

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Monday

May 9, 2005

One Hundred Twentieth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 6:40 p.m.

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

The prayer was offered by the Chaplain, Katie Weimer of the Bethany Baptist Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Holy God,

I thank You that You are faithful and I pray that You will help the legislators tonight as they make decisions to use wisdom and sound judgment.

I pray in Jesus' name.

Amen.

Senator Therriault led the Senate in the Pledge of Allegiance.

Certification

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

Reconsideration of Senate Bills**SB 73**

Senator Wilken requested that the reconsideration on CS FOR SENATE BILL NO. 73(FIN) am be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 73(FIN) am "An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 73(FIN) am
Third Reading - On Reconsideration
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, CS FOR SENATE BILL NO. 73(FIN) am passed the Senate on reconsideration.

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.

President Stevens stated that under Rule 43(b) of the Uniform Rules engrossment may be waived on all bills transmitted to the House on this legislative day.

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 call the Twenty-Fourth Legislature of the State of Alaska into its first special session at Juneau, Alaska in the legislative chambers on May 11, 2005, at 10:00 a.m. to consider the passage of bills on subjects germane to the titles of the following bills while those bills were under consideration by the Senate and House of Representatives during the first regular session:

1. Senate Bill 46 - capital appropriations and appropriations to capitalize funds;
2. Senate Bill 130 – workers’ compensation;
3. Senate Bill 141 – teachers’ and public employees’ retirement systems;
4. House Bill 1 – base student allocation used in the formula for state funding of public education;
5. House Bill 66 – appropriations for operating and capital expenses of the state’s integrated comprehensive mental health program;
6. House Bill 67 – appropriations for the operating and loan program expenses of state government; and
7. Senate Bill 97 – supplemental, capital, and other appropriations, and reappropriations.

Dated this 9th day of May, 2005.

/s/

Frank H. Murkowski, Governor

Messages from the House**SB 141**

Message dated May 8 was read, stating the Speaker granted limited powers of free conference to the House conferees considering HOUSE CS FOR CS FOR SENATE BILL NO. 141(FIN) am H "An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for

members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2005; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees' Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement systems to the jurisdiction of the office of administrative hearings; providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined benefit plans to transfer into the public employees' retirement system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date" and CS FOR SENATE BILL NO. 141(FIN) on the requested specific points.

HB 15

Message dated May 8 was read, stating the House concurred in the Senate amendment to 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," thus adopting:

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)

HB 61

Message dated May 8 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 61(FIN), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 61(L&C) "An Act relating to Calcutta pools and crane classics as authorized forms of charitable gaming."

HB 75

Message dated May 8 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 75(FIN), thus adopting:

SENATE CS FOR 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."

House Letter of Intent adopted May 8 (House Journal page 1814).

HB 225

Message dated May 8 was read, stating the House concurred in the Senate amendment to HOUSE BILL NO. 225, thus adopting:

SENATE CS FOR HOUSE BILL NO. 225(HES)
"An Act relating to medical examiners and medical death examinations."

HB 286

Message dated May 8 was read, stating the House concurred in the Senate amendment to HOUSE BILL NO. 286 "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," thus adopting:

SENATE CS FOR HOUSE BILL NO. 286(RES)
"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; extending and amending the requirements applicable to the credit that may be claimed for certain oil and gas exploration expenses incurred in Cook Inlet against oil and gas properties production (severance) taxes, and amending the credit against those taxes for certain exploration expenditures from leases or properties in the state; and providing for an effective date."

(Title change authorized by SCR 16)

SCR 12

Message dated May 8 was received, stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 12
Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 15, relating to alcoholic
beverages licenses.

The resolution was referred to the Secretary for enrollment.

SCR 16

Message dated May 8 was received, stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 16
Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 286, 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.

The resolution was referred to the Secretary for enrollment.

SB 16

Message dated May 8 was read, stating the House passed and returned:

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 16(TRA) "An Act relating to the powers and duties of the Department of Transportation and Public Facilities; repealing the requirement for a long-range program for highway construction and maintenance; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SB 133

Message dated May 8 was received, stating the House passed and returned:

SENATE BILL NO. 133 "An Act establishing the Aviation Advisory Board; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SB 142

Message dated May 8 was received, stating the House passed and returned:

CS FOR SENATE BILL NO. 142(L&C) "An Act relating to ownership of land by regional school boards; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SB 150

Message dated May 8 was received, stating the House passed and returned:

CS FOR SENATE BILL NO. 150(HES) "An Act relating to the Alaska children's trust grant awards."

The bill was referred to the Secretary for enrollment.

Messages dated May 8 were read, stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions**

HCR 19

HOUSE CONCURRENT RESOLUTION NO. 19 BY THE HOUSE LABOR AND COMMERCE COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning Senate Bill No. 130, relating to workers
compensation.

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

HCR 21

HOUSE CONCURRENT RESOLUTION NO. 21 BY THE HOUSE RULES COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning Senate Bill No. 125, relating to
centralized licensing and regulation by the
Department of Health and Social Services of certain
facilities and programs.

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

First Reading and Reference of House Bills

HB 107

CS FOR HOUSE BILL NO. 107(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to unlawful obstruction or hindrance of hunting, fishing, trapping, or viewing of fish or game; and amending Rule 82, Alaska Rules of Civil Procedure, and Rule 508, Alaska Rules of Appellate Procedure."

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

Concur Messages

SB 124

Message dated May 8 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 124(L&C) "An Act relating to requirements to obtain and maintain a fisheries business license; relating to security required of fish processors and primary fish buyers; and providing for an effective date" with the following amendments:

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

President Stevens stated the message will be held on the Secretary's desk.

