

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Wednesday

March 29, 2006

Eightieth Day

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

The roll showed eighteen members present. Senators Stedman, Therriault were absent.

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.

There's a New Testament story about James and John, two of Jesus' disciples, asking if they could sit one at his right hand and one at his left when he came into his kingdom. The record says the other disciples were angry at this, and some wit has commented "probably because they did not think of it first."

Robert Raines, in a little book entitled "Creative Brooding" uses this event as the launch for a personalized prayer which calls me up short but helps me too. Whatever your faith, I hope you will listen between the words and use only what rings true for you:

"I am like James and John, Lord.
I size up other people
in terms of what they can do for me;
how they can further my program,
feed my ego, satisfy my needs,
give me strategic advantage.

I exploit people,
ostensibly for Your sake,
but really for my own sake.

Lord, I turn to You to get the inside track and obtain special favors,
Your direction for my schemes,
Your power for my projects,
Your sanction for my ambitions,
Your blank check for whatever I want.
I am like James and John.

Change me; Lord.
Make me a person who asks of You and of others,
What can I do for you?" Amen.

Senator Green led the Senate in the Pledge of Allegiance.

Certification

Senator Gary Stevens moved and asked unanimous consent that the journals for the seventy-eighth and seventy-ninth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

The presence of Senators Stedman, Therriault was noted.

Messages from the Governor

SCR 25

Message dated March 28 was read, stating the Governor read the following resolution and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE CONCURRENT RESOLUTION NO. 25
Suspending Rules 24(c), 35, 41(b), and 42(e),
Uniform Rules of the Alaska State Legislature,
concerning House Bill No. 489, relating to the

treatment of charity events by the Alaska Public Offices Commission and under the law governing legislative ethics.

Legislative Resolve No. 31

Messages from the House

HB 251

Message dated March 28 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 251(RES), thus adopting:

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."

Concur Messages

SB 232

Message dated March 27 and received at 8:01 a.m., March 28 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 232(FIN) "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" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO. 232(FIN) am H

President Stevens stated the concur message will be held on the Secretary's desk.

Communications

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

2004 Annual Report of Alaska Comprehensive Health
Insurance Association
from Jeffrey Davis, Chair, and Cecil Bykerk, Executive Director
in accordance with AS 21.55.020

Matrix of Ombudsman Investigations dated February 28, 2006
from Linda Lord-Jenkins, Alaska Ombudsman
in accordance with AS 24.55.230
available at: www.state.ak.us/ombud/o-files.htm

Standing Committee Reports

Report dated March 28 was read, stating:

In accordance with AS 39.05.080, the Senate Labor and Commerce
Committee reviewed the following and recommends these
appointments be forwarded to a joint session for consideration:

Board of Barbers and Hairdressers

Cody Downs
Charlette Lushin
Alice B. Massie

Board of Certified Real Estate Appraisers

William A. Larick

Alaska Workers' Compensation Board

Robert S. Morigeau
Debra G. Norum
Jeffrey P. Pruss
H. Bardie Scarbrough
Damian J. Thomas
Robert C. Weel

Labor Relations Agency

Dennis S. Niedermeyer

Board of Marine Pilots

Les (Leslie) A. Cronk

Personnel Board

Alfred L. Tamagni, Sr.

This does not reflect intent by any of the members to vote for or against the individuals during any future sessions.

Signing the report: Senator Bunde, Chair, Senator Seekins, Vice Chair; Senators Ellis, Davis.

