AS 08.54.610 - 08.54.630 and except as provided in (b) of this section, a person may not hold, or earn experience credits to apply for, a registered **guide-outfitter** [GUIDE] license under this chapter, while the person is a law enforcement officer and for three months after terminating the person's status as a law enforcement officer.

* **Sec. 13.** AS 08.54.640(b) is amended to read:

(b) A registered **guide-outfitter** [GUIDE] license, class-A assistant guide license, or assistant guide license issued under this chapter, or under former provisions of AS 08.54.300 - 08.54.590, after May 16, 1992, is suspended if the person to whom the license is issued subsequently

becomes a law enforcement officer. A person whose license is subject to suspension under this subsection shall notify the department that the person has become a law enforcement officer within 30 days after becoming a law enforcement officer. The suspension of a license under this subsection remains in effect until three months have elapsed from the date on which the licensee provides written notification to the department of the fact that the person is no longer a law enforcement officer. A person whose license is suspended under this subsection is not required to renew the license or pay license renewal fees for the period of suspension. Once a suspension of a license is terminated, the licensee may provide, without further payment of a guide license fee, the guide services authorized by the license for the remainder of the licensing period in which the suspension is terminated. Notwithstanding other provisions of this subsection, if a person whose license is suspended under this subsection fails to notify the department within one year after the person is no longer a law enforcement officer, the person's license lapses and the person is eligible for reissuance of the license only as provided in AS 08.54.670. The **board** [DEPARTMENT] may adopt regulations to implement this subsection.

* **Sec. 14.** AS 08.54.650(c) is amended to read:

(c) A transporter shall provide an annual activity report on a form provided by the department. An activity report must contain **all** information required by the **board** [DEPARTMENT] by regulation.

* **Sec. 15.** AS 08.54.660 is amended to read:

Sec. 08.54.660. Renewal of guide and transporter licenses. (a) An applicant for renewal of a registered **guide-outfitter** [GUIDE], class-A assistant guide, assistant guide, or transporter license shall submit

(1) a request for renewal of the license on a form provided by the department; and

(2) the appropriate license fee for the next licensing period.

(b) The department may not renew a registered **guide-outfitter** [GUIDE] license under this section unless all fees have been paid in full and **the registered guide-outfitter**

has signed an affidavit that all hunt records due during the term of the current license have been filed with the department.

(c) The department may not renew a transporter license unless all fees have been paid in full and **the transporter has signed an affidavit that** all activity reports due during the term of the current license have been filed with the department.

* **Sec. 16.** AS 08.54.670 is amended to read:

Sec. 08.54.670. Failure to renew. The department may not issue a license to a person who held a registered **guide-outfitter** [GUIDE], class-A assistant guide, or assistant guide license and who has failed to renew the license under this chapter for four consecutive years unless the person again meets the qualifications for initial issuance of the license.

* **Sec. 17.** AS 08.54.680(b) is amended to read:

(b) If a registered **guide-outfitter** [GUIDE], class-A assistant guide, or an assistant guide personally pilots an aircraft to transport clients during the provision of big game hunting services, the registered **guide-outfitter** [GUIDE], class-A assistant guide, or assistant guide shall have a commercial pilot's rating or a minimum of 500 hours of flying time in the state.

* **Sec. 18.** AS 08.54.680 is amended by adding a new subsection to read:

(c) On or after January 1, 2005, a registered guide may not provide big game hunting services and a transporter may not provide transportation services unless the registered guide or transporter has entered into a written contract with the client for the provision of those services.

* **Sec. 19.** AS 08.54.710(a) is amended to read:

(a) The **board** [DEPARTMENT] may impose a disciplinary sanction in a timely manner under (c) of this section if the **board** [DEPARTMENT] finds after a hearing, that a licensee

(1) is convicted of a violation of **any** [A] state **or federal** statute or regulation relating to hunting or to provision of big game hunting services or transportation services; [OR]

(2) has failed to file records or reports

required under this chapter;

(3) has negligently misrepresented or omitted a material fact on an application for any class of guide license or a transporter license; or

(4) has breached a contract to provide big game hunting services or transportation services to a client.

* **Sec. 20.** AS 08.54.710(b) is amended to read:

(b) The **board** [DEPARTMENT] may impose a disciplinary sanction in a timely manner under (c)(3) - (7) of this section if the **board** [DEPARTMENT] finds, after a hearing, that a licensee **has acted unethically** [IS INCOMPETENT] as a registered **guide-outfitter** [GUIDE], class-A assistant guide, assistant guide, or transporter.

* **Sec. 21.** AS 08.54.710(c) is amended to read:

(c) The **board** [DEPARTMENT] may impose the following disciplinary sanctions, singly or in combination:

- (1) permanently revoke a license;
- (2) suspend a license for a specified period;
- (3) censure or reprimand a licensee;
- (4) impose limitations or conditions on the

professional practice of a licensee;

(5) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;

(6) impose probation requiring a licensee to report regularly to the **board** [DEPARTMENT] on matters related to the grounds for probation;

(7) impose a civil fine not to exceed **\$5,000** [\$1,000].

* **Sec. 22.** AS 08.54.710(d) is amended to read:

(d) The **board** [DEPARTMENT] shall permanently revoke a transporter license or any class of guide license if the **board** [DEPARTMENT] finds after a hearing that the license was obtained through fraud, deceit, or [INNOCENT] misrepresentation.

* **Sec. 23.** AS 08.54.710(e) is amended to read:

(e) The **board** [DEPARTMENT] shall suspend or permanently revoke a transporter license or any class of guide license without a hearing if the court orders the **board**

[DEPARTMENT] to suspend or permanently revoke the license as a penalty for conviction of an unlawful act [UNDER AS 08.54.720]. If the **board** [DEPARTMENT] suspends or permanently revokes a license under this subsection, the **board** [DEPARTMENT] may not also impose an administrative disciplinary sanction of suspension or permanent revocation of the same license for the same offense for which the court ordered the suspension or permanent revocation under AS 08.54.720.

* **Sec. 24.** AS 08.54.710(h) is amended to read:

(h) If the **board** [DEPARTMENT] revokes a license under this section, the person whose license has been revoked shall immediately surrender the license to the department.

* **Sec. 25.** AS 08.54.710(i) is amended to read:

(i) The **board** [DEPARTMENT] may summarily suspend a licensee from practice of the profession under this chapter, for a period of not more than 30 days, before a final hearing is held or during an appeal if the **board** [DEPARTMENT] finds that the licensee poses a clear and immediate danger to the public health and safety. A person is entitled to a hearing before the **board** [DEPARTMENT] to appeal the summary suspension within seven days after the order of suspension is issued. A person may appeal an adverse decision of the **board** [DEPARTMENT] on an appeal of summary suspension to a court of competent jurisdiction.

* **Sec. 26.** AS 08.54.720(a) is amended to read:

(a) It is unlawful for a

(1) person who is licensed under this chapter to knowingly fail to promptly report, **unless a reasonable means of communication is not reasonably available,** to the Department of Public Safety, [DIVISION OF FISH AND WILDLIFE PROTECTION,] and in no event later than 20 days, a violation of a state **or federal wildlife or** game, guiding, or transportation services statute or regulation that the person reasonably believes was committed by a client or an employee of the person;

(2) person who is licensed under this chapter to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a

client of the person;

(3) class-A assistant guide or an assistant guide to knowingly guide a **big game** hunt except while employed and supervised by a registered **guide-outfitter** [GUIDE];

(4) person who holds any class of guide license **or transporter license** to knowingly enter or remain on private, **state, or federal** land without prior authorization during the course of providing big game hunting services **or transportation services**;

(5) registered **guide-outfitter** [GUIDE] to knowingly engage in providing big game hunting services outside of

(A) a game management unit for which the registered **guide-outfitter** [GUIDE] is certified; or

(B) a use area for which the registered **guide-outfitter** [GUIDE] is registered under AS 08.54.750 unless the registration requirement for the area has been suspended by the Department of Fish and Game;

(6) person to knowingly guide without having a current registered **guide-outfitter** [GUIDE], class-A assistant guide, or assistant guide license and **a valid Alaska** hunting license in actual possession;

(7) registered **guide-outfitter** [GUIDE] to knowingly fail to comply with AS 08.54.610(e);

(8) person who is licensed under this chapter to knowingly

(A) commit or aid in the commission of a violation of this chapter, a regulation adopted under this chapter, or a state **or federal wildlife or** game statute or regulation; or

(B) permit the commission of a violation of this chapter, a regulation adopted under this chapter, or a state **or federal wildlife or** game statute or regulation that the person knows or reasonably believes is being or will be committed without

(i) attempting to prevent it,

short of using force; and

(ii) reporting the violation;

(9) person without a current registered **guide-outfitter** [GUIDE] license to knowingly guide, advertise as a registered **guide-outfitter** [GUIDE], or represent to be a registered **guide-outfitter** [GUIDE];

(10) person without a current master **guide-outfitter** [GUIDE] license to knowingly advertise as, or represent to be, a master **guide-outfitter** [GUIDE];

(11) person without a current registered **guide-outfitter** [GUIDE] license to knowingly outfit a big game hunt, **provide outfitting services**, advertise as an outfitter of big game hunts, or represent to be an outfitter of big game hunts;

(12) person to knowingly provide transportation services to big game hunters without holding a current registered **guide-outfitter** [GUIDE] license or transporter license;

(13) person without a current transporter license to knowingly advertise as, or represent to be, a transporter;

(14) class-A assistant guide or an assistant guide to knowingly contract to guide or outfit a hunt;

(15) person licensed under this chapter to knowingly violate a state statute or regulation prohibiting waste of a wild food animal or hunting on the same day airborne;

(16) person to knowingly provide big game hunting service or transportation services during the period for which the person's license to provide that service is suspended or revoked;

(17) registered **guide-outfitter** [GUIDE], except in the defense of life or property, to knowingly personally take

(A) big game while accompanying a client in the field; or

(B) a species of big game if the registered **guide-outfitter** [GUIDE] is under contract with a client to provide a guided hunt for that species of big game and the client is in the field;

(18) person who is licensed as a registered **guide-outfitter** [GUIDE], a class-A assistant guide, or an assistant guide, except in the defense of life or property, to knowingly personally take big game while a client of the registered **guide-outfitter** [GUIDE] by whom the person is employed is in the field unless the person is not participating in, supporting, or otherwise assisting in providing big game hunting services to a client of the registered **guide-outfitter** [GUIDE] by whom the person is employed; or

(19) person who is licensed as a transporter, or who provides transportation services under a transporter license, to knowingly accompany or remain in the field with a big game hunter who is a client of the person except as necessary to perform the specific duties of embarking or disembarking big game hunters, their equipment, or big game animals harvested by hunters; this paragraph does not apply to a person who holds both a transporter license and a **registered guide-outfitter** [ANY CLASS OF GUIDE] license issued under this chapter **when the person has a contract to provide guiding services for the client.**

* **Sec. 27.** AS 08.54.720(f) is amended to read:

(f) In addition to the penalties set out in (b) - (e) of this section and a disciplinary sanction imposed under AS 08.54.710,

(1) the court may order the **board** [DEPARTMENT] to suspend the guide license or transporter license of a person who commits a misdemeanor offense set out in (a)(1), (3) - (5), (7), (17), (18), or (19) of this section for a specified period of not more than three years;

(2) the court shall order the **board** [DEPARTMENT] to suspend the guide license or transporter license of a person who commits a misdemeanor offense set out in (a)(2) or (8) - (14) of this section for a specified period of not less than one year and not more than five years;

(3) the court shall order the **board** [DEPARTMENT] to suspend the guide license or transporter license for a specified period of not less than three years, or to permanently revoke the guide license or transporter license, of a person who commits an offense set out in (a)(15) or (16) of this section; and

(4) all guns, fishing tackle, boats, aircraft, automobiles, or other vehicles, camping gear, and other equipment and paraphernalia used in, or in aid of, a violation of (a) of this section may be seized by persons authorized to enforce this chapter and may be forfeited to the state as provided under AS 16.05.195.

* **Sec. 28.** AS 08.54.730 is amended to read:

Sec. 08.54.730. Injunction against unlawful action. When in the judgment of the **board** [DEPARTMENT], a person has engaged in an act in violation of AS 08.54.620(b), 08.54.630(b), 08.54.650(b), 08.54.710(g), or 08.54.720(a) or the regulations adopted under these statutes, the **board** [DEPARTMENT] may apply to the appropriate court for an order enjoining the action. Upon a showing by the **board** [DEPARTMENT] that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond.

* **Sec. 29.** AS 08.54.740 is amended to read:

Sec. 08.54.740. Responsibility of guide or transporter for violations. (a) A registered **guide-outfitter** [GUIDE] who contracts to guide or outfit a big game hunt is equally responsible under AS 08.54.710 for a violation of a state **or federal wildlife or** game **or** [,] guiding [, OR TRANSPORTATION SERVICES] statute or regulation committed by a person while in the course of the person's employment for the registered **guide-outfitter** [GUIDE].

(b) A transporter who provides transportation services is equally responsible under AS 08.54.710 for a violation of a state **or federal wildlife or** game, guiding, or transportation services statute or regulation committed by a person while in the course of the person's employment for the transporter.

* **Sec. 30.** AS 08.54.750 is amended to read:

Sec. 08.54.750. Use area registration. (a) At least 30 days before conducting big game hunting services within a guide use area, a registered **guide-outfitter** [GUIDE] shall inform the department, in person or by registered mail on a registration form provided by the department, that the **guide-outfitter** [GUIDE] will be conducting big game hunting services in the use area. **A registered guide may not**

withdraw or amend a guide use area registration during the calendar year in which the registration was submitted to the department.

