

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

Juneau, Alaska

Tuesday

June 6, 2006

Twenty-eighth Day

The House was called to order by Speaker Harris at 5:07 p.m.

Roll call showed 36 members present. Representatives Anderson, Kapsner, and McGuire were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Foster be excused from a call of the House from today to 10:00 a.m., plane time, June 11, 2006. There being no objection, it was so ordered.

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

With respect for all, I offer these thoughts.

This morning when I was asked about "How it was going?" my answer was not about an issue, or a vote, or lofty philosophic topics. It was about my health, my family, the coffee I had spilled all over, and the dog that is so mad at me for never being home that he won't look at me.

It was about how yesterday, when I was on the phone to leg. legal frantically revising an amendment, my father called to

let me say hello to my 100-year-old grandmother because she was having a good day and just wanted to say hi.

My answer this morning to the question of "How it was going?" was not about intricate legislative strategies, it was about a humorous comment made on the floor about the unavailability of certain articles of clothing in Kenai.

My answer was about being human, having human concerns, feeling human worries, and being brought back to earth by human needs. We are all human. It is sometimes our only common ground. As we go forward making our decisions, earth shattering as they may be, I just hope I can remember that the most powerful thing we can do is to remain human.

In closing, I would ask that we all think about and send our prayers for our friend from Nome as he undergoes medical tests and treatment - he never forgets what it is to be human.

Thank you.

The Pledge of Allegiance was led by Representative Chenault.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 26th and 27th legislative days of the Second Special Session be approved as certified by the Assistant Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

HJR 27

A message dated June 5, 2006, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE JOINT RESOLUTION NO. 27(MLV)

Urging the United States Congress to pass legislation amending the Alaska Native Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of vacant land within the State of Alaska; and to reopen and legislatively approve allotments in the Tongass National Forest.

Legislative Resolve No. 37

HB 16

A message dated June 5, 2006, was read stating the Governor has signed the following bill June 3 and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 16(FIN)

"An Act relating to funding for school districts operating statewide residential educational programs; and providing for an effective date."

Chapter No. 54, SLA 2006
Effective Date: July 1, 2006

HB 105

A message dated June 5, 2006, was read stating the Governor has signed the following bill June 2 and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 105(FIN)

"An Act relating to coverage for adult dental services under Medicaid; and providing for an effective date."

Chapter No. 52, SLA 2006
Effective Date: See Chapter

HB 149

A message dated June 5, 2006, was read stating the Governor has signed the following bill June 2 and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CONFERENCE CS FOR HOUSE BILL NO. 149

"An Act relating to controlled substances; relating to the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; relating to the manufacture of methamphetamine and to the sale, possession, and delivery of certain substances and precursors used in the manufacture of methamphetamine; relating to listing certain anabolic steroids as controlled substances; and providing for an effective date."

Chapter No. 53, SLA 2006

Effective Date: June 3, 2006

SB 171

A message dated June 5, 2006, was read stating the Governor has signed the following bill June 3 and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE CS FOR CS FOR SENATE BILL NO. 171(CRA)

"An Act amending the National Petroleum Reserve - Alaska special revenue fund to require allocation and deposit to the Alaska permanent fund and the public school fund of amounts in the percentages that are prescribed by law of the money obtained by the state as semiannual payments of a share of National Petroleum Reserve - Alaska sales, rentals, bonuses, and royalties received by the federal government that have not been appropriated from the state's special revenue fund for grants to municipalities, to authorize pro rata reductions in those fund allocations and deposits if amounts are insufficient to make those deposits in full, and, as to amounts received by the state in excess of amounts appropriated for grants to municipalities, to identify a priority of authorization for appropriations to offset past deficiencies in allocations and deposits of those funds before appropriations to other state funds or for other purposes for which

the state may use its share of these payments; and directing that appropriations from the fund made as grants for activities, services, and facilities shall be identified as capital appropriation items and that the amounts of each item shall be specified."

Chapter No. 55, SLA 2006

Effective Date: September 1, 2006

REPORTS OF STANDING COMMITTEES

SB 2002

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 2002(JUD)

"An Act conferring original jurisdiction on the Alaska Supreme Court for the purpose of providing judicial review of a contract executed under the Alaska Stranded Gas Development Act, and setting the time in which a final agency decision of the commissioner of revenue made under that Act, the constitutionality of a law authorizing a contract enacted under that Act, or the enforceability of a contract executed under a law authorizing a contract enacted under that Act must be legally challenged and by whom; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 2002(JUD)
(same title)

The report was signed by Representative McGuire, Chair, with the following individual recommendations:

Do pass (3): Wilson, Kott, Anderson

No recommendation (2): Coghill, McGuire

Amend (2): Gruenberg, Gara

The following fiscal note(s) apply to HCS CSSB 2002(JUD):

1. Zero, Dept. of Revenue
2. Zero, Dept. of Natural Resources

CSSB 2002(JUD) is on today's calendar.

RECONSIDERATION

SB 2001

Representative Kelly brought up reconsideration of the vote on HCS CSSB 2001(FIN) am H (page 4141).

