

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
THIRD SPECIAL SESSION

Juneau, Alaska

Thursday

August 10, 2006

Thirtieth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:07 a.m.

Roll call showed 32 members present. Representatives Anderson, Gara, Kapsner, Kerttula, Kott, McGuire, and Weyhrauch were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Moses be excused from a call of the House today. There being no objection, it was so ordered. The presence of Representative Moses was noted later.

The invocation was offered by the Chaplain, Representative Meyer. Representative Dahlstrom moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Let us pray.

Thank You, Heavenly Father, for the privilege of serving in the House of Representatives. Lord, today this final day of the special session, I ask that You give each of us Your wisdom, compassion, and patience.

We ask also that You bestow on us clarity of vision and purpose to make wise decisions for the common good of the people of our state and the strength and integrity to carry out and uphold those decisions.

Our present time bears witness to great strife encompassing much of the world. In light of this unrest, we further ask that You grant us the power to see the goodness in all people.

Thank You for the freedom that we enjoy in this country. Please be with our soldiers who protect our freedom. Please be with the men and women serving our country inside and outside of our borders. Keep them safe and bring them home soon. In Your name, Amen.

The Pledge of Allegiance was led by Representative Croft.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 26th and 29th legislative days and House and Senate Joint Journal Supplement No. 18 of the Third Special Session be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

The following Governor's proclamation, dated August 9, 2006, was read:

"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 fourth special session at Juneau, Alaska in the legislative chambers on August 11, 2006, at 10:00 a.m., to consider the repeal of the oil production tax and the gas production tax and providing for a production tax on oil and gas.

Done by,
/s/
Frank H. Murkowski
Governor"

**The presence of Representative Kerttula was noted.

MESSAGES FROM THE SENATE**HB 3001**

A message dated August 10, 2006, was read stating the Senate has passed CSHB 3001(FIN) with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 3001(NGD)

"An Act relating to the production tax on oil and gas and to conservation surcharges on oil; relating to criminal penalties for violating conditions governing access to and use of confidential information relating to the production tax; amending the definition of 'gas' as that definition applies in the Alaska Stranded Gas Development Act; making conforming amendments; and providing for an effective date."

CSHB 3001(FIN) is under Unfinished Business.

**The presence of Representative Kapsner was noted.

SB 3005

A message dated August 9, 2006, was read stating the Senate has concurred in the House amendment to CSSB 3005(JUD) am, thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 3005(JUD) am H

"An Act relating to contempt of court and to temporary detention and identification of persons; and providing for an effective date."

The Speaker stated that, without objection, the House would recess to the call of the Chair; and so, the House recessed at 10:18 a.m.

AFTER RECESS

The Speaker called the House back to order at 2:00 p.m.

**The presence of Representatives McGuire and Anderson was noted.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF SENATE BILLS****SB 3002**

The following was read the second time:

CS FOR SENATE BILL NO. 3002(NGD)

"An Act amending the time allowed under the Alaska Stranded Gas Development Act for the commissioner of revenue to summarize public comments, propose amendments, if any, and make findings and a determination; and providing for an effective date."

with the:

Journal Page

FIN RPT 6DP 2NR
FN3: ZERO(REV)

4360
4361

**The presence of Representatives Gara, Kott, and Weyhrauch was noted.

Amendment No. 1 was offered by Representative Berkowitz:

Page 1, line 6:

Delete "Within **120** [30]"

Insert "**Not less than 180 and not more than 210** [WITHIN 30]"

Representative Berkowitz moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Coghill objected.

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

CSSB 3002(NGD)
Second Reading
Amendment No. 1

YEAS: 13 NAYS: 26 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Salmon

Nays: Anderson, Chenault, Coghill, Elkins, Foster, Gatto, Harris, Hawker, Holm, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Moses

And so, Amendment No. 1 was not adopted.

Representative Coghill moved and asked unanimous consent that CSSB 3002(NGD) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The question being: "Shall CSSB 3002(NGD) be advanced to third reading on the same day?" The roll was taken with the following result:

CSSB 3002(NGD)

Second Reading

Advance to Third Reading on the Same Day

YEAS: 28 NAYS: 11 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Elkins, Foster, Gatto, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Kerttula, Salmon

Excused: Moses

And so, the motion failed.

CONCUR IN SENATE AMENDMENTS**HB 3001**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 4367) on the following:

CS FOR HOUSE BILL NO. 3001(FIN)

"An Act relating to the production tax on oil and gas and to conservation surcharges on oil; relating to criminal penalties for violating conditions governing access to and use of confidential information relating to the production tax; amending the definition of 'gas' as that definition applies in the Alaska Stranded Gas Development Act; making conforming amendments; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 3001(NGD)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to CSHB 3001(FIN), thus adopting SCS CSHB 3001(NGD), and recommended that the members vote yes.

Representative Coghill placed a call of the House.

The call was satisfied.

