

**SENATE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-FOURTH LEGISLATURE**  
**FIRST SESSION**

**Juneau, Alaska**

**Tuesday**

**May 3, 2005**

**One Hundred Fourteenth Day**

Pursuant to adjournment the Senate was called to order by President Stevens at 11:41 a.m.

The roll showed nineteen members present. Senator Bunde was excused from a call of the Senate.

The prayer was offered by the Chaplain, Heather Strange of the Fairbanks First Assembly of God. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

“Therefore, as God’s chosen people, holy and dearly loved, clothe yourselves with compassion, kindness, humility, gentleness and patience. Bear with each other and forgive whatever grievances you may have against one another. Forgive as the Lord forgave you. Let the peace of Christ rule in your hearts. Since as members of one body, you were called to peace.

Let your conversation be always full of grace and seasoned with salt, so you may know how to answer everyone. And over all these virtues, put on love, which binds them all together in perfect unity.”  
(Colossians 3:12-15 and 4:6)

Senator Ellis led the Senate in the Pledge of Allegiance.

**Certification**

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

**Messages from the House****SB 25**

Message dated May 2 was read, stating the House passed and returned:

SENATE BILL NO. 25 "An Act relating to labeling and identification of genetically modified fish and fish products."

The bill was referred to the Secretary for enrollment.

Message dated May 2 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of  
House Resolutions****HCR 6**

HOUSE CONCURRENT RESOLUTION NO. 6 BY  
REPRESENTATIVES KOTT, Harris, Rokeberg, Chenault,  
Berkowitz, McGuire, Dahlstrom, Hawker, Foster,

Relating to the continuation of the Alaska  
Information Infrastructure Policy Task Force until the  
first day of the First Regular Session of the Twenty-  
Fifth Alaska State Legislature in January 2007.

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

**HCR 11**

HOUSE CONCURRENT RESOLUTION NO. 11 BY REPRESENTATIVES CISSNA, McGuire, Gruenberg, Dahlstrom, Anderson, Neuman, Lynn, Wilson, Kerttula, LeDoux, Meyer, Salmon, Gara, Guttenberg, Berkowitz, Ramras, Chenault, Samuels,

Proclaiming July 24, 2005, as Parents' Day.

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

Message dated May 2 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of House Bills****HB 217**

HOUSE BILL NO. 217(title am) BY REPRESENTATIVE HARRIS, entitled:

"An Act relating to the determination of full and true value of taxable municipal property for purposes of providing planning assistance to the Department of Education and Early Development and the legislature, calculating funding for education, calculating school district participating shares for school construction grants, and calculating tax resource equalization payments and excluding from that determination the value of property in certain areas detached from a municipality and the value of certain property involved with oil and gas that is not taxed by a municipality."

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

**HB 286**

HOUSE BILL NO. 286 BY REPRESENTATIVES SAMUELS, Dahlstrom, McGuire, Anderson, entitled:

"An Act amending the manner of determining the royalty received by the state on gas production by directing the commissioner of natural resources to accept, under certain circumstances, the transfer price of the gas if established by transfer price order of the Regulatory Commission of Alaska; and providing for an effective date."

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

### **Standing Committee Reports**

#### **SB 22**

The Finance Committee considered SENATE BILL NO. 22 "An Act adding birthing centers to the list of health facilities eligible for payment of medical assistance for needy persons" and recommended it be replaced with

CS FOR SENATE BILL NO. 22(FIN)

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

The following fiscal information was published today:

Fiscal Note No. 2, zero, Department of Health and Social Services

The bill was referred to the Rules Committee.

#### **SB 24**

The Finance Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 24 "An Act relating to reemployment of and benefits for retired teachers and public employees and to teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; repealing secs. 5, 7, and 9, ch. 58, SLA 2001; providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and repealing sec. 13, ch. 58, SLA 2001, which is the delayed effective date for secs. 5, 7, and 9, ch. 58, SLA 2001; and providing for an effective date" and recommended it be replaced with

CS FOR SPONSOR SUBSTITUTE FOR SENATE  
BILL NO. 24(FIN)

Signing do pass: Senators Wilken, Green, Cochairs; Senators Hoffman, Stedman. Signing no recommendation: Senator Olson.

The following fiscal information was published today:  
Fiscal Note No. 2, zero, Department of Administration

The bill was referred to the Rules Committee.

**SB 102**

The Finance Committee considered SENATE BILL NO. 102 "An Act relating to district coastal management programs; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 102(FIN) "An Act repealing the Alaska coastal management program; relating to an extension for review and approval of revisions to the Alaska coastal management program; relating to reviews and modifications by the Department of Natural Resources; relating to coastal resource district policies; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003; and providing for an effective date."

