

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE

SECOND SESSION

Juneau, Alaska

Saturday

April 22, 2006

One Hundred Fourth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 7:05 p.m.

The roll showed nineteen members present. Senator Guess was absent.

The prayer was offered by the Chaplain, Reverend Norman Westdahl of the Kotzebue Assembly of God Church. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

I want to take the time to thank every one of you for your hard work. I don't know if people get to express this to you but it is very much appreciated. Thank you.

Lord, we thank You for the privilege of being in government and of being in a free country. We get to select and vote on those who will represent us and be the voice of the people. We ask today for Your wisdom for the many decisions and issues up to this point that will continue on to the end of the session.

We ask Your guidance, and we appreciate Your hand on us. We look to You for this great State of Alaska: the people that are here, the representatives, the senators, who represent each one of their constituencies, and all their responsibilities. For all these things, Lord, we look to You.

We are in a great state. There are a lot of great resources, a lot of talented people, a lot of great abilities represented here in this room. And again, we just lean on You for the direction of not only today but for the future and the people of Alaska. We pray not only for these things but for each person here, their families and the livelihoods that they come from. It's all appreciated, we thank You.

We ask Your touch on today's session all the way through the end of the session a few weeks from now. I ask these things in the name of Jesus. 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 one hundred third legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

SCR 21

Message dated and received April 21 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:

HOUSE CS FOR CS FOR SENATE
CONCURRENT RESOLUTION NO. 21(MLV)
Relating to the Vietnam War, to veterans and their families, and to the Vietnam War memorial entitled "The Moving Wall."

Legislative Resolve No. 34

Messages from the House

Messages dated April 21 were read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills**HB 278**

CS FOR HOUSE BILL NO. 278(RLS) BY THE HOUSE RULES COMMITTEE, entitled:

"An Act relating to prepayments of accrued actuarial liabilities of government retirement systems; relating to the Alaska Municipal Bond Bank Authority; permitting the Alaska Municipal Bond Bank Authority or a subsidiary of the authority to assist state and municipal governmental employers by issuing bonds, notes, commercial paper, or other obligations to enable the governmental employers to prepay all or a portion of the governmental employers' shares of the unfunded accrued actuarial liabilities of retirement systems; authorizing a governmental employer to issue obligations to prepay all or a portion of the governmental employer's shares of the unfunded accrued actuarial liabilities of retirement systems and to enter into a lease or other contractual agreement with a trustee or the Alaska Municipal Bond Bank Authority or a subsidiary of the authority in connection with the issuance of obligations for that purpose, and relating to those obligations; and providing for an effective date."

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

HB 307

CS FOR HOUSE BILL NO. 307(RES) BY THE HOUSE RESOURCES COMMITTEE, entitled:

"An Act creating the Knik River Public Use Area."

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

HB 347

CS FOR HOUSE BILL NO. 347(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to mandatory motor vehicle insurance, license suspensions, mandatory impoundments of vehicles used in certain offenses, notices relating to motor vehicles, and notices relating to driver's licenses."

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

HB 500

HOUSE BILL NO. 500 BY THE HOUSE FINANCE COMMITTEE BY REQUEST, entitled:

"An Act amending the principal amount of bonds that may be issued by the Alaska Industrial Development and Export Authority for the purpose of financing the development of Hatcher Pass."

was read the first time and referred to the Finance Committee.

Standing Committee Reports**SB 48**

The Judiciary Committee considered SENATE BILL NO. 48 "An Act relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children" and recommended the adoption of the Health, Education and Social Services Committee Substitute offered on page 2758. Signing do pass: Senator Seekins, Chair; Senators French, Guess, Therriault, Huggins.

The following previously published fiscal information applies:

Fiscal Note No. 1, indeterminate, Department of Education and Early Development

Fiscal Note No. 2, zero, Department of Health and Social Services

The bill was referred to the Rules Committee.