SB 289

The Finance Committee considered SENATE BILL NO. 289 "An Act relating to the payment of insurer examination expenses, to the regulation of managed care insurance plans, to actuarial opinions and supporting documentation for an insurer, to insurance firms, managing general agents, and third-party administrators, to eligibility of surplus lines insurers, to suitability of life and health insurance policies and annuity contracts, to unfair discrimination under a health insurance policy, to prompt payment of health care insurance claims, to required notice by an insurer, to individual deferred annuities, to direct payment to providers under a health insurance policy, to mental health benefits under a health care insurance plan, to the definitions of 'title insurance limited producer' and of other terms used in the title regulating the practice of the business of insurance, and to small employer health insurance; repealing the Small Employer Health Reinsurance Association; making conforming amendments; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 289(FIN) "An Act relating to the payment of insurer examination expenses, to the regulation of managed care insurance plans, to actuarial opinions and supporting documentation for an insurer, to insurance firms, managing general agents, and third-party administrators, to eligibility of surplus lines insurers, to prompt payment of health care insurance claims, to required notice by an insurer, to individual deferred annuities, to mental health benefits under a health care insurance plan, to the definitions of 'title insurance limited

producer' and of other terms used in the title regulating the practice of the business of insurance, and to small employer health insurance; repealing the Small Employer Health Reinsurance Association; making conforming amendments; and providing for an effective date."

Signing do pass: Senators Wilken, Green, Cochairs; Senators Bunde, Dyson, Stedman. Signing no recommendation: Senators Hoffman, Olson.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

SB 300

The Labor and Commerce Committee considered SENATE BILL NO. 300 "An Act relating to the handling of negative equity in motor vehicle transactions" and recommended it be replaced with

CS FOR SENATE BILL NO. 300(L&C) "An Act relating to the handling of negative equity in motor vehicle transactions; and relating to the contents of retail installment contracts."

Signing do pass: Senator Bunde, Chair; Senators Davis, Ellis, Seekins.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

HB 343

The Judiciary Committee considered CS FOR HOUSE BILL NO. 343(JUD) am "An Act creating the crimes of harassment in the first and second degree, amending the crime of stalking, and adding a definition of 'medical professional' to the assault and harassment statutes." Signing do pass: Senator Seekins, Chair; Senators French, Guess, Therriault, Huggins.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, Department of Corrections
- Fiscal Note No. 2, zero, Department of Public Safety
- Fiscal Note No. 3, zero, Department of Administration
- Fiscal Note No. 4, zero, Department of Administration
- Fiscal Note No. 5, zero, Alaska Court System
- Fiscal Note No. 6, zero, Department of Law

The bill was referred to the Finance Committee.

HJR 31

The Health, Education and Social Services Committee considered HOUSE JOINT RESOLUTION NO. 31 Relating to designating September 9, 2006, as Fetal Alcohol Spectrum Disorders Awareness Day, and recommended it be replaced with

SENATE CS FOR HOUSE JOINT RESOLUTION NO. 31(HES)

Signing do pass: Senator Dyson, Chair; Senators Elton, Olson, Wilken, Green.

The following previously published fiscal information applies:

- Fiscal Note No. 1, zero, House Health, Education and Social Services Committee

The resolution was referred to the Rules Committee.

HCR 5

The Health, Education and Social Services Committee considered HOUSE CONCURRENT RESOLUTION NO. 5 Relating to support of community water fluoridation, and recommended it be replaced with

SENATE CS FOR HOUSE CONCURRENT RESOLUTION NO. 5(HES)

Signing do pass: Senator Dyson, Chair; Senators Elton, Wilken.
Signing no recommendation: Senators Green, Olson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Environmental
Conservation

Fiscal Note No. 2, zero, Department of Environmental
Conservation

The resolution was referred to the Rules Committee.

Consideration of the Calendar

Citations

Honoring – 20th Anniversary for the Z. J. Loussac Library

Representative(s) Gardner

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

In Memoriam – Ann T. McNellis

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

Representative(s) Seaton

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 citations be made a special order of business. Without objection, it was so ordered.

Special Order of Business

Honoring – Alaska Committee for Employer Support of the Guard and Reserve (ESGR)

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

In Memoriam – Charles "Chuck" Dart

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

Representative(s) Salmon

In Memoriam – Richard Victor Nelson

Senator(s) Cowdery, Ben Stevens, Bunde, Davis, Dyson, Ellis, Elton, 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.