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

The following fiscal information was published today:  
Fiscal Note No. 5, Department of Natural Resources

The following previously published fiscal information applies:  
Fiscal Note No. 1, Department of Natural Resources  
Fiscal Note No. 2, zero, Department of Commerce, Community and Economic Development  
Fiscal Note No. 3, zero, Department of Fish and Game  
Fiscal Note No. 4, zero, Department of Environmental Conservation

The bill is on today's calendar.

**SB 125**

Forthcoming Judiciary Committee Substitute (page 1233) for SENATE BILL NO. 125 "An Act relating to the licensing, regulation, enforcement, and appeal rights of ambulatory surgical centers, assisted living homes, child care facilities, child placement agencies, foster homes, free-standing birth centers, home health agencies, hospices or agencies providing hospice services, hospitals, intermediate care facilities for the mentally retarded, maternity homes, nursing facilities, residential child care facilities, residential psychiatric treatment centers, and rural health clinics; relating to criminal history requirements, and a registry, regarding certain licenses, certifications, approvals, and authorizations by the Department of Health and Social Services; making conforming amendments; and providing for an effective date" was received today:

CS FOR SENATE BILL NO. 125(JUD) "An Act relating to the licensing, regulation, enforcement, and appeal rights of ambulatory surgical centers, assisted living homes, child care facilities, child placement agencies, foster homes, free-standing birth centers, home health agencies, hospices or agencies providing hospice services or operating hospice programs, hospitals, intermediate care facilities for the mentally retarded, maternity homes, nursing facilities, residential child care facilities, residential psychiatric treatment centers, runaway shelters, and rural health clinics; relating to possession of a firearm at licensed entities and facilities; relating to criminal history requirements, and a registry, regarding certain licenses, certifications, approvals, and authorizations by the Department of Health and Social Services; making conforming amendments; and providing for an effective date."

**SB 186**

Forthcoming Judiciary Committee Substitute (page 1248) for SENATE BILL NO. 186 "An Act relating to the Alaska Executive Branch Ethics Act" was received today:

CS FOR SENATE BILL NO. 186(JUD) "An Act relating to the Alaska Executive Branch Ethics Act; and providing for an effective date."

**HB 15**

The Finance Committee considered CS FOR HOUSE BILL NO. 15(L&C) am "An Act relating to outdoor recreation lodge alcoholic beverage licenses; relating to transfer of certain beverage dispensary licenses issued before June 6, 1985; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 15(FIN) "An Act relating to brewpub licenses; relating to outdoor recreation lodge alcoholic beverage licenses; relating to transfer of certain beverage dispensary licenses issued before June 6, 1985; and providing for an effective date."  
(Title change authorized by SCR 12)

Signing do pass: Senators Wilken, Green, Cochair. Signing no recommendation: Senators Hoffman, Olson, Stedman.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Fish and Game  
Fiscal Note No. 2, Department of Public Safety

The bill was referred to the Rules Committee.

**HB 19**

The Finance Committee considered CS FOR HOUSE BILL NO. 19(FIN) "An Act relating to pesticides and broadcast chemicals; and providing for an effective date." Signing do pass: Senator Green, Cochair; Senator Hoffman. Signing no recommendation: Senator Wilken, Cochair; Senators Olson, Stedman.

The following fiscal information was published today:

Fiscal Note No. 3, Department of Environmental Conservation

The bill is on today's calendar.

**HB 33**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 33(FIN) "An Act relating to required notification of the Department of Commerce, Community, and Economic Development, economic

effect statements, and regulatory flexibility analyses regarding the adoption of regulations that may govern the conduct of small businesses; relating to a private cause of action, regulation invalidation, and judicial review related to required notification, economic effect statements, and regulatory flexibility analyses for the adoption of regulations that may govern the conduct of small businesses; and providing for an effective date." Signing do pass: Senator Seekins, Chair; Senators Therriault, Huggins. Signing no recommendation: Senators French, Guess.

The following fiscal information was published today:

Fiscal Note No. 12, zero, Department of Health and Social Services

The following previously published fiscal information applies:

Fiscal Note No. 7, zero, House Finance Committee

Fiscal Note No. 9, zero, Department of Labor and Workforce Development

Fiscal Note No. 10, indeterminate, Department of Law

Fiscal Note No. 11, Department of Commerce, Community and Economic Development

The bill was referred to the Finance Committee.

### **HB 35**

The Finance Committee considered HOUSE BILL NO. 35 "An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 35(FIN) "An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; extending the term of a temporary member of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

(Title change authorized by SCR 10)



Signing do pass: Senators Wilken, Green, Cochairs; Senator Stedman.  
Signing no recommendation: Senators Olson, Hoffman.