(b) A registered **guide-outfitter** [GUIDE] may not register for, or conduct big game hunting services in,

(1) more than three guide use areas during a calendar year; or

(2) a guide use area that is outside of a game management unit for which the registered **guide-outfitter** [GUIDE] is certified under AS 08.54.600.

(c) Notwithstanding (a) and (b) of this section, a registered **guide-outfitter** [GUIDE] may register to conduct big game hunting services within a guide use area at any time before beginning operations in the guide use area and may conduct big game hunting services in a guide use area, or for a big game species in a guide use area, that is not one of the three guide use areas for which the registered **guide-outfitter** [GUIDE] has registered under (b) of this section if the Department of Fish and Game has determined by regulation that it is in the public interest to suspend the registration requirements for that guide use area or for all guide use areas in a game management unit or game management subunit for a big game species within those guide use areas.

(d) Notwithstanding (b) of this section, a registered **guide-outfitter** [GUIDE] who is registered in three guide use areas may also register for and conduct big game hunting services in a portion of one additional guide use area on federal land adjacent to a guide use area in which the registered **guide-outfitter** [GUIDE] is already registered if the **board** [DEPARTMENT] finds that the portion of the adjacent guide use area for which the registered **guide-outfitter** [GUIDE] is seeking to be registered would otherwise remain unused by a registered **guide-outfitter** [GUIDE] because the boundaries of guide use areas do not coincide with boundaries of federal big game guide concession or permit areas.

(e) In this section, "guide use area" means a geographic area of the state identified as a guide-outfitter use area by the former Big Game Commercial Services Board

established under former AS 08.54.300 and described on a set of maps titled Guide-Outfitter Use Area Maps, dated June 22, 1994, **as amended by the board as the board considers necessary.**

* **Sec. 31.** AS 08.54.750 is amended by adding new subsections to read:

(f) Notwithstanding (b) of this section, a registered guide who is registered in three guide use areas may also register for and conduct big game hunting services for wolf, black bear, brown bear, or grizzly bear in guide use areas within a game management unit or portion of a game management unit where the Board of Game has identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the depletion of a big game prey population or a reduction of the productivity of a big game prey population that is the basis for the establishment of an intensive management program in the game management unit or portion of the game management unit or for the declaration of the biological emergency in the game management unit or portion of the game management unit. A registered guide may only conduct hunts in a guide use area under this subsection for the big game species identified by the Board of Game as the cause of the depletion or reduction of productivity a big game prey population.

(g) At least 60 days before providing transportation services to, from, or in an area as may be determined by the board, a transporter shall inform the department, in person or by registered mail on a registration form provided by the department, that the transporter will be providing transportation services to, from, or in the use area. The board may establish transporter use areas and adopt regulations to implement this subsection as the board considers necessary.

* **Sec. 32.** AS 08.54.760 is amended to read:

Sec. 08.54.760. Hunt records; confidentiality of hunt records and activity reports. (a) The department shall collect and maintain hunt records provided by a registered **guide-outfitter** [GUIDE]. A registered **guide-outfitter** [GUIDE] shall submit to the department a hunt record for each contracted hunt within **60** [30] days after the completion of the hunt. A hunt record must include a list of all big game

hunters who used the guiding or outfitting services of the registered **guide-outfitter** [GUIDE], the number of each big game species taken, and other information required by the **board** [DEPARTMENT]. The department shall provide forms for reporting hunt records.

(b) The department shall make hunt records received under this section, and activity reports received under AS 08.54.650, available to state agencies, [AND] federal **law enforcement agencies and other** [FISH AND WILDLIFE] law enforcement agencies [CHARGED WITH THE ENFORCEMENT OF STATUTES AND REGULATIONS RELATING TO GUIDING, OUTFITTING, TRANSPORTATION SERVICES, OR GAME OR WITH MANAGEMENT OF GAME] if requested [FOR GAME MANAGEMENT OR LAW ENFORCEMENT PURPOSES]. Aggregated data compiled from hunt records and activity reports may be included in reports by the department. For all other purposes, the hunt records and activity reports are confidential and are not subject to inspection or copying under AS 40.25.110 - 40.25.125.

* **Sec. 33.** AS 08.54.770 is amended to read:

Sec. 08.54.770. License and examination fees. (a)

The department shall set fees under AS 08.01.065 for each of the following:

- (1) registered **guide-outfitter** [GUIDE] license;
- (2) class-A assistant guide license;
- (3) assistant guide license;
- (4) transporter license;
- (5) license application fee.

(b) The license fee for the registered **guide-outfitter** [GUIDE], class-A assistant guide, or assistant guide license is in addition to the fee required for a hunting license **issued by the Department of Fish and Game under AS 16.05.340**.

(c) An applicant for a qualifying examination for a registered **guide-outfitter** [GUIDE] license shall pay a fee established by regulations adopted under AS 08.01.065.

(d) The fee for the transporter license must be equal to the fee for the registered **guide-outfitter** [GUIDE] license.

(e) **The** [FOR LICENSES ISSUED UNDER THIS

CHAPTER FOR 1997 AND SUBSEQUENT YEARS, THE] amount of the license fee for a nonresident shall be two times the amount of the license fee for a resident.

* **Sec. 34.** AS 08.54.790 is amended to read:

Sec. 08.54.790. Definitions. In this chapter,

(1) "big game" means brown bear, grizzly bear, caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain goat, musk-ox, and mountain or Dall sheep; "big game" includes wolf and wolverine when taken under hunting regulations;

(2) "big game hunting service" means a service for which the provider of the service must obtain a registered **guide-outfitter** [GUIDE], class-A assistant guide, or assistant guide license; "big game hunting service" includes guiding services and outfitting services;

(3) **"board" means the Big Game Commercial Services Board;**

(4) "compensation" means payment for services including wages or other remuneration but not including reimbursement for actual expenses incurred;

(5) [(4)] "department" means the Department of Community and Economic Development;

(6) [(5)] "field" means an area outside of established year-round dwellings, businesses, or other developments [USUALLY] associated with a city, town, or village; "field" does not include permanent hotels or roadhouses on the state road system or state or federally maintained airports;

(7) [(6)] "game management unit" means one of the 26 geographic areas defined by the Board of Game for game management purposes;

(8) [(7)] "guide" means to provide, for compensation or with the intent or with an agreement to receive compensation, services, equipment, or facilities to a big game hunter in the field by a person who accompanies or is present with the big game hunter in the field either personally or through an assistant; in this paragraph, "services" includes

(A) contracting to guide or outfit big game hunts;

(B) stalking, pursuing, tracking, killing, or attempting to kill big game;

(C) packing, preparing, salvaging, or caring for meat, except that which is required to properly and safely load the meat on the mode of transportation being used by a transporter;

(D) field preparation of trophies, including skinning and caping;

(E) selling, leasing, or renting goods when the transaction occurs in the field;

(F) using guiding or outfitting equipment, including spotting scopes and firearms, for the benefit of a hunter; and

(G) providing camping or hunting equipment or supplies **that** [WHICH] are already located in the field;

(9) [(8)] "outfit" means to provide, for compensation or with the intent to receive compensation, services, supplies, or facilities to a big game hunter in the field, by a person who neither accompanies nor is present with the big game hunter in the field either personally or by an assistant;

(10) [(9)] "transportation services" means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters

(A) on nonstop flights between airports listed in the Alaska supplement to the Airmen's Guide published by the Federal Aviation Administration; or

(B) by an air taxi operator or air carrier for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental portion of its business; in this subparagraph, "incidental" means transportation provided to a big game hunter by an air taxi operator or air carrier who does not

(i) charge more than the

usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or

(ii) advertise transportation services or big game hunting services to the public; in this sub-subparagraph, "advertise" means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services.

* **Sec. 35.** AS 16.05.407(a) is amended to read:

(a) It is unlawful for a nonresident to hunt, pursue, or take brown bear, grizzly bear, mountain goat, or sheep in this state, unless personally accompanied by

(1) a person who is licensed as

(A) a registered **guide-outfitter** [GUIDE] or a master **guide-outfitter** [GUIDE] under AS 08.54 and who is providing big game hunting services to the nonresident under a contract with the nonresident; or

(B) a class-A assistant guide or an assistant guide under AS 08.54 and who is employed by a registered **guide-outfitter** [GUIDE] or a master **guide-outfitter** [GUIDE] who has a contract to provide big game hunting services to the nonresident; or

(2) a resident over 19 years of age who is

(A) the spouse of the nonresident;

or

(B) related to the nonresident, within and including the second degree of kindred, by marriage or blood.

* **Sec. 36.** AS 16.05.407(f) is amended to read:

(f) An applicant for a nonresident hunt permit for the taking of an animal specified in (a) of this section shall, if requested by the department, first furnish to the department

proof of prior authorization to use federal, state, or private land where the permit hunt will occur. The authorization shall be provided to the applicant by the registered guide-outfitter [GUIDE] or master guide-outfitter [GUIDE] with whom the applicant has contracted to guide the permit hunt.

* **Sec. 37.** AS 16.05.408(a) is amended to read:

(a) It is a class A misdemeanor for a nonresident alien to hunt, pursue, or take a big game animal as defined by the Board of Game unless personally accompanied by

(1) a registered guide-outfitter [GUIDE] or a master guide-outfitter [GUIDE] licensed under AS 08.54 who is providing big game hunting services to the nonresident alien under a contract with the nonresident alien; or

(2) a class-A assistant guide or an assistant guide licensed under AS 08.54 who is employed by a registered guide-outfitter [GUIDE] or a master guide-outfitter [GUIDE] who has a contract to provide big game hunting services to the nonresident alien.

* **Sec. 38.** AS 16.05.408(c) is amended to read:

(c) Before obtaining a nonresident hunt permit for the taking of an animal specified in (a) of this section, a nonresident alien shall, if requested by the department, first furnish to the department proof of prior authorization to use federal or private land where the permit hunt will occur. The authorization shall be provided to the nonresident alien by the registered guide-outfitter [GUIDE] or master guide-outfitter [GUIDE] with whom the nonresident alien has contracted to guide the permit hunt.

* **Sec. 39.** AS 23.10.055 is amended to read:

Sec. 23.10.055. Exemptions. The provisions of AS 23.10.050 - 23.10.150 do not apply to

(1) an individual employed in agriculture, which includes farming in all its branches and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices, including forestry and lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with the farming operations, including

preparation for market, delivery to storage or to market or to carriers for transportation to market;

(2) an individual employed in the catching, trapping, cultivating, or farming, netting or taking of any kind of fish, shellfish, or other aquatic forms of animal and vegetable life;

(3) an individual employed in the hand picking of shrimp;

(4) an individual employed in domestic service, including a baby-sitter, in or about a private home;

(5) an individual employed by the United States or by the state or political subdivision of the state, except as provided in AS 23.10.065(b), including prisoners not on furlough detained or confined in prison facilities;

(6) an individual engaged in the nonprofit activities of a nonprofit religious, charitable, cemetery, or educational organization or other nonprofit organization where the employer-employee relationship does not, in fact, exist, and where services rendered to the organization are on a voluntary basis and are related only to the organization's nonprofit activities; for purposes of this paragraph, "nonprofit activities" means activities for which the nonprofit organization does not incur a liability for unrelated business income tax under 26 U.S.C. 513, as amended;

(7) an employee engaged in the delivery of newspapers to the consumer;

(8) an individual employed solely as a watchman or caretaker of a plant or property that is not in productive use for a period of four months or more;

(9) an individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of an outside salesman or a salesman who is employed on a straight commission basis;

(10) an individual employed in the search for placer or hard rock minerals;

(11) an individual under 18 years of age employed on a part-time basis not more than 30 hours in a week;

(12) employment by a nonprofit educational or child care facility to serve as a parent of children while the

children are in residence at the facility if the employment requires residence at the facility and is compensated on a cash basis exclusive of room and board at an annual rate of not less than

(A) \$10,000 for an unmarried person; or

(B) \$15,000 for a married couple;

(13) an individual who drives a taxicab, is compensated for taxicab services exclusively by customers of the service, whose written contractual arrangements with owners of taxicab vehicles, taxicab permits, or radio dispatch services are based upon flat contractual rates and not based on a percentage share of the individual's receipts from customers, and whose written contract with owners of taxicab vehicles, taxicab permits, or radio dispatch services specifically provides that the contract places no restrictions on hours worked by the individual or on areas in which the individual may work except to comply with local ordinances;

(14) a person who holds a license under AS 08.54 and who is employed by a registered **guide-outfitter** [GUIDE] or master **guide-outfitter** [GUIDE] licensed under AS 08.54, for the first 60 work days in which the person is employed by the registered **guide-outfitter** [GUIDE] or master **guide-outfitter** [GUIDE] during a calendar year;

(15) an individual engaged in activities for a nonprofit religious, charitable, civic, cemetery, recreational, or educational organization where the employer-employee relationship does not, in fact, exist, and where services are rendered to the organization under a work activity requirement of AS 47.27 (Alaska temporary assistance program); or

(16) an individual who

(A) provides emergency medical services only on a voluntary basis;

(B) serves with a full-time fire department only on a voluntary basis; or

(C) provides ski patrol services on a voluntary basis.

* **Sec. 40.** AS 39.50.200(b) is amended by adding a new paragraph

to read:

(58) Big Game Commercial Services Board (AS 08.54.591).

* **Sec. 41.** AS 41.23.420(d) is amended to read:

(d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of

(1) the Department of Fish and Game, the Board of Fisheries, the Board of Game, or the **Big Game Commercial Services Board** [DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT] under AS 08.54, AS 16, or AS 41.99.010;

(2) the Department of Environmental Conservation under AS 46.03; or

(3) state agencies and municipalities under AS 46.39.010 and AS 46.40.100.

