

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-THIRD LEGISLATURE
FIRST SPECIAL SESSION

Juneau, Alaska

Thursday

June 24, 2004

Third Day

Pursuant to adjournment the Senate was called to order by President Therriault at 5:07 p.m.

The roll showed eighteen members present. Senators Cowdery, Ogan were excused from a call of the Senate.

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

Let us pray.

Lord, as we approach these last few minutes of the session, could we cautiously ask for a little bit of Your infinite patience, and a small portion of Your infinite wisdom. As we go through this process with often many personal goals and issues in mind, could we be reminded, also, of Your ultimate sacrifice.

Lord, in Your mercy hear our prayer. Amen.

Senator Dyson led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor**Executive Proclamation**

Under the authority of art. II, sec. 9, and art. III, sec. 17, of the Alaska Constitution, and in the public interest, I am supplementing my proclamation of June 4, 2004, calling the Twenty-Third Legislature of the State of Alaska into its first special session at Juneau, Alaska, on June 22, 2004, with the addition of the following subjects:

1. Appropriations to implement the subjects set out in my proclamation dated June 4, 2004; and
2. An appropriation to the Department of Commerce, Community and Economic Development to purchase fuel for rural communities for the fiscal year ending June 30, 2005.

This proclamation supplements my proclamation of June 4, 2004.

Dated at Juneau, Alaska, this 23rd day of June, 2004

/s/

Frank H. Murkowski, Governor

Governor's transmittal letter dated June 23 and received June 24:

Dear President Therriault:

The appropriation bill delivered today contains an appropriation to assist communities that the Department of Community and Economic Development determines do not have financial ability to purchase enough fuel for fiscal year 2005. The bill also includes an appropriation for the fiscal note accompanying the tobacco tax bill.

I look forward to a successful special session.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

Appropriation bill enclosed

SB 306

Message dated June 17 and received June 23, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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."

Chapter 78, SLA 2004
Effective Date: 06/18/04

SB 179

Message dated June 17 and received June 23, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CS FOR SENATE BILL NO. 179(FIN) "An Act
relating to criminal history records and background
checks; allowing persons to teach in the public
schools for up to five months without a teaching
certificate if the person has applied for a certificate
and the application has not been acted upon by the
Department of Education and Early Development due
to a delay in receiving criminal history records;
allowing teacher certification for certain persons
based on a criminal history background check
without fingerprints; and providing for an effective
date."

Chapter 79, SLA 2004
Effective Date: 06/18/04

SB 323

Message dated June 17 and received June 23, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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."

Chapter 80, SLA 2004
Effective Date: 09/15/04

SB 327

Message dated June 17 and received June 23, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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

Chapter 81, SLA 2004
Effective Date: 09/15/04

SB 344

Message dated June 17 and received June 23, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE CS FOR SENATE BILL NO. 344(JUD) am H "An Act relating to the Uniform Probate Code and trusts, including pleadings, orders, nonprobate assets, estates of decedents, minors, protected persons, incapacitated persons, guardians, conservators, trustees, foreign trusts, principal and income, and transfer restrictions; relating to corporate voting trusts; and providing for an effective date."

Chapter 82, SLA 2004
Effective Date: See Chapter

Messages from the House**Concur Messages****SB 1001**

Message dated June 24 was read, stating the House passed and returned for consideration SENATE BILL NO. 1001 "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, possession, or sale of unstamped cigarettes, to accounting for and use of part of the proceeds of the additional cigarette tax, and to licenses and licensees under the Cigarette Tax Act; relating to unfair cigarette sales; and providing for an effective date" with the following amendments:

HOUSE CS FOR SENATE BILL NO. 1001(FIN) am H
"An Act relating to restrictions on shipping or transporting cigarettes; 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 accounting for and use of part of the proceeds of the additional cigarette tax, and to licenses and licensees under the Cigarette Tax Act; relating to unfair cigarette sales; relating to supersedeas bonds in certain tobacco-related litigation; relating to the tobacco product Master Settlement Agreement; amending Rules 204 and 205, Alaska Rules of Appellate Procedure; and providing for an effective date." (Title change authorized by HCR 101)