The following previously published fiscal information applies:  
Fiscal Note No. 1, zero, Department of Commerce, Community  
and Economic Development

The bill was referred to the Rules Committee.

**HB 75**

The Finance Committee considered CS FOR HOUSE BILL NO. 75(FIN) "An Act relating to the powers and duties of the commissioner of fish and game, Board of Fisheries, and Board of Game in promoting and preserving fishing, hunting, and trapping in the state" and recommended it be replaced with

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

Signing do pass: Senators Wilken, Green, Cochairs. Signing no recommendation: Senators Hoffman, Olson, Stedman.

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

The bill was referred to the Rules Committee.

**HB 91**

The Finance Committee considered HOUSE BILL NO. 91 am "An Act relating to indecent exposure." Signing do pass: Senators Wilken, Green, Cochairs; Senators Olson, Stedman, Hoffman.

The following previously published fiscal information applies:  
Fiscal Note No. 1, zero, Department of Administration  
Fiscal Note No. 2, zero, Alaska Court System  
Fiscal Note No. 3, zero, Department of Law

The bill is on today's calendar.

**HB 119**

The Finance Committee considered CS FOR HOUSE BILL NO. 119(FIN) "An Act extending the termination date of the Alaska regional economic assistance program; and providing for an effective date" and recommended it be replaced with

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

Signing do pass: Senator Green, Cochair; Senators Hoffman, Stedman.  
Signing no recommendation: Senator Wilken, Cochair; Senator Olson.

The following fiscal information was published today:  
Fiscal Note No. 4, Department of Commerce, Community and  
Economic Development

The bill was referred to the Rules Committee.

**HB 131**

The Finance Committee considered HOUSE BILL NO. 131 "An Act increasing the criminal classification of theft of an access device and of obtaining an access device or identification documents by fraudulent means; increasing the criminal classification for certain cases of fraudulent use of an access device; and providing for an effective date." Signing do pass: Senators Wilken, Green, Cochairs; Senator Dyson. Signing no recommendation: Senators Olson, Stedman.

The following previously published fiscal information applies:  
Fiscal Note No. 1, zero, Department of Corrections  
Fiscal Note No. 2, zero, Department of Law  
Fiscal Note No. 3, zero, Department of Public Safety  
Fiscal Note No. 4, indeterminate, Department of Administration

The bill is on today's calendar.

**HB 136**

The Finance Committee considered HOUSE BILL NO. 136 "An Act restricting the authority of a court to suspend execution of a sentence or grant probation in prosecutions for driving while under the

influence and prosecutions for refusal to submit to a chemical test; and allowing a court to suspend up to 75 percent of the minimum fines required for driving while under the influence and for refusal to submit to a chemical test if the defendant successfully completes a court-ordered treatment program" and recommended the adoption of the House Letter of Intent (House Journal page 711).

Signing do pass: Senators Wilken, Green, Cochairs; Senators Olson, Stedman.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Corrections
- Fiscal Note No. 2, zero, Alaska Court System
- Fiscal Note No. 3, zero, Department of Public Safety
- Fiscal Note No. 4, indeterminate, Department of Administration
- Fiscal Note No. 5, indeterminate, Department of Law
- Fiscal Note No. 6, indeterminate, Department of Law

The bill was referred to the Rules Committee.

#### **HB 149**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 149(FIN) am "An Act relating to controlled substances; relating to the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; relating to the manufacture of methamphetamine and to the sale, possession, and delivery of certain substances and precursors used in the manufacture of methamphetamine; relating to listing certain anabolic steroids as controlled substances; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 149(JUD) "An Act relating to controlled substances regarding the crimes of manslaughter and misconduct involving a controlled substance; relating to the manufacture of methamphetamine and to the sale, possession, and delivery of certain substances and precursors used in the manufacture of methamphetamine; relating to listing certain anabolic steroids as controlled substances; relating to the

listing of property that constitutes an illegal drug manufacturing site; amending Rule 41, Alaska Rules of Criminal Procedure; and providing for an effective date."

