SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE

SECOND SESSION

Juneau, Alaska

Friday

March 31, 2006

Eighty-second Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:14 a.m.

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

The prayer was offered by the Chaplain, The Reverend Mark Boesser of the Episcopal Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

The story goes that an elderly Arab died and left his estate to his three sons: one-half to the eldest, onethird to the middle son and one-ninth to the youngest. The trouble was: the total inheritance amounted to seventeen camels and when the family tried to divvy things up, they found that seventeen could not be divided by two or three or nine. So, what to do? "Not to worry." A neighbor solved the problem very simply by lending them one camel so there would be a total of eighteen. It was easy now to divide the estate: one-half, nine camels, went to the eldest; onethird, six, went to the middle son; one-ninth, two, went to the youngest. Nine plus six is fifteen plus two equals seventeen. So, they divided the estate, returned the borrowed eighteenth camel to the neighbor, and all was well.

A point I'd like to draw from that neat story is that each of us probably has some sort of "camel" to at least loan to a fellow legislator to assist in solving some seemingly unsolvable problem or meeting some really difficult need.

My prayer this morning is that as the legislative session continues to unfold, each person here may find it in his or her heart to be that kind of a neighbor.

Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor

HB 489

Message dated March 30 and received March 31 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 489(STA) "An Act relating to the treatment of charity events by the Alaska Public Offices Commission and under the law governing legislative ethics; relating to a legislative employee's soliciting, accepting, or receiving a gift on behalf of a charitable organization; and providing for an effective date."

Chapter 10, SLA 2006 Effective Date: 03/31/2006

HB 251

Message dated March 30 and received March 31 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 251(RES) "An Act authorizing the Board of Fisheries to adopt regulations regarding fishing by a person who holds two entry permits for a salmon fishery."

Chapter 11, SLA 2006 Effective Date: 06/28/06

Messages from the House

Message dated March 30 was read, stating:

The House of Representatives respectfully invites the Senate to a Joint Session of the Twenty-fourth Alaska Legislature at 11:00 a.m. on Thursday, May 4 to consider confirmation of the Governor's appointments.

Senator Gary Stevens moved and asked unanimous consent that the Senate accept the House invitation to meet in Joint Session. Without objection, it was so ordered.

The Secretary was requested to notify the House.

SB 232

Message dated March 30 was read, stating in the event the House fails to recede from its amendments to CS FOR SENATE BILL NO. 232(FIN), namely:

HOUSE CS FOR CS FOR SENATE BILL NO. 232(FIN) am H "An Act making appropriations, supplemental appropriations, and capital appropriations; amending appropriations and funding sources; making appropriations to capitalize funds; and providing for an effective date."

The Speaker appointed the following members to a Conference Committee to meet with the like committee from the Senate to consider the bills:

Representative Chenault, Chair Representative Meyer Representative Joule

Senate members appointed March 29, page 2629:

Senator Wilken, Chair Senator Green Senator Hoffman

Message dated March 30 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 31

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 31(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the presumption of coverage for a workers' compensation claim for disability as a result of certain diseases for certain occupations."

was read the first time and referred to the Labor and Commerce and Finance Committees.

HB 441

CS FOR HOUSE BILL NO. 441(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to operating or driving a motor vehicle, aircraft, or watercraft while under the influence; relating to court-ordered treatment programs for certain offenders and offenses; amending Rule 35, Alaska Rules of Criminal Procedure; and providing for an effective date."

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

Standing Committee Reports

SB 307

The Labor and Commerce Committee considered SENATE BILL NO. 307 "An Act relating to a fee provided for in the rental agreement for late payment of rent under the Uniform Residential Landlord and Tenant Act." Signing do pass: Senator Bunde, Chair; Senator Ben Stevens. Signing no recommendation: Senator Davis. Signing amend: Senators Ellis, Seekins.

The following fiscal information was published today: Fiscal Note No. 1, zero, Department of Commerce, Community and Economic Development

The bill was referred to the Judiciary Committee.

HB 245

The State Affairs Committee considered CS FOR HOUSE BILL NO. 245(FIN) am "An Act relating to motor vehicle registration plates and fees for Purple Heart recipients and Medal of Honor recipients; and providing for an effective date." Signing do pass: Senator Therriault, Chair; Senators Elton, Huggins, Davis.

The following previously published fiscal information applies: Fiscal Note No. 2. Department of Administration

The bill was referred to the Finance Committee.