SB 305

The Finance Committee considered 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" and recommended it be replaced with

CS FOR SENATE BILL NO. 305(FIN) "An Act repealing the oil production tax and the gas production tax and providing for a production tax on oil and gas; relating to the calculation of the gross value at the point of production of oil and gas and to the determination of the value of oil and gas for purposes of the production tax on oil and gas; providing for tax credits against the production tax on oil and gas; relating to the relationship of the production tax on oil and gas to other taxes, to the dates those tax payments and surcharges are due, to interest on overpayments of the tax, and to the treatment of the tax in a producer's settlement

with the royalty owners; relating to flared gas, and to oil and gas used in the operation of a lease or property under the production tax; relating to the prevailing value of oil and gas under the production tax; relating to surcharges on oil; relating to statements or other information required to be filed with or furnished to the Department of Revenue, to the penalty for failure to file certain reports for the tax, to the powers of the Department of Revenue, and to the disclosure of certain information required to be furnished to the Department of Revenue as applicable to the administration of the tax; relating to criminal penalties for violating conditions governing access to and use of confidential information relating to the tax, and to the deposit of tax money collected by the Department of Revenue; amending the definitions of 'gas,' 'oil,' and certain other terms for purposes of the production tax, and as the definition of the term 'gas' applies in the Alaska Stranded Gas Development Act, and adding further definitions; making conforming amendments; and providing for an effective date."

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

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

Fiscal information forthcoming.

The bill is on today's calendar.

SB 313

The Judiciary Committee considered SENATE BILL NO. 313 "An Act relating to scheduling Salvia divinorum as a controlled substance" and recommended it be replaced with

CS FOR SENATE BILL NO. 313(JUD) "An Act relating to scheduling Salvia divinorum and Salvinorin A as controlled substances."

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

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

The bill was referred to the Rules Committee.

HB 357

The Finance Committee considered CS FOR HOUSE BILL NO. 357(FIN) "An Act updating the terminology in statutes for persons with disabilities; and providing for an effective date" and recommended the adoption of the House Letter of Intent (House Journal page 2609). Signing do pass: Senators Wilken, Green, Cochairs; Senators Bunde, Olson, Dyson, Stedman, Hoffman.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Health and Social Services
Fiscal Note No. 2, zero, Department of Labor and Workforce
Development

The bill was referred to the Rules Committee.

HB 394

The Finance Committee considered CS FOR HOUSE BILL NO. 394(L&C) an "An Act relating to allowing insurance policy forms to be filed and approved in languages other than English if an official English language version is also filed, and authorizing use of insurance policy forms and associated materials in languages other than English." Signing do pass: Senators Wilken, Green, Cochairs; Senators Bunde, Dyson, Stedman. Signing no recommendation: Senators Olson, Hoffman.

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 400

The Finance Committee considered CS FOR HOUSE BILL NO. 400(FIN) "An Act relating to confiscation of firearms during disaster emergencies" and recommended the adoption of the Judiciary Senate Committee Substitute offered on page 2708. Signing do pass: Senators Wilken, Green, Cochairs; Senators Bunde, Hoffman, Olson, Dyson, Stedman.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Military and Veterans' Affairs

The bill was referred to the Rules Committee.

HB 446

The Judiciary Committee considered CS FOR HOUSE BILL NO. 446(JUD) "An Act relating to the amount of a civil penalty for an unlawful act or practice in the conduct of trade or commerce; and eliminating mandatory continuances in these matters after issuance of an injunction." Signing no recommendation: Senator Seekins, Chair; Senators Therriault, Huggins. Signing do pass: Senators French, Guess.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Alaska Court System
Fiscal Note No. 3, indeterminate, House Finance Committee

The bill was referred to the Finance Committee.

Consideration of the Calendar**Second Reading of Senate Bills****SB 305**

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" was not taken up on the April 22 calendar.

The bill will be on the April 24 calendar.

Third Reading of House Bills

HB 471

SENATE CS FOR CS FOR HOUSE BILL NO. 471(FIN) "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 providing for an effective date" was not taken up on the April 22 calendar.

The bill will be on the April 24 calendar.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 24, 2006. Without objection, the Senate adjourned at 7:38 p.m.

