

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Friday

April 28, 2006

One Hundred Tenth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:21 a.m.

The roll showed eighteen members present. Senator Kookesh was excused from a call of the Senate. Senator Gary Stevens was absent.

Senator Green, Acting Majority Leader, moved and asked unanimous consent that Senator Gary Stevens be excused from a call of the Senate today through morning plane time, May 1. Without objection, Senator Gary Stevens was excused.

The prayer was offered by the Chaplain, Senator Dyson. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Our Father who art in heaven,
Hallowed be Thy name.
Your kingdom come.
Your will be done, on earth as it is in heaven.
Give us this day our daily bread.
And forgive us our trespasses, as we forgive those
who trespass against us.
And lead us not into temptation,
But deliver us from evil.
For Yours is the kingdom, and the power, and the
glory forever. Amen.

Senator Green led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor**SB 232**

Message dated and received April 27 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CONFERENCE CS FOR SENATE BILL NO. 232
"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."

Chapter 13, SLA 2006
Effective Date: See Chapter

This legislation, known as the "fast track" supplemental, addressed a number of the unanticipated needs of state programs. One major area of assistance is additional funds to pay the increased cost of fuel and utilities as a result of record oil prices. The Legislature's approval of this funding will enable state services to continue without interruption, as well as provide assistance to rural Alaskans through increased funding of the Power Cost Equalization program. To my regret, the Legislature did not approve my requests for funding to assist small municipalities with increased utility and fuel costs, as well as supplemental heating assistance for low-income households.

Due to these same record oil prices, however, the State of Alaska also is receiving the benefit of higher than anticipated revenue in Fiscal Year 2006. I proposed that half of this windfall go toward funding K-12 education next fiscal year and I'm pleased that the Legislature is poised to do this. In this legislation, another \$300 million is saved to fund K-12 in Fiscal Year 2008.

I also proposed that we save \$400 million of the current year's windfall for investment in the gas pipeline. Senate Bill 232 makes a substantial step toward this goal by saving \$300 million for investment in future infrastructure projects. Another administration proposal was to invest \$86 million in needed transportation improvements and \$44 million to address the deferred maintenance backlog of state facilities. I am pleased the Legislature is incorporating these priorities in its work on the Fiscal Year 2007 capital budget.

One policy issue of a more technical nature is the Legislature's treatment of proceeds from the Vehicle Rental Tax that was enacted into law in 2003. That legislation directed that these tax proceeds be deposited in a special account in the general fund. (AS 43.52.080(b)). In the expenditure of these tax revenues this session, the Legislature is now considering them as a non-general fund source. This, however, is contrary to AS 37.05.146(c) that defines revenues as non-general fund. As a result, expenditure of the Vehicle Rental Tax receipts will continue to be categorized as general fund spending as it has been in the past.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

Messages from the House

HB 243

Message dated April 27 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 243(FIN), thus adopting:

SENATE CS FOR CS FOR HOUSE BILL NO. 243(FIN) "An Act relating to the financial plan for the intertie between the Swan Lake and Tyee Lake hydroelectric projects; and providing for an effective date."

HB 365

Message dated April 27 was read, stating the Speaker has granted limited powers of free conference to the House conferees considering:

SENATE CS FOR CS FOR HOUSE BILL NO. 365(FIN)(brf sup maj fld S) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations for state aid to public schools, centralized correspondence study, and transportation of pupils; and providing for an effective date."

and

CS FOR HOUSE BILL NO. 365(FIN) am(brf sup maj fld)

on the requested specific points.

President Stevens granted Senate conferees limited powers of free conference April 27 (page 2979).

HB 366

Message dated April 27 was read, stating the Speaker has granted limited powers of free conference to the House conferees considering:

SENATE CS FOR CS FOR HOUSE BILL NO. 366(FIN) "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

and

CS FOR HOUSE BILL NO. 366(FIN)

on the requested specific points.

President Stevens granted Senate conferees limited powers of free conference April 27 (page 2979).

Standing Committee Reports

Report dated April 27 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:

Regulatory Commission of Alaska

Janis Wilson - Anchorage

Alaska Workers' Compensation Board

John Abshire - Wasilla

Richard Behrends - Juneau

Andrew (Bear) Piekarski - Eagle River

Patricia Vollendorf - Anchorage

Lori Wing - Anchorage

Board of Barbers and Hairdressers

Carol Hernley - Cordova

Board of Chiropractic Examiners

David Mulholland – Anchorage

Workers' Compensation Appeals Commission

Jim E. Robison - Eagle River

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 Ben Stevens, Ellis, Davis.