[Title change authorized by SCR 12 (forthcoming)]

and further recommended the adoption of the following Judiciary Committee Letter of Intent:

#### Letter of Intent

It is the intent of the Senate in enacting this measure that release before conviction be limited for makers of methamphetamine whose prior conviction put them on notice of the danger of the chemicals involving in its manufacture and the destructive nature of its effect on users. The danger that the defendant poses to the community is one of the factors that the court must consider under AS 12.30.020 for release on bail, and in the case of manufacturing methamphetamine that factor should be the paramount consideration in setting bail. The Senate finds and determines that the illegal manufacturing of methamphetamine of the type that is generally encountered in Alaska subjects anyone within a wide area to the risk of fire, explosion, and toxic chemicals in gaseous, liquid, and solid form. The process of manufacturing methamphetamine presents such a high level of danger to the community, law enforcement, other first responders, and to environmental personnel, that a mandatory minimum cash bail as set out in this bill is necessitated for defendants previously convicted of manufacturing, delivering or possessing methamphetamine.

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

The following fiscal information was published today:

Fiscal Note No. 7, Department of Public Safety

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Alaska Court System

Fiscal Note No. 2, zero, Department of Law

Fiscal Note No. 3, indeterminate, Department of Administration

Fiscal Note No. 4, indeterminate, Department of Corrections

Fiscal Note No. 6, zero, Department of Commerce, Community and Economic Development

The bill was referred to the Finance Committee.

**HB 156**

The Finance Committee considered CS FOR HOUSE BILL NO. 156(RLS) am "An Act relating to the membership and duties of and quorum requirements for the Alaska Commission on Aging; and providing for an effective date" and recommended it be replaced with

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

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

The following previously published fiscal information applies:

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

The bill is on today's calendar.

**HB 184**

The Judiciary Committee considered HOUSE BILL NO. 184 am "An Act relating to firearms" and recommended it be replaced with

SENATE CS FOR HOUSE BILL NO. 184(JUD)

Signing do pass: Senator Seekins, Chair; Senators Therriault, Huggins. Signing no recommendation: Senator Guess. Signing amend: Senator French.

The following previously published fiscal information applies:

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

Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Rules Committee.

**HB 187**

The Finance Committee considered CS FOR HOUSE BILL NO. 187(FIN)(efd fld) "An Act relating to money deposited into the Alaska permanent fund as a result of the settlement of State v. Amerada Hess;

relating to the Alaska capital income fund and to deposits of income from State v. Amerada Hess settlement money into the Alaska capital income fund." Signing do pass: Senator Green, Cochair. Signing no recommendation: Senator Wilken, Cochair; Senators Hoffman, Dyson, Stedman.

The following previously published fiscal information applies:  
Fiscal Note No. 2, zero, Department of Revenue

The bill was referred to the Rules Committee.

**HB 197**

The Finance Committee considered CS FOR HOUSE BILL NO. 197(RLS) "An Act exempting certain natural gas exploration and production facilities from oil discharge prevention and contingency plans and proof of financial responsibility, and amending the powers and duties of the Alaska Oil and Gas Conservation Commission with respect to those plans; and providing for an effective date." Signing do pass: Senator Green, Cochair; Senators Dyson, Stedman. Signing no recommendation: Senator Wilken, Cochair; Senator Olson.

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

The bill was referred to the Rules Committee.

**HB 210**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 210(JUD) "An Act relating to blood testing of certain persons alleged to have committed certain offenses directed toward peace officers or emergency workers" and recommended it be replaced with

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

Signing do pass: Senator Seekins, Chair; Senators French, Therriault, Huggins. Signing amend: Senator Guess.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Alaska Court System
- Fiscal Note No. 2, zero, Department of Corrections
- Fiscal Note No. 3, zero, Department of Law
- Fiscal Note No. 4, zero, Department of Public Safety

The bill was referred to the Rules Committee.

### **HB 230**

The Finance Committee considered HOUSE BILL NO. 230 "An Act authorizing the making of loans for upgrade of commercial fishing tender vessels and gear." Signing do pass: Senator Green, Cochair; Senators Hoffman, Stedman. Signing no recommendation: Senator Wilken, Cochair; Senator Olson.

The following previously published fiscal information applies:

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

The bill is on today's calendar.

### **Introduction and Reference of Senate Bills**

#### **SB 167**

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 167 BY SENATOR DYSON, entitled:

"An Act relating to selection of textbooks and curriculum materials by a public school district or regional attendance area and annulling a regulation relating to statewide correspondence study programs."

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

**Consideration of the Calendar****Second Reading of Senate Bills****SB 46**

Senator Gary Stevens moved and asked unanimous consent that SENATE BILL NO. 46 "An Act making capital appropriations and appropriations to capitalize funds; and providing for an effective date" be moved to the bottom of the calendar. Without objection, it was so ordered.

**SB 102**

Senator Gary Stevens moved and asked unanimous consent that SENATE BILL NO. 102 "An Act relating to district coastal management programs; and providing for an effective date" be moved to the bottom of the calendar. Without objection, it was so ordered.