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 SB 1001(FIN) am H

Shall the Senate Concur in the House Amendments
to SB 1001? Effective Dates

YEAS: 12 NAYS: 6 EXCUSED: 2 ABSENT: 0

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

Nays: Bunde, Green, Hoffman, Stedman, Therriault, Wagoner

Excused: Cowdery, Ogan

and so, the Senate concurred in the House amendments.

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 SB 1001(FIN) am H

Effective Date Clauses

YEAS: 17 NAYS: 1 EXCUSED: 2 ABSENT: 0

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

Nays: Bunde

Excused: Cowdery, Ogan

and so, the effective date clauses were adopted.

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

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

HCS SB 1001(FIN) am H
Adopt Court Rule changes?

YEAS: 9 NAYS: 9 EXCUSED: 2 ABSENT: 0

Yeas: Davis, French, Green, Hoffman, Lincoln, Seekins, Stevens B,
Stevens G, Therriault

Nays: Bunde, Dyson, Ellis, Elton, Guess, Olson, Stedman, Wagoner,
Wilken

Excused: Cowdery, Ogan

and so, lacking the necessary 14 votes, the Court Rule changes failed to be adopted and HOUSE CS FOR SENATE BILL NO. 1001(FIN) am H(ct rule fld) "An Act relating to restrictions on shipping or transporting cigarettes; 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 accounting for and use of part of the proceeds of the additional cigarette tax, and to licenses and licensees under the Cigarette Tax Act; relating to unfair cigarette sales; relating to supersedeas bonds in certain tobacco-related litigation; relating to the tobacco product Master Settlement Agreement; and providing for an effective date." (Title change authorized by HCR 101) was referred to the Secretary for engrossment.

The Secretary was requested to notify the House.

Special Order of Business

House Resolutions

HCR 101

Senator Ben Stevens moved and asked unanimous consent that HOUSE CONCURRENT RESOLUTION NO. 101 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 1001, relating to taxes on cigarettes and tobacco products, be brought up as a special order of business at this time. Without objection, it was so ordered.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 101 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 1001, relating to taxes on cigarettes and tobacco products, pass the Senate?" The roll was taken with the following result:

HCR 101

Final Passage

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

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

Excused: Cowdery, Ogan

and so, HOUSE CONCURRENT RESOLUTION NO. 101 passed the Senate and was signed by the President and Secretary and returned to the House.

Standing Committee Reports

SJR 103

Forthcoming Finance Committee Substitute (page 3859) for SENATE JOINT RESOLUTION NO. 103 Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit, was received June 23.

Unfinished Business

SJR 103

SENATE JOINT RESOLUTION NO. 103 Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit, which was on the June 24 calendar, was not taken up.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 1001**

HOUSE CS FOR SENATE BILL NO. 1001(FIN) am H(ct rule fld)
"An Act relating to restrictions on shipping or transporting cigarettes; 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 accounting for and use of part of the proceeds of the additional cigarette tax, and to licenses and licensees under the Cigarette Tax Act; relating to unfair cigarette sales; relating to supersedeas bonds in certain tobacco-related litigation; relating to the tobacco product Master Settlement Agreement; and providing for an effective date" was engrossed and signed by the President and Secretary.

Adjournment

Senator Guess moved and asked unanimous consent that the First Special Session of the Twenty-third Alaska State Senate stand in adjournment sine die. Without objection, the Senate adjourned at 5:26 p.m.

Kirsten Waid
Secretary of the Senate

June 2004

Announcements

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

STANDING COMMITTEES

+ indicates teleconference

= indicates bill previously heard/scheduled

FINANCE

Jun 24	Thursday	Senate Finance 532	10:00 AM
+	Bills Previously Heard/Scheduled		