

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

Juneau, Alaska

Saturday

May 14, 2005

Fourth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 1:39 p.m.

The roll showed fifteen members present. Senators Bunde, Davis, French, Olson were excused from a call of the Senate. Senator Hoffman was absent.

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

Our dear heavenly father, it is with great honor, and we count as a privilege, to be able to be here today and to continue our deliberations. We ask You to help us remain steady in the job before us and to remain healthy through the stress.

Be with us and grant to us all the patience, wisdom, strength, power and ability to see the other view. Help our families. Help us maintain our health through all of this and we ask that You be in our presence and continue Your guidance in our lives.
Amen.

Senator Kookesh led the Senate in the Pledge of Allegiance.

Certification

Senator Gary Stevens moved and asked unanimous consent that the journal for the third legislative day of the First Special Session and Senate Supplement No. 3 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House**SB 130**

Message dated May 13 was received, stating the Speaker granted limited powers of free conference to the House conferees considering:

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"

and

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"

on the requested specific points.

Concur Messages

SB 73

Message dated May 13 was read, stating the House passed 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" with the following amendment:

CS FOR SENATE BILL NO. 73(FIN) am H "An Act relating to reimbursement of municipal bonds for school construction; 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; authorizing financing for certain public transportation projects; giving notice of and approving the entry into, and the issuance of revenue obligations that provide participation in, lease-financing agreements for those transportation projects; and providing for an effective date."

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 amendment?" The roll was taken with the following result:

CSSB 73(FIN) am H
Shall the Senate Concur in the House
Amendment to CSSB 73(FIN) am?

YEAS: 4 NAYS: 11 EXCUSED: 4 ABSENT: 1

Yeas: Ellis, Elton, Guess, Kookesh

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

Excused: Bunde, Davis, French, Olson

Absent: Hoffman

and so, the Senate failed to concur.

The Secretary was requested to notify the House of the Senate's action and request the House to recede from its amendment. In the event the House fails to recede, the President appointed a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Wilken, Chair
Senator Huggins
Senator Guess

Recede Messages

HB 94

Message dated May 13 was read, stating the House failed to concur in the Senate amendment to CS FOR HOUSE BILL NO. 94(FIN) am and respectfully requests the Senate to recede from its amendment, namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 94(STA) "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."

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Samuels, Chair
Representative Elkins
Representative Gruenberg

Senator Gary Stevens moved that the Senate recede from its amendment and recommended the body vote no.

The presence of Senator Hoffman was noted.

HB 94

The question being: "Shall the Senate recede from its amendment?"
The roll was taken with the following result:

SCS CSHB 94(STA)

Shall the Senate Recede from its
Amendment to CSHB 94(FIN) am?

YEAS: 5 NAYS: 11 EXCUSED: 4 ABSENT: 0

Yeas: Ellis, Elton, Guess, Hoffman, Kookesh

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

Excused: Bunde, Davis, French, Olson

and so, the Senate failed to recede.

The President appointed the following members to a Conference
Committee to meet with the like committee from the House:

Senator Gary Stevens, Chair
Senator Therriault
Senator Elton

The Secretary was requested to notify the House.

Recess

President Stevens stated that, without objection, the Senate would
stand in recess to a call of the Chair. There being no objection, the
Senate recessed at 1:47 p.m.

After Recess

The Senate reconvened at 6:59 p.m.

Message dated May 13 was read, stating the House passed and
transmitted for consideration:

**First Reading and Reference of
House Resolutions****HCR 24**

HOUSE CONCURRENT RESOLUTION NO. 24 BY
REPRESENTATIVE GRUENBERG,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 73, 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.

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

Special Committee Reports**SB 141**

Forthcoming Conference Committee Substitute (page 1639) was received today:

FREE CONFERENCE CS FOR SENATE BILL NO. 141(Corrected)
"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, 2006; 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."

SB 141

Senator Gary Stevens moved and asked unanimous consent to take up the Conference Committee Report on FREE CONFERENCE CS FOR SENATE BILL NO. 141(Corrected) which had been held on the Secretary's desk (page 1639). Without objection, the Conference Committee Report was before the Senate.

Senator Gary Stevens moved that the Senate adopt the Conference Committee Report on FREE CONFERENCE CS FOR SENATE BILL NO. 141(Corrected).

The question being: "Shall the Senate adopt the Conference Committee Report on FREE CONFERENCE CS FOR SENATE BILL NO. 141(Corrected) "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, 2006; 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"?" The roll was taken with the following result:

FCCS SB 141(Corrected)
Shall the Senate adopt the Conference
Committee Report?

YEAS: 12 NAYS: 5 EXCUSED: 3 ABSENT: 0

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

Nays: Ellis, Elton, French, Guess, Kookesh

Excused: Bunde, Davis, Olson

and so, the report was adopted.

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:

FCCS SB 141(Corrected)
Effective Date Clauses

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

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

Excused: Bunde, Davis, Olson

and so, the effective date clauses were adopted.

The Secretary was requested to notify the House.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 1:00 p.m., May 15, 2005. Without objection, the Senate adjourned at 7:17 p.m.

Kirsten Waid
Secretary of the Senate

May 2005

Announcements

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

STANDING COMMITTEES

+ indicates teleconference

= indicates bill previously heard/scheduled

FINANCE

May 15	Sunday	Senate Finance 532	1:00 PM
	Agenda TBA		

JOINT COMMITTEES**CONFERENCE COMMITTEE ON HB 1**

May 15	Sunday	Location TBA
= HB 1	INCREASE AMT OF BASE STUDENT ALLOCATION	

CONFERENCE COMMITTEE ON HB 66 & HB 67

May 15	Sunday	Location TBA
= HB 66	APPROP: MENTAL HEALTH BUDGET	
= HB 67	APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF	