

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Friday

February 17, 2006

Fortieth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:07 a.m.

The roll showed fourteen members present. Senators Davis, Ellis, Hoffman, Gary Stevens, Therriault, Wilken were excused from a call of the Senate.

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

Dear God, our leaders were not given the power to advance their own purpose, nor to make a name for themselves. But they were given their power to serve the people of Alaska. Help our leaders today as they use their authority in making change to our state. Let them move forward today as they debate in what's best for the people they serve.

We pray that You would give our leaders patience today as they try and resolve all that is yet to come. Guide their hands as they work together through issues that only they can resolve. Keep them positive and centered around unity because together they make themselves strong. Keep their minds pure so that nothing negative will be reflected in their decisions.

We pray for our leaders' families and the many sacrifices they make as they support their spouses. Protect them and give all the family members strength to accomplish all that needs to be done in their spouses' absence. We pray that our leaders would have the boldness today to accomplish the agenda and take away any negative thoughts that would be distracting.

We pray that You would protect our leaders today from any discord or confusion that would interfere with their leadership. Give them firmness and assurance that what they do here today will let all men and women live in freedom. Let our leaders know today that they are not only supported by the Alaskan people, but also how they are appreciated in their service to this state.

We pray a special protection on each leader this holiday weekend. Give them traveling mercies and bring them back refreshed and renewed so they can carry on with their responsibilities. God bless and protect our leaders. In Jesus name, Amen.

Senator Elton led the Senate in the Pledge of Allegiance.

Certification

Senator Wagoner, Acting Majority Leader, moved and asked unanimous consent that the journal for the thirty-ninth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

HB 81

Message dated February 16 was read, stating pursuant to the Senate request, the House has returned

CS FOR HOUSE BILL NO. 81(L&C)

and

SENATE CS FOR CS FOR HOUSE BILL NO. 81(JUD) "An Act establishing an administrative fine and procedure for construction contractors in certain circumstances; increasing the amount of a civil penalty for persons acting in the capacity of contractors or home inspectors; modifying the elements of a crime involving contractor registration and residential contractors; modifying the exemptions from regulation under AS 08.18 for contractors; and exempting the administrative hearings for imposing an administrative fine on construction contractors from the hearings conducted by the office of administrative hearings in the Department of Administration."

Senator Wagoner, Acting Majority Leader, moved that the Senate rescind its previous action in passing SENATE CS FOR CS FOR HOUSE BILL NO. 81(JUD).

The question being: "Shall the Senate rescind its previous action?" The roll was taken with the following result:

SCS CSHB 81(JUD)

Rescind action in passing?

YEAS: 14 NAYS: 0 EXCUSED: 6 ABSENT: 0

Yeas: Bunde, Cowdery, Dyson, Elton, French, Green, Guess, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Wagoner

Excused: Davis, Ellis, Hoffman, Stevens G, Therriault, Wilken

and so, the Senate rescinded its previous action.

SENATE CS FOR CS FOR HOUSE BILL NO. 81(JUD) was before the Senate in third reading.

Senator Huggins 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 Huggins offered Amendment No. 1:

Page 3, line 11, following "A contractor":
Insert ", home inspector,"

Page 3, line 12, following "a contractor":
Insert "or home inspector"

Page 3, line 19, following "(b) A contractor":
Insert ", home inspector,"

Page 3, line 19, following "capacity of a contractor":
Insert "or home inspector"

Senator Huggins moved for the adoption of Amendment No. 1. Senator Elton objected.

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

SCS CSHB 81(JUD)
Second Reading
Amendment No. 1

YEAS: 13 NAYS: 1 EXCUSED: 6 ABSENT: 0

Yeas: Bunde, Cowdery, Elton, French, Green, Guess, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Wagoner

Nays: Dyson

Excused: Davis, Ellis, Hoffman, Stevens G, Therriault, Wilken

and so, Amendment No. 1 was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 81(JUD) am S was automatically in third reading on final passage.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 81(JUD) am S "An Act establishing an administrative fine and procedure for construction contractors in certain circumstances; increasing the amount of a civil penalty for persons acting in the capacity of contractors or home inspectors; modifying the elements of a crime involving contractor registration and residential contractors; modifying the exemptions from regulation under AS 08.18 for contractors; and exempting the administrative hearings for imposing an administrative fine on construction contractors from the hearings conducted by the office of administrative hearings in the Department of Administration" pass the Senate?" The roll was taken with the following result:

SCS CSHB 81(JUD) am S
Third Reading - Final Passage

YEAS: 13 NAYS: 1 EXCUSED: 6 ABSENT: 0

Yeas: Bunde, Cowdery, Elton, French, Green, Guess, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Wagoner

Nays: Dyson

Excused: Davis, Ellis, Hoffman, Stevens G, Therriault, Wilken

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 81(JUD) am S passed the Senate and was referred to the Secretary for engrossment.