**SB 156**

SENATE BILL NO. 156 "An Act relating to notification to teachers of layoff or nonretention" was read the second time.

President Stevens stated SENATE BILL NO. 156 will be on the May 4 calendar.

**Second Reading of House Bills****HB 19**

CS FOR HOUSE BILL NO. 19(FIN) "An Act relating to pesticides and broadcast chemicals; and providing for an effective date" was read the second time.

Senator Gary 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. 19(FIN) was read the third time.

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



The question being: "Shall CS FOR HOUSE BILL NO. 19(FIN) "An Act relating to pesticides and broadcast chemicals; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 19(FIN)  
Third Reading - Final Passage  
Effective Date

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

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

Nays: Huggins, Therriault

Excused: Bunde

and so, CS FOR HOUSE BILL NO. 19(FIN) passed the Senate.

Senator Gary 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 76**

CS FOR HOUSE BILL NO. 76(FIN) am "An Act 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" was read the second time.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 1162. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 76 (FIN) was adopted.

Senator Gary 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. 76 (FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 76(FIN) "An Act 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" pass the Senate?" The roll was taken with the following result:

SCS CSHB 76(FIN)

Third Reading - Final Passage

Effective Dates

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

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

Excused: Bunde

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 76 (FIN) passed the Senate.

Senator Gary 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 90**

HOUSE BILL NO. 90 "An Act requiring warrants drawn by the Department of Administration against the state treasury to be negotiable instruments" was read the second time.

Senator Gary 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. 90 was read the third time.

The question being: "Shall HOUSE BILL NO. 90 "An Act requiring warrants drawn by the Department of Administration against the state treasury to be negotiable instruments" pass the Senate?" The roll was taken with the following result:

HB 90

Third Reading - Final Passage

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

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

Nays: Stedman

Excused: Bunde

and so, HOUSE BILL NO. 90 passed the Senate, was signed by the President and Secretary and returned to the House.

**HB 91**

HOUSE BILL NO. 91 am "An Act relating to indecent exposure" was read the second time.

Senator Gary 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. 91 am was read the third time.

Senators Dyson, Seekins, Wagoner, Huggins, French, Elton, Gary Stevens, Olson, Stedman, Green, Therriault, Cowdery, Guess, Ben Stevens, Ellis, Kookesh 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. 91 am "An Act relating to indecent exposure" pass the Senate?" The roll was taken with the following result:

HB 91 am

Third Reading - Final Passage

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

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

Excused: Bunde

and so, HOUSE BILL NO. 91 am passed the Senate, was signed by the President and Secretary and returned to the House.

**HB 131**

HOUSE BILL NO. 131 "An Act increasing the criminal classification of theft of an access device and of obtaining an access device or identification documents by fraudulent means; increasing the criminal classification for certain cases of fraudulent use of an access device; and providing for an effective date" was read the second time.

Senator Gary 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. 131 was read the third time.

The question being: "Shall HOUSE BILL NO. 131 "An Act increasing the criminal classification of theft of an access device and of obtaining an access device or identification documents by fraudulent means; increasing the criminal classification for certain cases of fraudulent use of an access device; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 131

Third Reading - Final Passage

Effective Date

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

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

Excused: Bunde

and so, HOUSE BILL NO. 131 passed the Senate.

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

Senator Gary 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 156**

CS FOR HOUSE BILL NO. 156(RLS) am "An Act relating to the membership and duties of and quorum requirements for the Alaska Commission on Aging; and providing for an effective date" was read the second time.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 1148. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 156(FIN) was adopted.

Senator Gary 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. 156(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 156(FIN) "An Act relating to the membership and duties of and quorum requirements for the Alaska Commission on Aging; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 156(FIN)  
Third Reading - Final Passage  
Effective Date

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

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

Excused: Bunde

Absent: Dyson

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 156(FIN) passed the Senate.

Senator Gary 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 230**

HOUSE BILL NO. 230 "An Act authorizing the making of loans for upgrade of commercial fishing tender vessels and gear" was read the second time.

President Stevens stated HOUSE BILL NO. 230 will be on the May 4 calendar.

**Third Reading of Senate Bills**

**SB 135**

CS FOR SENATE BILL NO. 135(JUD)(efd am) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 135(JUD)(efd am) "An Act relating to the crimes of assault and custodial interference; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 135(JUD)(efd am)

Third Reading - Final Passage

Effective Date

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

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

Excused: Bunde

Absent: Dyson

and so, CS FOR SENATE BILL NO. 135(JUD)(efd am) passed the Senate.

Senator Gary 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.

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

#### **HB 182**

CS FOR HOUSE BILL NO. 182(FIN)(efd fld) was read the third time.