The following, which had been held on reconsideration (page 4149), was again before the House in third reading:

HOUSE CS FOR CS FOR SENATE BILL NO. 2001(FIN) am H
"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 Kelly moved and asked unanimous consent that HCS CSSB 2001(FIN) am H be returned to second reading for the specific purpose of considering Amendment No. 6. There being no objection, it was so ordered.

Amendment No. 6 was offered by Representative Kelly:

Page 10, lines 7 - 8:

Delete "20 percent"

Insert "23.5 percent"

Representative Kelly moved and asked unanimous consent that Amendment No. 6 be adopted.

Representative Rokeberg objected.

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

Representative Rokeberg withdrew the objection. There being no further objection, Amendment No. 6 was adopted.

The Speaker stated that, without objection, HCS CSSB 2001(FIN) am H would be returned to second reading for all amendments.

Amendment No. 7 was offered by Representative Rokeberg:

Page 6, line 1:

Delete "AS 43.55.024,"

Page 6, line 2:

Delete "AS 43.55.024,"

Representative Rokeberg moved and asked unanimous consent that Amendment No. 7 be adopted.

Objection was heard and withdrawn. There being no further objection, Amendment No. 7 was adopted.

HCS CSSB 2001(FIN) am H was automatically in third reading.

The question to be reconsidered: "Shall HCS CSSB 2001(FIN) am H pass the House?" The roll was taken with the following result:

HCS CSSB 2001(FIN) am H--RECONSIDERATION

Third Reading

Final Passage

YEAS: 29 NAYS: 9 EXCUSED: 1 ABSENT: 1

Yeas: Anderson, Berkowitz, Cissna, Coghill, Dahlstrom, Elkins, Gara, Gardner, Gatto, Gruenberg, Harris, Hawker, Holm, Joule, Kelly, Kerttula, LeDoux, McGuire, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Nays: Chenault, Crawford, Croft, Guttenberg, Kohring, Kott, Lynn, Meyer, Weyhrauch

Excused: Foster

Absent: Kapsner

And so, HCS CSSB 2001(FIN) am H passed the House on reconsideration.

Representative Coghill moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

HCS CSSB 2001(FIN) am H was referred to the Chief Clerk for engrossment.

In the event the Senate fails to concur in the House amendments to CSSB 2001(FIN), the Speaker 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 Kelly
Representative Kerttula

The Chief Clerk notified the Senate.

REPORTS OF SPECIAL COMMITTEES

The following report of the Committee on Committees, dated June 5, 2006, was received submitting an amendment to the January 9, 2006, report (page 2216):

Legislative Council: Kott, Chair; Harris, Coghill, Gatto, Rokeberg, Weyhrauch, Gruenberg

The report was signed by Representative Harris, Chair; Representatives Coghill, Rokeberg, Meyer, and Berkowitz.

Representative Coghill moved and asked unanimous consent that the House adopt the Committee on Committees report. There being no objection, it was so ordered.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF SENATE BILLS****SB 2002**

The following was read the second time:

CS FOR SENATE BILL NO. 2002(JUD)

"An Act conferring original jurisdiction on the Alaska Supreme Court for the purpose of providing judicial review of a contract executed under the Alaska Stranded Gas Development Act, and setting the time in which a final agency decision of the commissioner of revenue made under that Act, the constitutionality of a law authorizing a contract enacted under that Act, or the enforceability of a contract executed under a law authorizing a contract enacted under that Act must be legally challenged and by whom; and providing for an effective date."

with the:

Journal Page

JUD RPT HCS(JUD) 3DP 2NR 2AM	4153
FN1: ZERO(REV)	4153
FN2: ZERO(DNR)	4153

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

HOUSE CS FOR CS FOR SENATE BILL NO. 2002(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Gara:

Page 1, line 1, following "Act" (title amendment):

Insert **"increasing the time period for legislative and public comment on a proposed contract and preliminary findings and determinations under the Alaska Stranded Gas Development Act,"**

Page 1, following line 8:

Insert a new bill section to read:

**** Section 1.** AS 43.82.410 is amended to read:

Sec. 43.82.410. Notice and comment regarding the contract. The commissioner shall

(1) give reasonable public notice of the preliminary findings and determination made under AS 43.82.400;

(2) make copies of the proposed contract, the commissioner's preliminary findings and determination, and, to the extent the information is not required to be kept confidential under AS 43.82.310, the supporting financial, technical, and market data, including the work papers, analyses, and recommendations of any independent contractors used under AS 43.82.240 available to the public and to

(A) the presiding officer of each house of the legislature;

(B) the chairs of the finance and resources committees of the legislature; and

(C) the chairs of the special committees on oil and gas, if any, of the legislature;

(3) offer to appear before the Legislative Budget and Audit Committee to provide the committee a review of the commissioner's preliminary findings and determination, the proposed contract, and the supporting financial, technical, and market data; if the Legislative Budget and Audit Committee accepts the commissioner's offer, the committee shall give notice of the committee's meeting to the public and all members of the legislature; if the financial, technical, and market data that is to be provided must be kept confidential under AS 43.82.310, the commissioner may not release the confidential information during a public portion of a committee meeting; and

(4) establish a period of at least 90 [30] days for the public and members of the legislature to comment on the proposed contract and the preliminary findings and determination made under AS 43.82.400."