Consideration of the Calendar

Second Reading of House Bills

HB 269

HOUSE BILL NO. 269 "An Act relating to contribution actions relating to the release of a hazardous substance; and providing for an effective date" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 2189. Without objection, SENATE CS FOR HOUSE BILL NO. 269(JUD) was adopted.

Senator Seekins moved and asked unanimous consent that the Judiciary Letter of Intent (page 2189) be adopted as a Senate Letter of Intent. Without objection, it was so ordered.

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 HOUSE BILL NO. 269(JUD) was read the third time.

The question being: "Shall SENATE CS FOR HOUSE BILL NO. 269(JUD) "An Act relating to contribution actions relating to the release of a hazardous substance; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS HB 269(JUD) Third Reading - Final Passage Effective Date

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

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

Excused: Wagoner

and so, SENATE CS FOR HOUSE BILL NO. 269(JUD) 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 referred to the Secretary for engrossment with a Senate Letter of Intent.

HB 379

CS FOR HOUSE BILL NO. 379(JUD) "An Act relating to scheduling as a Schedule IA controlled substance gamma-hydroxybutyric acid and certain similar substances" 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. 379(JUD) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 379(JUD) "An Act relating to scheduling as a Schedule IA controlled substance gamma-hydroxybutyric acid and certain similar substances" pass the Senate?" The roll was taken with the following result:

CSHB 379(JUD)

Third Reading - Final Passage

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

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

Excused: Wagoner

and so, CS FOR HOUSE BILL NO. 379(JUD) passed the Senate, was signed by the President and Secretary and returned to the House.

Third Reading of Senate Bills

SB 310

SENATE BILL NO. 310 was read the third time.

The question being: "Shall SENATE BILL NO. 310 "An Act relating to the employment of prisoners; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 310 Third Reading - Final Passage Effective Date

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

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

Excused: Wagoner

and so, SENATE BILL NO. 310 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 referred to the Secretary for engrossment.

Third Reading of House Bills

HB 92

SENATE CS FOR CS FOR HOUSE BILL NO. 92(JUD) "An Act relating to the purchase of interests in corporations, including limited liability companies, by the University of Alaska" was read the third time.

Senator Seekins 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 Seekins offered Amendment No. 1:

```
Page 2, line 1, following "section,": Insert "(1)"
```

Page 2, line 4, following "agreement":

Insert "; or

(2) unless the university has engaged in fraudulent or other wrongful conduct relating to an obligation of the corporation or to the assets of the corporation that may be used to pay the obligation"

Senator Seekins moved for the adoption of Amendment No. 1. Without objection, Amendment No. 1 was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 92(JUD) am S was automatically in third reading.

Senators Ellis, Wilken, Guess, Gary Stevens, Elton, French, Huggins, Dyson, Seekins, Bunde, Therriault 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 HOUSE BILL NO. 92(JUD) am S "An Act relating to the purchase of interests in corporations, including limited liability companies, by the University of Alaska" pass the Senate?" The roll was taken with the following result:

SCS CSHB 92(JUD) am S Third Reading - Final Passage

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

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

Excused: Wagoner

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 92(JUD) am S passed the Senate and was referred to the Secretary for engrossment.

SCR 24

Senator Gary Stevens moved and asked unanimous consent that SENATE CONCURRENT RESOLUTION NO. 24, which had been held on the Secretary's desk (page 2442), be taken up at this time. Without objection, SENATE CONCURRENT RESOLUTION NO. 24 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 24 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 92, relating to the purchase of interests in nonprofit corporations by the University of Alaska, pass the Senate?" The roll was taken with the following result:

SCR 24

Final Passage

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

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman,

Stevens B, Stevens G, Therriault, Wilken

Excused: Wagoner

and so, SENATE CONCURRENT RESOLUTION NO. 24 passed the Senate and was referred to the Secretary for engrossment.

Citations

In Memoriam – Reverend Samuel K. Fields, Jr. Senator(s) Dyson, Ben Stevens, Bunde, Cowdery, Davis, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam – Wanda Holmes

Representative(s) Gara

Senator(s) Ellis, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Elton, French, 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 that the following citation be made a special order of business. Without objection, it was so ordered.

Special Order of Business

Honoring - John R. Merculief

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

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

Unfinished Business

Senator French moved and asked unanimous consent to be excused from a call of the Senate to morning plane time on April 3. Without objection, Senator French was excused.

