

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION

Juneau, Alaska

Tuesday

June 6, 2006

Twenty-eighth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 8:38 p.m.

The roll showed twenty members present.

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

Our Dear Father in heaven,

We are grateful to be gathered here as this special session's end draws near.

We express our gratitude to Thee for the everyday freedoms we enjoy in our country. We are especially grateful for the privilege to express our particular views and opinions.

We ask Thee to bless this legislative body who are here to serve our fellow Alaskans. May they be inspired on this day to vote their conscience as well as to make the best decisions for the people of Alaska. We pray that Thou wilt bless those who speak on this day with a spirit of unity.

All of these things I say are in the name of Jesus Christ. Amen.

Senator Huggins led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor

A Declaration of Disaster Emergency to cover fire suppression costs, dated June 6, 2006, with an accompanying letter was received. The declaration and letter had been copied to the Finance Committee Cochairs.

HJR 27

Message was read stating the Governor read the following resolution on June 1 and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CS FOR HOUSE JOINT RESOLUTION NO. 27(MLV) Urging the United States Congress to pass legislation amending the Alaska Native Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of vacant land within the State of Alaska; and to reopen and legislatively approve allotments in the Tongass National Forest.

Legislative Resolve No. 37

Messages from the House

Concur Messages

SB 2001

Message dated June 6 was read, stating the House passed CS FOR SENATE BILL NO. 2001(FIN) "An Act relating to the production tax on oil and gas and to conservation surcharges on oil; relating to criminal penalties for violating conditions governing access to and use

of confidential information relating to the production tax; amending the definition of 'gas' as that definition applies in the Alaska Stranded Gas Development Act; making conforming amendments; and providing for an effective date" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO.
2001(FIN) am H

Senator Gary Stevens moved that the Senate concur in the House amendments and recommended the body vote no.

The question being: "Shall the Senate concur in the House amendments?" The roll was taken with the following result:

HCS CSSB 2001(FIN) am H
Shall the Senate Concur in the House
Amendments to CSSB 2001(FIN)?

YEAS: 8 NAYS: 12 EXCUSED: 0 ABSENT: 0

Yeas: Davis, Ellis, Elton, French, Guess, Kookesh, Olson, Therriault

Nays: Bunde, Cowdery, Dyson, Green, Hoffman, Huggins, Seekins, Stedman, Stevens B, Stevens G, Wagoner, Wilken

and so, the Senate failed to concur.

The Secretary was requested to notify the House of the Senate's action and request the House to recede from its amendments. In the event the House fails to recede, the President appointed a Conference Committee to meet with the like committee from the House to consider the bills:

Senator Stedman, Chair
Senator Huggins
Senator French

House members appointed June 6:
Representative Samuels, Chair
Representative Kelly
Representative Kerttula

Communications

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

2005 Alaska Railroad Corporation Annual Report
from Patrick K. Gamble, President and CEO
in accordance with AS 42.40.260
available at: www.AlaskaRailroad.com

Consideration of the Calendar**Third Reading of Senate Bills****SB 2004**

CS FOR SENATE BILL NO. 2004(NGD) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 2004(NGD) "An Act relating to the Alaska Stranded Gas Development Act, including clarifications or provision of additional authority for the development of stranded gas fiscal contract terms; making a conforming amendment to the Revised Uniform Arbitration Act; relating to municipal impact money received under the terms of a stranded gas fiscal contract; relating to determination of full and true value of property and required contributions for education in municipalities affected by stranded gas fiscal contracts; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 2004(NGD)

Third Reading - Final Passage

YEAS: 12 NAYS: 8 EXCUSED: 0 ABSENT: 0

Yeas: Bunde, Cowdery, Dyson, Green, Hoffman, Huggins, Kookesh, Seekins, Stedman, Stevens B, Stevens G, Wilken

Nays: Davis, Ellis, Elton, French, Guess, Olson, Therriault, Wagoner

and so, CS FOR SENATE BILL NO. 2004(NGD) passed the Senate.
Senator Gary Stevens moved for the adoption of the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSSB 2004(NGD)
Effective Date Clause

YEAS: 16 NAYS: 4 EXCUSED: 0 ABSENT: 0

Yeas: Bunde, Cowdery, Davis, Dyson, Green, Guess, Hoffman, Huggins, Kookesh, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, French, Olson

and so, the effective date clause was adopted.

Senator Elton gave notice of reconsideration.

Unfinished Business

Senator Stedman moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, June 11 to June 17. Without objection, Senator Stedman was excused.

Announcements

Announcements are at the end of the journal.

