

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Tuesday

February 14, 2006

Thirty-seventh Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:15 a.m.

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

The prayer was offered by the Chaplain, Pastor Gene Rosebecke of the Church of the Nazarene. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Let us pray.

Dear God, we pray for wisdom and strength for our leaders today. We pray that they will have a servant's heart as they provide leadership for our state today. We pray that as they contribute to the day to day operation of these meetings, they would be mindful of the importance and expectation of their integrity. Help them to be upright, honest and sincere in all they do.

We ask that they be men and women of strong character with sound morality, and people of principle who share a strong vision and bright future of our state. Keep them forever mindful of their influence on the future generations. Remind them how they are shaping the future leaders of our state and how they are responsible to make our future leaders effective.

We pray that our leaders here will earn the respect of others, not only in our own state, but the respect of all who serve the needs of mankind spiritually, mentally, and physically.

Our country has made much progress in the advancement of technology, medicine, education and a way of life because of dedicated leaders who are willing to give of themselves. So we pray You would bless our leaders today as they shape the future of Alaska. Deliver them from the temptation of detouring of moral standards and lead them to decisions that will make Alaska great.

Let them lead with compassion, love, and be forever aware of the huge responsibility they have to the people they serve. Let them be guided by Your wisdom as they develop the laws of this land, wrestle with the challenges of balancing budgets and face many issues before them. We pray that their influence and decisions they make today would represent the State of Alaska well.

God bless and protect our leaders. In Jesus' name, Amen.

Senator Davis led the Senate in the Pledge of Allegiance.

Certification

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

Communications

The following report is on file in the Office of the Secretary of the Senate:

Alaska International Airports System
FY07 Construction Fund Spending Plan
from Mike Barton, Commissioner
Department of Transportation and Public Facilities
in accordance with AS 37.15.420

Standing Committee Reports**SB 10**

The Judiciary Committee considered SENATE BILL NO. 10 "An Act relating to liability for destruction of property by unemancipated minors; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 10(JUD) "An Act relating to civil liability for damage to or destruction of property by minors; relating to court revocation of a minor's privilege to drive; relating to restitution for certain acts of minors; and amending Rule 60, Alaska Rules of Civil Procedure."

Signing do pass: Senator Seekins, Chair; Senators Huggins, Guess.
Signing no recommendation: Senator French.

The following fiscal information was published today:

Fiscal Note No. 3, zero, Department of Health and Social Services
Fiscal Note No. 4, Department of Law

President Stevens added a Finance Committee referral.

The bill was referred to the Finance Committee.

SB 213

The Resources Committee considered SENATE BILL NO. 213 "An Act making an appropriation to the Department of Natural Resources for airborne geological and geophysical mineral inventory; and providing for an effective date." Signing do pass: Senator Wagoner, Chair; Senators Elton, Dyson, Stedman, Ben Stevens.

The bill was referred to the Finance Committee.

**Introduction and Reference of
Senate Resolutions**

SJR 19

SENATE JOINT RESOLUTION NO. 19 BY SENATOR GARY STEVENS,

Relating to creating the Task Force to Assess Public Reporting of Health Care Associated Infections.

was read the first time and referred to the Health, Education and Social Services and Finance Committees.

SJR 20

SENATE JOINT RESOLUTION NO. 20 BY THE SENATE JUDICIARY COMMITTEE,

Proposing an amendment to the section of the Constitution of the State of Alaska relating to marriage.

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

SCR 21

SENATE CONCURRENT RESOLUTION NO. 21 BY SENATOR HUGGINS,

Relating to the Vietnam War, to veterans, and to the Vietnam War memorial entitled "The Moving Wall."

was read the first time and referred to the State Affairs Committee.

SCR 22

SENATE CONCURRENT RESOLUTION NO. 22 BY SENATOR GUESS,

Relating to the Joint Legislative Oversight Committee for the Alaska Land Mobile Radio Project.

was read the first time and referred to the State Affairs and Finance Committees.

Introduction and Reference of Senate Bills

SB 290

SENATE BILL NO. 290 BY SENATORS HUGGINS, Elton entitled:

"An Act relating to reimbursement of premiums for Servicemembers' Group Life Insurance paid by members of the Alaska National Guard deployed to a combat zone; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

SB 291

SENATE BILL NO. 291 BY SENATOR STEDMAN, entitled:

"An Act relating to the municipal harbor facility grant program; and providing for an effective date."

was read the first time and referred to the Community and Regional Affairs and Finance Committees.