Senator Bunde moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, April 7 to morning plane time, April 11. Without objection, Senator Bunde was excused.

Senator Huggins moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, April 1 to evening plane time, April 2. Without objection, Senator Huggins was excused.

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate from noon on April 13. Without objection, Senator Hoffman was excused.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 310

SENATE BILL NO. 310 "An Act relating to the employment of prisoners; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HB 92

SENATE CS FOR CS FOR HOUSE BILL NO. 92(JUD) am S "An Act relating to the purchase of interests in corporations, including limited liability companies, by the University of Alaska" was engrossed, signed by the President and Secretary and returned to the House for consideration.

HB 269

SENATE CS FOR HOUSE BILL NO. 269(JUD) "An Act relating to contribution actions relating to the release of a hazardous substance; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration with a Senate Letter of Intent.

SCR 24

SENATE CONCURRENT RESOLUTION NO. 24 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 92, relating to the purchase of interests in nonprofit corporations by the University of Alaska, 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 11:00 a.m., April 3, 2006. Without objection, the Senate adjourned at 11:46 a.m.

Kirsten Waid Secretary of the Senate

March 2006

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

Mar 31	Friday No Meeting Scheduled	Beltz 211	1:30 PM
Apr 03	Monday No Meeting Scheduled	Beltz 211	1:30 PM
Apr 05	Wednesday No Meeting Scheduled	Beltz 211	1:30 PM
Apr 07	Friday No Meeting Scheduled	Beltz 211	1:30 PM

FINANCE

Mar 31 += SB 305 +	Friday OIL AND GAS PRO Bills Previously Hear		9:00 AM
Apr 01	Saturday	Senate Finance 532	9:00 AM
	Time Change OIL AND GAS PRO		
+	Bills Previously Hear	d/Scheduled	
Apr 03	Monday	Senate Finance 532	9:00 AM
+= SB 305	OIL AND GAS PRO	DUCTION TAX	
+	Bills Previously Hear	d/Scheduled	

FINANCE (continued)

Apr 04 += SB 305 +	Tuesday OIL AND GAS PRODU Bills Previously Heard/S		9:00 AM
Apr 05 += SB 305 +	Wednesday OIL AND GAS PRODU Bills Previously Heard/S		9:00 AM
Apr 05 + HB 365	Wednesday Note Time Change APPROP: OPERATING Subcommittee Reports to	Senate Finance 532 BUDGET/LOANS/FUNDS Full Committee	1:00 PM
Apr 06 += SB 305 +	Thursday OIL AND GAS PRODU Bills Previously Heard/S		9:00 AM
Apr 06	Thursday	Senate Finance 532	1:00 PM
-	Note Time Change	BUDGET/LOANS/FUNDS	1.00 T WI
+= HB 365 + Apr 06	Note Time Change APPROP: OPERATING Bills Previously Heard/S Thursday Note Time Change	BUDGET/LOANS/FUNDS cheduled Senate Finance 532 BUDGET/LOANS/FUNDS only elimited to no at-Su ward, Homer	5:30 PM

Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 07 Friday Senate Finance 532 1:00 PM
-- Note Time Change -+= HB 365 APPROP: OPERATING BUDGET/LOANS/FUNDS
Continuation - Statewide Public Testimony
(public testimony may be limited to no
more than 3 minutes)
1:00 pm Bethel, Nome, Kotzebue
1:30 pm Barrow, Tok, Delta Junction
2:00 pm Ketchikan, Wrangell, Petersburg
2:30 pm Sitka, Cordova, Valdez

Apr 08 Saturday Senate Finance 532 9:00 AM += SB 305 OIL AND GAS PRODUCTION TAX Bills Previously Heard/Scheduled

Apr 08 Saturday Senate Finance 532 1:00 PM

-- Note Time Change --+= HB 365 APPROP: OPERATING BUDGET/LOANS/FUNDS

Continuation - Statewide Public Testimony (public testimony may be limited to no

more than 3 minutes)
1:00 pm Statewide off-nets

1:30 pm Juneau

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 31 **Friday Butrovich 205** 1:30 PM -- Meeting Canceled --Bills Previously Heard/Scheduled Apr 03 **Butrovich 205** Monday 1:30 PM No Meeting Scheduled Apr 05 Wednesday **Butrovich 205** 1:30 PM SB 48 PSYCH. EVALUATION/TREATMENT FOR STUDENTS Bills Previously Heard/Scheduled 1:30 PM Apr 07 **Friday Butrovich 205** Bills Previously Heard/Scheduled