SB 125

Message dated May 8 was read, stating the House passed 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" with the following amendments:

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

and so, HOUSE CS FOR CS FOR SENATE BILL NO. 125(FIN) am H "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; relating to public assistance for health facilities and assisted living homes, to rates charged by an assisted living home, and to the liability of recipients of home or community-based services to pay for those services; making conforming amendments; and providing for an effective date" (Title change authorized by HCR 21) is returned for consideration.

Senator Gary 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 amendments?" The roll was taken with the following result:

HCS CSSB 125(FIN) am H

Shall the Senate Concur in the House Amendments
to CSSB 125(JUD)?

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

Yeas: Davis, Ellis, Elton, French, Guess, Hoffman, Kookesh, Olson

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

Excused: Bunde

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. 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 Dyson, Chair
Senator Huggins
Senator Davis

SB 130

Message dated May 8 was read, stating the House passed CS FOR SENATE BILL NO. 130(FIN) am "An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; providing for workers' compensation hearing officers in workers' compensation proceedings; establishing a Workers' Compensation Appeals Commission; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees with respect to workers' compensation; providing for the department to enter into contracts

with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; making conforming amendments; providing for a study and report by the medical services review committee; establishing the Task Force on Workers' Compensation; and providing for an effective date" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO.
130(JUD) am H

and so, HOUSE CS FOR CS FOR SENATE BILL NO. 130(JUD) am H "An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date" (Title change authorized by HCR 19) is returned for consideration.

Senator Gary 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 130(JUD) am H
Shall the Senate Concur in the House amendments
to CSSB 130(FIN) am?

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

Yeas: Davis, Ellis, Elton, French, Guess, Hoffman, Kookesh, Olson

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

Excused: Bunde

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. 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 Ben Stevens, Chair
Senator Seekins
Senator Guess

SB 139

Message dated May 8 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 139(L&C) "An Act relating to termination and oversight of boards, commissions, and agency programs; extending the termination date of the Board of Marital and Family Therapy; and providing for an effective date" with the following amendment:

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

President Stevens stated the message will be held on the Secretary's desk.

SB 154

Message dated May 8 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 154(JUD) "An Act relating to the jurisdiction for proceedings relating to delinquent minors and to telephonic and televised participation in those proceedings; amending Rules 2, 3, 4, 8, 12, 13, 14, 15, 16, 21, 22, 23, 24.1, and 25, Alaska Delinquency Rules; and providing for an effective date" with the following amendment:

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

President Stevens stated the message will be held on the Secretary's desk.

SB 36

Message dated May 7 was read, stating the House passed CS FOR SENATE BILL NO. 36(JUD) "An Act relating to absentee ballots" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO.
36(JUD) am H

Senator Gary 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 36(JUD) am H

Shall the Senate Concur in the House amendments
to CSSB 36(JUD)?

YEAS: 7 NAYS: 11 EXCUSED: 1 ABSENT: 1

Yeas: Davis, Ellis, Elton, French, Guess, Hoffman, Kookesh

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

Excused: Bunde

Absent: Olson

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. 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 Therriault, Chair
Senator Huggins
Senator Kookesh

SCR 14

Message dated May 8 was read, stating the House passed and returned for consideration SENATE CONCURRENT RESOLUTION NO. 14 Relating to the Advisory Commission on Local Government, with the following amendment:

SENATE CONCURRENT RESOLUTION NO. 14
am H

President Stevens stated the message will be held on the Secretary's desk.

Standing Committee Reports

Report dated May 8 stating the House and Senate Rules Committees met and considered amendments to the 1988 Employment Policy for Senate/House Legislative employees effective July 1, 2005 and recommend the amended policy be adopted.

Signing do pass: Senator Cowdery, Chair; Senators Ben Stevens, Kookesh, Gary Stevens, Ellis; Representative Rokeberg, Chair, Representative Coghill. Signing no recommendation: Representatives Harris, McGuire, Kerttula.

Senator Gary Stevens moved and asked unanimous consent that the Senate adopt the amended Employment Policy recommended in the report. Without objection, it was so ordered.

The Employment Policy for Senate/House Legislative Employees Effective Date: July 1, 2005, amending the 1988 Employment Policy (Senate/House Joint Journal Supplement No. 17 3/22/88) will be published in House and Senate Joint Journal Supplement No. 8.

HB 53

The Finance Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 53(FIN) "An Act relating to child-in-need-of-aid proceedings; amending the construction of statutes pertaining to children in need of aid; relating to guardianships; relating to the confidentiality of investigations, court hearings, court

records, and public agency records and information in child-in-need-of-aid matters and certain child protection matters, to immunity regarding disclosure of information in child-in-need-of-aid matters and certain child protection matters, to proceedings regarding voluntary relinquishment and termination of a parent and child relationship, to eligibility for permanent fund dividends for certain children in the custody of the state, and to juvenile delinquency proceedings and placements; reestablishing and relating to a state citizens' review panel; amending the obligation of a public agency to disclose agency information pertaining to a child in need of aid; relating to disclosure of confidential or privileged information about children and families involved with children's services within the Department of Health and Social Services to officials for review or use in official capacities; relating to reports of harm and to adoptions and foster care; relating to consent for the medication of children in state custody; prescribing the rights of family members related to child-in-need-of-aid cases and establishing a familial priority for adoption; modifying adoption and placement procedures in certain child-in-need-of-aid cases; amending Rules 9 and 13, Alaska Adoption Rules, Rules 3, 17.2, 18, and 22, Alaska Child in Need of Aid Rules of Procedure, and Rules 14 and 15, Alaska Rules of Probate Procedure; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR SS FOR HOUSE BILL
NO. 53(FIN)

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

The following previously published fiscal information applies:

- Fiscal Note No. 12, Department of Administration
- Fiscal Note No. 13, Department of Administration
- Fiscal Note No. 14, Alaska Court System
- Fiscal Note No. 15, Department of Health and Social Services
- Fiscal Note No. 16, Department of Health and Social Services
- Fiscal Note No. 17, Department of Law

The bill is on today's calendar.