SB 292

SENATE BILL NO. 292 BY SENATORS FRENCH, Ellis, Elton, Kookesh, entitled:

"An Act levying a net profits tax on the production of oil, authorizing a tax credit for qualifying exploration costs associated with the exploration for and development of oil and for certain related qualifying losses, and repealing the currently levied properties production (severance) tax as it applies to oil; and providing for an effective date."

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

SB 293

SENATE BILL NO. 293 BY SENATOR ELTON, entitled:

"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, 2008; providing for an effective date by amending the effective date section of sec. 148, ch. 9, FSSLA 2005; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

SB 294

SENATE BILL NO. 294 BY SENATOR ELTON, entitled:

"An Act requiring the hunting and fishing license applications and registration and drawing applications to include an opportunity for refusal of telephone solicitation, and making telephone solicitations in violation of the refusal an unlawful act or practice under the Act defining unfair trade practices and consumer protection."

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

SB 295

SENATE BILL NO. 295 BY SENATOR GUESS, entitled:

"An Act relating to workers' compensation; changing the description of the fairness standard for monitoring workers' compensation rates; requiring disclosure on workers' compensation billing statements of the insurers' overhead amounts used to calculate adjustments to workers' compensation prospective loss cost; requiring disclosure of the premium

charged a business for overhead expenses; prohibiting settling of workers' compensation claims when an employer asserts a claim of fraud against an employee until the issue of whether a fraud occurred is resolved; and including workers' compensation within the public advocacy monitoring responsibilities of the Department of Law."

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

SB 296

SENATE BILL NO. 296 BY THE SENATE RESOURCES COMMITTEE, entitled:

"An Act allowing for revenue received from issuance of additional entry permits to be appropriated for reimbursement to salmon fishery associations."

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

SB 297

SENATE BILL NO. 297 BY THE SENATE STATE AFFAIRS COMMITTEE, entitled:

"An Act relating to contributions from permanent fund dividends to certain educational organizations and to certain charitable organizations that provide a positive youth development program, workforce development, aid to the arts, or aid and services to the elderly, low-income individuals, individuals in emergency situations, disabled individuals, or individuals with mental illness; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

SB 298

SENATE BILL NO. 298 BY SENATOR SEEKINS, entitled:

"An Act relating to loans from trust property; relating to a trustee's power to appoint the principal of a trust to another trust; relating to challenges to, claims against, and liabilities of trustees, beneficiaries, and creditors of trusts and of trusts and estates; relating to individual retirement accounts and plans; relating to certain trusts in divorce and dissolutions of marriage situations; and providing for an effective date."

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

SB 299

SENATE BILL NO. 299 BY SENATOR SEEKINS, entitled:

"An Act relating to preventing unfair discrimination against a health care provider who is willing to meet a health insurer's terms and conditions for participation in the insurer's plan, policy, or contract for health care services; amending the definition of 'provider' as it relates to authorized collective negotiations by physicians affecting the rights of providers under health benefit plans; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services and Labor and Commerce Committees.

SB 300

SENATE BILL NO. 300 BY SENATOR SEEKINS, entitled:

"An Act relating to the handling of negative equity in motor vehicle transactions."

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

SB 301

SENATE BILL NO. 301 BY SENATOR SEEKINS, entitled:

"An Act relating to granting certain defendants an absolute right to change venue in civil actions; setting venue for civil actions based on employment at the employer's principal place of business; allowing multiple defendants to control venue by agreement; amending Rule 3, Alaska Rules of Civil Procedure; and providing for an effective date."

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

SB 302

SENATE BILL NO. 302 BY SENATOR SEEKINS, entitled:

"An Act relating to an aggravating factor at sentencing for certain crimes directed against an individual but intended to intimidate or terrorize a larger group."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 171**

SENATE BILL NO. 171 "An Act amending the National Petroleum Reserve - Alaska special revenue fund; and establishing the Special Legislative Oil and Gas NPR-A Development Impact Review Committee and defining its powers and duties" was read the second time.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2056. Without objection, CS FOR SENATE BILL NO. 171(FIN) "An Act amending the National Petroleum Reserve - Alaska special revenue fund; establishing the Special Legislative Oil and Gas NPR-A Development Impact Review Committee and defining its powers and duties; and providing for an effective date" (technical title change) was adopted.

President Stevens stated CS FOR SENATE BILL NO. 171(FIN) will be on the February 15 calendar.

SB 260

SENATE BILL NO. 260 "An Act extending the date by which the Task Force on Workers' Compensation shall report its findings and the termination date of that task force; and providing for an effective date" was read the second time.

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 BILL NO. 260 was read the third time.