Enrollment

SB 12

HOUSE CS FOR CS FOR SENATE BILL NO. 12(STA) am H(efd add H) "An Act relating to human trafficking; relating to sex tourism; relating to procurement from a person conducting business in or having headquarters in countries that support or ignore slavery and trafficking in persons; and providing for an effective date" 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 3:17 p.m., June 6, 2006.

SB 20

HOUSE CS FOR CS FOR SENATE BILL NO. 20(FIN) "An Act relating to offenses against unborn children" 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 3:17 p.m., June 6, 2006.

SB 48

HOUSE CS FOR CS FOR SENATE BILL NO. 48(HES) am H "An Act relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children" 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 3:17 p.m., June 6, 2006.

Memorandum from the Division of Legal and Research Services, Legislative Affairs Agency, reporting the following manifest error in HOUSE CS FOR CS FOR SENATE BILL NO. 48(HES) am H, which has been corrected in enrolling:

Page 2, line 19:

Delete "regarding"

SB 132

HOUSE CS FOR SENATE BILL NO. 132(FIN) am H "An Act relating to complaints filed with, investigations, hearings, and orders of, and the interest rate on awards of the State Commission for Human Rights; and making conforming amendments" 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 3:17 p.m., June 6, 2006.

SB 134

CS FOR SENATE BILL NO. 134(JUD) "An Act relating to a pilot project to review and investigate certain complaints from victims of sexual assault in the first degree or sexual abuse of a minor in the first degree concerning actions of justice agencies" 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 3:17 p.m., June 6, 2006.

SB 177

CS FOR SENATE BILL NO. 177(HES) "An Act eliminating the prohibition on the use by certain licensed professionals of titles or descriptions of services that incorporate the terms 'psychoanalysis,' 'psychoanalyst,' 'psychotherapy,' 'psychotherapeutic,' or 'psychotherapist'" 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 3:17 p.m., June 6, 2006.

SB 188

CS FOR SENATE BILL NO. 188(FIN) "An Act relating to the maximum amount of loans from the bulk fuel revolving loan fund to one borrower in a fiscal year" 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 3:17 p.m., June 6, 2006.

SB 200

HOUSE CS FOR CS FOR SENATE BILL NO. 200(FIN) "An Act relating to defense of self, other persons, property, or services" 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 3:17 p.m., June 6, 2006.

Memorandum from the Division of Legal and Research Services, Legislative Affairs Agency, reporting the following manifest error in HOUSE CS FOR CS FOR SENATE BILL NO. 200(FIN), which has been corrected in enrolling:

Page 2, line 15:

Delete "[OR]"

Insert "or"

SB 209

CS FOR SENATE BILL NO. 209(JUD) "An Act relating to access by persons under 21 years of age to premises licensed to sell alcoholic beverages as clubs when alcoholic beverages are not present and, when alcoholic beverages are present, to premises of a patriotic organization licensed as a club if the person possesses a valid active duty military or armed forces identification card issued by the United

States government" 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 3:17 p.m., June 6, 2006.

SB 216

HOUSE CS FOR CS FOR SENATE BILL NO. 216(FIN) "An Act relating to bail and unlawful evasion; and providing for an effective date" 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 3:17 p.m., June 6, 2006.

SB 249

CS FOR SENATE BILL NO. 249(JUD) "An Act relating to criminal justice information" 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 3:17 p.m., June 6, 2006.

SB 265

SENATE BILL NO. 265 "An Act increasing the total amount of bonds and notes that the Alaska Municipal Bond Bank Authority may have outstanding; and providing for an effective date" 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 3:17 p.m., June 6, 2006.

SB 273

SENATE BILL NO. 273 "An Act relating to a motor vehicle dealer's selling or offering to sell motor vehicles as new or current models or as new or current model motor vehicles having manufacturer's warranties" 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 3:17 p.m., June 6, 2006.

SB 274

HOUSE CS FOR CS FOR SENATE BILL NO. 274(FIN) am H "An Act relating to the disposition of forfeited, surplus, and unclaimed firearms by the state and municipalities" 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 3:17 p.m., June 6, 2006.

SB 289

CS FOR SENATE BILL NO. 289(FIN) am H "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; establishing a fund for the payment of Servicemembers' Group Life Insurance premiums and providing for the payment of Servicemembers' Group Life Insurance premiums; and providing for an effective date" 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 3:17 p.m., June 6, 2006.

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 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 3:17 p.m., June 6, 2006.

SB 298

HOUSE CS FOR CS FOR SENATE BILL NO. 298(JUD) "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 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 3:17 p.m., June 6, 2006.