HB 88

The Finance Committee considered CS FOR HOUSE BILL NO. 88(RLS) "An Act relating to certain weapons offenses involving minors; relating to the definition of 'recreation or youth center' for purposes of misconduct involving a controlled substance; to aggravating factors in sentencing for certain offenses committed on school grounds, on a school bus, at a school-sponsored event, or in administrative offices of a school district; to mitigating factors in sentencing for a defendant's assistance to authorities to detect, apprehend, or prosecute other persons who committed an offense; and providing for an effective date" and recommended the adoption of the Judiciary Senate Committee Substitute offered on page 1126.

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

The following previously published fiscal information applies:

Fiscal Note No. 3, indeterminate, House Finance Committee
Fiscal Note No. 4, indeterminate, House Finance Committee

The bill was referred to the Rules Committee.

HB 94

The Finance Committee considered CS FOR HOUSE BILL NO. 94(FIN) am "An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration, voter residence, precinct boundary and polling place designation and modification, political parties, voters unaffiliated with a political party, early voting, absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, recall, and definitions in the Alaska Election Code; and relating to incorporation elections" and recommended the adoption of the State Affairs Senate Committee Substitute offered on page 1403.

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

The following previously published fiscal information applies:
Fiscal Note No. 3, Office of the Governor

The bill is on today's calendar.

HB 98

The Finance Committee considered CS FOR HOUSE BILL NO. 98(RLS) "An Act relating to the compensation of the governor, the lieutenant governor, and certain public officials, officers, and employees not covered by collective bargaining agreements; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 98(FIN) "An Act relating to the compensation of legislators, the governor, the lieutenant governor, and certain public officials, officers, and employees not covered by collective bargaining agreements; and providing for an effective date."
(Title change authorized by SCR 18)

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

The following previously published fiscal information applies:
Fiscal Note No. 2, Legislative Agency
Fiscal Note No. 4, Alaska Court System
Fiscal Note No. 5, Office of the Governor

The bill is on today's calendar.

HB 130

The Finance Committee considered CS FOR HOUSE BILL NO. 130(FIN) am "An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; establishing the university research forest; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 130(FIN)

and further recommended the adoption of a House Letter of Intent (House Journal page 1015).

Signing do pass: Senators Wilken, Green, Cochairs. Signing do not pass: Senator Stedman. Signing no recommendation: Senators Hoffman, Olson, Dyson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Fish and Game
Fiscal Note No. 2, Department of Law
Fiscal Note No. 3, Department of Natural Resources
Fiscal Note No. 4, University of Alaska

The bill is on today's calendar.

HB 161

The Finance Committee considered CS FOR HOUSE BILL NO. 161(STA) am "An Act relating to reemployment of and benefits for or on behalf of 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

SENATE CS FOR CS FOR HOUSE BILL NO. 161(FIN) "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."
(Title change SCR forthcoming)

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. 2, zero, Department of Administration

The bill was referred to the Rules Committee.

HB 279

The Finance Committee considered CS FOR HOUSE BILL NO. 279(FIN) "An Act relating to encroachments in the right-of-way of a highway" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 279
(FIN)

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

The following fiscal information was published today:
Fiscal Note No. 2, Department of Transportation and Public Facilities

The bill is on today's calendar.

Special Committee Reports

SB 141

Report dated May 9 was received stating,

Mr. President and Mr. Speaker:

The Conference Committee considering CS FOR SENATE BILL NO. 141(FIN) and HOUSE CS FOR CS FOR SENATE BILL NO. 141(FIN) am H met on May 9, 2005.

The Conference Committee considered sections 35-50, sections 132-133, AS 14.25.315 in section 32, and AS 39.35.705 in section 120, and did not come to agreement.

The Conference Committee respectfully requests that a Free Conference Committee be appointed.

The report was signed by: Senator Green, Chair, Senators Seekins, Olson; Representatives Seaton, Weyhrauch, Crawford.

President Stevens discharged the Conference Committee with limited powers of free conference on CS FOR SENATE BILL NO. 141(FIN) "An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2005; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees' Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement systems to the jurisdiction of the office of administrative hearings; providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined benefit plans to transfer into the public employees' retirement system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date"

and

HOUSE CS FOR CS FOR SENATE BILL NO. 141(FIN) am H "An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2005; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees' Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement systems to the jurisdiction of the office of administrative hearings;

providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined benefit plans to transfer into the public employees' retirement system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date" with limited powers of free conference.

President Stevens appointed the following members to a free conference committee to meet with a like committee from the House:

Senator Stedman, Chair
Senator Wilken
Senator Elton

Introduction and Reference of Senate Resolutions

SCR 18

SENATE CONCURRENT RESOLUTION NO. 18 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. 98, relating to the
compensation of the governor, the lieutenant
governor, and certain public officials, officers, and
employees not covered by collective bargaining
agreements.

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

SR 4

SENATE RESOLUTION NO. 4 BY SENATORS OLSON, Wilken,
Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess,
Hoffman, Huggins, Kookesh, Seekins, Stedman, Gary Stevens,
Therriault, Wagoner, Ben Stevens,

Relating to the plans of the United States Postal Service to discontinue air shipment of bypass mail between Fairbanks, Alaska, and Barrow, Alaska.

was read the first time and was before the Senate on final passage.

The question being: "Shall SENATE RESOLUTION NO. 4 Relating to the plans of the United States Postal Service to discontinue air shipment of bypass mail between Fairbanks, Alaska, and Barrow, Alaska, pass the Senate?" The roll was taken with the following result:

SR 4

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, SENATE RESOLUTION NO. 4 passed the Senate and was referred to Secretary for engrossment and enrollment.

