

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

Juneau, Alaska

Thursday

May 12, 2005

Second Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:23 a.m.

The roll showed fifteen members present. Senators Davis, Hoffman, Kookesh were excused from a call of the Senate. Senators Bunde, Ellis were absent.

Senator Gary Stevens moved and asked unanimous consent that Senator Bunde be excused from a call of the Senate from today to evening plane time, May 15. Without objection, Senator Bunde was excused.

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

God grant me the serenity to accept those things we
cannot change, the courage to change those things
that we can and the wisdom to know the difference.
Amen.

Senator Olson led the Senate in the Pledge of Allegiance.

Recess

President Stevens stated, without objection, the Senate would stand in recess to a call of the Chair. There being no objection, the Senate recessed at 11:26 a.m.

After Recess

The Senate reconvened at 6:32 p.m.

Messages from the Governor**SB 63**

Message dated and received May 12, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE BILL NO. 63 "An Act relating to road signs encouraging the use of safety belts."

Chapter 15, SLA 2005
Effective Date: 08/10/05

SB 93

Message dated and received May 12, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE CS FOR CS FOR SENATE BILL NO. 93(FIN) "An Act relating to commercial fishing permit and vessel license fees; and providing for an effective date."

Chapter 16, SLA 2005
Effective Date: 05/13/05

SB 90

Message dated and received May 12, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CS FOR SENATE BILL NO. 90(STA) "An Act relating to Alaska Territorial Guard Day."

Chapter 17, SLA 2005
Effective Date: 08/10/05

Messages from the House**HB 257**

Pursuant to the Senate request, 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" was returned to the Senate.

SB 125

Message dated May 10 was received, stating the House granted limited powers of free conference to the House conferees considering:

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"

and

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."

on the requested specific points.

The House has adopted the report of the Conference Committee with limited powers of free conference considering CS FOR SENATE BILL NO. 125(JUD) and HOUSE CS FOR CS FOR SENATE BILL NO. 125(FIN) am H, thus adopting:

CONFERENCE CS 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 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 the personal needs allowance for assisted living home residents, and authorizing emergency regulations relating to the personal needs allowance; making conforming amendments; and providing for an effective date."

(Title change authorized by HCR 21)

The Senate adopted CONFERENCE CS FOR SENATE BILL NO. 125 on May 10, 2005 (page 1571).

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

SB 22

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

CS FOR SENATE BILL NO. 22(FIN) "An Act adding birthing centers to the list of health facilities eligible for payment of medical assistance for needy persons."

The bill was referred to the Secretary for enrollment.

SB 128

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

SENATE BILL NO. 128 am "An Act relating to consideration by the Local Boundary Commission of a requested borough incorporation."

The bill was referred to the Secretary for enrollment.

SB 135

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

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."

The bill was referred to the Secretary for enrollment.

SB 153

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

SENATE BILL NO. 153 "An Act relating to international airports revenue bonds; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SB 158

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

SENATE BILL NO. 158 "An Act prohibiting the imposition of municipal sales and use taxes on state construction contracts and certain subcontracts; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

SCR 17

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

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.

The resolution was referred to the Secretary for enrollment.

HB 33

Message dated May 10 was received, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 33(FIN), thus adopting:

SENATE CS FOR 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."

HB 53

Message dated May 10 was received, stating the House concurred in the Senate amendments to 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," thus adopting:

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 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)

HB 88

Message dated May 10 was received, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 88(RLS), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 88(JUD) "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."

HB 95

Message dated May 10 was received, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 95(RLS) am, thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 95(JUD) "An Act relating to the duties of the Department of Health and Social Services as those duties pertain to public health and public health emergencies and disasters; relating to medical treatment, information, isolation and quarantine for the prevention and management of conditions of public health importance; relating to duties of the public defender and office of public advocacy regarding public health emergencies and disasters; relating to liability for actions arising from public health procedures; making conforming amendments; relating to the treatment and transportation of dead bodies; amending Rules 4, 7, 8, 38, 40, 65, 72, and 77, Alaska Rules of Civil Procedure; and providing for an effective date."