Senators Wilken, Green, Huggins, Dyson, Wagoner, Seekins, Ben Stevens moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR HOUSE BILL NO. 182(FIN)(efd fld) "An Act amending the Alaska Wage and Hour Act as it relates to the employment of a person acting in a supervisory capacity or in an administrative, executive, or professional capacity; relating to definitions under the Alaska Wage and Hour Act and providing definitions for persons employed in administrative, executive, and professional capacities, for persons working in the capacity of an outside salesman, for persons working in the capacity of a salesman employed on a straight commission basis, and for persons that perform computer-related occupations; directing retrospective application of the provisions of this Act to work performed before the effective date of this Act for purposes of claims filed on or after the effective date of this Act, and disallowing retrospective application for purposes of claims for that work that are filed before the effective date of this Act" pass the Senate?" The roll was taken with the following result:

CSHB 182(FIN)(efd fld)

Third Reading - Final Passage

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

Yeas: Cowdery, Davis, Dyson, Ellis, Green, Hoffman, Huggins, Olson, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Elton, French, Guess, Kookesh

Excused: Bunde

and so, CS FOR HOUSE BILL NO. 182(FIN)(efd fld) passed the Senate, was signed by the President and Secretary and returned to the House.

**HB 216**

CS FOR HOUSE BILL NO. 216(L&C)(title am) was read the third time.

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

The question being: "Shall CS FOR HOUSE BILL NO. 216(L&C)(title am) "An Act relating to policy forms and rates that require filing; requiring the filing of certain rates, rating schedules, loss cost adjustments, and rating plans with the director of the division of insurance; establishing a procedure for the director of the division of insurance to obtain additional supporting information from an insurer for a filing; relating to an application for a rate other than that in an applicable rate filing; requiring prior approval for certain rating systems and the procedure for approving a filing; providing for the issuance of orders relating to nonconforming filings after a hearing; relating to the regulation of joint underwriting and joint reinsurance; relating to flex rating; relating to file and use, filing of rates, supplementary rate information, and supporting information; authorizing the director of the division of insurance to require prior approval; relating to form filing subject to prior approval and form filing subject to file and use; and providing for penalties relating to file and use" pass the Senate?" The roll was taken with the following result:

C SHB 216(L&C)(title am)

Third Reading - Final Passage

**YEAS: 12 NAYS: 6 EXCUSED: 1 ABSENT: 1**

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

Nays: Ellis, Elton, French, Guess, Hoffman, Kookesh

Excused: Bunde

Absent: Olson



and so, CS FOR HOUSE BILL NO. 216(L&C)(title am) passed the Senate, was signed by the President and Secretary and returned to the House.

**HB 249**

CS FOR HOUSE BILL NO. 249(RLS) was read the third time.

Senator Gary Stevens moved and asked unanimous consent that CS FOR HOUSE BILL NO. 249(RLS) "An Act relating to enhanced 911 systems and enhanced 911 surcharges imposed by a municipality, public municipal corporation, or village" be returned to the Rules Committee. Without objection, the bill was returned to the Rules Committee.

**Second Reading of Senate Resolutions****SJR 15**

SENATE JOINT RESOLUTION NO. 15 Requesting the United States Congress to end the abuse of tort laws against the firearms industry, was read the second time.

President Stevens stated SENATE JOINT RESOLUTION NO. 15 will be on the May 4 calendar.

**Recess**

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in recess to 5:00 p.m. Without objection, the Senate recessed at 12:41 p.m.

**After Recess**

The Senate reconvened at 8:41 p.m.

**Second Reading of Senate Bills (continued)****SB 46**

SENATE BILL NO. 46 "An Act making capital appropriations and appropriations to capitalize funds; and providing for an effective date" which had been moved to the bottom of the calendar (page 1286) was not in the possession of the Senate.

**SB 102**

SENATE BILL NO. 102 "An Act relating to district coastal management programs; and providing for an effective date" which had been moved to the bottom of the calendar (page 1286) was before the Senate.

SENATE BILL NO. 102 was read the second time.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 1275. Senator Ellis objected.

The question being: "Shall CS FOR SENATE BILL NO. 102(FIN) "An Act repealing the Alaska coastal management program; relating to an extension for review and approval of revisions to the Alaska coastal management program; relating to reviews and modifications by the Department of Natural Resources; relating to coastal resource district policies; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003; and providing for an effective date" be adopted?" The roll was taken with the following result:

SB 102

Second Reading

Adopt Finance Committee Substitute?