Introduction and Reference of Senate Bills

SB 198

SENATE BILL NO. 198 BY SENATOR WILKEN, entitled:

"An Act relating to the natural gas revenue fund; and providing for an effective date."

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

SB 199

SENATE BILL NO. 199 BY SENATOR ELTON, entitled:

"An Act relating to public school funding for a prohibition on the sale of food and beverages of minimal nutritional value in schools and for placing restrictions on the use of vending machines in public schools."

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

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 70

SENATE BILL NO. 70 "An Act relating to controlled substances regarding the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; and providing for an effective date" was not in the possession of the Senate.

Second Reading of House Bills

HB 26

CS FOR HOUSE BILL NO. 26(FIN) "An Act relating to short-term commercial fishing crewmember licenses; 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. 26(FIN) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 26(FIN) "An Act relating to short-term commercial fishing crewmember licenses; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

May 9, 2005

1515

CSHB 26(FIN)
Third Reading - Final Passage
Effective Date

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

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

Nays: Elton, Stedman

Excused: Bunde

and so, CS FOR HOUSE BILL NO. 26(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 53

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 53(FIN)
"An Act relating to child-in-need-of-aid proceedings; amending the construction of statutes pertaining to children in need of aid; relating to guardianships; relating to the confidentiality of investigations, court hearings, court records, and public agency records and information in child-in-need-of-aid matters and certain child protection matters, to immunity regarding disclosure of information in child-in-need-of-aid matters and certain child protection matters, to proceedings regarding voluntary relinquishment and termination of a parent and child relationship, to eligibility for permanent fund dividends for certain children in the custody of the state, and to juvenile delinquency proceedings and placements; reestablishing and relating to a state citizens' review panel; amending the obligation of a public agency to disclose agency information pertaining to a child in need of aid; relating to disclosure of confidential or privileged information about children and families involved with children's services within the Department of Health and Social Services to officials for review or use in official capacities; relating to reports of harm and to adoptions and foster care; relating to consent for the medication of children in state custody; prescribing the rights of family members related to child-in-need-of-aid cases and establishing a familial priority for adoption;

modifying adoption and placement procedures in certain child-in-need-of-aid cases; amending Rules 9 and 13, Alaska Adoption Rules, Rules 3, 17.2, 18, and 22, Alaska Child in Need of Aid Rules of Procedure, and Rules 14 and 15, Alaska Rules of Probate Procedure; 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 1506. Without objection, SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 53(FIN) was adopted.

Senator French offered Amendment No. 1:

Page 2, line 7, following "**Probate Procedure**";

Insert "**relating to the admissibility into evidence of the prior recorded statement of a crime victim less than 16 years of age; and amending Rule 801, Alaska Rules of Evidence.**"

Page 30, following line 27:

Insert a new bill section to read:

"* **Sec. 59.** The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 801(d), Alaska Rules of Evidence, is amended by adding a new paragraph to read:

(3) Recorded Statement by Child Victims of Crime. The statement is a recorded statement by the victim of a crime who is less than 16 years of age and

- (A) the recording was made before the proceeding;
- (B) the victim is available for cross-examination;
- (C) the prosecutor and any attorney representing the defendant were not present when the statement was taken;
- (D) the recording is on videotape or other format that records both the visual and aural components of the statement;
- (E) each person who participated in the taking of the statement is identified on the recording;
- (F) the taking of the statement as a whole was conducted in a manner that would avoid undue influence of the victim;

(G) the defense has been provided a reasonable opportunity to view the recording before the proceeding; and

(H) the court has had an opportunity to view the recording and determine that it is sufficiently reliable and trustworthy and that the interests of justice are best served by admitting the recording into evidence."

Renumber the following bill sections accordingly.

Page 32, line 28:

Delete "sec. 59(d)"

Insert "sec. 60(d)"

Page 33, line 7:

Delete "60"

Insert "61"

Page 33, line 20:

Delete "sec. 59(a)"

Insert "sec. 60(a)"

Page 33, line 23:

Delete: "sec. 64"

Insert "sec. 65"

Page 33, line 26:

Delete "sec. 65"

Insert "sec. 66"

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

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

SCS CSSSHB 53(FIN)

Second Reading

Amendment No. 1

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

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

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

Excused: Bunde

and so, Amendment No. 1 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 SPONSOR SUBSTITUTE FOR HB 53(FIN) am S "An Act relating to child-in-need-of-aid proceedings; amending the construction of statutes pertaining to children in need of aid; relating to guardianships; relating to the confidentiality of investigations, court hearings, court records, and public agency records and information in child-in-need-of-aid matters and certain child protection matters, to immunity regarding disclosure of information in child-in-need-of-aid matters and certain child protection matters, to proceedings regarding voluntary relinquishment and termination of a parent and child relationship, to eligibility for permanent fund dividends for certain children in the custody of the state, and to juvenile delinquency proceedings and placements; reestablishing and relating to a state citizens' review panel; amending the obligation of a public agency to disclose agency information pertaining to a child in need of aid; relating to disclosure of confidential or privileged information about children and families involved with children's services within the Department of Health and Social Services to officials for review or use in official capacities; relating to reports of harm and to adoptions and foster care; relating to consent for the medication of children in state custody; prescribing the rights of family members related to child-in- need-of-aid cases and establishing a familial priority for adoption; modifying adoption and

placement procedures in certain child-in-need-of-aid cases; amending Rules 9 and 13, Alaska Adoption Rules, Rules 3, 17.2, 18, and 22, Alaska Child in Need of Aid Rules of Procedure, and Rules 14 and 15, Alaska Rules of Probate Procedure; relating to the admissibility into evidence of the prior recorded statement of a crime victim less than 16 years of age; and amending Rule 801, Alaska Rules of Evidence; and providing for an effective date" (Title change authorized by SCR 17) was read the third time.