The question being: "Shall the House concur in the Senate amendment to CSHB 3001(FIN)?" The roll was taken with the following result:

SCS CSHB 3001(NGD)

Concur

YEAS: 20 NAYS: 19 EXCUSED: 1 ABSENT: 0

Yeas: Coghill, Gatto, Harris, Hawker, Holm, Joule, Kapsner, Kelly, LeDoux, Lynn, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gruenberg, Guttenberg, Kerttula, Kohring, Kott, McGuire, Meyer, Salmon

Excused: Moses

And so, the House failed to concur in the Senate amendment, thus failing to adopt SCS CSHB 3001(NGD).

The Speaker stated that, without objection, the House would recess to 8:00 p.m.; and so, the House recessed at 3:51 p.m.

AFTER RECESS

The Speaker called the House back to order at 9:06 p.m.

CONCUR IN SENATE AMENDMENTS

HB 3001

Representative Coghill moved that the House rescind its action in failing to concur in the Senate amendment to CSHB 3001(FIN).

Representative Coghill placed a call of the House.

**The presence of Representative Moses, who was excused (page 4365), was noted.

The Speaker stated the call was satisfied.

The question being: "Shall the House rescind its action in failing to concur in the Senate amendment to CSHB 3001(FIN)?" The roll was taken with the following result:

SCS CSHB 3001(NGD)

Concur

Rescind Previous Action/Failing to Concur

YEAS: 25 NAYS: 15 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Coghill, Elkins, Foster, Gatto, Harris, Hawker, Holm, Joule, Kapsner, Kelly, LeDoux, Lynn, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Kerttula, Kohring, Kott, McGuire, Salmon

And so, the House rescinded its action.

Representative Coghill moved that the House concur in the Senate amendment to CSHB 3001(FIN), thus adopting SCS CSHB 3001(NGD), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 3001(FIN)?" The roll was taken with the following result:

SCS CSHB 3001(NGD)

Concur

YEAS: 26 NAYS: 14 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Coghill, Elkins, Gatto, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kott, LeDoux, Lynn, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Foster, Gara, Gardner, Gruenberg, Guttenberg, Kerttula, Kohring, McGuire

Salmon changed from "Nay" to "Yea".

Meyer changed from "Nay" to "Yea".

Kott changed from "Nay" to "Yea".

And so, the House concurred in the Senate amendment, thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 3001(NGD)

"An Act relating to the production tax on oil and gas and to conservation surcharges on oil; relating to criminal penalties for violating conditions governing access to and use of confidential

information relating to the production tax; amending the definition of 'gas' as that definition applies in the Alaska Stranded Gas Development Act; making conforming amendments; and providing for an effective date."

Representative Coghill moved the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

SCS CSHB 3001(NGD)

Concur

Effective Date

YEAS: 39 NAYS: 1 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Kohring

And so, the effective date clause was adopted.

The Chief Clerk notified the Senate.

SCS CSHB 3001(NGD) was referred to the Chief Clerk for enrollment.

SECOND READING OF SENATE BILLS

(continued)

SB 3002

Representative Coghill moved and asked unanimous consent that the following, which was read the second time (page 4368), be considered engrossed, advanced to third reading, and placed on final passage:

CS FOR SENATE BILL NO. 3002(NGD)

"An Act amending the time allowed under the Alaska Stranded Gas Development Act for the commissioner of revenue to summarize public comments, propose amendments, if any, and make findings and a determination; and providing for an effective date."

There was objection.

The question being: "Shall CSSB 3002(NGD) be advanced to third reading on the same day?" The roll was taken with the following result:

CSSB 3002(NGD)

Second Reading

Advance to Third Reading on the Same Day

YEAS: 28 NAYS: 12 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Elkins, Foster, Gatto, Harris, Hawker, Holm, Joule, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Kapsner, Kerttula, Salmon

And so, the motion failed.

Amendment No. 2 was offered by Representative Croft:

Page 2, line 3, following "chapter.":

Insert "**A final finding under this section may only be made after 150 days following the close of the public comment period.**"

Representative Croft moved and asked unanimous consent that Amendment No. 2 be adopted.

There was objection.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSSB 3002(NGD)
Second Reading
Amendment No. 2

YEAS: 18 NAYS: 22 EXCUSED: 0 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Joule, Kapsner, Kerttula, Moses, Neuman, Salmon, Seaton, Stoltze

Nays: Anderson, Chenault, Coghill, Dahlstrom, Elkins, Foster, Hawker, Holm, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Olson, Ramras, Rokeberg, Samuels, Thomas, Weyhrauch, Wilson

And so, Amendment No. 2 was not adopted.

Representative Coghill moved and asked unanimous consent that CSSB 3002(NGD) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

The question being: "Shall CSSB 3002(NGD) be advanced to third reading on the same day?" The roll was taken with the following result:

CSSB 3002(NGD)
Second Reading
Advance to Third Reading on the Same Day

YEAS: 28 NAYS: 12 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Elkins, Foster, Gatto, Harris, Hawker, Holm, Joule, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Kapsner, Kerttula, Salmon

And so, the motion failed.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the Third Special Session of the House of Representatives for the Twenty-fourth Legislature adjourn sine die. There being no objection, the House adjourned at 10:02 p.m.

Suzi Lowell
Chief Clerk