**YEAS: 11 NAYS: 6 EXCUSED: 1 ABSENT: 2**

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

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

Excused: Bunde

Absent: Hoffman, Kookesh

and so, CS FOR SENATE BILL NO. 102(FIN) was adopted.

President Stevens stated CS FOR SENATE BILL NO. 102(FIN) will be on the May 4 calendar.

### **Citations**

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

### **Special Order of Business**

Honoring – Bing Santamour and Michael Shantz  
Senator(s) Hoffman, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken  
Representative(s) Kapsner

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

### **Unfinished Business**

Senator Dyson moved and asked unanimous consent to be excused from a call of the Senate from 5:30 p.m. to 10:00 p.m. on May 5 and from 5:00 p.m. to 10:00 p.m. on May 6. Without objection, Senator Dyson was excused.

### **HCR 9**

Senator Wagoner, Chair, moved and asked unanimous consent that the Resources Committee referral be waived on HOUSE CONCURRENT RESOLUTION NO. 9 Proclaiming Alaska Agriculture Day for 2005 and 2006. Without objection, the resolution was referred to the Rules Committee.

**HCR 10**

Senator Wagoner, Chair, moved and asked unanimous consent that the Resources Committee referral be waived on CS FOR HOUSE CONCURRENT RESOLUTION NO. 10(RES) Supporting the development of the Kensington Gold Mine. Without objection, the resolution was referred to the Rules Committee.

**SB 20**

The reconsideration on CS FOR SENATE BILL NO. 20(JUD) "An Act relating to offenses against unborn children" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

**SB 113**

The reconsideration on CS FOR SENATE BILL NO. 113(RES) "An Act relating to entry into and management of Gulf of Alaska groundfish fisheries" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

**SB 175**

The reconsideration on CS FOR SENATE BILL NO. 175(FIN) "An Act relating to dispensing opticians, to dispensing optician apprentices, to the Board of Dispensing Opticians, and to the practice of dispensing opticianry; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

**HB 121**

The reconsideration on CS FOR HOUSE BILL NO. 121(2d RLS) "An Act relating to consolidating or abolishing certain road service areas in certain second class boroughs; and providing for an effective date" was not taken up this legislative day and the bill was signed by the President and Secretary and returned to the House.

**Announcements**

Announcements are at the end of the journal.

Rule 23(d) of the Alaska State Legislature Uniform Rules is currently in effect.

**Engrossment****SB 20**

CS FOR SENATE BILL NO. 20(JUD) "An Act relating to offenses against unborn children" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 113**

CS FOR SENATE BILL NO. 113(RES) "An Act relating to entry into and management of Gulf of Alaska groundfish fisheries" was engrossed, signed by the President and Secretary and transmitted to the House for consideration with a Senate Letter of Intent.

**SB 135**

CS FOR SENATE BILL NO. 135(JUD)(efd am) "An Act relating to the crimes of assault and custodial interference; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**SB 175**

CS FOR SENATE BILL NO. 175(FIN) "An Act relating to dispensing opticians, to dispensing optician apprentices, to the Board of Dispensing Opticians, and to the practice of dispensing opticianry; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**HB 76**

SENATE CS FOR CS FOR HOUSE BILL NO. 76(FIN) "An Act 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" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 156**

SENATE CS FOR CS FOR HOUSE BILL NO. 156(FIN) "An Act relating to the membership and duties of and quorum requirements for the Alaska Commission on Aging; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**Adjournment**

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., May 4, 2005. Without objection, the Senate adjourned at 8:56 p.m.

Kirsten Waid  
Secretary of the Senate

May 2005

**Announcements**

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

**STANDING COMMITTEES**

+ indicates teleconference  
 = indicates bill previously heard/scheduled

**COMMUNITY & REGIONAL AFFAIRS**

**May 04      Wednesday                                      Beltz 211              1:30 PM**  
 + HB 217 FULL & TRUE VALUE OF TAXABLE MUNI PROP.  
 Bills Previously Heard/Scheduled

**May 06      Friday    Beltz 211              1:30 PM**  
 Bills Previously Heard/Scheduled

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**FINANCE**

**May 03      Tuesday                                      Senate Finance 532              9:00 AM**  
 -- Recessed to 4:00 pm --  
 + HB 187 AMERADA HESS INCOME; CAPITAL INCOME FUND  
 += SB 46 APPROP: CAPITAL BUDGET  
 += SB 102 COASTAL MANAGEMENT PROGRAMS  
 + SB 192 SCHOOL CONSTRUCTION BOND REIMBURSEMENT  
 + SB 22 MEDICAID COVERAGE FOR BIRTHING CENTERS  
 + SB 78 SENIOR CARE PROGRAM  
 + SB 125 LICENSING MEDICAL OR CARE FACILITIES  
 + Bills Previously Heard/Scheduled