HB 57

The Resources Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 57(FIN) "An Act relating to the sale of certain state land to adjacent landowners." Signing do pass: Senator Wagoner, Chair, Senators Kookesh, Elton, Dyson. Signing no recommendation: Senator Stedman. Signing amend: Senator Seekins.

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

The bill was referred to the Finance Committee.

HB 266

The Transportation Committee considered CS FOR HOUSE BILL NO. 266(FIN) "An Act relating to penalties for violation of vehicle weight limitations; prohibiting the use of a violation of a vehicle weight limitation for certain personal automobile insurance actions; amending Rule 43.6, Alaska Rules of Administration; and providing for an effective date." Signing do pass: Senator Huggins, Chair; Senator Cowdery. Signing no recommendation: Senators French, Kookesh.

The following previously published fiscal information applies:
Fiscal Note No. 4, zero, Department of Commerce, Community and Economic Development
Fiscal Note No. 5, zero, Department of Transportation and Public Facilities
Fiscal Note No. 6, indeterminate, Department of Law

The bill was referred to the Judiciary Committee.

HB 307

The Resources Committee considered CS FOR HOUSE BILL NO. 307(RES) "An Act creating the Knik River Public Use Area." Signing do pass: Senator Wagoner, Chair; Senators Seekins, Ben Stevens. Signing no recommendation: Senator Elton.

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

The bill was referred to the Finance Committee.

HB 389

The Labor and Commerce Committee considered HOUSE BILL NO. 389 "An Act relating to tourist accommodations permits and to penalties for failing to comply with permitting requirements; removing

a requirement that persons operating tourist accommodations post certain laws and regulations on the premises; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senators Davis, Ellis, Seekins, Ben Stevens.

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

The bill was referred to the Rules Committee.

HB 403

The Transportation Committee considered CS FOR HOUSE BILL NO. 403(FIN) "An Act relating to registration and operation of low-speed vehicles" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.
403(TRA)
(forthcoming)

Signing do pass: Senator Huggins, Chair. Signing no recommendation: Senators French, Kookesh, Cowdery.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Public Safety
Fiscal Note No. 2, Department of Administration

The bill was referred to the Finance Committee.

HB 409

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 409(L&C) "An Act relating to excluding qualified real estate licensees from workers' compensation coverage." Signing do pass: Senator Bunde, Chair; Senators Ellis, Seekins, Ben Stevens. Signing no recommendation: Senator Davis.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Commerce, Community
and Economic Development
Fiscal Note No.2, zero, Department of Labor and Workforce
Development

The bill was referred to the Finance Committee.

HB 419

The Resources Committee considered HOUSE BILL NO. 419 "An Act repealing the Board of Storage Tank Assistance, the underground storage tank revolving loan fund, and the tank cleanup loan program; repealing certain reporting requirements relating to underground petroleum storage tank systems; making conforming amendments; and providing for an effective date." Signing do pass: Senator Wagoner, Chair; Senators Elton, Kookesh, Dyson, Seekins, Stedman.

The following previously published fiscal information applies:

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

The bill was referred to the Finance Committee.

SJR 20

The Finance Committee considered SENATE JOINT RESOLUTION NO. 20 Proposing an amendment to the section of the Constitution of the State of Alaska relating to marriage and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO.
20(FIN)

Signing do pass: Senators Wilken, Green, Cochairs; Senator Dyson.
Signing do not pass: Senators Bunde, Hoffman. Signing no recommendation: Senators Olson, Stedman.

The following previously published fiscal information applies:

Fiscal Note No. 1, Office of the Governor

The resolution was referred to the Rules Committee.

Consideration of the Calendar**Second Reading of Senate Bills****SB 291**

SENATE BILL NO. 291 "An Act relating to the municipal harbor facility grant program; and providing for an effective date" was read the second time.

Senator Stedman, Chair, moved and asked unanimous consent for the adoption of the Community and Regional Affairs Committee Substitute offered on page 2442. Without objection, CS FOR SENATE BILL NO. 291(CRA) was adopted.

Senator Green, Acting Majority Leader, 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.

CS FOR SENATE BILL NO. 291(CRA) was read the third time.

Senator Dyson moved and asked unanimous consent to abstain from voting due to a conflict of interest. Objections were heard and Senator Dyson was required to vote.