The question being: "Shall "An Act extending the date by which the Task Force on Workers' Compensation shall report its findings and the termination date of that task force; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 260

Third Reading - Final Passage

Effective Date

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

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

Excused: Kookesh

and so, SENATE BILL NO. 260 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.

Citations

Honoring – Juneau’s Alaska National Guard

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

Representative(s) Kerttula, Weyhrauch

Honoring – Bethel High School Army JROTC, Master Sergeant Barbara A. Wright, National High School Drill Team Championship

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

Representative(s) Kapsner

Honoring – Kaylan Banks, Winner of the *Highlights* Magazine Contest

Representative(s) Joule

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

In Memoriam – Representative Alvin Osterback

Representative(s) Moses

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

In Memoriam – Judith Ann George

Representative(s) Kerttula, Weyhrauch

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

In Memoriam – Ronald Herbert Bitzer
Representative(s) Rokeberg
Senator(s) Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam – Stephen P. “Butch” Freeman
Representative(s) Elkins
Senator(s) Stedman, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, 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.

Unfinished Business

Senator Huggins moved and asked unanimous consent to be excused from a call of the Senate from noon plane time, February 17 to evening plane time, February 20. Without objection, Senator Huggins was excused.

Senator Bunde moved and asked unanimous consent to withdraw his previous excused absence from March 17 to March 21. Without objection, the excusal was withdrawn.

Senator Bunde moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, April 14 to morning plane time, April 18. Without objection, Senator Bunde was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 260**

SENATE BILL NO. 260 "An Act extending the date by which the Task Force on Workers' Compensation shall report its findings and the termination date of that task force; and providing for an effective date" 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., February 15, 2006. Without objection, the Senate adjourned at 11:50 a.m.

Kirsten Waid
Secretary of the Senate

February 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

| | | | |
|----------------------|---|------------------|----------------|
| Feb 15 | Wednesday | Beltz 211 | 1:30 PM |
| + SB 265 | BONDS OF BOND BANK AUTHORITY | | |
| + SB 248 | ADMINISTRATIVE BOROUGHS/BOROUGH GRANTS/ | | |
| + SB 193 | DEFERRAL OF MUNICIPAL PROPERTY TAXES | | |
| Feb 17 | Friday | Beltz 211 | 1:30 PM |
| No Meeting Scheduled | | | |

FINANCE

| | | | |
|---|---|---------------------------|----------------|
| Feb 14 | Tuesday | Senate Finance 532 | 9:00 AM |
| + Overview of Governor's Overall Spending | | | |
| Proposal | | | |
| + Bills Previously Heard/Scheduled | | | |
| Feb 15 | Wednesday | Senate Finance 532 | 9:00 AM |
| + SB 209 | UNDERAGE MILITARY ON LICENSED PREMISES | | |
| + SB 210 | VIOL. OF ALCOHOLIC BEV. LAWS/FORFEITURE | | |
| + SB 237 | ADDITIONAL JUDGES FOR THIRD DISTRICT | | |
| + Bills Previously Heard/Scheduled | | | |
| Feb 16 | Thursday | Senate Finance 532 | 9:00 AM |
| + Presentation by Lewin Group: | | | |
| Long Term Forecast of Medicaid | | | |
| Enrollment and Spending in Alaska, | | | |
| 2005-2025 | | | |
| + Bills Previously Heard/Scheduled | | | |

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FINANCE

(continued)

Feb 17 Friday Senate Finance 532 9:00 AM
+ Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 15 Wednesday Butrovich 205 1:30 PM
No Meeting Scheduled

Feb 17 Friday Butrovich 205 1:30 PM
+ SB 250 DOMESTIC VIOLENCE/SEXUAL ASSAULT COUNCIL
Bills Previously Heard/Scheduled

JUDICIARY

Feb 14 Tuesday Butrovich 205 9:00 AM
-- Time Changed from 8:30 to 9:00 a.m. --
+= SB 10 PARENTAL LIABILITY FOR CHILD'S DAMAGE
+= HB 41 ASSAULT ON SCHOOL EMPLOYEES/BUS DRIVERS
+= HB 107 HUNTING/FISHING INTERFERENCE
+= HB 269 HAZARDOUS SUBSTANCE RELEASE LIABILITY
+ Bills Previously Heard/Scheduled

Feb 15 Wednesday Butrovich 205 8:30 AM
+ SB 240 DRUG OFFENSES: NEIGHBORS AS CRIME VICTIMS
+ SB 249 REPORTING BAIL AND RELEASE INFORMATION
+ Bills Previously Heard/Scheduled