HB 97

Message dated May 10 was received, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 97(FIN), thus adopting:

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."

HB 98

Message dated May 10 was received, stating the House concurred in the Senate amendments to CS FOR HOUSE BILL NO. 98(RLS), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 98(FIN) am S "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."

HB 106

Message dated May 10 was received, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 106(FIN), thus adopting:

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."

HB 119

Message dated May 10 was received, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 119(FIN), thus adopting:

SENATE CS FOR 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."

HB 161

Message dated May 10 was received, stating the House concurred in the Senate amendments to CS FOR HOUSE BILL NO. 161(STA) am, thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 161(FIN) am S "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."

HB 279

Message dated May 10 was received, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 279(FIN), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 279(FIN) "An Act relating to encroachments in the right-of-way of a highway."

Special Committee Reports**HB 130**

May 12, 2005

Mr. President:

Mr. Speaker:

The Conference Committee considering CS FOR HOUSE BILL NO. 130(FIN) am and SENATE CS FOR CS FOR HOUSE BILL NO. 130(FIN) "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" requests limited powers of free conference on the following specific points:

Section 3, subparagraph (n)
Section 3, subparagraph (q)
Section 4, subparagraph (c)(2)

Signing the report: Senators Wagoner, Wilken, Ellis; Representative Ramras, Chair, Representatives Weyhrauch, Salmon

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

The Secretary was requested to notify the House.

Engrossment

HB 53

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 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" which passed the Senate May 9 (page 1520) with engrossment waived, was engrossed and transmitted to the House.

HB 98

SENATE CS FOR CS FOR HOUSE BILL NO. 98(FIN) am S "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" which passed the Senate May 10 (page 1589) with engrossment waived, was engrossed and transmitted to the House.

HB 161

SENATE CS FOR CS FOR HOUSE BILL NO. 161(FIN) am S "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" which passed the Senate May 10 (page 1585) with engrossment waived, was engrossed and transmitted to the House.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., May 13, 2005. Without objection, the Senate adjourned at 6:33 p.m.

Kirsten Waid
Secretary of the Senate

June 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.

JOINT COMMITTEES**CONFERENCE COMMITTEE ON HB 1**

May 12 Thursday Location Tba
 = HB 1 INCREASE AMT OF BASE STUDENT ALLOCATION

May 13 Friday Location Tba
 = HB 1 INCREASE AMT OF BASE STUDENT ALLOCATION

CONFERENCE COMMITTEE ON HB 130

May 12 Thursday Capitol 124 3:00 PM
 -- Recessed to a Call of the Chair --
 HB 130 UNIVERSITY LAND GRANT/STATE FOREST

May 13 Friday Capitol 124 3:00 PM
 = HB 130 UNIVERSITY LAND GRANT/STATE FOREST

CONFERENCE COMMITTEE ON HB 66 & HB 67

May 12 Thursday Location Tba
 = HB 66 APPROP: MENTAL HEALTH BUDGET
 = HB 67 APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF

May 13 Friday Location Tba
 = HB 66 APPROP: MENTAL HEALTH BUDGET
 = HB 67 APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF

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CONFERENCE COMMITTEE ON SB 130

May 12 Thursday Butrovich 205 5:30 PM
-- Meeting Canceled --
= SB 130 WORKERS' COMPENSATION/ INSURANCE

May 13 Friday Butrovich 205 9:00 AM
= SB 130 WORKERS' COMPENSATION/ INSURANCE

FREE CONF COMMITTEE ON SB 141

May 12 Thursday Senate Finance 532 6:00 PM
-- Meeting Delayed to 05/13/05 --
= SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT/BOARDS

May 13 Friday Senate Finance 532 9:00 AM
= SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT/BOARDS