

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

**Juneau, Alaska**

**Saturday**

**May 21, 2005**

**Eleventh Day**

The Senate was called to order by President Stevens at 5:39 p.m.

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

Senator Gary Stevens moved and asked unanimous consent that Senators Olson, Guess be excused from a call of the Senate today. Without objection, Senators Olson, Guess were excused.

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

Dear God,

Please grant us patience today. Spread peace and happiness in our hearts and give us the wisdom to recognize Your master plan. Grant us serenity and allow us to appreciate Your creation. Bless us all and keep us safe. Amen.

Senator Elton led the Senate in the Pledge of Allegiance.

**Certification**

Senator Gary Stevens moved and asked unanimous consent that the journals for the ninth and tenth legislative days for the First Special Session be approved as certified by the Secretary. Without objection, it was so ordered.

**Messages from the Governor****SB 143**

Message dated May 19 was received, 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. 143(STA) "An Act amending the definition of the term 'state agencies' as it applies under Executive Order No. 113; relating to information systems in the legislative branch and to the Telecommunications Information Council; and providing for an effective date."

Chapter 25, SLA 2005  
Effective Date: 05/20/2005

**SB 25**

Message dated May 19 was received, 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. 25 "An Act relating to labeling and identification of genetically modified fish and fish products."

Chapter 26, SLA 2005  
Effective Date: 08/17/2005

**SB 129**

Message dated May 20 was received, 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. 129(JUD) "An Act relating to the wrongful recording of a notice of pendency of an action relating to title to or right to possession of real property."

Chapter 27, SLA 2005  
Effective Date: 08/18/2005

**SJR 11**

Message dated May 19 was received, stating the Governor read the following resolution and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE JOINT RESOLUTION NO. 11 Urging the United States Congress to amend the tax code to repeal the federal excise tax on communications.

Legislative Resolve No. 14

**SJR 16**

Message dated May 19 was received, stating the Governor read the following resolution and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE JOINT RESOLUTION NO. 16 Supporting legislation before the United States Congress that reaffirms the right of the states to regulate hunting and fishing.

Legislative Resolve No. 16

**Messages from the House****SB 130**

Message dated May 20 was received, stating the Speaker has appointed the following members to a Free Conference Committee to meet with the like committee from the Senate:

Representative Rokeberg, Chair  
Representative Anderson  
Representative Croft

Senate members appointed May 19:

Senator Therriault, Chair  
Senator Huggins  
Senator French

to consider the following bills:

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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."

**SB 141**

Message dated May 20 was received, stating the Speaker has appointed the following members to a 2d Free Conference Committee to meet with the like committee from the Senate:

Representative Ramras, Chair  
Representative Elkins  
Representative Berkowitz

Senate members appointed May 19:

Senator Gary Stevens, Chair  
Senator Ben Stevens  
Senator Guess

to consider the following bills:

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.

### **Special Committee Reports**

#### **SB 130**

The following report was received and distributed at 2:15 p.m., May 21, 2005:

May 21, 2005

Mr. President:

Mr. Speaker:

The Conference Committee considered 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" and recommends

FREE CONFERENCE CS FOR SENATE BILL NO.  
130 "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."

be adopted.

Signing the report: Senator Therriault, Chair, Senators Huggins, French; Representative Rokeberg, Chair, Representatives Anderson, Croft

The following previously published fiscal information applies:

Fiscal Note No. 14, Alaska Court System

Fiscal Note No. 15, Department of Labor and Workforce Development

Fiscal Note No. 16, indeterminate, Office of the Governor

The report was held on the Secretary's desk.

**SB 141**

The following report was received and distributed at 5:35 p.m., May 20, 2005:

May 20, 2005

Mr. President:

Mr. Speaker:

The 2d Free Conference Committee considered 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 and recommends

FREE CONFERENCE CS FOR SENATE BILL NO. 141(2d FCC) "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."

(technical title change)

be adopted.