Feb 16 Thursday Butrovich 205 8:30 AM
+ SJR 20 CONST. AM: BENEFITS & MARRIAGE
+ SB 206 DETENTION OF MATERIAL WITNESSES
+ Bills Previously Heard/Scheduled

LABOR & COMMERCE**Feb 14 Tuesday** **Beltz 211** **1:30 PM**

- + SB 177 PRACTICE OF PSYCHOLOGY
- + SB 255 OPTOMETRY: EXTEND BD/ LIC. ENDORSEMENT
Bills Previously Heard/Scheduled,
Including But Not Limited to:
 - += SB 244 NO DISCRIMINATION AGAINST ACUPUNCTURIST
 - += SB 222 PROTECTION OF PERSONAL INFORMATION

Feb 16 Thursday **Beltz 211** **1:30 PM**

- + SB 289 INSURANCE
- + SB 253 EXTEND BOARD OF CHIROPRACTIC EXAMINERS
- + SB 254 EXTEND PT & OCCUPATIONAL THERAPY BOARD
Bills Previously Heard/Scheduled,
Including but Not Limited To:

RESOURCES**Feb 15 Wednesday** **Butrovich 205** **3:30 PM**

- + Confirmation Hearing:
Big Game Commercial Services Board
Ralph Anderson, Roy Ashenfelter, Colin
Brown, Paul Johnson, Richard Rohrer,
Betty Jo Schmitz, Ted Spraker
Commercial Fisheries Entry Commission
Bruce Twomley
- + SB 262 FOREST RESOURCES & PRACTICES STANDARDS

Feb 17 Friday **Butrovich 205** **3:30 PM**No Meeting Scheduled

STATE AFFAIRS**Feb 14 Tuesday** **Butrovich 205** **3:30 PM**

- + SB 274 STATE FIREARM DISPOSAL AND INVENTORY
<Bill Hearing Rescheduled to 2/23/06>
- + SB 290 LIFE INSURANCE FOR NATIONAL GUARD
Bills Previously Heard/Scheduled

STATE AFFAIRS

(continued)

Feb 16 **Thursday** **Butrovich 205** **3:30 PM**
+ SB 297 CONTRIBUTIONS FROM PERM. FUND DIVIDENDS
+ Bills Previously Heard/Scheduled

TRANSPORTATION

Feb 16 **Thursday** **Butrovich 205** **1:30 PM**
+ Presentation - Context Sensitive Design
"Thinking Beyond the Pavement"
Bills Previously Heard/Scheduled

Feb 25 **Saturday** **Wasilla Lio Conf Rm** **1:30 PM**
+ -- Note Time and Location Change --
+ Joint w/(H) Transportation
+ Meeting with the House Finance
+ Budget Subcommittee on Public Safety
+ "Discussion of Highway Safety Issues"

FINANCE SUBCOMMITTEES

HEALTH & SOCIAL SERVICES

Feb 15 Wednesday Senate Finance 532 5:00 PM
Presentation by Lewin Group entitled:
Long Term Forecast of Medicaid
Enrollment and Spending in Alaska:
2005-2025

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

Feb 21 **Tuesday** **Capitol 17** **3:00 PM**
Changes to Regulations Adopted by
Dept. of Health & Human Services
Re: Durable Medical Equipment Supplies

ARMED SERVICES COMMITTEE

Feb 15 Wednesday Senate Finance 532 1:30 PM
Annual Alaskan Command Briefing
Address by Lt. General Douglas Fraser
and Brigadier General Craig Christensen

OTHER MEETINGS

CHILDREN'S CAUCUS

Feb 14 **Tuesday** **Butrovich 205** **12:00 PM**
+ Alaska Children's Justice Act Task Force:
Reviewing Practice, Policy, and Laws on
Child Abuse

JOINT LEGISLATIVE HEALTH CAUCUS

Feb 15 Wednesday Butrovich 205 12:00 PM
"Getting to the Heart of Prescription
Drugs"
Light Lunch Will be Served

JOINT SESSION

Feb 21 **Tuesday** **House Chamber** **2:00 PM**
Address by the Honorable
Lisa Murkowski, U.S. Senator

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JOINT SESSION

(continued)

Mar 22 **Wednesday** **House Chamber** **11:00 AM**
Address by the Honorable
Ted Stevens, U.S. Senator

MISCELLANEOUS MEETINGS

Feb 16 **Thursday** **Capitol 106** **5:00 PM**
Joint w/(H) Open Caucus
Presentation by the Alaska Gas Port
Authority