Unfinished Business

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, March 30 to morning plane time, April 3. Without objection, Senator Wagoner was excused.

Announcements

SB 305

Senator Wagoner, Chair, moved and asked unanimous consent that Uniform Rule 23 be waived on SENATE BILL NO. 305 "An Act repealing the oil production tax and gas production tax and providing for a production tax on the net value of oil and gas; relating to the relationship of the production tax to other taxes; relating to the dates tax payments and surcharges are due under AS 43.55; relating to interest on overpayments under AS 43.55; relating to the treatment of oil and gas production tax in a producer's settlement with the royalty owner; relating to flared gas, and to oil and gas used in the operation of a lease or property, under AS 43.55; relating to the prevailing value of oil or gas under AS 43.55; providing for tax credits against the tax due under AS 43.55 for certain expenditures, losses, and surcharges; relating to statements or other information required to be filed with or

furnished to the Department of Revenue, and relating to the penalty for failure to file certain reports, under AS 43.55; relating to the powers of the Department of Revenue, and to the disclosure of certain information required to be furnished to the Department of Revenue, under AS 43.55; relating to criminal penalties for violating conditions governing access to and use of confidential information relating to the oil and gas production tax; relating to the deposit of money collected by the Department of Revenue under AS 43.55; relating to the calculation of the gross value at the point of production of oil or gas; relating to the determination of the net value of taxable oil and gas for purposes of a production tax on the net value of oil and gas; relating to the definitions of 'gas,' 'oil,' and certain other terms for purposes of AS 43.55; making conforming amendments; and providing for an effective date" for a Resources Committee meeting at 3:00 p.m. today. Without objection, it was so ordered.

Announcements are at the end of the journal.

Enrollment

SCR 25

SENATE CONCURRENT RESOLUTION NO. 25 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 489, relating to the treatment of charity events by the Alaska Public Offices Commission and under the law governing legislative ethics, was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 11:50 a.m., March 28, 2006.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 30, 2006. Without objection, the Senate adjourned at 11:32 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 29	Wednesday	Beltz 211	1:30 PM
+ SB 248	ADMINISTRATIVE BOROUGH/BOROUGH GRANTS/		
Mar 31	Friday	Beltz 211	1:30 PM
	No Meeting Scheduled		

FINANCE

Mar 29	Wednesday	Senate Finance 532	9:00 AM
+ SB 305	OIL AND GAS PRODUCTION TAX <Pending Referral>		
+ SB 289	INSURANCE		
+	Bills Previously Heard/Scheduled		
Mar 30	Thursday	Senate Finance 532	9:00 AM
	-- Meeting Canceled --		
+ SB 305	OIL AND GAS PRODUCTION TAX <Pending Referral>		
+	Bills Previously Heard/Scheduled		
Mar 31	Friday	Senate Finance 532	9:00 AM
+ SB 305	OIL AND GAS PRODUCTION TAX <Pending Referral>		
+	Bills Previously Heard/Scheduled		

FINANCE (continued)

Apr 01 Saturday Senate Finance 532 10:00 AM
 += SB 305 OIL AND GAS PRODUCTION TAX
 <Pending Referral>
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 29 Wednesday Butrovich 205 2:00 PM
 -- Time Change --
 + Overview Update: Avian Flu
 Department of Environmental Conservation
 Department of Fish and Game
 Department of Health and Social Services
 + Overview: Personal Care Attendant Program
 Department of Health & Social Services
 + Bills Previously Heard/Scheduled

Mar 31 Friday Butrovich 205 1:30 PM
 + Bills Previously Heard/Scheduled

JUDICIARY

Mar 29 Wednesday Butrovich 205 8:30 AM
 + HB 343 HARASSMENT/ASSAULT/STALKING
 += HB 272 CARD ROOMS & OPERATIONS
 + Bills Previously Heard/Scheduled