Signing the report: Senator Gary Stevens, Chair, Senators Ben Stevens, Guess; Representative Ramras, Chair, Representatives Elkins, Berkowitz

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Administration  
Fiscal Note No. 3, Department of Revenue  
Fiscal Note No. 4, Department of Revenue  
Fiscal Note No. 5, Department of Revenue  
Fiscal Note No. 6, Department of Revenue  
Fiscal Note No. 7, Department of Revenue  
Fiscal Note No. 9, zero, House Finance Committee  
Fiscal Note No. 11, Department of Administration

Senator Gary Stevens moved that the Senate adopt the Conference Committee Report on FREE CONFERENCE CS FOR SENATE BILL NO. 141(2d FCC).

The question being: "Shall the Senate adopt the Conference Committee Report on FREE CONFERENCE CS FOR SENATE BILL NO. 141(2d FCC) "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(2d FCC)  
Shall the Senate Adopt the Conference  
Committee Report?

**YEAS: 11 NAYS: 3 EXCUSED: 5 ABSENT: 1**

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

Nay: Ellis, Elton, French

Excused: Bunde, Davis, Guess, Kookesh, Olson

Absent: Hoffman

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(2d FCC)  
Effective Date Clauses

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

Yea: Cowdery, Dyson, Ellis, Elton, French, Green, Huggins,  
Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Excused: Bunde, Davis, Guess, Kookesh, Olson

Absent: Hoffman

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.

**Enrollment****SB 102**

HOUSE CS FOR CS FOR SENATE BILL NO. 102(RES) "An Act repealing the Alaska coastal management program; relating to an extension for review and approval of revisions to the Alaska coastal management program; relating to reviews and modifications by the Department of Natural Resources; relating to coastal resource district policies; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003; and providing for an effective date" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 4:33 p.m., May 19, 2005.

Memorandum from the Division of Legal and Research Services, Legislative Affairs Agency, reporting the following manifest errors in HOUSE CS FOR CS FOR SENATE BILL NO. 102(RES), which have been corrected in enrolling:

Page 10, line 20:

Delete "**44.33.782**"  
Insert "**AS 44.33.782**"

Page 13, line 18:

Delete "sec."

Page 13, line 24:

Delete "State's"  
Insert "States"

Page 13, line 25:

Delete "sec."

**Adjournment**

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 2:00 p.m., May 22, 2005. Without objection, the Senate adjourned at 5:47 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.

**STANDING COMMITTEES**

+ indicates teleconference  
= indicates bill previously heard/scheduled

**TRANSPORTATION**

<b>Jun 09</b>	<b>Thursday</b>	<b>Anch Lio Conf Rm</b>	<b>10:00 AM</b>
+	Joint w/(H) Transportation Force Account Projects Briefing - Pat Davidson, Leg. Auditor Privatization of Transportation Services British Columbia Public Testimony - General Contractors, Builders and Others Force Account Projects Presentation - DOT/PF		

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**JOINT COMMITTEES****CONFERENCE COMMITTEE ON HB 1**

<b>May 21</b>	<b>Saturday</b>	<b>Location Tba</b>
= HB 1	INCREASE AMT OF BASE STUDENT ALLOCATION	

  

<b>May 22</b>	<b>Sunday</b>	<b>Location Tba</b>
= HB 1	INCREASE AMT OF BASE STUDENT ALLOCATION	

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

**May 21 Saturday Location Tba**  
= HB 66 APPROP: MENTAL HEALTH BUDGET  
= HB 67 APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF

**May 22 Sunday Location Tba**  
= HB 66 APPROP: MENTAL HEALTH BUDGET  
= HB 67 APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF

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**CONFERENCE COMMITTEE ON SB 73**

**May 21 Saturday Senate Finance 532**  
= SB 73 STATE VIROLOGY LABORATORY

**May 22 Sunday Senate Finance 532**  
= SB 73 STATE VIROLOGY LABORATORY

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**FREE CONFERENCE COMMITTEE ON SB 130**

**May 21 Saturday Butrovich 205 12:00 PM**  
-- Continued From 5/20/05 --  
= SB 130 WORKERS' COMPENSATION/ INSURANCE

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**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

**May 23 Monday Anch Lio Conf Rm 10:00 AM**  
-- Meeting Canceled --  
+ Full Committee Meeting