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

The question being: "Shall SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HB 53(FIN) am S "An Act relating to child-in-need-of-aid proceedings; amending the construction of statutes pertaining to children in need of aid; relating to guardianships; relating to the confidentiality of investigations, court hearings, court records, and public agency records and information in child-in-need-of-aid matters and certain child protection matters, to immunity regarding disclosure of information in child-in-need-of-aid matters and certain child protection matters, to proceedings regarding voluntary relinquishment and termination of a parent and child relationship, to eligibility for permanent fund dividends for certain children in the custody of the state, and to juvenile delinquency proceedings and placements; reestablishing and relating to a state citizens' review panel; amending the obligation of a public agency to disclose agency information pertaining to a child in need of aid; relating to disclosure of confidential or privileged information about children and families involved with children's services within the Department of Health and Social Services to officials for review or use in official capacities; relating to reports of harm and to adoptions and foster care; relating to consent for the medication of children in state custody; prescribing the rights of family members related to child-in- need-of-aid cases and establishing a familial priority for adoption; modifying adoption and placement procedures in certain child-in-need-of-aid cases; amending Rules 9 and 13, Alaska Adoption Rules, Rules 3, 17.2, 18, and 22, Alaska Child in Need of Aid Rules of Procedure, and Rules 14 and 15, Alaska Rules of Probate Procedure; relating to the admissibility into

evidence of the prior recorded statement of a crime victim less than 16 years of age; and amending Rule 801, Alaska Rules of Evidence; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSSSHB 53(FIN) am S
Third Reading - Final Passage
Effective Dates Court Rules

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 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 53(FIN) am S 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 Court Rule changes. 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 clauses. Without objection, it was so ordered.

In accordance with Uniform Rule 43, engrossment was waived on SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 53(FIN) am S and the bill was returned to the house for consideration with certified amendments.

SCR 17

Senator Gary Stevens moved and asked unanimous consent to take up SENATE CONCURRENT RESOLUTION NO. 17 at this time. Without objection, SENATE CONCURRENT RESOLUTION NO. 17 was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 17 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 53, relating

to children in need of aid and related matters, pass the Senate?" The roll was taken with the following result:

SCR 17

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, SENATE CONCURRENT RESOLUTION NO. 17 passed the Senate and was referred to the Secretary for engrossment.

HB 54

CS FOR HOUSE BILL NO. 54(FIN) "An Act relating to bail review; relating to petitions for review by crime victims where the defendant has received a sentence below the sentencing range for the crime; relating to the qualifications of certain members of the Violent Crimes Compensation Board; relating to the introduction of the victim and the defendant or minor to the jury; amending Rule 27, Alaska Rules of Criminal Procedures, and Rule 21, Alaska Delinquency Rules; 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. 54(FIN) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 54(FIN) "An Act relating to bail review; relating to petitions for review by crime victims where the defendant has received a sentence below the sentencing range for the crime; relating to the qualifications of certain members of the Violent Crimes Compensation Board; relating to the introduction of the victim and the defendant or minor to the jury; amending Rule 27, Alaska Rules of Criminal Procedures, and Rule 21, Alaska Delinquency Rules; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 54(FIN)

Third Reading - Final Passage

Effective Date Court Rules

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, CS FOR HOUSE BILL NO. 54(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 Court Rule changes. 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 94

CS FOR HOUSE BILL NO. 94(FIN) am "An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration, voter residence, precinct boundary and polling place designation and modification, political parties, voters unaffiliated with a political party, early voting, absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, recall, and definitions in the Alaska Election Code; and relating to incorporation elections" was read the second time.

Senator Therriault, Chair, moved and asked unanimous consent for the adoption of the State Affairs Senate Committee Substitute offered on page 1403. Senator Ellis objected.

The question being: "Shall the State Affairs Senate Committee Substitute be adopted?" The roll was taken with the following result:

CSHB 94(FIN) am
Second Reading
Adopt STA Senate Committee Substitute?

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

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

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

Excused: Bunde

and so, the State Affairs Senate Committee Substitute was adopted.

Senator Elton offered Amendment No. 1:

Page 9, line 20, through page 11, line 14:

Delete all material.

Renumber the following bill sections accordingly.

Page 35, line 2:

Delete "secs. 34 - 57"

Insert "secs. 31 -54"

Senator Elton 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:

SCS CSHB 94(STA)
Second Reading
Amendment No. 1

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

Yeas: Davis, Ellis, Elton, French, Guess, Hoffman, Kookesh, Olson

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

Excused: Bunde

and so, Amendment No. 1 failed.

President Stevens stated SENATE CS FOR CS FOR HOUSE BILL NO. 94(STA) will be on the May 10 calendar.

HB 98

CS FOR HOUSE BILL NO. 98(RLS) "An Act relating to the compensation of the governor, the lieutenant governor, and certain public officials, officers, and employees not covered by collective bargaining agreements; 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 1508. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 98(FIN) "An Act relating to the compensation of legislators, the governor, the lieutenant governor, and certain public officials, officers, and employees not covered by collective bargaining agreements; and providing for an effective date" (Title change authorized by SCR 18) was adopted.

President Stevens stated SENATE CS FOR CS FOR HOUSE BILL NO. 98(FIN) will be on the May 10 calendar.

HB 130

CS FOR HOUSE BILL NO. 130(FIN) am "An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; establishing the university research forest; 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 1508. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 130(FIN) was adopted.

President Stevens stated SENATE CS FOR CS FOR HOUSE BILL NO. 130(FIN) will be on the May 10 calendar.

HB 279

CS FOR HOUSE BILL NO. 279(FIN) "An Act relating to encroachments in the right-of-way of a highway" 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 1510. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 279(FIN) was adopted.