Senators Wilken, Cowdery, Dyson, Huggins moved and asked unanimous consent to be shown as cosponsors on the bill. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE BILL NO. 291(CRA) "An Act relating to the municipal harbor facility grant program; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

#AKS00604 04-28-2006 11:50:40

CSSB 291(CRA)

Third Reading - Final Passage

Effective Date

YEAS: 15 NAYS: 3 EXCUSED: 2 ABSENT: 0

Yeas: Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Olson, Stedman, Stevens B, Therriault, Wagoner, Wilken

Nays: Bunde, French, Seekins

Excused: Kookesh, Stevens G

#AKS00604 END

and so, CS FOR SENATE BILL NO. 291(CRA) passed the Senate.

Senator Green, Acting Majority Leader, 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.

SB 315

SENATE BILL NO. 315 "An Act relating to the disposition of unredeemed property; and providing for an effective date" was read the second time.

Senator Bunde, Chair, moved and asked unanimous consent for the adoption of the Labor and Commerce Committee Substitute offered on page 2844. Without objection, CS FOR SENATE BILL NO. 315(L&C) was adopted.

Senator Green, Acting Majority Leader, 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.

CS FOR SENATE BILL NO. 315(L&C) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 315(L&C) "An Act relating to the disposition of unredeemed property; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

#AKS00605 04-28-2006 11:53:46

CSSB 315(L&C)

Third Reading - Final Passage

Effective Date

YEAS: 17 NAYS: 1 EXCUSED: 2 ABSENT: 0

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

Nays: Guess

Excused: Kookesh, Stevens G

#AKS00605 END

and so, CS FOR SENATE BILL NO. 315(L&C) passed the Senate.

Senator Green, Acting Majority Leader, 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.

Second Reading of House Bills**HB 394**

CS FOR HOUSE BILL NO. 394(L&C) am "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" was read the second time.

President Stevens stated CS FOR HOUSE BILL NO. 394(L&C) am will be on the May 1 calendar.

Third Reading of Senate Bills**SB 271**

SENATE BILL NO. 271 was read the third time.

The question being: "Shall SENATE BILL NO. 271 "An Act authorizing the commissioner of transportation and public facilities to participate in certain federal highway programs and relating to that authorization; relating to powers of the attorney general to waive immunity from suit in federal court related to those programs; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

#AKS00606 04-28-2006 11:59:33

SB 271

Third Reading - Final Passage

Effective Date

YEAS: 17 NAYS: 1 EXCUSED: 2 ABSENT: 0

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

Nays: French

Excused: Kookesh, Stevens G

#AKS00606 END

and so, SENATE BILL NO. 271 passed the Senate.

Senator Green, Acting Majority Leader, 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.

Senator Ellis gave notice of reconsideration.

Second Reading of Senate Resolutions

SR 6

SENATE RESOLUTION NO. 6 was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE RESOLUTION NO. 6 Creating and relating to the Senate VPSO Task Force pass the Senate?" The roll was taken with the following result:

#AKS00607 04-28-2006 12:02:40

SR 6

Final Passage

YEAS: 18 NAYS: 0 EXCUSED: 2 ABSENT: 0

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

Excused: Kookesh, Stevens G

#AKS00607 END

and so, SENATE RESOLUTION NO. 6 passed the Senate and was referred to the Secretary for engrossment and enrollment.

Unfinished Business

Senator French moved and asked unanimous consent to be excused from a call of the Senate from 2:15 p.m. to 4:00 p.m. on May 1. Without objection, Senator French was excused.

Senator Huggins moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, April 28 through evening plane time April 30. Without objection, Senator Huggins was excused.

Announcements

Rule 23(d) of the Alaska State Legislature Uniform Rules is currently in effect.

Announcements are at the end of the journal.

Engrossment

SB 291

CS FOR SENATE BILL NO. 291(CRA) "An Act relating to the municipal harbor facility grant program; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 315

CS FOR SENATE BILL NO. 315(L&C) "An Act relating to the disposition of unredeemed property; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Green, Acting Majority Leader, moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 29, 2006. Without objection, the Senate adjourned at 12:04 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 28 Friday Beltz 211 1:30 PM
 + HB 278 RETIREMENT SYSTEM LIABILITY/BONDS
 + Bills Previously Heard/Scheduled

May 01 Monday Beltz 211 1:30 PM
 + HB 378 CHILKAT BALD EAGLE PRESERVE ADV COUNCIL
 += HB 133 MUNICIPAL BOUNDARY CHANGES/ COMMISSION