Kirsten Waid
Secretary of the Senate

April 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

Apr 24	Monday	Beltz 211	1:30 PM
+ =	HB 392	SOLID WASTE MANAGEMENT AUTHORITIES	
+ =	HB 334	MUNICIPAL PROPERTY TAX DEFERRAL/EXEMPTION	
+	Bills Previously Heard/Scheduled		
Apr 26	Wednesday	Beltz 211	1:30 PM
+	Bills Previously Heard/Scheduled		
Apr 28	Friday	Beltz 211	1:30 PM
+	Bills Previously Heard/Scheduled		

FINANCE

Apr 22	Saturday	Senate Finance 532	9:00 AM
	-- Recessed to a Call of the Chair --		
+ =	SB 305	OIL AND GAS PRODUCTION TAX	
+	HB 357	STATUTORY REFERENCES TO DISABILITIES	
+	HB 394	INSURANCE POLICIES IN FOREIGN LANGUAGES	
+	HB 400	CONFISCATION OF FIREARMS	
+	HB 408	DEFINITION OF CHILD ABUSE AND NEGLECT	
+	Bills Previously Heard/Scheduled		
Apr 24	Monday	Senate Finance 532	9:00 AM
+ =	HB 408	DEFINITION OF CHILD ABUSE AND NEGLECT	
+ =	SB 231	BUDGET: CAPITAL & OTHER APPROPRIATIONS	
+	Bills Previously Heard/Scheduled		

FINANCE (continued)

Apr 25 Tuesday Senate Finance 532 9:00 AM
 += SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS
 + <Agency Testimony>
 Corrections
 Education
 Labor
 Commerce
 Environmental Conservation
 Natural Resources
 Transportation & Public Facilities
 + Bills Previously Heard/Scheduled

Apr 26 Wednesday Senate Finance 532 9:00 AM
 + SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS
 + <Agency Testimony>
 Law
 Public Safety
 Revenue
 Administration
 Court System
 Fish and Game
 Health and Social Services
 Military & Veterans Affairs
 University of Alaska

Apr 27 Thursday Senate Finance 532 5:00 PM
 -- Time Change --
 += SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS
 <Public Testimony>
 + Bills Previously Heard/Scheduled

Apr 28 Friday Senate Finance 532 5:00 PM
 -- Time Change --
 += SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS
 <Public Testimony>
 + Bills Previously Heard/Scheduled

Apr 29 Saturday Senate Finance 532 9:00 AM
 += SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES**Apr 24 Monday Butrovich 205 1:30 PM**

- + SCR 28 TECHNOLOGY FOR DISTANCE EDUCATION
- + SB 281 SCHOOL DIST. ENROLLMENT SHARING/CORRESPON
- + HB 442 HEALTH CARE DECISIONS
- + SB 287 POSTSECONDARY TUITION FOR FOSTER CHILDREN
- + Bills Previously Heard/Scheduled

Apr 26 Wednesday Butrovich 205 1:30 PM

- OVERVIEW: American Heart Association - Obesity Prevention
- + HB 258 SEXUAL ASSAULT BY PERSON WITH HIV/AIDS
- + HB 393 INSURANCE FOR COLORECTAL CANCER SCREENING
- + Bills Previously Heard/Scheduled

Apr 28 Friday Butrovich 205 1:30 PM

- + Bills Previously Heard/Scheduled

JUDICIARY**Apr 22 Saturday Butrovich 205 9:30 AM**

- Continued from 04/20/06 --
- + SB 316 COURT REVIEW OF STRANDED GAS DECISION
- + SB 313 SALVIA DIVINORUM AS CONTROLLED SUBSTANCE
- + SB 48 PSYCH. EVALUATION/TREATMENT FOR STUDENTS
- + HB 446 PENALTY FOR UNLAWFUL TRADE PRACTICE
- + Bills Previously Heard/Scheduled