Senator French offered Amendment No. 1:

Page 3, lines 10 - 11:

Delete all material and insert:

"(g) Except for damage, injury, or death resulting from gross negligence or reckless or intentional misconduct of the state or an agent or employee of the state, the state is not liable for damage to, or damage, injury, or death resulting from the presence of an encroachment in the right-of-way of a state highway."

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

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

SCS CSHB 279(FIN)

Second Reading

Amendment No. 1

YEAS: 8 NAYS: 10 EXCUSED: 1 ABSENT: 1

Yeas: Davis, Ellis, Elton, French, Guess, Hoffman, Kookesh, Olson

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

Excused: Bunde

Absent: Stedman

and so, Amendment No. 1 failed.

President Stevens stated SENATE CS FOR CS FOR HOUSE BILL NO. 279(FIN) will be on the May 10 calendar.

Third Reading of Senate Bills**SB 157**

CS FOR SENATE BILL NO. 157(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 157(FIN) "An Act relating to the maximum annual regulatory cost charge collected from certain regulated public utilities and pipeline carriers and to public utility liability associated with operating certain transmission lines under a Regulatory Commission of Alaska order for joint use and interconnection; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 157(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, CS FOR SENATE BILL NO. 157(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.

Senator Ellis gave notice of reconsideration.

Third Reading of House Bills**HB 97**

SENATE CS FOR CS FOR HOUSE BILL NO. 97(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 97(FIN) "An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 97(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. 97(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.

Senator Ellis gave notice of reconsideration.

HB 147

SENATE CS FOR CS FOR HOUSE BILL NO. 147(FIN) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 147(FIN) "An Act relating to notice of suspension or revocation of an insurer's certificate of authority and the effect of the suspension or revocation upon the authority of agents and managing general agents of the insurer; relating to certain deposits under AS 21; relating to the yielding of assets and securities held on deposit; relating to third-party administrators under AS 21; relating to insurance agents, managing general agents, reinsurance intermediary managers, and insurance producers; requiring the director of insurance to notify a

licensee of a license renewal before the renewal date; defining the term 'appointment' as used in part of AS 21; relating to the eligibility to provide coverage by a nonadmitted insurer and alien insurer; relating to surplus lines insurance and brokers; relating to misrepresentations and false advertising concerning insurance; relating to health discount plans; providing for limitations on owner controlled and contractor controlled insurance programs and limiting the coverage of those programs; prohibiting excessive, inadequate, or unfairly discriminatory rate charges for health insurance; defining the term 'plan administrator' as used in part of AS 21; defining the term 'transact' as used in AS 21; authorizing the director of insurance to designate a person to receive annual reports from companies; reducing the period for filing a quarterly financial statement; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CS HB 147(FIN)

Third Reading - Final Passage

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

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

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

Excused: Bunde

Olson changed from "Yea" to "Nay".

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 147(FIN) passed the Senate.

Senator Gary 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:

SCS CSHB 147(FIN)
Effective Date Clauses

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

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

Nays: Elton

Excused: Bunde

and so, the effective date clauses were adopted.

Senator Ellis gave notice of reconsideration.

HB 187

CS FOR HOUSE BILL NO. 187(FIN)(efd fld) was read the third time.

The question being: "Shall 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" pass the Senate?" The roll was taken with the following result:

CSHB 187(FIN)(efd fld)
Third Reading - Final Passage

YEAS: 14 NAYS: 5 EXCUSED: 1 ABSENT: 0

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

Nays: Davis, Ellis, Elton, French, Guess

Excused: Bunde

and so, CS FOR HOUSE BILL NO. 187(FIN)(efd fld) passed the Senate.

Senator Ellis gave notice of reconsideration.

HB 257

SENATE CS FOR CS FOR HOUSE BILL NO. 257(FIN) 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 5, line 9:

Delete "2009"

Insert "2007"

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

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

SCS CSHB 257(FIN)

Second Reading

Amendment No. 1

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

Yeas: Davis, Ellis, Elton, French, Guess, Hoffman, Kookesh, Olson

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

Excused: Bunde

and so, Amendment No. 1 failed.

SENATE CS FOR CS FOR HOUSE BILL NO. 257(FIN) was automatically in third reading.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 257(FIN) "An Act relating to and extending the pilot program for state procurement and electronic commerce tools; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 257(FIN)
Third Reading - Final Passage

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

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

Nays: Davis, Ellis, Elton, Guess, Hoffman, Kookesh, Olson

Excused: Bunde

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 257(FIN)
passed the Senate.

Senator Gary 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 257(FIN)
Effective Date Clause

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

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

Nays: Davis, Ellis, Elton, French, Hoffman, Kookesh, Olson

Excused: Bunde

Ellis changed from "Yea" to "Nay".
Olson changed from "Yea" to "Nay".
Kookesh changed from "Yea" to "Nay".

and so, the effective date clause failed.

Senator Elton gave notice of reconsideration on SENATE CS FOR CS
FOR HOUSE BILL NO. 257(FIN)(efd fld S) "An Act relating to and
extending the pilot program for state procurement and electronic
commerce tools."

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

Citations

Honoring – Richard DeLorenzo, Retiring Superintendent – Chugach School District

Senator(s) Bunde, Ben Stevens, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner
Representative(s) Hawker

Honoring – Bristol Bay 2A Girls Basketball Team, Bristol Bay Borough

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

Honoring – Jim and Mary Lou King

Senator(s) Elton, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken
Representative(s) Kerttula, Weyhrauch

Honoring – Skagway Panthers Girls Basketball Team

Representative(s) Thomas

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

Honoring – 60 Years of Service in the Priesthood, Father Hugh Hall

Representative(s) LeDoux

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

In Memoriam – Elizabeth Ellen “Betty” Harris

Senator(s) Elton, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken
Representative(s) Kerttula, Weyhrauch