Memorandum from the Division of Legal and Research Services, Legislative Affairs Agency, reporting the following manifest errors in HOUSE CS FOR CS FOR SENATE BILL NO. 298(JUD), which have been corrected in enrolling:

To correct an error in the order of bill sections, secs. 1 - 10 have been renumbered as follows and placed in order by section number:

- Renumber bill sec. 1 as sec. 6.
- Renumber bill sec. 2 as sec. 9.
- Renumber bill sec. 3 as sec. 10.
- Renumber bill sec. 4 as sec. 1.
- Renumber bill sec. 5 as sec. 2.
- Renumber bill sec. 6 as sec. 3.
- Renumber bill sec. 7 as sec. 4.
- Renumber bill sec. 8 as sec. 5.
- Renumber bill sec. 9 as sec. 7.
- Renumber bill sec. 10 as sec. 8.

Page 8, line 3:

- Delete "sec. 2"
- Insert "sec. 9"

Page 8, line 4:

- Delete "sec. 3"
- Insert "sec. 10"

Page 8, line 5:

- Delete "secs. 2 and 3"
- Insert "secs. 9 and 10"

Page 8, line 6:

- Delete "Sections 2 and 3"
- Insert "Sections 9 and 10"

SB 300

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" 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 3:17 p.m., June 6, 2006.

SB 310

HOUSE CS FOR SENATE BILL NO. 310(FIN) am H "An Act relating to the employment of prisoners; and providing for an effective date" 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 3:17 p.m., June 6, 2006.

Memorandum from the Division of Legal and Research Services, Legislative Affairs Agency, reporting the following manifest errors in HOUSE CS FOR SENATE BILL NO. 310(FIN) am H, which have been corrected in enrolling:

Page 3, line 25:

Delete "(4)"

Insert "(3)"

Page 5, line 28:

Delete "are"

Insert "is"

Page 6, line 20, following "for":

Insert "the"

SJR 19

CS FOR SENATE JOINT RESOLUTION NO. 19(FIN) Relating to creating the Task Force to Assess Public Reporting of Health Care Associated Infections, 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 3:17 p.m., June 6, 2006.

SCR 23

SENATE CONCURRENT RESOLUTION NO. 23 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 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 3:17 p.m., June 6, 2006.

SCR 27

SENATE CONCURRENT RESOLUTION NO. 27 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 441, relating to operating motor vehicles, aircraft, and watercraft while under the influence and treatment programs, 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 3:17 p.m., June 6, 2006.

SCR 28

HOUSE CS FOR CS FOR SENATE CONCURRENT RESOLUTION NO. 28(HES) Relating to the innovative application of education technology tools to provide improved distance education programs in the state, 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 3:17 p.m., June 6, 2006.

Memorandum from the Division of Legal and Research Services, Legislative Affairs Agency, reporting the following manifest error in HOUSE CS FOR CS FOR SENATE CONCURRENT RESOLUTION NO. 28(HES), which has been corrected in enrolling:

Page 4, line 17:

Delete "Mr."

SCR 30

SENATE CONCURRENT RESOLUTION NO. 30 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 258, relating to aggravating factors at sentencing for sexual assault and sexual abuse, 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 3:17 p.m., June 6, 2006.

SCR 32

SENATE CONCURRENT RESOLUTION NO. 32 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Joint Resolution No. 9, urging the United States Congress to honor the process and judgment of the

federal courts in the case of the Exxon Valdez disaster and to refrain from enacting legislation that would affect the outcome of the courts' resolution of the case, 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 3:17 p.m., June 6, 2006.

SCR 33

SENATE CONCURRENT RESOLUTION NO. 33 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 16, relating to funding for school districts operating secondary school boarding programs, 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 3:17 p.m., June 6, 2006.

SCR 34

SENATE CONCURRENT RESOLUTION NO. 34 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 334, relating to an exemption from and deferral of municipal property taxes for certain types of deteriorated property, 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 3:17 p.m., June 6, 2006.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 4:00 p.m., June 7, 2006. Without objection, the Senate adjourned at 9:13 p.m.

Kirsten Waid
Secretary of the Senate

June 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.

SPECIAL COMMITTEES
SPECIAL COMMITTEE ON NATURAL GAS DEV

Jun 06 Tuesday Senate Finance 532 9:00 AM
 += SB2003 NATURAL GAS PIPELINE CORPORATION
 Round Table Questions and Answers with
 Legislative Consultants:
 Issues Related to Gas Development

Jun 07 Wednesday Senate Finance 532 9:00 AM
 SB2001 OIL AND GAS TAX
 <Pending Referral>
 Round Table Question & Answer Session
 - Legislators
 - Consultants
 - Producers
 - Administration

JOINT COMMITTEES
CONFERENCE COMMITTEE ON SENATE BILL 2001

Jun 07 Wednesday Butrovich 205 8:30 AM
 SB2001 OIL AND GAS TAX