Apr 24 Monday Butrovich 205 8:30 AM

No Meeting Scheduled

Apr 25 Tuesday Butrovich 205 8:30 AM

- + HB 308 CALLER ID HACKERS
- + SB 307 LANDLORD REMEDIES; LATE FEE
- + HB 442 HEALTH CARE DECISIONS
<Pending Referral>
- + HB 439 INSURANCE PRODUCT REGULATION COMPACT
- + Bills Previously Heard/Scheduled

JUDICIARY (continued)

Apr 26 **Wednesday** **Butrovich 205** **8:30 AM**
+ Bills Previously Heard/Scheduled

Apr 27 **Thursday** **Butrovich 205** **8:30 AM**
+ Bills Previously Heard/Scheduled

Apr 28 **Friday** **Butrovich 205** **8:30 AM**
+ No Meeting Scheduled

LABOR & COMMERCE

Apr 25 **Tuesday** **Beltz 211** **1:30 PM**
+ HB 409 NO WORKERS' COMP. FOR REAL EST. LICENSEE
+ HB 389 REGULATION OF TOURIST ACCOMMODATIONS
+ HB 377 EXEMPTION: RES. BLDG. DRAWINGS & SPECS
+ HB 150 LICENSING RADIOLOGIC TECHNICIANS
Confirmation of Governor Appointees:
Alaska Workers' Compensation Board-
John Abshire, Richard Behrends,
Andrew Piekarski, Patricia Vollendorf,
Lori Wing
Board of Barbers and Hairdressers-
Carol Hernley
Board of Chiropractic Examiners-
David Mulholland
Workers' Compensation Appeals Commission-
Jim Robison
Bills Previously Heard/Scheduled
Including But Not Limited to:

Apr 27 **Thursday** **Beltz 211** **1:30 PM**
+ Bills Previously Heard/Scheduled
+ Including But Not Limited to:

RESOURCES

Apr 24 **Monday** **Butrovich 205** **3:30 PM**
+= SJR 17 COLLECT MORE EXXON VALDEZ SPILL DAMAGES
+ HB 484 FISHERY ASSOCIATION REIMBURSEMENT
+ BP North Slope Spills - Update

RESOURCES (continued)

Apr 26 Wednesday Butrovich 205 3:30 PM

- + HB 57 SALE OF STATE LAND TO ADJACENT LANDOWNERS
- + HB 415 RECREATIONAL LAND USE LIABILITY/ADV. POSS
- + HB 419 REPEAL UNDERGROUND STORAGE TANK LAWS
- + SB 170 BD/DEPT OF FISH & GAME POWERS & DUTIES

Apr 28 Friday Butrovich 205 3:30 PM

- + HB 395 FIRE SEASON DATES
- + HB 420 FOREST RESOURCES & PRACTICES STANDARDS
Pt. Thomson Unit Agreement Update
- + Confirmation Hearing -
DNR Commissioner Menge

STATE AFFAIRS

Apr 25 Tuesday Butrovich 205 3:30 PM

- + SB 293 PUBLIC EMPLOYEES/TEACHERS' RETIREMENT
- + HJR 27 ALLOTMENTS FOR NATIVE VIETNAM VETERANS
- + Bills Previously Heard/Scheduled

Apr 27 Thursday Butrovich 205 3:30 PM

- + Bills Previously Heard/Scheduled

TRANSPORTATION

Apr 25 Tuesday Butrovich 205 1:30 PM

- + HB 403 NEIGHBORHOOD ELECTRIC VEHICLES

Apr 27 Thursday Butrovich 205 1:30 PM

- Bills Previously Heard/Scheduled

SPECIAL COMMITTEES

COMMITTEE ON UNIVERSITY OVERSIGHT

Apr 24 Monday Beltz 211 5:00 PM

- + HJR 14 URGE CONGRESS TO GRANT LAND TO UNIVERSITY

JOINT COMMITTEES**LEGISLATIVE COUNCIL**

Apr 27 **Thursday** **House Finance 519** **7:00 PM**
FY05 Legislature Audit
Masonic Temple
Capitol Security

OTHER MEETINGS**JOINT SESSION**

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