In Memoriam – Harrison Crites

Representative(s) Gruenberg

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

In Memoriam – Pamela Handrich

Representative(s) Seaton

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

In Memoriam – Frank ‘Dutch’ Behrends

Representative(s) Weyhrauch, Kerttula

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

In Memoriam – Dora Dushkin

Representative(s) Moses

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

In Memoriam – Mark Hiratsuka

Representative(s) Moses

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

In Memoriam – The Very Reverend Peter Bourdukofsky

Representative(s) Moses

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

In Memoriam – Donald James Arndt

Representative(s) LeDoux

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

Honoring – Karl Schoeppe

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

Representative(s) Kerttula, Weyhrauch

Honoring – Gordon Jackson

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

Representative(s) Kerttula, Weyhrauch

Honoring – Lisa B. Nelson

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

Honoring – St. Nicholas Russian Orthodox Church on its 110th Anniversary

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

Representative(s) Kerttula, Weyhrauch

Honoring – Sarah Carlson

Representative(s) Salmon

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

Honoring – Hazel E. Smith

Representative(s) Gara

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

Honoring – John T. Kelsey

Representative(s) Harris

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

Honoring – The Coast Guard Helicopter Crew, Responding to the Selendang Ayu

Representative(s) Ledoux

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

Honoring – Stephen E. Branchflower

Representative(s) Samuels, Dahlstrom, Stoltze

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

Honoring – Lieutenant General Carrol H. Chandler

Representative(s) Dahlstrom

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

In Memoriam - Jesse Ward Robinson

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

Representative(s) Olson, Chenault

In Memoriam - Fowler “Red” K. Starr

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

Representative(s) Stoltze

In Memoriam - Paul Robert Emerson

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

Representative(s) Kerttula, Weyhrauch

In Memoriam - Amos Wallace

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

Representative(s) Kerttula, Weyhrauch

In Memoriam - Barbara "Bobbie" Evelyn Rice
Senator(s) Elton, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis,
Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman,
Gary Stevens, Therriault, Wagoner, Wilken
Representative(s) Kerttula, Weyhrauch

In Memoriam - Jerry Harlan Harper
Senator(s) Ellis, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Elton,
French, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins,
Stedman, Gary Stevens, Therriault, Wagoner, Wilken
Representative(s) Gara

In Memoriam - Twyla "Colleen" Bowers
Representative(s) Kelly
Senator(s) Seekins, Ben Stevens, Bunde, Cowdery, Davis, Dyson,
Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson,
Stedman, Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam - Arthur "Art" S. Buswell
Representative(s) Kelly
Senator(s) Seekins, Ben Stevens, Bunde, Cowdery, Davis, Dyson,
Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson,
Stedman, Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam - Lance Corporal Jeremiah Colt Kinchen
Representative(s) Harris
Senator(s) Therriault, Ben Stevens, Bunde, Cowdery, Davis, Dyson,
Ellis, Elton, French, Green, Guess, Hoffman, Huggins, Kookesh,
Olson, Seekins, Stedman, Gary Stevens, Wagoner, Wilken

In Memoriam - Raymond Leonard Callaway, Sr.
Representative(s) Samuels
Senator(s) Cowdery, Ben Stevens, Bunde, Davis, Dyson, Ellis, Elton,
Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman,
Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam - Edgar J. "Bud" Best
Representative(s) Stoltze, Kohring, Gatto, Neuman
Senator(s) Huggins, Ben Stevens, Bunde, Cowdery, Davis, Dyson,
Ellis, Elton, Green, Guess, Hoffman, Kookesh, Olson, Seekins,
Stedman, Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam - Douglas "Sy" Neeley, The Life and Memory of a Great Alaskan

Representative(s) Coghill

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

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

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

Special Order of Business

Honoring – Sergeant-at-Arms, Senate Assistant Sergeant-at-Arms, Senate Pages

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

Honoring – Those who Toil on the House Floor

Representative(s) Rokeberg

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

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

Senator Gary Stevens moved and asked unanimous consent to return to Standing Committee Reports. Without objection, the Senate returned to:

Standing Committee Reports**HB 33**

The Finance 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" and recommended it be replaced with

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

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

The following previously published fiscal information applies:

Fiscal Note No. 7, zero, Department of Environmental
Conservation

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

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

The bill was referred to the Rules Committee.

SB 46

The Finance Committee considered SENATE BILL NO. 46 "An Act making capital appropriations and appropriations to capitalize funds; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 46(FIN) "An Act making capital appropriations; and providing for an effective date."

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

The bill is on today's calendar.

Consideration of the Calendar (continued)

Second Reading of Senate Bills

SB 46

SENATE BILL NO. 46 "An Act making capital appropriations and appropriations to capitalize funds; 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 Committee Substitute offered on page 1539. Without objection, CS FOR SENATE BILL NO. 46(FIN) "An Act making capital appropriations; and providing for an effective date" was adopted.

Senator Green offered Amendment No. 2:

Page 1 through Page 28:

Delete all material.

Insert Page 1 through Page 128 from CS FOR SENATE BILL NO. 46(FIN), workdraft 24-GS1074\L, dated 5/6/05.

Senator Green moved for the adoption of Amendment No. 2. Without objection, Amendment No. 2 was adopted.

The full text of CS FOR SENATE BILL NO. 46(FIN), workdraft 24-GS1074\L (numbers and language sections), dated 5/6/05, will be published in Senate Journal Supplement No. 3.

Senator Wilken offered Amendment No. 1:

Add to Section 1:

Department of Natural Resources

	Appropriation Items	General Funds	Other Funds
Chitina Personal Use Dip Net Fishery Access Area (HD99)	700,000	700,000	

Insert conditional language:

“This appropriation shall be made available at the time the Chitina Native Corporation, AHTNA Native Corporation and the State of Alaska enter into a concession area management agreement for the Chitina Personal Use Dip Net Fishery Area.”