* **Sec. 42.** AS 44.62.330(a)(35) is amended to read:

(35) **Big Game Commercial Services Board** [DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT UNDER AS 08.54 AS TO LICENSING AND RELATED FUNCTIONS FOR BIG GAME GUIDES AND TRANSPORTERS];

* **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INITIAL APPOINTMENT OF MEMBERS OF THE BIG GAME COMMERCIAL SERVICES BOARD. (a) Notwithstanding AS 08.54.591, added by sec. 4 of this Act, and AS 39.05.055, the initially appointed members of the Big Game Commercial Services Board shall be appointed by the governor to terms as follows: one member serves for one year, two members serve for two years, two members serve for three years, and two members serve for four years.

(b) The governor shall appoint the initial members of the Big Game Commercial Services Board, as provided for under AS 08.54.591(a), added by sec. 4 of this Act, before December 1, 2004.

(c) The governor shall appoint persons who are active, licensed registered guides at the time of appointment to fill the initial registered guide-outfitter positions on the Big Game Commercial Services Board.

* **Sec. 44.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: LICENSES. (a) Notwithstanding AS 08.54.610(a), as amended by sec. 9 of this Act, a person who holds a registered guide license in good standing on the day before the first meeting of the Big Game Commercial Services Board established under AS 08.54.591, added by sec. 4 of this Act, shall, after the effective date of sec. 9 of this Act, be considered to hold a registered guide-outfitter license issued under AS 08.54.610, as amended by sec. 9 of this Act and may renew the license as a registered guide-outfitter license under AS 08.54.660, as amended by sec. 15 of this Act.

(b) Notwithstanding AS 08.54.610(b), as amended by sec. 9 of this Act, a person who holds a master guide license in good standing on the day before the first meeting of the Big Game Commercial Services Board established under AS 08.54.591, added by sec. 4 of this Act, shall, after the effective date of sec. 9 of this Act, be considered to hold a master guide-outfitter license issued under AS 08.54.610, as amended by sec. 9 of this Act and may renew the license as a master guide-outfitter license under AS 08.54.660, as amended by sec. 15 of this Act.

* **Sec. 45.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SAVING CLAUSE. Litigation, hearings, investigations, and other proceedings pending under a law amended or repealed by this Act, or in connection with functions transferred by this Act, continue in effect and may be continued and completed notwithstanding a transfer or amendment or repeal provided for by this Act. Regulations adopted under authority of a law amended or repealed by this Act remain in effect for the term adopted or until repealed or otherwise amended under the provisions of this Act.

* **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SUSPENSION OF A PROVISION OF AS 44.66.050(e). The provision of AS 44.66.050(e) regarding the continuance or reestablishment of more than one board, commission, or agency program in a single legislative bill is suspended as to this Act.

* **Sec. 47.** Sections 4, 18, and 43 - 46 of this Act take effect immediately under AS 01.10.070(c).

* **Sec. 48.** Except as provided in sec. 47 of this Act, this Act takes effect on the day on which the Big Game Commercial Services Board convenes its first meeting. The commissioner of community and economic development shall inform the revisor of statutes and the

lieutenant governor of the date on which the Big Game Commercial Services Board convenes its first meeting."

Senator Ogan 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.

SENATE CS FOR HOUSE BILL NO. 464(FIN) am S was automatically in third reading on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR HOUSE BILL NO. 464(FIN) am S "An Act extending the termination date of the Board of Certified Real Estate Appraisers; relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services; and providing for an effective date" (Title change authorized by SCR 31) pass the Senate?" The roll was taken with the following result:

SCS HB 464(FIN) am S
Third Reading - On Reconsideration
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, SENATE CS FOR HOUSE BILL NO. 464(FIN) am S 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 clauses. Without objection, it was so ordered.

Engrossment was waived under Uniform Rule 43(b) and the bill was signed by the President and Secretary and returned to the House for consideration.

Senate Resolutions**SCR 31**

Senator Ben Stevens moved and asked unanimous consent that SENATE CONCURRENT RESOLUTION NO. 31 BY THE SENATE RESOURCES COMMITTEE Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 464, relating to the termination date of the Board of Certified Real Estate Appraisers, be taken up at this time. Without objection, it was so ordered.

SENATE CONCURRENT RESOLUTION NO. 31 was read the first time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 31 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 464, relating to the termination date of the Board of Certified Real Estate Appraisers, pass the Senate?" The roll was taken with the following result:

SCR 31

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 CONCURRENT RESOLUTION NO. 31 passed the Senate and was referred to the Secretary for engrossment.

Concur Messages**SB 357**

Message dated May 11 was read, stating the House passed CS FOR SENATE BILL NO. 357(FIN) "An Act relating to the regulation of insurance, insurance licenses, qualifications of insurance producers, surplus lines, fraud investigations, electronic transactions, and compliance with federal law and national standards; and providing for an effective date" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO.
357(FIN) am H

and with a House Letter of Intent.

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 357(FIN) am H

Shall the Senate Concur in the House

Amendments to CSSB 357(FIN)? EFDs-Letter of Intent

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

Yeas: Davis, Dyson, Ellis, Elton, French, Guess, Hoffman, Lincoln, Olson, Wagoner

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

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.

Communications

Letter dated May 10 from Senator Ralph Seekins and Senator Scott Ogan was read, stating:

With this letter we wish to acknowledge and record our sincere and deep appreciation for the medical services that Senator Donny Olson has rendered to members and staff of the Alaska State Legislature.

Too frequently we have had medical events where fortunately he has been on scene in seconds, assessing and stabilizing the situation until other medical personnel and equipment can arrive.

The events themselves give us a sense of our vulnerability in this stressful arena of public service. His quick response, professionalism and take-charge attitude have been a relief and comfort to us. His actions exemplify the value of medical caregivers.

Moreover, he has been generously available to all of us to respond to personal medical complaints and uncertainties. In effect, he has been our resident doctor, not only making "House calls" but also "Senate calls."

We are most grateful for the actions and attention of Senator – and Doctor – Donny Olson, and express our sincere appreciation for the professionalism and compassion of this true friend who is always there in time of need.

Standing Committee Reports

HB 319

The Finance Committee considered CS FOR HOUSE BILL NO. 319(FIN) am "An Act relating to the disposal of state land by lottery; relating to the reservation of rights by the state in land contracts and deeds; relating to the disposal, including sale or lease, of remote recreational cabin sites; and providing for an effective date" and recommended it be replaced with

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

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

The following previously published fiscal information applies:
Fiscal Note No. 4, zero, Department of Natural Resources
Fiscal Note No. 5, Department of Natural Resources

The bill was referred to the Rules Committee.

Special Committee Reports**SB 30**

The following report was received and distributed at 1:12 p.m., May 11:

May 11, 2004

Mr. President:

Mr. Speaker:

The CONFERENCE COMMITTEE considered CS FOR SENATE BILL NO. 30(JUD) an "An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency" and HOUSE CS FOR CS FOR SENATE BILL NO. 30(JUD) "An Act relating to information and services available to pregnant women and other persons; ensuring informed consent before an abortion may be performed; and providing exceptions to informed consent in certain cases" and recommends

CONFERENCE CS FOR SENATE BILL NO. 30
"An Act relating to information and services available to pregnant women and other persons; ensuring informed consent before an abortion may be performed; and providing exceptions to informed consent in certain cases."

be adopted.

The following previously published fiscal information applies:

Fiscal Note No. 3, Department of Health and Social Services

Fiscal Note No. 4, Department of Health and Social Services

Signing the report: Senator Dyson, Chair, Senators Seekins, Lincoln; Representative Dahlstrom, Chair, Representatives Coghill, Cissna.

Senator Ben Stevens moved that the Senate adopt the Conference Committee Report on CONFERENCE CS FOR SENATE BILL NO. 30.

The question being: "Shall the Senate adopt the Conference Committee Report on CONFERENCE CS FOR SENATE BILL NO. 30 "An Act relating to information and services available to pregnant women and other persons; ensuring informed consent before an abortion may be performed; and providing exceptions to informed consent in certain cases"?" The roll was taken with the following result:

CCS SB 30

Shall the Senate Adopt the Conference
Committee Report on CCS SB 30?

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

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

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

and so, the report was adopted.

The Secretary was requested to notify the House.

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

HB 375

The following report was received and distributed at 1:45 a.m. on the
120th legislative day:

May 11, 2004

Mr. President:

Mr. Speaker:

The CONFERENCE COMMITTEE with limited powers of free conference considered CS FOR HOUSE BILL NO. 375(FIN) am "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" and SENATE CS FOR CS FOR HOUSE BILL NO. 375(FIN) am S(brf sup maj fld S) and recommends

CONFERENCE CS FOR HOUSE BILL NO. 375

be adopted.

Signing the report: Representative Harris, Chair, Representatives Williams, Croft; Senators Green, Wilken, Hoffman

Senator Ben Stevens moved that the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 375.

The question being: "Shall the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 375 "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"?" The roll was taken with the following result:

CCS HB 375

Adopt Conference Committee Report?

Effective Dates

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

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

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

and so, the report was adopted.

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

The Secretary was requested to notify the House.

HB 377

The following report was received and distributed at 1:45 a.m. on the 120th legislative day:

May 11, 2004

Mr. President:

Mr. Speaker:

The CONFERENCE COMMITTEE with limited powers of free conference considered CS FOR HOUSE BILL NO. 377(FIN) "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" and SENATE CS FOR CS FOR HOUSE BILL NO. 377(FIN) and recommends

CONFERENCE CS FOR HOUSE BILL NO. 377

be adopted.

Signing the report: Representative Harris, Chair, Representatives Williams, Croft; Senators Green, Wilken, Hoffman

Senator Ben Stevens moved that the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 377.

The question being: "Shall the Senate adopt the Conference Committee Report on CONFERENCE CS FOR HOUSE BILL NO. 377 "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"?" The roll was taken with the following result:

CCS HB 377

Adopt Conference Committee Report?

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, the report was adopted.

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

The Secretary was requested to notify the House.

SB 301

May 10, 2004

Mr. President:

Mr. Speaker:

The Conference Committee considering CS FOR SENATE BILL NO. 301(FIN) "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" and HOUSE CS FOR CS FOR SENATE BILL NO. 301(FIN) am H, respectfully requests limited powers of free conference pursuant to Uniform Rule 42 of the Alaska State Legislature. We request this authority to address the following points:

House Changes to Senate Bill 301**Change to section 2 amending Sec. 15.05.020. Rules for determining residence of voter**

Page 3 line 3 changed "by the voter notifying" to "if the voter notifies"

Changes to section 15 amending Sec. 47.55.010. Maintenance and operation of Alaska Pioneers' Home and Alaska Veterans' Home.

1. On page 6 line 31 and page 7 lines 2 and 5 the words "and operate" were added following the word "maintain"
2. On page 7 " Anchorage, Fairbanks, Juneau, Ketchikan, Palmer" were added after the word "Sitka" to indicate the places where Pioneers' Homes are operated.

3. Page 8 added lines 12 – 14 to read “(f) The department shall conduct, at least annually, an unannounced inspection of each site of the Alaska Pioneers' Home and the Alaska Veterans' Home to determine compliance of the facilities with all applicable laws and regulations.
4. Page 6 line 30 added the phrase “Except as otherwise provided in this subsection,” after (a).

Changes to section 16 amending Sec. 47.55.020. **Admission to a home**

1. Page 8 Line 27 changes the amount of income an individual who is being subsidized for the cost of care can keep from \$100 to \$150 each month.
2. Page 9 line 17 makes conforming change increasing \$100 to \$150.
3. Page 10 line 8 increases the value of personal property a subsidized resident may keep from \$5,000 to 10,000.

Signing the report: Senator Bunde, Chair, Senators Stedman, Olson; Representative Foster, Chair, Representatives Wilson, Gruenberg

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

The Secretary was requested to notify the House.

The following report was received and distributed at 10:00 a.m., May 11:

May 11, 2004

Mr. President:

Mr. Speaker:

The CONFERENCE COMMITTEE with limited powers of free conference considered CS FOR SENATE BILL NO. 301(FIN) "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" and HOUSE CS FOR CS FOR SENATE BILL NO. 301(FIN) am H, and recommends

CONFERENCE CS FOR SENATE BILL NO. 301

be adopted with House and Senate Letters of Intent.

Signing the report: Senator Bunde, Chair, Senators Stedman, Olson; Representative Foster, Chair, Representatives Wilson, Gruenberg.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Health and Social Services

Senator Ben Stevens moved that the Senate adopt the Conference Committee Report on CONFERENCE CS FOR SENATE BILL NO. 301.

The question being: "Shall the Senate adopt the Conference Committee Report on CONFERENCE CS FOR SENATE BILL NO. 301 "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"?" The roll was taken with the following result:

CCS SB 301

Adopt Conference Committee Report?

Letters of Intent

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 report was adopted.

Senator Ben Stevens moved and asked unanimous consent 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:

CCS SB 301
Effective Date Clauses

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 effective date clauses were adopted.

Senator Ben Stevens moved and asked unanimous consent for the adoption of the Legislative and House Letters of Intent. Without objection, the Legislative Letters of Intent were adopted.

The Secretary was requested to notify the House.

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

HB 414

The following report was received and distributed at 2:40 p.m., May 8, and held on the Secretary's desk (page 3470):

May 8, 2004

Mr. President:

Mr. Speaker:

The CONFERENCE COMMITTEE considered 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" (technical title change) and recommends

CONFERENCE CS FOR HOUSE BILL NO. 414
"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."

be adopted.