Communications

The following reports are on file in the Office of the Secretary of the Senate:

Alaska Legislative Report
Results of the Retiree Return Program on the Public Employees' and Teachers' Retirement System
from Commissioner Nordstrand, Department of Administration
in accordance with Section 11 Chapter 50 SLA 2005

Thirty-Second Annual Report 2005
from Gerad Godfrey, Chair, Violent Crimes Compensation Board
Department of Administration
in accordance with AS 18.67.170

Standing Committee Reports**SB 210**

The Finance Committee considered SENATE BILL NO. 210 "An Act relating to the manufacture and transportation of alcoholic beverages; relating to forfeitures of property for violations of alcoholic beverage laws; and relating to violations of alcoholic beverage laws." Signing do pass: Senator Green, Cochair; Senators Bunde, Dyson, Stedman. Signing no recommendation: Senator Olson.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Public Safety

The bill was referred to the Rules Committee.

SB 237

The Finance Committee considered SENATE BILL NO. 237 "An Act increasing the number of superior court judges designated for the third judicial district, to provide additional superior court judges at Anchorage, Palmer, and Kenai; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 237(FIN) "An Act relating to the compensation of justices and judges, and to increasing the number of superior court judges designated for the third and fourth judicial districts; and providing for an effective date."

Signing do pass: Senator Green, Cochair; Senator Bunde. Signing no recommendation: Senators Olson, Dyson, Stedman.

The following fiscal information was published today:

Fiscal Note No. 4, Office of the Governor
Fiscal Note No. 5, Department of Corrections
Fiscal Note No. 6, Department of Law
Fiscal Note No. 7, Alaska Court System

The following previously published fiscal information applies:
Fiscal Note No. 2, Alaska Court System

The bill was referred to the Rules Committee.

SB 253

The Labor and Commerce Committee considered SENATE BILL NO. 253 "An Act extending the termination date for the Board of Chiropractic Examiners; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senators Ben Stevens, Seekins.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Commerce, Community and Economic Development

The bill was referred to the Finance Committee.

SB 254

The Labor and Commerce Committee considered SENATE BILL NO. 254 "An Act extending the termination date for the State Physical Therapy and Occupational Therapy Board; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senators Ben Stevens, Seekins.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Commerce, Community and Economic Development

The bill was referred to the Finance Committee.

**Introduction and Reference of
Senate Resolutions****SCR 23**

SENATE CONCURRENT RESOLUTION NO. 23 BY THE SENATE JUDICIARY COMMITTEE,

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 41, relating to certain sentences for assault in the fourth degree.

was read the first time and held on the Secretary's desk.

Introduction and Reference of Senate Bills**SB 292**

SPONSOR SUBSTITUTE FOR 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, providing relief from the tax when the taxpayer demonstrates that a reduction in the tax is necessary to establish or reestablish production from an oil field or pool that would not otherwise be economically feasible; 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 303

SENATE BILL NO. 303 BY THE SENATE TRANSPORTATION COMMITTEE, entitled:

"An Act amending the Knik Arm Bridge and Toll Authority Act and the powers and authority of the authority to finance construction and maintenance of the Knik Arm Bridge, to set and collect tolls, and to carry out its duties, and making conforming changes to statutes relating to issuance, renewal, or reinstatement of driver's licenses and to levy on permanent fund dividends; and providing for an effective date."

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

Unfinished Business

Senator Bunde moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 3 to morning plane time, March 6. Without objection, Senator Bunde was excused.

Senator French moved and asked unanimous consent to be excused from a call of the Senate to morning plane time on February 21. Without objection, Senator French was excused.

SB 218

CS FOR SENATE BILL NO. 218(FIN) "An Act relating to sex offenders and child kidnappers; relating to reporting of sex offenders and child kidnappers; relating to periodic polygraph examinations for sex offenders released on probation or parole; relating to sexual abuse of a minor; relating to the definitions of 'aggravated sex offense' and 'child kidnapping'; relating to penalties for failure to report child abuse or neglect; relating to sentencing for sex offenders and habitual criminals; and providing for an effective date" which had been engrossed (page 2219), was signed by the President and Secretary and transmitted to the House for consideration with a Senate Letter of Intent.

Announcements

Announcements are at the end of the journal.