Insert intent language:

“It is the intent of the Legislature that this appropriation provide for the basic infrastructure to develop the Chitina Personal Use Dip Net Fishery Area to begin the public – private concession program as outlined in the management agreement.”

“It is the intent of the Legislature that future appropriations for the Chitina Personal Use Dip Net Fishery Area be made available based on program receipts collected for this purpose.”

Senator Wilken moved for the adoption of Amendment No. 1. Without objection, Amendment No. 1 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.

CS FOR SENATE BILL NO. 46(FIN) am was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 46(FIN) am "An Act making and amending 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" pass the Senate?" The roll was taken with the following result:

CSSB 46(FIN) am
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, CS FOR SENATE BILL NO. 46(FIN) 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 clauses. Without objection, it was so ordered.

Senator Gary Stevens moved for the adoption of the constitutional budget reserve fund sections.

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:

CSSB 46(FIN) am
Adopt Constitutional Budget Reserve
Fund Section(s)?

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, the constitutional budget reserve fund sections were adopted, and the bill was referred to the Secretary for engrossment.

SB 70

SENATE BILL NO. 70 "An Act relating to controlled substances regarding the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; and providing for an effective date" which had been moved to the bottom of the calendar (page 1514) was not in the possession of the Senate.

Unfinished Business**HB 148**

Senators Elton, Dyson moved and asked unanimous consent to be shown as cosponsors on CS FOR HOUSE BILL NO. 148(JUD) "An Act relating to human trafficking; and providing for an effective date." Without objection, it was so ordered.

HCR 6

Senator Seekins, Chair, moved and asked unanimous consent that the Labor and Commerce Committee referral be waived on HOUSE CONCURRENT RESOLUTION NO. 6 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. Without objection, the bill was referred to the Rules Committee.

Senator Seekins moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, May 16 to evening plane time, May 18. Without objection, Senator Seekins was excused.

HB 106

The reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 106(FIN) "An Act establishing the senior care program and relating to that program; creating a fund for the provision of the senior care program; repealing ch. 3, SLA 2004; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

HB 169

The reconsideration on CS FOR HOUSE BILL NO. 169(FIN) "An Act relating to the educational requirements for certain real estate brokers, associate brokers, and salespersons with new or suspended licenses; relating to review of real estate transactions by attorneys or associate brokers; relating to the requirements for a real estate broker license and an associate real estate broker license; 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 215

The reconsideration on CS FOR HOUSE BILL NO. 215(FIN) "An Act relating to the investment responsibilities of the Alaska Permanent Fund Corporation; relating to regulations proposed and adopted by the Board of Trustees of the Alaska Permanent Fund Corporation and providing procedures for the adoption of regulations by the board; 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 293

The reconsideration on HOUSE BILL NO. 293 "An Act relating to a borough sales tax exemption for a source that is taxed by a city in that borough" 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 46**

CS FOR SENATE BILL NO. 46(FIN) am "An Act making and amending 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" was engrossed.

SB 73

CS FOR SENATE BILL NO. 73(FIN) am "An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HB 106

SENATE CS FOR CS FOR HOUSE BILL NO. 106(FIN) "An Act establishing the senior care program and relating to that program; creating a fund for the provision of the senior care program; repealing ch. 3, SLA 2004; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

SCR 17

SENATE CONCURRENT RESOLUTION NO. 17 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 53, relating to children in need of aid and related matters, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., May 10, 2005. Without objection, the Senate adjourned at 10:48 p.m.

Kirsten Waid
Secretary of the Senate

July 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 09 Monday Beltz 211 1:30 PM
 -- Meeting Canceled --
 + Bills Previously Heard/Scheduled

FINANCE

May 09 Monday Senate Finance 532
 + HB 161 REEMPLOYMENT OF RETIREES
 + HB 88 CRIM LAW:MINORS, SCHOOLS, DRUGS,SENTENCES
 + Bills Previously Heard/Scheduled

May 10 Tuesday Senate Finance 532
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

May 09 Monday Location Tba
 -- Recessed to a Call of the Chair --
 Time and Location TBA
 Bills Previously Heard/Scheduled

May 10 Tuesday Location Tba
 -- Recessed to a Call of the Chair --
 Time and Location TBA
 Bills Previously Heard/Scheduled

JUDICIARY

May 09 Monday Butrovich 205 8:30 AM
 + Bills Previously Heard/Scheduled
 = SB 165 CARD ROOMS & OPERATIONS

JOINT COMMITTEES

FREE CONFERENCE COMMITTEE ON SB 141

May 10 Tuesday Senate Finance 532 9:00 AM
 = SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT/BOARDS
 Free Conference Committee Meeting

CONFERENCE COMMITTEE ON HB 66 & HB 67

May 09 Monday House Finance 519 4:00 PM
 -- Location Change --
 -- Time Change --
 = HB 66 APPROP: MENTAL HEALTH BUDGET
 = HB 67 APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF
 Departments -
 Administration
 Commerce & Economic Development
 Education
 Labor
 Law
 Natural Resources
 Revenue
 DOT & PF
 Court Systems

May 10 Tuesday Location Tba
 = HB 66 APPROP: MENTAL HEALTH BUDGET
 = HB 67 APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF

CONFERENCE COMMITTEE ON SB 125

May 10 Tuesday Butrovich 205 8:30 AM
SB 125 LICENSING MEDICAL OR CARE FACILITIES

CONFERENCE COMMITTEE ON SB 130

May 10 Tuesday Butrovich 205 11:00 AM
SB 130 WORKERS' COMPENSATION/ INSURANCE

CONFERENCE COMMITTEE ON SB 141

May 09 Monday Senate Finance 532 8:00 AM
= SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT/BOARDS

LEGISLATIVE BUDGET & AUDIT

May 11 Wednesday Location Tba
Committee Business
Executive Session
Panel Discussion with Federal Officials
regarding Gas Pipeline Issues