The following previously published fiscal information applies:

Fiscal Note No. 2, zero, Office of the Governor

Signing the report: Representative McGuire, Chair, Representatives
Anderson, Crawford; Senator Seekins, Chair, Senators Wagoner,
French

Senator Ben Stevens moved that the Senate adopt the Conference
Committee Report on CONFERENCE CS FOR HOUSE BILL NO.
414.

The question being: "Shall the Senate adopt the Conference
Committee Report on CONFERENCE CS FOR HOUSE BILL NO.
414 "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"?" The roll was taken with the following result:

CCS HB 414

Adopt Conference Committee Report?

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 report was adopted.

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:

CCS HB 414
Effective Date Clause

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 effective date clause was adopted.

The Secretary was requested to notify the House.

Senate Resolutions

SCR 29

SENATE CONCURRENT RESOLUTION NO. 29 was not introduced.

SCR 32

SENATE CONCURRENT RESOLUTION NO. 32 BY THE SENATE FINANCE COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 503, relating to the tobacco product Master Settlement Agreement.

was read the first time held on the Secretary's desk.

SCR 30

SENATE CONCURRENT RESOLUTION NO. 30 BY THE SENATE FINANCE COMMITTEE was read the first time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 30 Suspending Rules 24(c), 35, 41(b), 42(c) and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 283, relating to appropriations from the constitutional budget reserve fund, pass the Senate?" The roll was taken with the following result:

SCR 30
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 CONCURRENT RESOLUTION NO. 30 passed the Senate and was referred to the Secretary for engrossment.

Consideration of the Calendar

Second Reading of House Bills

HB 196

CS FOR HOUSE BILL NO. 196(RES) "An Act relating to carbon sequestration; and providing for an effective date" was read the second time.

Senator Ogan, Chair, moved and asked unanimous consent for the adoption of the Resources Senate Committee Substitute offered on page 3415. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 196(RES) was adopted.

Senator Ogan offered Amendment No. 1:

Page 1, line 5:
Delete "(a)"

Page 1, lines 6 - 10:
Delete all material.

Renumber the following paragraphs accordingly.

Page 1, lines 13 - 14:
Delete "and help offset carbon dioxide emissions from other sectors of the economy"

Page 2, lines 4 - 6:

Delete all material.

Page 3, lines 23 - 26:

Delete all material.

Renumber the following paragraphs accordingly.

Page 4, lines 9 - 10:

Delete ", The Pew Charitable Trusts,"

Senator Ogan moved for the adoption of Amendment No. 1. Without 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. Without objection, it was so ordered.

SENATE CS FOR CS FOR HOUSE BILL NO. 196(RES) am S was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 196(RES) am S "An Act relating to carbon sequestration; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 196(RES) am S
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, SENATE CS FOR CS FOR HOUSE BILL NO. 196(RES) am S 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.

Engrossment was waived under Uniform Rule 43(b) and the bill was signed by the President and Secretary and returned to the House for consideration.

Senators French, Dyson, Elton, Ellis, Guess moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

HB 295

CS FOR HOUSE BILL NO. 295(STA) am "An Act relating to the publishing, furnishing, and contents of certain notices regarding regulations or rules of certain state agencies and entities; relating to distribution of the Alaska Administrative Code, Alaska Administrative Register, and supplements to the code or register; and providing for an effective date" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 3511. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 295(FIN) 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.

SENATE CS FOR CS FOR HOUSE BILL NO. 295(FIN) was not advanced on the same day and was returned to the House for permanent filing.

HB 309

CS FOR HOUSE BILL NO. 309(JUD) am "An Act relating to nonindigenous fish" was read the second time.

Senator Ogan, Chair, moved and asked unanimous consent for the adoption of the Resources Senate Committee Substitute offered on page 3465. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 309(RES) was adopted.

Senator Seekins offered Amendment No. 1:

Page 1, line 1, following "**nonindigenous fish**":

Insert "**and consecutive sentencing; and providing for an effective date**"

Page 1, line 5, following "that":

Insert "section 4 of"

Page 1, following line 8:

Insert new bill sections to read:

"* **Sec. 2.** AS 12.55.025(c) is amended to read:

(c) Except as provided in (d) [AND (e)] of this section, when a defendant is sentenced to imprisonment, the term of confinement commences on the date of imposition of sentence unless the court specifically provides that the defendant must report to serve the sentence on another date. If the court provides another date to begin the term of confinement, the court shall provide the defendant with written notice of the date, time, and location of the correctional facility to which the defendant must report. A defendant shall receive credit for time spent in custody pending trial, sentencing, or appeal, if the detention was in connection with the offense for which sentence was imposed. A defendant may not receive credit for more than the actual time spent in custody pending trial, sentencing, or appeal. The time during which a defendant is voluntarily absent from official detention after the defendant has been sentenced may not be credited toward service of the sentence.

* **Sec. 3.** AS 12.55 is amended by adding a new section to read:

Sec. 12.55.127. Consecutive and concurrent terms of imprisonment. (a) If a defendant is required to serve a term of imprisonment under a separate judgment, a term of imprisonment imposed in a later judgment, amended judgment, or probation revocation shall be consecutive.

(b) Except as provided in (c) of this section, if a defendant is being sentenced for two or more crimes in a single judgment, terms of imprisonment may be concurrent or partially concurrent.

(c) If the defendant is being sentenced for

(1) escape, the term of imprisonment shall be consecutive to the term for the underlying crime;

(2) two or more crimes under AS 11.41, a consecutive term of imprisonment shall be imposed for at least

(A) the mandatory minimum term under

AS 12.55.125(a) for each additional crime that is murder in the first degree;

(B) the mandatory minimum term for each additional crime that is an unclassified felony governed by AS 12.55.125(b);

(C) the presumptive term specified in AS 12.55.125(c) or the active term of imprisonment, whichever is less, for each additional crime that is

(i) manslaughter; or

(ii) kidnapping that is a class A felony;

(D) two years or the active term of imprisonment, whichever is less, for each additional crime that is criminally negligent homicide;

(E) one-fourth of the presumptive term under AS 12.55.125(c) or (i) for each additional crime that is sexual assault in the first degree under AS 11.41.410 or sexual abuse of a minor in the first degree under AS 11.41.434, or an attempt, solicitation or conspiracy to commit those offenses; and

(F) some additional term of imprisonment for each additional crime, or each additional attempt or solicitation to commit the offense, under AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 - 11.41.458, or 11.41.500 - 11.41.520.

(d) In this section,

(1) "active term of imprisonment" means the total term of imprisonment imposed for a crime, minus suspended imprisonment;

(2) "additional crime" means a crime that is not the primary crime;

(3) "primary crime" means the crime

(A) for which the sentencing court imposes the longest active term of imprisonment; or

(B) that is designated by the sentencing court as the primary crime when no single crime has the longest active term of imprisonment."

Renumber the following bill sections accordingly.

Page 2, following line 23:

Insert new bill sections to read:

"* **Sec. 5.** AS 33.16.090(b) is amended to read:

(b) Except as provided in (e) of this section, a prisoner is not eligible for discretionary parole during the term of a presumptive sentence; however, a prisoner is eligible for discretionary parole during a term of sentence enhancement imposed under AS 12.55.155(a) or during the term of a consecutive or partially consecutive presumptive sentence imposed under **AS 12.55.127** [AS 12.55.025(e) OR (g)]. A prisoner sentenced to a mandatory 99-year term under AS 12.55.125(a) or a definite term under AS 12.55.125(l) is not eligible for discretionary parole during the entire term.

* **Sec. 6.** AS 33.16.090(c) is amended to read:

(c) Except as provided in (e) of this section, a prisoner eligible for discretionary parole during a period of sentence enhancement imposed under AS 12.55.155(a) or during a consecutive or partially consecutive presumptive sentence imposed under **AS 12.55.127** [AS 12.55.025(e) OR (g)] shall serve the unenhanced portion of the sentence or the initial presumptive sentence before being otherwise eligible for discretionary parole under AS 33.16.100(c) or (d). For purposes of this subsection, the sentence for the most serious offense in the case of consecutive or partially consecutive presumptive sentences shall be considered the initial presumptive sentence. The unenhanced sentence or the initial presumptive sentence is considered served for purposes of discretionary parole on the date the unenhanced or initial presumptive sentence is due to expire less good time earned under AS 33.20.010.

* **Sec. 7.** AS 12.55.025(e), 12.55.025(g), and 12.55.025(h) are repealed.

* **Sec. 8.** APPLICABILITY. Sections 2, 3, and 5 - 7 of this Act apply to offenses occurring on or after the effective date of those sections of this Act.

* **Sec. 9.** Sections 2, 3, 5-9 of this Act take effect July 1, 2004."

Senator Seekins 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. Without objection, it was so ordered.

SENATE CS FOR CS FOR HOUSE BILL NO. 309(RES) am S "An Act relating to nonindigenous fish and consecutive sentencing; and providing for an effective date" (Title change authorized by SCR 33) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 309(RES) am S "An Act relating to nonindigenous fish and consecutive sentencing; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 309(RES) am S
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, SENATE CS FOR CS FOR HOUSE BILL NO. 309(RES) am S 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.

Engrossment was waived under Uniform Rule 43(b) and the bill was signed by the President and Secretary and returned to the House for consideration.

HB 338

CS FOR HOUSE BILL NO. 338(HES) "An Act relating to attendance at public school; 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.

CS FOR HOUSE BILL NO. 338(HES) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 338(HES) "An Act relating to attendance at public school; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 338(HES)
Third Reading - Final Passage
Effective Date

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

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

Nays: Green, Ogan, Therriault

and so, CS FOR HOUSE BILL NO. 338(HES) 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 341

HOUSE BILL NO. 341 "An Act relating to the dive fishery management assessment" 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. 341 was read the third time.

Senators Elton, Davis, Lincoln, Stedman moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall HOUSE BILL NO. 341 "An Act relating to the dive fishery management assessment" pass the Senate?" The roll was taken with the following result:

HB 341

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, HOUSE BILL NO. 341 passed the Senate, was signed by the President and Secretary and returned to the House.

HB 342

CS FOR HOUSE BILL NO. 342(FIN) am "An Act relating to driving while under the influence, to the definition of 'previously convicted,' to alcohol-related offenses, to ignition interlock devices, and to the issuance of limited driver's licenses; 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.

CS FOR HOUSE BILL NO. 342(FIN) am was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 342(FIN) am "An Act relating to driving while under the influence, to the definition of 'previously convicted,' to alcohol-related offenses, to ignition interlock devices, and to the issuance of limited driver's licenses; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 342(FIN) am
Third Reading - Final Passage
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, CS FOR HOUSE BILL NO. 342(FIN) am passed the Senate.

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

HB 353

CS FOR HOUSE BILL NO. 353(JUD) "An Act exempting certain teachers at certain schools from jury service during school terms; and amending Rule 15(k), Alaska Rules of Administration" 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 Green objected.

CS FOR HOUSE BILL NO. 353(JUD) was not advanced at this time.

HB 373

HOUSE BILL NO. 373 "An Act requiring warrants drawn by the Department of Administration against the state treasury to be negotiable instruments" 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.

HOUSE BILL NO. 373 was not advanced on the same day and was returned to the House for permanent filing.

HB 405

CS FOR HOUSE BILL NO. 405(EDU) "An Act relating to reports on school and school district performance; and relating to accountability of public schools and school districts; and providing for an effective date" was read the second time.

Senator Dyson, Chair, moved and asked unanimous consent for the adoption of the Health, Education and Social Services Senate Committee Substitute offered on page 3467. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 405(HES) "An Act relating to reports on school and school district performance; relating to accountability of public schools and school districts; and providing for an effective date" (technical title change) 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.

SENATE CS FOR CS FOR HOUSE BILL NO. 405(HES) was not advanced at this time.

HB 422

CS FOR HOUSE BILL NO. 422(STA) "An Act repealing the special subaccount established in the constitutional budget reserve fund; 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.

CS FOR HOUSE BILL NO. 422(STA) was not advanced on the same day and was returned to the House for permanent filing.

Senate Resolutions**SCR 33**

Senator Ben Stevens moved and asked unanimous consent that SENATE CONCURRENT RESOLUTION NO. 33 BY THE SENATE JUDICIARY COMMITTEE be taken up at this time. Without objection, it was so ordered.

SENATE CONCURRENT RESOLUTION NO. 33 was read the first time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 33 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 309, relating to nonindigenous fish, pass the Senate?" The roll was taken with the following result:

SCR 33

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 CONCURRENT RESOLUTION NO. 33 passed the Senate and was referred to the Secretary for engrossment.

Second Reading of House Bills (continued)

HB 430

HOUSE BILL NO. 430 "An Act relating to employees under 21 years of age in the premises of hotels, restaurants, and eating places that are licensed to sell, serve, deliver, or dispense alcoholic beverages" 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. 430 was read the third time.

The question being: "Shall HOUSE BILL NO. 430 "An Act relating to employees under 21 years of age in the premises of hotels, restaurants, and eating places that are licensed to sell, serve, deliver, or dispense alcoholic beverages" pass the Senate?" The roll was taken with the following result:

HB 430

Third Reading - Final Passage

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

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

Nays: Ogan, Stevens B, Therriault

and so, HOUSE BILL NO. 430 passed the Senate, was signed by the President and Secretary and returned to the House.