Engrossment**HB 81**

SENATE CS FOR CS FOR HOUSE BILL NO. 81(JUD) am S "An Act establishing an administrative fine and procedure for construction contractors in certain circumstances; increasing the amount of a civil penalty for persons acting in the capacity of contractors or home inspectors; modifying the elements of a crime involving contractor registration and residential contractors; modifying the exemptions from regulation under AS 08.18 for contractors; and exempting the

administrative hearings for imposing an administrative fine on construction contractors from the hearings conducted by the office of administrative hearings in the Department of Administration" was engrossed.

Adjournment

Senator Wagoner, Acting Majority Leader, moved and asked unanimous consent that the Senate stand in adjournment until 1:45 p.m., February 21, 2006. Without objection, the Senate adjourned at 11:41 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 17	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		
Feb 20	Monday	Beltz 211	1:30 PM
	No Meeting Scheduled		
Feb 22	Wednesday	Beltz 211	1:30 PM
+ =	SB 265	BONDS OF BOND BANK AUTHORITY	
+ =	SB 193	DEFERRAL OF MUNICIPAL PROPERTY TAXES	
+	SB 247	REVENUE SHARING PROGRAM	
+	SB 246	APPROP TO REVENUE SHARING FUND	
Feb 24	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		

FINANCE

Feb 17	Friday	Senate Finance 532	9:00 AM
+ =	SB 210	VIOL. OF ALCOHOLIC BEV. LAWS/FORFEITURE	
+ =	SB 237	ADDITIONAL JUDGES FOR THIRD DISTRICT	
+		Bills Previously Heard/Scheduled	
Feb 20	Monday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		
Feb 21	Tuesday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		
Feb 22	Wednesday	Senate Finance 532	9:00 AM
+		Bills Previously Heard/Scheduled	

FINANCE (continued)

Feb 23	Thursday	Senate Finance 532	9:00 AM
+	Joint w/(H) Finance Presentation by Callan Associates - Re: PFD Five-Year Forecast		
Feb 24	Friday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		

HEALTH, EDUCATION & SOCIAL SERVICES

Feb 17	Friday	Butrovich 205	1:30 PM
+ SB 250	DOMESTIC VIOLENCE/SEXUAL ASSAULT COUNCIL Bills Previously Heard/Scheduled		
Feb 20	Monday	Butrovich 205	1:30 PM
	Presidents Day - No Meeting Scheduled		
Feb 22	Wednesday	Butrovich 205	1:30 PM
+	Overview: Medicare Prescription Drugs - Department of Health & Social Services		
+ SB 299	NONDISCRIMINATION HEALTH CARE PROVIDERS		
+	Bills Previously Heard/Scheduled		
Feb 24	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

JUDICIARY

Feb 21	Tuesday	Butrovich 205	8:30 AM
+= SJR 20	CONST. AM: BENEFITS & MARRIAGE		
+	Bills Previously Heard/Scheduled		
Feb 22	Wednesday	Butrovich 205	8:30 AM
+ SB 301	CHANGE OF VENUE IN CIVIL CASES		
+ SB 222	PROTECTION OF PERSONAL INFORMATION		
+	Bills Previously Heard/Scheduled		
Feb 23	Thursday	Butrovich 205	8:30 AM
	No Meeting Scheduled		

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LABOR & COMMERCE

Feb 21 Tuesday Beltz 211 1:30 PM
 No Meeting Scheduled

Feb 23 Thursday Beltz 211 1:30 PM
 + SB 298 TRUSTS: CHALLENGES; CLAIMS; LIABILITIES
 Bills Previously Heard/Scheduled
 Including but Not Limited to:
 += SB 289 INSURANCE

RESOURCES

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

Feb 20 Monday Butrovich 205 3:30 PM
 No Meeting Scheduled

Feb 22 Wednesday Butrovich 205 3:30 PM
 + Senate Bill:
 Production Tax on Oil and Gas
 <Pending Introduction & Referral>
 Presentation by Administration

Feb 23 Thursday Butrovich 205 3:30 PM
 + Senate Bill:
 Production Tax on Oil and Gas
 <Pending Introduction & Referral>
 Presentation by Administration

Feb 24 Friday Butrovich 205 3:30 PM
 + Senate Bill:
 Production Tax on Oil and Gas
 <Pending Introduction & Referral>
 Presentation by Administration

Feb 25 Saturday Senate Finance 532 10:00 AM
 -- Time and Location Change --
 + Joint w/(H) Resources
 Production Tax on Oil and Gas
 <Pending Introduction & Referral>
 Public Hearings