Mar 30 Thursday Butrovich 205 8:30 AM
 += HB 318 LIMITATION ON EMINENT DOMAIN
 += HB 408 DEFINITION OF CHILD ABUSE AND NEGLECT
 + Bills Previously Heard/Scheduled

Mar 31 Friday Butrovich 205 8:30 AM
 No Meeting Scheduled

LABOR & COMMERCE

Mar 30 Thursday Beltz 211 1:30 PM
 + Bills Previously Heard/Scheduled
 Including But Not Limited to:
 += SB 241 JOINT INSURANCE ARRANGEMENTS
 += SB 307 LANDLORD REMEDIES; LATE FEE
 += SB 309 CONSTR. TRAINING GRANT; UNEMPLOYMENT COMP.
 <Above Bill Hearing Postponed>
 += SB 272 MORTGAGE LENDING

RESOURCES

Mar 29 Wednesday Butrovich 205 3:00 PM
 Uniform Rule 23 Waived
 -- Time Change --
 -- Continued from 03/27/06 --
 += SB 305 OIL AND GAS PRODUCTION TAX

Mar 31 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

STATE AFFAIRS

Mar 30 Thursday Butrovich 205 3:30 PM
 + HB 245 VETERANS' VEHICLE PLATES/FEES/TAXES
 Bills Previously Heard/Scheduled

TRANSPORTATION

Mar 30 Thursday Butrovich 205 1:30 PM
 No Meeting Scheduled

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

EDUCATION & EARLY DEVELOPMENT

Mar 29 Wednesday Senate Finance 532 4:30 PM
 FY07 Operating Budget Closeout

ENVIRONMENTAL CONSERVATION

Mar 29 Wednesday Senate Finance 532 7:45 AM
 Budget Closeout

FISH & GAME

Mar 29 Wednesday Senate Finance 532 1:30 PM
 -- Rescheduled from 03/22/06 --
 FY 07 Budget Closeout

GOVERNOR

Mar 29 Wednesday Senate Finance 532 4:00 PM
 -- Rescheduled to 03/30/06 --
 Budget Closeout

Mar 30 Thursday Senate Finance 532 10:30 AM
 Budget Closeout

HEALTH & SOCIAL SERVICES

Mar 30 Thursday Fahrenkamp 203 4:30 PM
 Closeout

LAW

Mar 30 Thursday Senate Finance 532 4:30 PM
 + Budget Closeout

LEGISLATURE

Mar 29 Wednesday Senate Finance 532 3:30 PM
 -- Rescheduled to 03/30/06 --
 Budget Closeout

Mar 30 Thursday Senate Finance 532 10:00 AM
 Budget Closeout

MILITARY AND VETERANS AFFAIRS

Mar 30 Thursday Beltz 211 5:30 PM
 + Closeout

PUBLIC SAFETY

Mar 29 Wednesday Beltz 211 12:00 PM
 + Closeout

REVENUE

Mar 30 Thursday Senate Finance 532 1:30 PM
 + Budget Closeout

TRANSPORTATION & PUBLIC FACILITIES

Mar 30 Thursday Fahrenkamp 203 4:00 PM
 Closeout

JOINT COMMITTEES**LEGISLATIVE BUDGET & AUDIT**

Mar 29 **Wednesday** **House Finance 519** **5:00 PM**
 -- Meeting Canceled --
 Minutes
 Audit Requests
 Executive Session -
 Preliminary and Final Audits
 Other Business

Apr 04 **Tuesday** **House Finance 519** **5:30 PM**
 Audit Requests
 Executive Session -
 Preliminary and Final Audits
 Other Business

LEGISLATIVE COUNCIL

Mar 30 **Thursday** **House Finance 519** **5:00 PM**
 FY05 Legislature Audit
 Alaska Statehood Celebration Commission
 Capitol Security

OTHER MEETINGS

JOINT LEGISLATIVE HEALTH CAUCUS

Mar 29 **Wednesday** **Butrovich 205** **12:00 PM**
 "Prevention - Whole Body Health"
 A light lunch will be served.