HB 495

CS FOR HOUSE BILL NO. 495(FIN) "An Act allowing a joint action agency to encumber property interests for security purposes; declaring certain joint action agencies to be political subdivisions for certain purposes; restricting the sale of property of the joint action agency; allowing the joint action agency to transfer property to security interest holders under a security interest or to other parties without legislative approval; 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 Senate Committee Substitute offered on page 3597. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 495(FIN) 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. 495(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 495(FIN) "An Act allowing a joint action agency to encumber property interests for security purposes; declaring certain joint action agencies to be political subdivisions for certain purposes; restricting the sale of property of the joint action agency; allowing the joint action

agency to transfer property to security interest holders under a security interest or to other parties without legislative approval; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 495(FIN)

Third Reading - Final Passage

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

Yeas: Bunde, Cowdery, Davis, Ellis, Elton, French, Guess, Lincoln, Olson, Stedman, Stevens G

Nays: Dyson, Green, Hoffman, Ogan, Seekins, Stevens B, Therriault, Wagoner, Wilken

Wilken changed from "Yea" to "Nay".

Ogan changed from "Yea" to "Nay".

Green changed from "Yea" to "Nay".

Hoffman changed from "Yea" to "Nay".

Dyson changed from "Yea" to "Nay".

Wagoner changed from "Yea" to "Nay".

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 495(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:

SCS CSHB 495(FIN)

Effective Date Clause

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 effective date clause was adopted and the bill was referred to the Secretary for engrossment.

Third Reading of House Bills**HB 233**

SENATE CS FOR CS FOR HOUSE BILL NO. 233(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 233(FIN) "An Act increasing the base student allocation used in the formula for state funding of public education; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 233(FIN)

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, SENATE CS FOR CS FOR HOUSE BILL NO. 233(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.

Senator Ben Stevens lifted the call.

Recess

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 8:32 p.m.

After Recess

The Senate reconvened at 9:51 p.m.

Senator Ben Stevens called the Senate.

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

Concur Messages

SB 337

Message dated May 11 was read, stating the House passed CS FOR SENATE BILL NO. 337(L&C) "An Act relating to the powers of the Alaska Energy Authority to make grants and loans, to enter into contracts, and to improve, equip, operate, and maintain bulk fuel, waste energy, energy conservation, energy efficiency, and alternative energy facilities and equipment; relating to the bulk fuel revolving loan fund; relating to the Alaska Energy Authority's liability for the provision of technical assistance to rural utilities; relating to the Alaska Energy Authority's investment of the power development fund; repealing the electrical service extension fund; and providing for an effective date" with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO. 337(FIN) am H "An Act relating to the powers of the Alaska Energy Authority to make grants and loans, to enter into contracts, and to improve, equip, operate, and maintain bulk fuel, waste energy, energy conservation, energy efficiency, and alternative energy facilities and equipment; relating to the bulk fuel revolving loan fund; relating to the Alaska Energy Authority's liability for the provision of technical assistance to rural utilities; relating to the continuation of the motor fuel tax rate for fuel produced from the processing of lignocellulose from wood or waste seafood; establishing a hydrogen energy partnership; relating to the Alaska Energy Authority's investment of the power development fund; repealing the electrical service extension fund; and providing for an effective date." (Title change authorized by HCR 38)

and the bill is returned for consideration.

House engrossment was waived in accordance with Uniform Rule 43(b) with Certified Amendments attached.

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 337(FIN) am H

Shall the Senate Concur in the House

Amendments to CSSB 337(L&C)? Effective Dates

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, 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.

Without objection, the Senate advanced to:

Third Reading of House Bills (continued)

HB 255

CS FOR HOUSE BILL NO. 255(FIN)(title am) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 255(FIN)(title am) "An Act amending the Alaska Wage and Hour Act as it relates to the scope of administrative regulations defining a person employed in a bona fide executive, administrative, or professional capacity as it pertains to minimum salaries to require that the minimum salary for that individual be two times the minimum wage for the first forty hours of employment each week" pass the Senate?" The roll was taken with the following result:

CSHB 255(FIN)(title am)
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

and so, CS FOR HOUSE BILL NO. 255(FIN)(title am) passed the Senate, was signed by the President and Secretary and returned to the House.

HB 275

SENATE CS FOR CS FOR HOUSE BILL NO. 275(JUD) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 275(JUD) "An Act relating to animals, and to the care of and to cruelty to animals" pass the Senate?" The roll was taken with the following result:

SCS CSHB 275(JUD)
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, SENATE CS FOR CS FOR HOUSE BILL NO. 275(JUD) passed the Senate and was referred to the Secretary for engrossment.

HB 381

CS FOR HOUSE BILL NO. 381(RLS) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 381(RLS) "An Act relating to child endangerment" pass the Senate?" The roll was taken with the following result:

CSHB 381(RLS)

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. 381(RLS) passed the Senate, was signed by the President and Secretary and returned to the House.

HB 474

CS FOR HOUSE BILL NO. 474(JUD) am was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 474(JUD) am "An Act relating to civil liability associated with aircraft runways, airfields, and landing areas" pass the Senate?" The roll was taken with the following result:

CSHB 474(JUD) am

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. 474(JUD) am passed the Senate, was signed by the President and Secretary and returned to the House.

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

HB 503

HOUSE BILL NO. 503 "An Act relating to the tobacco product Master Settlement Agreement; and providing for an effective date" was read the third time.

Senator Bunde 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 Wilken, Bunde, Ben Stevens, Seekins, Gary Stevens, Dyson, Elton, Ellis, Lincoln, Guess, Stedman, Cowdery offered Amendment No. 1:

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

Insert "**taxes on cigarettes and tobacco products, to tax stamps on cigarettes, to forfeiture of cigarettes and of property used in the manufacture, transportation, facilitation of transportation, possession, offering for sale, or sale of unstamped cigarettes, to unfair cigarette sales, and to licenses and licensees under the Cigarette Tax Act;**"

Page 1, line 3:

Insert new bill sections to read:

*** Section 1.** AS 43.50.030(d) is amended to read:

(d) For each license issued to a direct-buying retailer, and for each renewal, the fee is **\$50** [\$25].

*** Sec. 2.** AS 43.50.035 is repealed and reenacted to read:

Sec. 43.50.035. Wholesaler-distributor license. (a)

A person outside of this state who sells or distributes cigarettes into this state and is not required to be licensed under AS 43.50.010 may apply for a wholesaler-distributor license.

(b) A person outside of this state who sells or distributes cigarettes into this state, who is not required to be licensed under AS 43.50.010, and who wishes to purchase stamps under this chapter shall be licensed as a wholesaler-distributor.

(c) The department shall adopt reasonable regulations necessary for the collection of cigarette taxes on cigarette sales or distributions made by a wholesaler-distributor licensee into this state and standards for

(1) application and issuance of the license;

and

(2) refusal to issue the license.

*** Sec. 3.** AS 43.50.090(a) is amended to read:

(a) There is levied an excise tax of 38 mills on each cigarette imported or acquired in the state. The tax shall be paid through the use of stamps as provided in AS 43.50.500 - 43.50.700. **A person who imports or acquires cigarettes in the state upon which a stamp required by this chapter has not been affixed in accordance with AS 43.50.500 - 43.50.700, who fails to apply to purchase stamps as required by AS 43.50.540(a), and who fails to pay the tax through the use of stamps is not relieved** [THE FAILURE TO PAY THE TAX THROUGH THE USE OF STAMPS DOES NOT RELIEVE A PERSON] of the obligation to pay taxes due under this chapter. The person shall still pay the tax, and the tax is due on or before the end of the month following the month in which cigarettes were manufactured, imported, acquired, or sold in this state. Cigarettes upon which the excise is imposed are not again subject to the excise when acquired by another person.

* **Sec. 4.** AS 43.50.170(1) is amended to read:

(1) "buyer" means a person who imports or acquires cigarettes for the person's own consumption from any source other than a manufacturer, distributor, direct-buying retailer, [OR] retailer, **or wholesaler-distributor**;

* **Sec. 5.** AS 43.50.170(3) is amended to read:

(3) "direct-buying retailer" means a person who is engaged in the sale of cigarettes at retail in this state, and who brings **cigarettes** or causes **cigarettes** to be brought [CIGARETTES] into the state **that are not purchased from a wholesaler-distributor**;

* **Sec. 6.** AS 43.50.170(4) is amended to read:

(4) "distributor" means a person who brings cigarettes **that are not purchased from a wholesaler-distributor**, or has cigarettes **that are not purchased from a wholesaler-distributor** brought into the state, and who sells or distributes at least 75 **percent** [PER CENT] of the cigarettes to others for resale in the state;

* **Sec. 7.** AS 43.50.170(12) is amended to read:

(12) "wholesaler-distributor" means a person outside this state who sells or distributes cigarettes into this state, [AND] who is not required to be licensed under AS 43.50.010, **and who is licensed under AS 43.50.035**.

- * **Sec. 8.** AS 43.50.190(a) is amended to read:
(a) There is levied an excise tax of **62** [12] mills on each cigarette imported or acquired in this state.
- * **Sec. 9.** AS 43.50.300 is amended to read:
Sec. 43.50.300. Excise tax levied. An excise tax is levied on tobacco products in the state at the rate of **100** [75] percent of the wholesale price of the tobacco products. The tax is levied when a person
- (1) brings, or causes to be brought, a tobacco product into the state from outside the state for sale;
 - (2) makes, manufactures, or fabricates a tobacco product in the state for sale in the state; [OR]
 - (3) ships or transports a tobacco product to a retailer in the state for sale by the retailer **or to an individual for personal consumption; or**
 - (4) **brings, or causes to be brought, a tobacco product into the state from outside the state for personal consumption.**
- * **Sec. 10.** AS 43.50.320(a) is repealed and reenacted to read:
(a) Except as provided in (g) of this section, a person engaging in an activity described in AS 43.50.300(1) - (3) must be licensed by the department as a distributor, and a person engaging in an activity described in AS 43.50.300(4) must be licensed as a buyer.
- * **Sec. 11.** AS 43.50.320(b) is amended to read:
(b) The department, upon application and payment of a fee of \$50, shall issue a license for one year to a person who applies for a **distributor** license [UNDER (a) OF THIS SECTION]. **The department, upon application and payment of a fee of \$25, shall issue a license for one year to a person who applies for a buyer license.**
- * **Sec. 12.** AS 43.50.320(d) is amended to read:
(d) A **distributor** license issued under this section must include the name and address of the licensee, the type of business to be conducted, and the year for which the license is issued.
- * **Sec. 13.** AS 43.50.320(e) is amended to read:
(e) The department may renew a **distributor** license issued under this section for a fee of \$50. **The department may renew a buyer license issued under this section for a**

fee of \$25.

- * **Sec. 14.** AS 43.50.330(a) is amended to read:

(a) On or before the last day of each calendar month, a licensee shall file a return with the department. The return must state the number or amount of tobacco products sold **or imported for personal consumption** by the licensee during the preceding calendar month, the selling price **or purchase price** of the tobacco products, and the amount of tax imposed on the tobacco products.

- * **Sec. 15.** AS 43.50.390(2) is amended to read:

(2) "licensee" means a distributor **or buyer**

who is

(A) licensed under AS 43.50.320;

or

(B) exempted by AS 43.50.320(g) from licensing under AS 43.50.320;

- * **Sec. 16.** AS 43.50.390 is amended by adding a new paragraph to read:

(6) "buyer" means a person who imports tobacco products for the person's own consumption from any source other than a licensee.

- * **Sec. 17.** AS 43.50.540(f) is amended to read:

(f) Title to the stamps passes immediately to the licensee at the time the stamps are obtained in person or, if the stamps are shipped or transported, at the time the stamps are placed in the United States mail or received by the common or private carrier. The licensee bears all costs associated with shipping or transporting the stamps. **The department may replace stamps lost or damaged in transit if the licensee provides proof acceptable to the department verifying that the loss or damage occurred while the stamps were in the possession of the shipping company and the shipping company substantiates the loss or damage. Damaged stamps must be returned to the department before the department may replace them** [AND ALL RISKS OF POSSIBLE LOSS OR DAMAGE WHILE IN TRANSIT].

- * **Sec. 18.** AS 43.50.550(b) is amended to read:

(b) A licensee who submits an application for the purchase of stamps on a deferred-payment basis shall, **as a condition of approval of the application,** post a bond

acceptable to the department in an amount equal to

(1) 200 percent of the maximum dollar amount of allowed monthly purchases under this section; or

(2) 100 percent of the maximum dollar amount of allowed monthly purchases under this section if the licensee

(A) holds a license issued under AS 43.50.010 for a physical location in this state; and

(B) has been in full compliance with the provisions of this title and regulations adopted under this title during the preceding 60 months [AS A CONDITION OF APPROVAL OF THE APPLICATION].

* **Sec. 19.** AS 43.50.580(b) is amended to read:

(b) A licensee may possess unstamped cigarettes in this state if

(1) the licensee posts a surety bond in an amount satisfactory to the department to ensure performance of its duties under this chapter; and

(2) unstamped cigarettes are necessary for the conduct of the licensee's business in making sales or distributions

(A) to an instrumentality of the federal government or an Indian tribal organization authorized by law to possess cigarettes not taxed under this chapter; **or**

(B) to customers outside the state and the licensee provides proof acceptable to the department that the licensee is properly licensed in the jurisdictions outside the state where the sales or distributions are made.

* **Sec. 20.** AS 43.50.590(a) is amended to read:

(a) The department shall adopt procedures for a refund or credit to a licensee in the amount of the denominated value, less the discount given under AS 43.50.540, for

(1) unused or damaged stamps; [OR]

(2) stamps affixed to cigarette packages that have become unfit for use or sale, are destroyed, or are

returned to the manufacturer for credit or replacement if the licensee provides proof acceptable to the department that the cigarettes have not been and will not be consumed in this state; or

(3) stamps affixed to cigarette packages that are sold or distributed outside the state if the licensee provides proof acceptable to the department that the cigarettes have not been and will not be consumed in this state and the licensee is properly licensed in the jurisdictions outside the state where the sales or distributions are made.