JUDICIARY

Mar 31	Friday No Meeting Scheduled	Butrovich 205	8:30 AM
Apr 03	Monday No Meeting Scheduled	Butrovich 205	8:30 AM
+= HB 408	Tuesday LIMITATION ON EMINENT DEFINITION OF CHILD AB CONFISCATION OF FIREAR	USE AND NEGLECT	8:30 AM
Apr 05 +	Wednesday Dept. of Law Presentation: Ala Justice & Law Enforcement Co Bills Previously Heard/Schedu	ommission	8:30 AM
Apr 06 += HB 272 +	Thursday CARD ROOMS & OPERATION OF THE PROPERTY OF THE PROPERT		8:30 AM
Apr 07	Friday No Meeting Scheduled	Butrovich 205	8:30 AM

LABOR & COMMERCE

Apr 04	Tuesday	Beltz 211	1:30 PM
_	INSURANCE POLICIES IN FORE	EIGN LANGUAG	ES
+ SB 311	ATHLETIC COMMISSION; BOX	ING & WRESTLI	NG
+ SB 312	CONCERT OR ATHLETIC EVEN	T PROMOTERS	
+	Bills Previously Heard/Scheduled		
	Including But Not Limited to:		
Apr 06 +	Thursday Bills Previously Heard/Scheduled	Beltz 211	1:30 PM

RESOURCES

Mar 31	Friday No Meeting Scheduled	Butrovich 205	3:30 PM
Apr 03	Monday No Meeting Scheduled	Butrovich 205	3:30 PM
Apr 05	Wednesday	Butrovich 205	3:30 PM
_	PUBLIC ACCESS TO FISHII	NG STREAMS	
+ HB 218	PRIVATE HATCHERY COS	T RECOVERY FISHE	RIES
+ HB 380	ANIMALS & ANIMAL OR A	AGRICULTURAL PRO	DUCTS
Apr 07	Friday	Butrovich 205	3:30 PM
+= HB 37	PUBLIC ACCESS TO FISHI	NG STREAMS	
+= HB 218	PRIVATE HATCHERY COS	T RECOVERY FISHE	RIES
+= HB 380	ANIMALS & ANIMAL OR A	AGRICULTURAL PRO	DUCTS

STATE AFFAIRS

Apr 04	No Meeting Scheduled	Butrovich 205	3:30 PM
	Thursday TVS AND MONITORS IN M Bills Previously Heard/Sched		3:30 PM

TRANSPORTATION

Apr 04	Tuesday No Meeting Scheduled	Butrovich 205	1:30 PM
	Thursday AUTO DEALERS DISCLO	Butrovich 205 SURE DATA RECOR	1:30 PM DER

FINANCE SUBCOMMITTEES

ADMINISTRATION

Mar 31	Friday	Beltz 211	7:30 AM
+	Closeout		

COMMERCE, COMMUNITY & ECONOMIC DEV

Apr 04 Tuesday Beltz 211 8:00 AM

-- Meeting Canceled --Budget Closeout

UNIVERSITY OF ALASKA

Apr 03 Monday Senate Finance 532 7:30 AM

+ FY07 Operating Budget Closeout

SPECIAL COMMITTEES

COMMITTEE ON UNIVERSITY OVERSIGHT

Apr 10 Monday Senate Finance 532 5:00 PM

-- Teleconference <Listen Only> -- University of Alaska Presentation

JOINT COMMITTEES

CONFERENCE COMMITTEE ON SB 232

Apr 03 Monday Senate Finance 532 12:00 PM

SB 232 SUPPLEMENTAL APPROPRIATIONS

Apr 05 Wednesday Senate Finance 532 4:00 PM

= SB 232 SUPPLEMENTAL APPROPRIATIONS

LEGISLATIVE BUDGET & AUDIT

Apr 04 Tuesday House Finance 519 5:30 PM

Audit Requests Executive Session -

Preliminary and Final Audits

Other Business

OTHER MEETINGS

JOINT SESSION

May 04 **Thursday House Chamber** Confirmation of Governor's Appointees 11:00 AM