May 05 Friday Butrovich 205 1:30 PM
 + Joint w/(S) Health, Education & Social Services
 Overview Presentation: U.S. Ambassador to Mongolia, Pamela J. Slutz
 "A Broader Partnership with Mongolia"
 (Education, Tourism, Trade, Mining, Government)

FINANCE

Apr 28 Friday Senate Finance 532 9:00 AM
 -- Recessed to 3:00 pm --
 += SJR 20 CONST. AM: BENEFITS & MARRIAGE
 + SB 272 MORTGAGE LENDING
 + SB 309 CONSTR. TRAINING GRANT; UNEMPLOYMENT COMP.
 + SB 317 ANCHORAGE PARKING GARAGE
 + Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 28 Friday Senate Finance 532 5:00 PM

-- Time Change --

+ SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS

+ -- Public testimony will be limited to no more than 3 minutes --

Bethel, Nome, Kotzebue

Barrow, Tok, Delta Junction

Ketchikan, Petersburg, Wrangell

Sitka, Cordova, Valdez

Juneau

"Testimony on Juneau Access limited to

6 PRO and 6 CON"

+ Bills Previously Heard/Scheduled

Apr 29 Saturday Senate Finance 532 9:00 AM

-- Meeting Canceled --

+ SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS

+ Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 28 Friday Butrovich 205 1:30 PM

+ SB 281 SCHOOL DIST. ENROLLMENT SHARING/CORRESPON

+ HB 442 HEALTH CARE DECISIONS

+ SB 287 POSTSECONDARY TUITION FOR FOSTER CHILDREN

+ Bills Previously Heard/Scheduled

May 01 Monday Butrovich 205 1:30 PM

+ HB 426 MEDICAL ASSISTANCE/INS COOPERATION

+ HB 467 ADMINISTRATION OF MEDICATION BY A NURSE

+ HB 482 SCHOOL:BULLYING/HARASSMENT/INTIMIDATION

+ Bills Previously Heard/Scheduled

May 03 Wednesday Butrovich 205 1:30 PM

+ Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES (continued)

May 05 Friday Butrovich 205 1:30 PM
 + Joint w/(S) Community & Regional Affairs
 Overview Presentation: U.S.Ambassador
 to Mongolia, Pamela J. Slutz
 "A Broader Partnership with Mongolia"
 (Education, Tourism, Trade, Mining,
 Government)
 + Bills Previously Heard/Scheduled

JUDICIARY

Apr 28 Friday Butrovich 205 9:30 AM
 -- Recessed to 12:30 pm --
 -- Time Change --
 + SB 169 WORKERS' COMPENSATION RECORDS
 += SB 307 LANDLORD REMEDIES; LATE FEE
 += SB 316 COURT REVIEW OF STRANDED GAS DECISION
 += HB 414 INTERCEPTION OF MINOR'S COMMUNICATIONS
 += HB 190 REQUIRED ID FOR PURCHASING ALCOHOL

RESOURCES

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

SPECIAL COMMITTEES**COMMITTEE ON UNIVERSITY OVERSIGHT**

May 01 Monday Beltz 211 5:00 PM
 --Rescheduled from 4/26/06--
 += HJR 14 URGE CONGRESS TO GRANT LAND TO UNIVERSITY

JOINT COMMITTEES

CONFERENCE COMMITTEE ON HB 365 & HB 366

Apr 28 Friday Senate Finance 532 4:00 PM
 -- Rescheduled to 04/29/06 --
 = HB 365 APPROP: OPERATING BUDGET/LOANS/FUNDS
 = HB 366 APPROP: MENTAL HEALTH BUDGET
 Dept of Administration
 Dept of Commerce, Community, & Economic
 Development
 Dept of Labor
 Dept of Law

Apr 29 Saturday Senate Finance 532 12:30 PM
 -- Rescheduled from 04/28/06 --
 = HB 365 APPROP: OPERATING BUDGET/LOANS/FUNDS
 = HB 366 APPROP: MENTAL HEALTH BUDGET
 Dept of Administration
 Dept of Commerce, Community, & Economic
 Development
 Dept of Labor
 Dept of Law

OTHER MEETINGS

JOINT LEGISLATIVE HEALTH CAUCUS

May 01 Monday Fahrenkamp 203 12:00 PM
 "The Uninsured, a Statewide Emergency"
 A light lunch will be served.

JOINT SESSION

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