* **Sec. 21.** AS 43.50 is amended by adding a new section to read:

Sec. 43.50.625. Forfeiture of other property. (a)

Upon a showing of probable cause that a person has committed the crime of misconduct involving unstamped cigarettes or stamps in the first degree under AS 43.50.640, the following are subject to forfeiture:

(1) material and equipment used in the manufacture, sale, offering for sale, or possession for sale of cigarettes in this state in violation of AS 43.50.500 - 43.50.640 or 43.50.660 - 43.50.700;

(2) aircraft, vehicles, or vessels used to transport or facilitate the transportation of cigarettes manufactured, sold, offered for sale, or possessed for sale in this state in violation of AS 43.50.500 - 43.50.640 or 43.50.660 - 43.50.700;

(3) money, securities, negotiable instruments, or other things of value used in financial transactions derived from activity prohibited under AS 43.50.500 - 43.50.640 or 43.50.660 - 43.50.700.

(b) Property subject to forfeiture under this section may be actually or constructively seized under an order issued by the superior court upon a showing of probable cause that the property is subject to forfeiture under this section. Constructive seizure is effected upon posting a signed notice of seizure on the item to be forfeited, stating the violation and the date and place of seizure. Seizure without a court order may be made if

(1) the seizure is incident to a valid arrest or search;

(2) the property subject to seizure is the subject of a prior judgment in favor of the state; or

(3) there is probable cause to believe that the property is subject to forfeiture under (a) of this section; property seized under this paragraph may be held for not more than 48 hours unless an order of forfeiture is issued by the court before the end of that time period.

(c) Within 30 days after a seizure under this section, the Department of Public Safety shall make reasonable efforts to ascertain the identity and whereabouts of any person holding an interest, or an assignee of a person holding an interest, in the property seized, including a right to possession, or a lien, mortgage, or conditional sales contract. The Department of Public Safety shall notify the person ascertained to have an interest in the seized property of the impending forfeiture, and, before forfeiture, the Department of Public Safety shall publish, once a week for four consecutive calendar weeks, a notice of the impending forfeiture in a newspaper of general circulation in the judicial district in which the seizure was made, or if a newspaper is not published in that judicial district, in a newspaper published in the state and distributed in that judicial district.

(d) Property subject to forfeiture under (a) of this section may be forfeited

(1) upon conviction of a person for a violation of AS 43.50.640; or

(2) upon judgment by the superior court in a proceeding in rem that the property was used in a manner subjecting it to forfeiture under (a) of this section.

(e) The owner of property subject to forfeiture under (a) of this section is entitled to relief from the forfeiture in the nature of remission of the forfeiture if, in an action under (d) of this section, the owner shows that the owner

(1) was not a party to the violation;

(2) did not have actual knowledge or reasonable cause to believe that the property was used or was to be used in violation of the law; and

(3) did not have actual knowledge or reasonable cause to believe that the person committing the violation had, within the last 10 years,

(A) a criminal record for violating this chapter; or

(B) committed other violations of this chapter.

(f) The court may allow the owner of property that is subject to forfeiture under (a) of this section to redeem the property by paying an amount determined by the court to be the fair market value of the property.

(g) A person other than the owner holding, or the assignee of, a lien, mortgage, or conditional sales contract on, or the right to possession of property subject to forfeiture under (a) of this section is entitled to relief from the forfeiture in the nature of remission of the forfeiture if, in an action under (d) of this section, the person shows that the person

(1) was not a party to the violation subjecting the property to forfeiture;

(2) did not have actual knowledge or reasonable cause to believe that the property was used or was to be used in violation of the law; and

(3) did not have actual knowledge or reasonable cause to believe that the person committing the violation had, within the last 10 years,

(A) a criminal record for violating this chapter; or

(B) committed other violations of this chapter.

(h) It is not a defense in an in rem forfeiture proceeding brought under (d)(2) of this section that a criminal proceeding is pending or has resulted in conviction or acquittal of a person charged with violating AS 43.50.640.

(i) Property forfeited under this section shall be placed in the custody of the commissioner of public safety for disposition according to an order entered by the court. The court shall order destroyed any property forfeited under this section that is harmful to the public and may order any property forfeited under this section that was seized in a municipality to be transferred to the municipality in which the property was seized or to another municipality affected by the crime for which the property was forfeited. The state shall notify all municipalities affected by the crime of the forfeiture

proceeding. Other property shall be ordered sold and the proceeds used for payment of expenses of the proceedings for forfeiture and sale, including expenses of seizure, custody, and court costs. The remainder of the proceeds shall be deposited in the general fund.

(j) The title to a vehicle or vessel forfeited to the state under this section may be transferred by the state to a municipality or the local governing body of a village for official use by the municipality or village, on condition that the vehicle or vessel not be available for use by the defendant.

* **Sec. 22.** AS 43.50.640(a) is amended to read:

(a) A person commits the crime of misconduct involving unstamped cigarettes or stamps in the first degree if the person

(1) with reckless disregard that the cigarettes are unstamped

(A) sells or distributes 5,000 [1,000] or more unstamped cigarettes in a single transaction;

(B) owns or possesses 5,000 [1,000] or more unstamped cigarettes with the intent to sell; or

(C) acquires, holds, transports, imports, or possesses 10,000 or more unstamped cigarettes; or

(2) with reckless disregard that the stamp was previously affixed to another cigarette package[;]

(A) affixes a previously used stamp to a cigarette package; or

(B) possesses, sells, or distributes a previously used stamp.

* **Sec. 23.** AS 43.50.650(a) is amended to read:

(a) A person commits the crime of misconduct involving unstamped cigarettes or stamps in the second degree if the person

(1) with reckless disregard that the cigarettes are unstamped

(A) sells or distributes at least one but fewer than 5,000 [1,000] unstamped cigarettes in a single transaction;

(B) owns or possesses at least one but fewer than **5,000** [1,000] unstamped cigarettes, with intent to sell; or

(C) acquires, holds, transports, imports, or possesses at least one but fewer than 10,000 unstamped cigarettes; or

(2) is not licensed under this chapter or otherwise authorized by the department to possess stamps and possesses a stamp that is not affixed to a cigarette package.

* **Sec. 24.** AS 43.50.710 is amended by adding a new subsection to read:

(e) Nothing in this section prohibits a manufacturer from offering promotions to a wholesaler or a retailer provided the wholesale promotion is the same for all participating wholesalers and the retail promotion is the same for all participating retailers.

* **Sec. 25.** AS 43.50.720 is amended to read:

Sec. 43.50.720. Sale at less than cost; with gift or concession. In all advertisements, offers for sale, or sales involving two or more items when at least one of the items is cigarettes at a combined price, and in all advertisements, offers for sale, or sales involving the giving of any gift, concession, or coupon of any kind in conjunction with the sale of cigarettes, the wholesaler's or retailer's combined selling price may not be below the actual cost to the wholesaler or the actual cost to the retailer, respectively, of the total of all articles, products, commodities, gifts, and concessions included in the transactions, except that, if any articles, products, commodities, gifts, or concessions are not cigarettes, the **actual** [BASIC] cost shall be determined as provided under AS 43.50.800.

* **Sec. 26.** AS 43.50.760(b) is amended to read:

(b) The presumptive **actual** [WHOLESALE AND PRESUMPTIVE RETAIL] cost of cigarettes as determined by the department **under AS 43.50.800** [FROM THE MANUFACTURER'S PRICE LIST] is considered competent evidence in a court action or proceeding as tending to prove actual cost to the wholesaler or retailer complained against. A party against whom the presumptive **actual** [WHOLESALE OR PRESUMPTIVE RETAIL] cost as determined by the

department is introduced in evidence has the right to offer evidence tending to prove any inaccuracy of the presumptive **actual** [WHOLESALE OR PRESUMPTIVE RETAIL] cost or any statement of facts that would impair its probative value.

* **Sec. 27.** AS 43.50.770 is amended to read:

Sec. 43.50.770. Determination of cost of cigarettes purchased outside of ordinary channels of trade. In establishing the **actual** [BASIC] cost of cigarettes to a wholesaler or retailer, the invoice cost [OR THE ACTUAL COST] of cigarettes purchased at a forced, bankrupt, or closeout sale, or other sale outside the ordinary channels of trade may not be used.

* **Sec. 28.** AS 43.50.790(a) is amended to read:

- (a) The department
- (1) shall administer AS 43.50.710 - 43.50.849;
 - (2) may adopt regulations relating to the administration and enforcement of AS 43.50.710 - 43.50.849;
 - (3) may determine the **actual** [BASIC] cost of cigarettes to a wholesaler or retailer **as provided in AS 43.50.800** [FROM INFORMATION OBTAINED FROM A MANUFACTURER];
 - (4) may, after reasonable notice and hearing, revoke or suspend a license issued under AS 43.50.010 or 43.50.035 to a person who refuses or neglects to comply with a provision of AS 43.50.710 - 43.50.849.

* **Sec. 29.** AS 43.50.800 is repealed and reenacted to read:

Sec. 43.50.800. Presumptions applicable to determination of cost. (a) The presumptive actual cost of cigarettes to a wholesaler is, for purposes of AS 43.50.710 - 43.50.849, the presumptive wholesale cost as calculated by the department plus an amount equal to four and one-half percent of the presumptive wholesale cost to account for business costs. For purposes of this section, the presumptive wholesale cost is the manufacturer's list price, less trade discounts, plus the full face value of all cigarette taxes.

(b) The presumptive actual cost of cigarettes to a retailer is, for purposes of AS 43.50.710 - 43.50.849, the presumptive actual cost of cigarettes to the wholesaler as

calculated by the department under (a) of this section, plus an amount equal to six percent of the presumptive actual cost of cigarettes to the wholesaler to account for business costs.

(c) A wholesaler or retailer that wishes to advertise, offer to sell, or sell cigarettes at less than the presumptive actual cost to the wholesaler or retailer as calculated under (a) or (b) of this section must first obtain approval from the department. The department may grant approval only if the wholesaler or retailer provides proof satisfactory to the department that the wholesaler or retailer's actual cost is lower than presumed. Approval for cigarette sales at less than the presumptive actual cost as determined under (a) or (b) of this section may not be granted for a period longer than one year. In reviewing proof of actual wholesale or retail cost, the department may consider the costs reflected on the actual invoice, but may not consider cash discounts. In reviewing proof of actual costs, the department may consider the standards and methods of accounting regularly employed, and must include labor costs, rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance, advertising, preopening expenses, provision for impaired assets and closing costs, interest expenses, and provision for merger and restructuring expenses. The department shall adopt regulations under which the wholesaler's and retailer's actual costs are determined for purposes of AS 43.50.710 - 43.50.849."

ReNUMBER the following bill sections accordingly.

Page 3, following line 22:

Insert new bill sections to read:

"* **Sec. 33.** The uncodified law of the State of Alaska enacted in sec. 4, ch. 48, SLA 1997, is repealed and reenacted to read:

Sec. 4. AS 43.50.190(a) is repealed and reenacted to read:

(a) There is levied an excise tax of 97.5 mills on each cigarette imported or acquired in this state.

* **Sec. 34.** AS 43.50.740(b), 43.50.849(1), 43.50.849(6), and 43.50.849(7) are repealed."

Renumber the following bill sections accordingly.

Page 3, line 25:

Delete "Section 2"
Insert "Section 31"

Page 3, line 26:

Delete "sec. 1"
Insert "sec. 30"

Page 3, line 28:

Delete "Section 3"
Insert "Section 32"
Delete "sec. 1"
Insert "sec. 30"

Page 3, line 29:

Delete "sec. 2"
Insert "sec. 31"

Page 3, line 30:

Delete all material.

Insert a new bill section to read:

"* **Sec. 36.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: FLOOR STOCK TAX FOR CERTAIN CIGARETTES IN THE STATE ON THE EFFECTIVE DATE OF THIS SECTION. (a) Notwithstanding any other provision to the contrary, a floor stock tax is imposed at 12:01 a.m. on the effective date of this section upon every person in control or possession of cigarettes for sale or distribution in the state that were taxed at the rate in effect before the effective date of this section. The floor stock tax is the difference between the tax computed on each cigarette as provided in AS 43.50.190, as amended by sec. 8 of this Act, on the effective date of this section and the tax actually paid on each cigarette as required by AS 43.50.190 as it read on the day before the effective date of this section. The person subject to the floor stock tax under this section must provide proof that the tax required by AS 43.50.190, as it read on the day before the effective date of this section, on each cigarette was previously paid or the tax actually paid on each cigarette

is considered to be zero.

(b) A person subject to the floor stock tax under this section shall file a report on a form prescribed by the Department of Revenue and pay the tax to the Department of Revenue in six sequential monthly installments. The first installment shall be paid not later than the last day of the month in which this section takes effect. The penalty, interest, and taxpayer remedy provisions of AS 43.05 apply to the floor stock tax under this section."

Renumber the following bill sections accordingly.

Page 3, line 31:

Delete "sec. 2"
Insert "sec. 31"
Delete "sec. 4(a)"
Insert "sec. 35(a)"

Page 4, line 2:

Delete "sec. 1"
Insert "sec. 30"

Page 4, line 3:

Delete "sec. 3"
Insert "sec. 32"
Delete "sec. 4(b)"
Insert "sec. 35(b)"

Page 4, line 5:

Delete "sec. 2"
Insert "sec. 31"

Page 4, following line 5:

Insert a new bill section to read:
"* **Sec. 39.** Except as provided in secs. 37 and 38
of this Act, this Act takes effect July 1, 2004. "

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

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

HB 503
Second Reading
Amendment No. 1

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

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

Nays: Green, Hoffman, Ogan, Therriault, Wagoner

and so, Amendment No. 1 was adopted.