**May 04      Wednesday                                      Senate Finance 532              9:00 AM**  
 + HB 61 GAMING: CALCUTTA POOLS & CRANE CLASSICS  
 + HB 33 EFFECT OF REGULATIONS ON SMALL BUSINESSES  
 += SB 157 REG. COST CHARGES: UTILITIES/PIPELINES  
 += SB 108 INSURANCE  
 + HB 149 CONTROLLED SUBSTANCES  
 + Bills Previously Heard/Scheduled

**HEALTH, EDUCATION & SOCIAL SERVICES**

**May 04 Wednesday Butrovich 205 1:30 PM**  
 += HB 214 ANATOMICAL GIFTS & REGISTRY  
 + HJR 20 PROSTATE CANCER DRUGS  
 += HB 53 CHILDREN IN NEED OF AID/ADOPTION/GUARDIAN  
 + Bills Previously Heard/Scheduled

**May 06 Friday Butrovich 205 1:30 PM**  
 + Bills Previously Heard/Scheduled

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**JUDICIARY**

**May 03 Tuesday Butrovich 205 8:30 AM**  
 -- Recessed to 3:30 pm --  
 += SB 74 CRIMES INVOLVING MARIJUANA/OTHER DRUGS  
 += SB 165 CARD ROOMS & OPERATIONS  
 += HB 33 EFFECT OF REGULATIONS ON SMALL BUSINESSES  
 += HB 81 CONTRACTOR LICENSE ENFORCEMENT  
 += HB 149 CONTROLLED SUBSTANCES  
 += HB 183 CAMPAIGN FINANCE: SHARED EXPENSES/LISTS  
 += HB 184 MUNICIPAL FIREARM ORDINANCES  
 += HB 201 PERM. FUND DIVIDEND APPS OF MILITARY  
 += HB 210 BLOODBORNE PATHOGEN TESTING  
 Bills Previously Heard/Scheduled  
 <Bill listing does not indicate the order  
 in which each will be taken up>

**May 04 Wednesday Butrovich 205 8:30 AM**  
 + Bills Previously Heard/Scheduled

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**LABOR & COMMERCE**

**May 03 Tuesday Beltz 211 1:30 PM**  
 + HB 123 OCCUPATIONAL BDS:EXTENSION/RECEIPTS/PSYCH  
 += HB 169 REAL ESTATE LICENSEES  
 + SB 180 PERSONAL INFORMATION SECURITY/SS#  
 <Above Item Removed from Agenda>  
 + HB 120 HEALTH CARE EMPLOYEE PROTECTION  
 + HB 213 ALCOHOL SERVER EDUCATION  
 + HB 181 WAIVE CONTINUING EDUC. REQ FOR MILITARY  
 Bills Previously Heard/Scheduled  
 Including But Not Limited to:



**LABOR & COMMERCE (continued)**

**May 05 Thursday Beltz 211 1:30 PM**  
 + Bills Previously Heard/Scheduled  
 Including But Not Limited to:

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**RESOURCES**

**May 04 Wednesday Butrovich 205 3:30 PM**  
 += HB 71 OIL& GAS EXPLORATION CREDIT & LEASE TERMS  
 + HB 26 SHORT-TERM COM FISHING CREWMEMBER LICENSE  
 + HB 286 VALUE OF ROYALTY ON GAS PRODUCTION

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**STATE AFFAIRS**

**May 03 Tuesday Beltz 211 3:30 PM**  
 + SB 189 REQUIREMENTS FOR DRIVER'S LICENSE/I.D.  
 <Above Bill Hearing Canceled>  
 Bills Previously Heard/Scheduled

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**TRANSPORTATION**

**May 03 Tuesday Butrovich 205 1:30 PM**  
 HB 268 OVERTAKING/PASSING STATIONARY VEHICLES

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**JOINT COMMITTEES**

**CONFERENCE COMMITTEE ON HB 66 & HB 67**

**May 03 Tuesday Senate Finance 532 3:30 PM**  
 -- Meeting Postponed to 5/4/05 3:30--  
 = HB 66 APPROP: MENTAL HEALTH BUDGET  
 = HB 67 APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF  
 Departments and Items to be announced

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**LEGISLATIVE COUNCIL**

**May 06**      **Friday**                      **Senate Finance 532**              **5:00 PM**  
                    Agenda TBA

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**OTHER MEETINGS**

**JOINT SESSION**

**May 05**      **Thursday**                      **House Chamber**              **11:00 AM**  
                    Governor's Appointees