STATE AFFAIRS

Feb 21 **Tuesday** **Butrovich 205** **3:30 PM**
 No Meeting Scheduled

Feb 23 **Thursday** **Butrovich 205** **3:30 PM**
 += SB 274 STATE FIREARM DISPOSAL AND INVENTORY
 Bills Previously Heard/Scheduled

Feb 28 **Tuesday** **Butrovich 205** **3:30 PM**
 + SB 279 OPERATING BUDGET MISSIONS/DESIRED RESULTS
 + HB 167 DECEASED VETERAN DEATH CERTIFICATE/HONOR
 Bills Previously Heard/Scheduled

Mar 02 **Thursday** **Butrovich 205** **3:30 PM**
 Joint w/(H) State Affairs
 Alaska 20/20 2006 Annual Report
 Bills Previously Heard/Scheduled

TRANSPORTATION

Feb 21 **Tuesday** **Butrovich 205** **1:30 PM**
 No Meeting Scheduled

Feb 23 **Thursday** **Butrovich 205** **1:30 PM**
 + SB 300 MOTOR VEHICLE NEGATIVE EQUITY
 + SB 273 MOTOR VEHICLE SALES

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"
 <At 3:15 p.m. there will be a brief project status and update on
 the Knik Arm Bridge>

FINANCE SUBCOMMITTEES**COMMERCE, COMMUNITY & ECONOMIC DEV**

Feb 28 **Tuesday** **Beltz 211** **8:00 AM**
 Budget Overview: DCCED

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COMMERCE, COMMUNITY & ECONOMIC DEV (continued)

Mar 07	Tuesday Budget Detail	Beltz 211	8:00 AM
Mar 14	Tuesday Budget Detail	Beltz 211	8:00 AM
Mar 21	Tuesday Budget Detail	Beltz 211	8:00 AM
Mar 28	Tuesday Budget Detail	Beltz 211	8:00 AM
Apr 04	Tuesday Budget Closeout	Beltz 211	8:00 AM

EDUCATION & EARLY DEVELOPMENT

Feb 22	Wednesday General Overview on the Operating Budget (emphasis on new or expanded programs)	Senate Finance 532	4:30 PM
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ENVIRONMENTAL CONSERVATION

Feb 23	Thursday Departmental Overview	Senate Finance 532	8:00 AM
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LABOR & WORKFORCE DEVELOPMENT

Feb 23 +	Thursday Budget Overview -- Testimony <Invitation Only> --	Fahrenkamp 203	8:00 AM
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LAW

Feb 23	Thursday Budget Overview: Dept of Law	Senate Finance 532	4:30 PM
Mar 02	Thursday Budget Detail	Senate Finance 532	4:30 PM

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LAW (continued)

Mar 09	Thursday Budget Detail	Senate Finance 532	4:30 PM
Mar 16	Thursday Budget Detail	Senate Finance 532	4:30 PM
Mar 23	Thursday Budget Detail	Senate Finance 532	4:30 PM
Mar 30	Thursday Budget Closeout	Senate Finance 532	4:30 PM

MILITARY AND VETERANS AFFAIRS

Feb 23 +	Thursday FY07 Operating Budget	Beltz 211	7:30 AM
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PUBLIC SAFETY

Feb 21 +	Tuesday FY07 Operating Budget	Butrovich 205	3:30 PM
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REVENUE

Feb 23	Thursday Budget Overview: Dept of Revenue	Senate Finance 532	1:30 PM
Mar 02	Thursday Budget Detail	Senate Finance 532	1:30 PM
Mar 09	Thursday Budget Detail	Senate Finance 532	1:30 PM
Mar 16	Thursday Budget Detail	Senate Finance 532	1:30 PM
Mar 23	Thursday Budget Detail	Senate Finance 532	1:30 PM
Mar 30	Thursday Budget Closeout	Senate Finance 532	1:30 PM

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UNIVERSITY OF ALASKA

Feb 28 **Tuesday** **Butrovich 205** **5:00 PM**
-- Teleconference <Listen Only> --
Overview of National Education Trends
Julie Bell, National Conference of State
Legislatures

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

Feb 21 **Tuesday** **Fahrenkamp 203** **3:00 PM**
-- Location Change --
Changes to Regulations Adopted by
Dept. of Health & Human Services
Re: Durable Medical Equipment Supplies

LEGISLATIVE COUNCIL

Feb 21 **Tuesday** **Terry Miller 104** **11:30 AM**
Statute Publishing RFP Subcommittee
Executive Session

OTHER MEETINGS

JOINT SESSION

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

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