HOUSE BILL NO. 503 am S (Title change authorized by SCR 32) was automatically in third reading.

The question being: "Shall HOUSE BILL NO. 503 am S "An Act relating to taxes on cigarettes and tobacco products, to tax stamps on cigarettes, to forfeiture of cigarettes and of property used in the manufacture, transportation, facilitation of transportation, possession, offering for sale, or sale of unstamped cigarettes, to unfair cigarette sales, and to licenses and licensees under the Cigarette Tax Act; the tobacco product Master Settlement Agreement; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 503 am S
Third Reading - Final Passage
Effective Dates

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

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

Nays: Green, Hoffman, Ogan, Therriault, Wagoner

and so, HOUSE BILL NO. 503 am S passed the Senate.

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

Engrossment was waived under Uniform Rule 43(b) and the bill was signed by the President and Secretary and returned to the House for consideration.

HB 549

SENATE CS FOR CS FOR HOUSE BILL NO. 549(JUD) "An Act relating to unsolicited communications following an aircraft accident" was read the third time.

Senator French 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 French offered Amendment No. 1:

Page 2, lines 8 - 12:

Delete all material and insert:

"(d) The attorney general or an aggrieved person may institute a civil action against a person who violates this section. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$10,000 may be imposed for each violation."

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

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

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

SCS CSHB 549(JUD)
Second Reading
Amendment No. 1

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

Yeas: Cowdery, Davis, Dyson, Ellis, Elton, French, Guess, Hoffman, Lincoln, Ogan, Olson, Wagoner

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

and so, Amendment No. 1 was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 549(JUD) am S was automatically in third reading.

Senator Olson declared a conflict of interest.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 549(JUD) am S "An Act relating to unsolicited communications following an aircraft accident" pass the Senate?" The roll was taken with the following result:

SCS CSHB 549(JUD) am S
Third Reading - Final Passage

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

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

Nays: Davis, Ellis, Elton, Green, Guess

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 549(JUD) am S passed the Senate.

Engrossment was waived under Uniform Rule 43(b) and the bill was signed by the President and Secretary and returned to the House for consideration.

Second Reading of Senate Resolutions**SCR 32**

Senator Ben Stevens moved and asked unanimous consent that SENATE CONCURRENT RESOLUTION NO. 32 BY THE SENATE FINANCE COMMITTEE be taken up at this time. Without objection, it was so ordered.

SENATE CONCURRENT RESOLUTION NO. 32 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 32 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 503, relating to the tobacco product Master Settlement Agreement, pass the Senate?" The roll was taken with the following result:

SCR 32

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 CONCURRENT RESOLUTION NO. 32 passed the Senate and was referred to the Secretary for engrossment.

Third Reading of House Bills (continued)**HB 563**

CS FOR HOUSE BILL NO. 563(JUD) am(efd add) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 563(JUD) am(efd add) "An Act relating to legislative branch ethics, to open meetings guidelines applicable to legislators, to the confidentiality of complaints and proceedings involving alleged violations of AS 24.60, and to hearings on formal charges by the Select Committee on Legislative Ethics or its subcommittees; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 563(JUD) am(efd add)
Third Reading - Final Passage

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

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

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

and so, CS FOR HOUSE BILL NO. 563(JUD) am(efd add) 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:

CSHB 563(JUD) am(efd add)
Effective Date Clause

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

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

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

and so, the effective date clause was adopted and the bill was signed by the President and Secretary and returned to the House.

Second Reading of Senate Resolutions

SCR 26

SENATE CONCURRENT RESOLUTION NO. 26 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 26 Urging the Department of Health and Social Services to immediately adopt regulations to aggressively contain the costs of personal care services in the medical assistance program, pass the Senate?" The roll was taken with the following result:

SCR 26

Second 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

and so, SENATE CONCURRENT RESOLUTION NO. 26 passed the Senate and was referred to the Secretary for engrossment.

Second Reading of House Resolutions**HJR 35**

CS FOR HOUSE JOINT RESOLUTION NO. 35(L&C) Relating to bovine spongiform encephalopathy, commonly known as mad cow disease, and country-of-origin labeling for meat products, 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. Without objection, it was so ordered.

CS FOR HOUSE JOINT RESOLUTION NO. 35(L&C) was read the third time.

The question being: "Shall CS FOR HOUSE JOINT RESOLUTION NO. 35(L&C) Relating to bovine spongiform encephalopathy, commonly known as mad cow disease, and country-of-origin labeling for meat products, pass the Senate?" The roll was taken with the following result:

CSHJR 35(L&C)

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 JOINT RESOLUTION NO. 35(L&C) passed the Senate, was signed by the President and Secretary and returned to the House.

HJR 41

CS FOR HOUSE JOINT RESOLUTION NO. 41(RES) Relating to support for the Federal Land Recreational Visitor Protection Act, 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. Without objection, it was so ordered.

CS FOR HOUSE JOINT RESOLUTION NO. 41(RES) was read the third time.

The question being: "Shall CS FOR HOUSE JOINT RESOLUTION NO. 41(RES) Relating to support for the Federal Land Recreational Visitor Protection Act, pass the Senate?" The roll was taken with the following result:

CSHJR 41(RES)

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 JOINT RESOLUTION NO. 41(RES) passed the Senate, was signed by the President and Secretary and returned to the House.

HCR 32

CS FOR HOUSE CONCURRENT RESOLUTION NO. 32(EDT) am Relating to information infrastructure and establishing the Alaska Information Infrastructure Policy Task Force, was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 3513. Without objection, SENATE CS FOR CS FOR HOUSE CONCURRENT RESOLUTION NO. 32(FIN) was adopted.

The question being: "Shall SENATE CS FOR CS FOR HOUSE CONCURRENT RESOLUTION NO. 32(FIN) Relating to information infrastructure and establishing the Alaska Information Infrastructure Policy Task Force, pass the Senate?" The roll was taken with the following result:

SCS CSHCR 32(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, SENATE CS FOR CS FOR HOUSE CONCURRENT RESOLUTION NO. 32(FIN) passed the Senate and was referred to the Secretary for engrossment.

HCR 39

CS FOR HOUSE CONCURRENT RESOLUTION NO. 39(RLS) am Establishing the Alaska Royalty and Revenue Committee, was read the second time.

Senator Ogan, Chair, moved and asked unanimous consent for the adoption of the Resources Senate Committee Substitute offered on page 3598. Without objection, SENATE CS FOR CS FOR HOUSE CONCURRENT RESOLUTION NO. 39(RES) Requesting a study and report on the competitiveness of the state's oil and gas tax and royalty structure, was adopted, read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CS FOR CS FOR HOUSE CONCURRENT RESOLUTION NO. 39(RES) Requesting a study and report on the competitiveness of the state's oil and gas tax and royalty structure, pass the Senate?" The roll was taken with the following result:

SCS CSHCR 39(RES)

Second Reading - Final Passage

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

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

Nays: French, Guess, Seekins, Wagoner

and so, SENATE CS FOR CS FOR HOUSE CONCURRENT RESOLUTION NO. 39(RES) passed the Senate and was referred to the Secretary for engrossment.

Third Reading of House Resolutions

HJR 36

SENATE CS FOR HOUSE JOINT RESOLUTION NO. 36(RES) was read the third time.

The question being: "Shall SENATE CS FOR HOUSE JOINT RESOLUTION NO. 36(RES) Requesting the National Park Service to mitigate the adverse economic effects of commercial fishing closures and restrictions in Glacier Bay National Park and Preserve, pass the Senate?" The roll was taken with the following result:

SCS HJR 36(RES)

Third Reading - Final Passage

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

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

Nays: Stevens B

and so, SENATE CS FOR HOUSE JOINT RESOLUTION NO. 36(RES) passed the Senate and was referred to the Secretary for engrossment.

Citations

Honoring – Wilhelmenia and Reverend William Greene

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

Honoring – James N. Wanamaker

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

Honoring – Soldotna Chamber of Commerce 2003 Community Awards

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

Honoring – Melody Douglas

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

Honoring – Mayor John J. Williams, City of Kenai

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

Honoring – Fred Miller, Nikiski Chamber of Commerce 2004 Community Service Award

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 – Donald and Christina Gregory

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

Representative(s) Weyhrauch, Kerttula

Commemorating – National Correctional Officers’ Week, May 2-8, 2004

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

Honoring – Mountain View School

Representative(s) Gruenberg

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

Honoring – Don Skewis

Representative(s) Anderson, McGuire, Rokeberg

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

Honoring – The House Records Staff

Representative(s) Rokeberg, Kott, Coghill

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

Honoring – The Legislative Affairs Agency Staff

Representative(s) Rokeberg, Kott, Coghill

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

Honoring – The House Floor Staff, 2004 Legislative Staff

Representative(s) Rokeberg, Kott, Coghill

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

Honoring – The House Chief Clerk and Staff

Representative(s) Rokeberg, Kott, Coghill

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

In Memoriam – James C. Parson

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

In Memoriam – Marjorie (Anstey) Hughes

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

In Memoriam – Patricia N. Stevens

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

Representative(s) Weyhrauch, Kerttula

In Memoriam – Michael Joseph Fenster

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

Representative(s) Weyhrauch, Kerttula

In Memoriam – Alpine Nichols Kameroff

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

In Memoriam – Robert E. (Bob) Keys

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 – Ronald Earl Cunningham

Representative(s) Meyer

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

In Memoriam – Eleanor Rose Lochner
Representative(s) Stoltze, Ogg
Senator(s) Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green,
Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben Stevens,
Gary Stevens, Wagoner, Wilken

In Memoriam – Richard Dean Allen
Representative(s) Rokeberg
Senator(s) Ben Stevens, Therriault, Bunde, Cowdery, Davis, Dyson,
Elton, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman,
Gary Stevens, Wagoner, Wilken

In Memoriam – Carl Rentschler
Representative(s) Rokeberg
Senator(s) Ben Stevens, Therriault, Bunde, Cowdery, Davis, Dyson,
Elton, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman,
Gary 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.

House Bills in Second Reading

HB 353

Senator Green removed her objection to the motion to advance CS FOR HOUSE BILL NO. 353(JUD) "An Act exempting certain teachers at certain schools from jury service during school terms; and amending Rule 15(k), Alaska Rules of Administration" from second to third reading in the same day.

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.

CS FOR HOUSE BILL NO. 353(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 353(JUD) "An Act exempting certain teachers at certain schools from jury service during school terms; and amending Rule 15(k), Alaska Rules of Administration" pass the Senate?" The roll was taken with the following result:

CSHB 353(JUD)

Third Reading - Final Passage

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

Yeas: Davis, Ellis, Elton, French, Guess, Hoffman, Lincoln, Olson, Stevens G, Therriault, Wagoner

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

and so, CS FOR HOUSE BILL NO. 353(JUD) passed the Senate.

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

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

CSHB 353(JUD)

Adopt Court Rule change?

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

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

Nays: Bunde, Cowdery, Ogan

and so, the Court Rule change was adopted and the bill was signed by the President and Secretary and returned to the House.

HB 405

Senator Ellis removed his objection to the motion to advance SENATE CS FOR CS FOR HOUSE BILL NO. 405(HES) "An Act relating to reports on school and school district performance; relating to accountability of public schools and school districts; and providing for an effective date" from second to third reading in the same day.

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. 405(HES) "An Act relating to reports on school and school district performance; relating to accountability of public schools and school districts; and providing for an effective date" was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 405(HES) "An Act relating to reports on school and school district performance; relating to accountability of public schools and school districts; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 405(HES)
Third Reading - Final Passage
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, SENATE CS FOR CS FOR HOUSE BILL NO. 405(HES) passed the Senate.

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

Citations

Senator Ben Stevens moved and asked unanimous consent that the First and Second Special Order of Business Citation Calendars be taken up at this time. Without objection, it was so ordered.

First Special Order of Business Citation Calendar

Honoring – Kenai Chamber of Commerce
Senator(s) Wagoner, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben Stevens, Gary Stevens, Wilken

Honoring – Vonda K. Brown

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

Honoring – UAF Men's Basketball Team

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

Honoring – Sigrid Aas

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

Honoring – John R. Kito, William Tyson Elementary School Principal

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

Representative(s) Gruenberg

Honoring – Centennial of Hope School

Representative(s) Hawker

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

Honoring – Kim Rampmeyer, Darrell Vincek, Bowman Elementary School

Representative(s) Lynn

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

Honoring – Delta/Greely School District

Representative(s) Harris

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

Honoring – Valdez City School District

Representative(s) Harris

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

Honoring – Greg Pease

Representative(s) Kerttula, Weyhrauch

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

Honoring – Max C. Brewer

Representative(s) Joule

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

Honoring – Rosemary Karish

Representative(s) Berkowitz

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

Honoring – Rear Admiral James Underwood

Representative(s) Weyhrauch, Kerttula

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

Honoring – KTOO-FM's 30th and KTOO-TV's 25th Anniversary of Broadcasting

Representative(s) Weyhrauch, Kerttula

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

Honoring – SAIL, Southeast Alaska Independent Living

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 – Big Brothers and Big Sisters of Southeast Alaska
Representative(s) Weyhrauch, Kerttula
Senator(s) Elton, Therriault, Bunde, Cowdery, Davis, Dyson, French,
Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben
Stevens, Gary Stevens, Wagoner, Wilken

Honoring – Kevin Ferry
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 – George V. Larson, II
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 – Dana Phillips
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 – Betty & Abner Nelson
Representative(s) Ogg
Senator(s) Gary Stevens, Therriault, Bunde, Cowdery, Davis, Dyson,
Elton, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben
Stevens, Wagoner, Wilken

Honoring – Sgt. Alvin Cates
Representative(s) Stepovich
Senator(s) Wilken, Therriault, Bunde, Cowdery, Davis, Dyson, Elton,
Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben
Stevens, Gary Stevens, Wagoner

Honoring – SPC Phillip Pitts
Representative(s) Stepovich
Senator(s) Wilken, Therriault, Bunde, Cowdery, Davis, Dyson, Elton,
Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben
Stevens, Gary Stevens, Wagoner

In Memoriam – Ralph Sorensen

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

In Memoriam – John “Datu” Samuelson

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

In Memoriam – Margaret “Maggie” Wigen

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

In Memoriam – Alpine Nichols Kameroff

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

In Memoriam – Veronica Stromile

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

In Memoriam – Bethany Rose Correia

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

In Memoriam – James Magoffin, Sr.