Page 1, line 9:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

Page 2, following line 6:

Insert a new bill section to read:

"* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. Section 1 of this Act is retroactive to May 10, 2006."

Renumber the following bill section accordingly.

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

Representative Coghill objected.

Amendment to Amendment No. 1 was offered by Representative Ramras:

Delete "90"

Insert "60"

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

Representative Berkowitz objected.

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

HCS CSSB 2002(JUD)

Second Reading

Amendment to Amendment No. 1

YEAS: 18 NAYS: 20 EXCUSED: 1 ABSENT: 1

Yeas: Anderson, Chenault, Coghill, Harris, Hawker, Holm, Kelly, Kohring, LeDoux, Lynn, Meyer, Olson, Ramras, Samuels, Seaton, Stoltze, Thomas, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Joule, Kerttula, Kott, McGuire, Moses, Neuman, Rokeberg, Salmon, Weyhrauch

Excused: Foster

Absent: Kapsner

Hawker changed from "Nay" to "Yea".

And so, Amendment to Amendment No. 1 was not adopted.

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

HCS CSSB 2002(JUD)

Second Reading

Amendment No. 1

YEAS: 23 NAYS: 15 EXCUSED: 1 ABSENT: 1

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Joule, Kerttula, Kohring, LeDoux, Lynn, McGuire, Moses, Neuman, Ramras, Rokeberg, Salmon, Stoltze

Nays: Anderson, Chenault, Coghill, Harris, Hawker, Holm, Kelly, Kott, Meyer, Olson, Samuels, Seaton, Thomas, Weyhrauch, Wilson

Excused: Foster

Absent: Kapsner

And so, Amendment No. 1 was adopted, and the new title follows:

HOUSE CS FOR CS FOR SENATE BILL NO. 2002(JUD) am H
"An Act increasing the time period for legislative and public comment on a proposed contract and preliminary findings and determinations under the Alaska Stranded Gas Development Act, conferring original jurisdiction on the Alaska Supreme Court for the purpose of providing judicial review of a contract executed under the Alaska Stranded Gas Development Act, and setting the time in which a final agency decision of the commissioner of revenue made under that Act, the constitutionality of a law authorizing a contract enacted under that Act, or the enforceability

of a contract executed under a law authorizing a contract enacted under that Act must be legally challenged and by whom; and providing for an effective date."

(HCR 201 - title change resolution)

Amendment Nos. 2 and 3 were not offered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 2002(JUD) am H be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 2002(JUD) am H was read the third time.

The question being: "Shall HCS CSSB 2002(JUD) am H pass the House?" The roll was taken with the following result:

HCS CSSB 2002(JUD) am H

Third Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Foster

Absent: Kapsner

And so, HCS CSSB 2002(JUD) am H passed the House.

Representative Coghill moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Representative Kott gave notice of reconsideration of the vote on HCS CSSB 2002(JUD) am H.

SPECIAL ORDER OF BUSINESS**HCR 201**

Representative Coghill moved and asked unanimous consent that the following by Representative Gara be taken up as a Special Order of Business:

HOUSE CONCURRENT RESOLUTION NO. 201

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 2002, relating to jurisdiction and timing of judicial review of a contract executed under the Alaska Stranded Gas Development Act.

There being no objection, it was so ordered.

**The presence of Representative Kapsner was noted.

The question being: "Shall HCR 201 pass the House?" The roll was taken with the following result:

HCR 201

Special Order of Business

YEAS: 34 NAYS: 5 EXCUSED: 1 ABSENT: 0

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

Nays: Chenault, Hawker, Holm, Kott, Meyer

Excused: Foster

And so, HCR 201 passed the House and was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

Representative Coghill moved and asked unanimous consent that the following member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Weyhrauch - from 7:00 a.m., June 7 to 11:00 p.m., June 9, 2006

ENGROSSMENT

HCR 201

HCR 201 was engrossed and signed by the Speaker and Chief Clerk.

SB 2001

HCS CSSB 2001(FIN) am H was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT

HB 441

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 4:29 p.m., June 5, 2006:

SENATE CS FOR CS FOR HOUSE BILL NO. 441(FIN)

"An Act relating to criminal sentencing; 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."

The following memorandum, dated June 5, 2006, was received from Patty Rose, Enrolling Secretary, Division of Legal and Research Services:

"In accordance with Rule 43, Uniform Rules of the Alaska State Legislature, I am reporting the following manifest errors in SCS CSHB 441(FIN), which have been corrected in enrolling:

Page 1, line 11:

Delete "AS 28.35.028(h)"

Insert "AS 28.35.028"

Page 4, line 4, following "that":

Insert "the"

Page 11, line 6:

Delete "sec. 2"

Insert "sec. 3"

Page 11, line 12:

Delete "sec. 6"

Insert "sec. 7""

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 9:00 a.m., June 7, 2006. There being no objection, the House adjourned at 6:00 p.m.

Stephanie Hall
Assistant Chief Clerk