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

In Memoriam – Dottie Magoffin

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

In Memoriam – Joshua Alexander Boycott

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

In Memoriam – Leo A. Grasso, Sr.

Representative(s) Chenault

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

In Memoriam – Randy Dean Esquiro

Representative(s) Chenault

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

In Memoriam – Lois A. Calvin

Representative(s) Chenault

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

In Memoriam – Francis Frazier

Representative(s) Chenault

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

In Memoriam – Jack Austin III

Representative(s) Chenault

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

In Memoriam – Lisa Danette Bird

Representative(s) Chenault

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

In Memoriam – William Kozlowski
Representative(s) Kerttula, Weyhrauch
Senator(s) Elton, Therriault, Bunde, Cowdery, Davis, Dyson, Green,
Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben Stevens,
Gary Stevens, Wagoner, Wilken

In Memoriam – Matilda S. Dzinich
Representative(s) Kerttula, Weyhrauch
Senator(s) Elton, Therriault, Bunde, Cowdery, Davis, Dyson, Green,
Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben Stevens,
Gary Stevens, Wagoner, Wilken

In Memoriam – Phil Anderson
Representative(s) Ogg
Senator(s) Gary Stevens, Therriault, Bunde, Cowdery, Davis, Dyson,
Elton, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben
Stevens, Wagoner, Wilken

In Memoriam – Jack L. Rhines
Representative(s) Ogg
Senator(s) Gary Stevens, Therriault, Bunde, Cowdery, Davis, Dyson,
Elton, Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben
Stevens, Wagoner, Wilken

In Memoriam – Joseph Graham
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 – The Filipino Heritage in Juneau and Alaska
Representative(s) Weyhrauch, Kerttula
Senator(s) Elton, Therriault, Bunde, Cowdery, Davis, Dyson, Ellis,
Green, Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben
Stevens, Gary Stevens, Wagoner, Wilken

Second Special Order of Business Citation Calendar

Honoring - Representative Hugh 'Bud' Fate
Representative(s) Heinze
Senator(s) Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green,
Guess, Hoffman, Lincoln, Olson, Seekins, Stedman, Ben Stevens,
Gary Stevens, Wagoner, Wilken

Honoring - *AARP ALASKA* Annual Day of Service

Representative(s) Masek

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

Honoring - Mae M. Tischer

Representative(s) Masek

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

Honoring - Dollars For Dogs, INC

Representative(s) Mike Hawker

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

Honoring - Academy Charter School

Representative(s) Gatto

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

Honoring – Charles R. Brenton

Representative(s) Berkowitz

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

Honoring – Cindy Aillaud *DisneyHand Teacher Award*

Representative(s) Harris

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

Honoring – Clara “Billie” Lewis

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

In Memoriam-Keli Ann Mahoney

Representative(s) Masek

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

In Memoriam - Katie Ann Gilila Rael * Taassi *

Representative(s) Kapsner

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

In Memoriam - Kenneth Huizenga

Representative(s) McGuire

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

In Memoriam - Bernard "Bernie" White

Representative(s) Chenault

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

SB 283

Senator Ben Stevens moved and asked unanimous consent that the Conference Committee Report on FREE CONFERENCE CS FOR SENATE BILL NO. 283 "An Act making, amending, and repealing appropriations, including capital appropriations, supplemental appropriations, reappropriations, and appropriations to capitalize funds; 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" (Uniform Rules Suspended by SCR 30) be taken up at this time. Without objection, it was so ordered.

Memo dated May 11 from the Division of Legal Services was received, stating:

Under Uniform Rule 42 (a) a conference committee must submit an identical conference committee report to each of the houses. Each house may accept or reject the report, but cannot amend it. The report that has been delivered previously, FCCS SB 283, contains errors and a corrected version of FCCS SB 283 is currently being prepared.

If the Senate, in its course of business, takes up the conference committee report, FCCS SB 283 before the corrected version has been delivered, members must be advised that they will be voting on the report in front of them plus the corrections itemized in the memorandum to you from Kathryn Kurtz, Legislative Counsel.

Memo dated May 11 from the Division of Legal Services was received, stating:

There are two errors in FCCS SB283 (Work Order No. 23-LS1553\W).

First, section 33 had two effective dates--May 11 and July 1, 2004. In reviewing our backup material for the bill, the effective date was clearly supposed to be July 1, 2004.

Second, amendment 1(g) to 23-LS8008, am. 102 was omitted from the bill, although the committee voted on and approved the amendment.

We are preparing a new final FCCS SB283 which we have produced for you in order to correct these two errors in the "W" version. The effective date of section 33 will be July 1, 2004. Amendment 1(g) will appear in sec. 47(e), with a May 11 effective date and a capital lapse.

I apologize for the inconvenience and delay these errors have caused.

Senator Ben Stevens moved that the Senate adopt the Conference Committee Report on FREE CONFERENCE CS FOR SENATE BILL NO. 283(Corrected).

The question being: "Shall the Senate adopt the Conference Committee Report on FREE CONFERENCE CS FOR SENATE BILL NO. 283(Corrected) "An Act making, amending, and repealing appropriations, including capital appropriations, supplemental appropriations, reappropriations, and appropriations to capitalize funds; 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"?" The roll was taken with the following result:

FCCS SB 283 (Corrected)

Adopt Free Conference Committee Report?

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 report was adopted.

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

Senator Ben Stevens moved that the constitutional budget reserve fund sections be adopted.

The question being: "Shall the constitutional budget reserve fund sections (Article IX, Section 17(c) Constitution of the State of Alaska) be adopted?" The roll was taken with the following result:

FCCS SB 283 (Corrected)

Adopt Constitutional Budget Reserve

Fund Section(s)?

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 constitutional budget reserve fund sections were adopted.

The Secretary was requested to notify the House.

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

HB 423

CS FOR HOUSE BILL NO. 423(JUD) am "An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage" which passed the Senate May 10 (page 3615) was signed by the President and Secretary and returned to the House.

HB 427

The reconsideration 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" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

HB 490

The reconsideration on CS FOR HOUSE BILL NO. 490(JUD) am "An Act relating to the release of employment security records, to the binding effect of determinations and decisions regarding unemployment compensation benefits, and to contributions, interest, penalties, and payments under the Alaska Employment Security Act; providing that property under the Alaska Employment Security Act is not subject to the Uniform Unclaimed Property Act; and providing for an effective date" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

HB 517

The reconsideration on HOUSE BILL NO. 517(title am) "An Act relating to the definition of certain security accounts, including certain reinvestment, investment management, and custody accounts" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

HB 542

The reconsideration on CS FOR HOUSE BILL NO. 542(RLS) "An Act reducing to \$5,000 the ceiling for a contract price allowed under one construction contractor exemption and expanding the work that a specialty contractor may perform to include, in addition to work requiring not more than three trades, work under that construction contractor exemption; and changing the definition of specialty contractor to refer to the work that a specialty contractor may perform" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

HB 545

The reconsideration on CS FOR HOUSE BILL NO. 545(L&C) "An Act relating to time extensions under the State Procurement Code for real property leases; 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.

HJR 26

The reconsideration on CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN) am S(fld S) Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund, establishing the earnings account, and permitting deposits to the principal of the permanent fund; and providing for an effective date for the amendments, was not taken up this legislative day and the resolution was returned to the House for permanent filing.

HCR 16

The reconsideration on CS FOR HOUSE CONCURRENT RESOLUTION NO. 16(RLS) Proposing amendments to the Uniform Rules of the Alaska State Legislature providing that the 2000 edition of "Mason's Manual of Legislative Procedure" shall implement the rules; relating to meetings of subcommittees and conference committees; and providing for an effective date for the amendments, was not taken up this legislative day and the resolution was signed by the President and Secretary and returned to the House.

Announcements

Announcements are at the end of the journal.

Engrossment**HB 29**

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 29(JUD) An Act relating to real estate licensees and real estate transactions; and providing for an effective date" which passed the Senate May 10 (page 3614) was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 233

SENATE CS FOR CS FOR HOUSE BILL NO. 233(FIN) "An Act increasing the base student allocation used in the formula for state funding of public education; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 275

SENATE CS FOR CS FOR HOUSE BILL NO. 275(JUD) "An Act relating to animals, and to the care of and to cruelty to animals" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 405

SENATE CS FOR CS FOR HOUSE BILL NO. 405(HES) "An Act relating to reports on school and school district performance; relating to accountability of public schools and school districts; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 452

SENATE CS FOR CS FOR HOUSE BILL NO. 452(RES) An Act relating to licensing and regulation of sport fishing operators and sport fishing guides; relating to licensing and registration of sport fishing vessels; authorizing the Department of Fish and Game and the Alaska Commercial Fisheries Entry Commission to release records and reports to the Department of Natural Resources and the Department of Public Safety; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 495

SENATE CS FOR CS FOR HOUSE BILL NO. 495(FIN) "An Act allowing a joint action agency to encumber property interests for security purposes; declaring certain joint action agencies to be political subdivisions for certain purposes; restricting the sale of property of the joint action agency; allowing the joint action agency to transfer property to security interest holders under a security interest or to other parties without legislative approval; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 511

SENATE CS FOR CS FOR HOUSE BILL NO. 511(FIN) An Act relating to the certificate of need program for health care facilities; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration with a Senate Letter of Intent.

HB 513

SENATE CS FOR HOUSE BILL NO. 513(JUD) 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" as engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 514

SENATE CS FOR CS FOR HOUSE BILL NO. 514(FIN) An Act relating to child support modification and enforcement, to the establishment of paternity by the child support enforcement agency, and to the crimes of criminal nonsupport and aiding the nonpayment of child support; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

SCR 30

SENATE CONCURRENT RESOLUTION NO. 30 Suspending Rules 24(c), 35, 41(b), 42(c) and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 283, relating to appropriations from the constitutional budget reserve fund, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SCR 31

SENATE CONCURRENT RESOLUTION NO. 31 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 464, relating to the termination date of the Board of Certified Real Estate Appraisers, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SCR 32

SENATE CONCURRENT RESOLUTION NO. 32 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 503, relating to the tobacco product Master Settlement Agreement, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SCR 33

SENATE CONCURRENT RESOLUTION NO. 33 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 309, relating to nonindigenous fish, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HJR 36

SENATE CS FOR HOUSE JOINT RESOLUTION NO. 36(RES) 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 engrossed, signed by the President and Secretary and returned to the House for consideration.

HCR 32

SENATE CS FOR CS FOR HOUSE CONCURRENT RESOLUTION NO. 32(FIN) Relating to information infrastructure and establishing the Alaska Information Infrastructure Policy Task Force, was engrossed, signed by the President and Secretary and returned to the House for consideration.

HCR 39

SENATE CS FOR CS FOR HOUSE CONCURRENT RESOLUTION NO. 39(RES) Requesting a study and report on the competitiveness of the state's oil and gas tax and royalty structure, was engrossed, signed by the President and Secretary and returned to the House for consideration.

Adjournment

Senator Guess moved and asked unanimous consent that the Twenty-third Alaska Senate adjourn sine die. Without objection, the Senate adjourned at 11:44 p.m.

Kirsten Waid
Secretary of the Senate

June 2017

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

+ indicacae teleconference

= indicates bill previously heard/scheduled

FINANCE

May 11 Tuesday Senate Finance 532 11:00 AM
 -- Time Change --
 + Bills Previously Heard/Scheduled
 += HB 461 EMERGENCY SERVICES DISPATCH/911 SURCHARGE

HEALTH, EDUCATION & SOCIAL SERVICES

May 12 Wednesday Butrovich 205 1:30 PM
 -- Meeting Canceled --
 + Bills Previously Heard/Scheduled

May 14 Friday Butrovich 205 1:30 PM
 -- Meeting Canceled --
 + Bills Previously Heard/Scheduled

JOINT COMMITTEES**CONFERENCE COMMITTEE FOR SENATE BILL 30**

May 11 Tuesday Fahrenkamp 203 10:30 AM
 -- Time Change --
 SB 30 ABORTION: INFORMED CONSENT; INFORMATION
 Moved CCS SB 30 Out of Committee

JOINT COMMITTEES (continued)**LEGISLATIVE BUDGET & AUDIT**

May 18 Tuesday Anch Lio Conf Rm 12:00 PM
Discussion re: Authorizing the purchase
of a multi client study of the relative
competitiveness of more than 60 oil and
gas producing regions including Alaska

SELECT COMMITTEE ON LEGISLATIVE ETHICS

May 24 Monday Anch Lio Conf Rm 10:00 AM
FULL COMMITTEE: Open Session
Public Comment
Advisory Opinion 04-03
Immediately Following Full Committee:
<Teleconference on above Meeting Only>
SENATE SUBCOMMITTEE: Executive Session
Public Comment
Executive Session
Public Session