SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE

SECOND SESSION

Juneau, Alaska

Thursday

April 13, 2006

Ninety-fifth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 10:16 a.m.

The roll showed fifteen members present. Senators Cowdery, Davis, Huggins, Olson, Wagoner were excused from a call of the Senate.

The prayer was offered by the Chaplain, Pastor Gary Waterhouse of the Juneau and Sitka Seventh-Day Adventist Churches. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

In the privacy of our own hearts we would seek You and find You today, Lord.

Our very first work at the beginning of each day should be to consecrate ourselves to You. We lay all of our plans at Your feet. Use us in Your service.

There is such potential for greatness in this building. The governor, the senators and representatives as well as the clerks and pages, security, and the other personnel in this structure have the possibility of doing great things for our state, and this nation, as well as for their homes and communities. May each of them have the resolve to give of their best in these times when they are needed the most.

Let us not just listen to our own voices as we look for solutions and resolutions, but let us hear Your sweet voice and then follow Your leadings. We pray in Thy name, Amen.

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Senator Gary Stevens led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

SB 232

Message dated April 12 was read, stating the House has adopted the report of the Conference Committee with limited powers of free conference considering CS FOR SENATE BILL NO. 232(FIN) and HOUSE CS FOR CS FOR SENATE BILL NO. 232(FIN) am H, thus adopting:

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."

Message dated April 12 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HJR 25

CS FOR HOUSE JOINT RESOLUTION NO. 25(STA) BY THE HOUSE STATE AFFAIRS COMMITTEE,

Urging the United States Congress to adopt Sec. 303 of the United States House of Representatives version of the Tax Relief Extension Reconciliation Act of 2005.

was read the first time and referred to the State Affairs Committee.

First Reading and Reference of House Bills

HB 57

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 57(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the sale of certain state land to adjacent landowners."

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

HB 392

CS FOR HOUSE BILL NO. 392(L&C) am BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act authorizing the establishment of regional solid waste management authorities."

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

HB 419

HOUSE BILL NO. 419 BY REPRESENTATIVES COGHILL, Kelly, entitled:

"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."

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

Communications

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

Council on Domestic Violence and Sexual Assault Annual Report Fiscal Year 2005

from Barbara Mason, Executive Director, Department of Public Safety in accordance with AS $18.66.050\,$

Standing Committee Reports

SB 48

The Health, Education and Social Services 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 it be replaced with

CS FOR SENATE BILL NO. 48(HES)

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

The following fiscal information was published today:

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 Judiciary Committee.

SB 312

The Labor and Commerce Committee considered SENATE BILL NO. 312 "An Act relating to the promotion of live public events for which tickets are sold in advance" and recommended it be replaced with

CS FOR SENATE BILL NO. 312(L&C)

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

April 13, 2006

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

SB 313

The Health, Education and Social Services Committee considered SENATE BILL NO. 313 "An Act relating to scheduling Salvia divinorum as a controlled substance." Signing do pass: Senator Dyson, Chair; Senators Wilken, Green. Signing no recommendation: Senators Elton, Olson.

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

The bill was referred to the Judiciary Committee.

Special Committee Reports

SB 232

The following report was received and distributed at 12:59 p.m., April 12, 2006:

April 12, 2006

Mr. President: Mr. Speaker:

The Conference Committee with limited powers of free conference considered 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" and HOUSE CS FOR CS FOR SENATE BILL NO. 232(FIN) am H and recommends

CONFERENCE CS FOR SENATE BILL NO. 232

be adopted.

Signing the report: Senator Wilken, Chair, Senators Green, Hoffman; Representative Chenault, Chair, Representatives Meyer, Joule.

The report was held on the Secretary's desk.

Introduction and Reference of Senate Resolutions

SCR 27

SENATE CONCURRENT RESOLUTION NO. 27 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. 441, relating to operating motor vehicles, aircraft, and watercraft while under the influence and treatment programs.

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

SCR 28

SENATE CONCURRENT RESOLUTION NO. 28 BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE,

Relating to the innovative application of education technology tools to provide improved distance education programs in the state.

was read the first time and referred to the Health, Education and Social Services Committee.

Introduction and Reference of Senate Bills

SB 316

SENATE BILL NO. 316 BY THE SENATE JUDICIARY COMMITTEE, entitled:

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"An Act amending the Alaska Stranded Gas Development Act to eliminate the opportunity for judicial review of the findings and determination of the commissioner of revenue on which are based legislative review for a proposed contract for payments in lieu of taxes and for the other purposes described in that Act; and providing for an effective date."

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

Consideration of the Calendar

Citations

Honoring – Alaska "SOUPer" Parent, Tricia Rambin Senator(s) Wilken, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner

Honoring – Kenai Chamber of Commerce, 2005 Community Awards Senator(s) Wagoner, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wilken Representative(s) Olson

Commemorating – Law Enforcement Memorial Day, May 12, 2006 Representative(s) Harris Senator(s) Therriault, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Huggins, Kookesh,

Olson, Seekins, Stedman, Gary Stevens, Wagoner, Wilken

Honoring – Alaska Public Safety Employees Association Representative(s) Anderson, McGuire Senator(s) Guess, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken Honoring – The Corsair Restaurant, Dan and Melinda Jacobson Representative(s) Anderson Senator(s) Guess, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

April 13, 2006

Honoring – Cordova Wolverines Girls' Volleyball Team Representative(s) Thomas Senator(s) Kookesh, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

Honoring - Yakutat Eagles Girls' Basketball Team Representative(s) Thomas Senator(s) Kookesh, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

Honoring – Kake Thunderbirds Boys' Basketball Team Representative(s) Thomas Senator(s) Kookesh, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

Honoring – Noorvik Boys' Basketball Team Representative(s) Joule Senator(s) Olson, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam – Bobby Jackson Representative(s) Rokeberg Senator(s) Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam – Richard "Del" Black Representative(s) Rokeberg Senator(s) Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken April 13, 2006

In Memoriam – Kenneth and Lizabeth Wardwell Representative(s) Rokeberg, Seaton, Berkowitz Senator(s) French, Ben Stevens, Gary Stevens, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Therriault, Wagoner, Wilken

In Memoriam – Elizabeth Lovato Representative(s) Joule Senator(s) Olson, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken

In Memoriam – Josephine Itta Nungasak Representative(s) Joule Senator(s) Olson, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, 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

SB 134

Senator Green, Cochair, moved and asked unanimous consent that the Finance Committee referral be waived on SENATE BILL NO. 134 "An Act relating to arrest; relating to investigation standards for police officers conducting criminal investigations and violations of those standards." Without objection, the bill was referred to the Rules Committee.

Senator Ellis moved and asked unanimous consent to be excused from a call of the Senate to afternoon plane time on April 18. Without objection, Senator Ellis was excused.

SB 289

The reconsideration on 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" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 289

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" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

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Enrollment

SB 218

HOUSE CS FOR CS FOR SENATE BILL NO. 218(FIN) "An Act relating to 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" 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 with a Senate Letter of Intent at 12:25 p.m., April 13, 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. 218(FIN), which have been corrected in enrolling:

- Page 3, line 19, following "conviction<u>ı</u>": Insert "<u>the offense</u>"
- Page 4, line 13, following "conviction₁": Insert "<u>the offense</u>"
- Page 4, line 27, following "conviction,": Insert "<u>the offense</u>"

SCR 24

SENATE CONCURRENT RESOLUTION NO. 24 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 92, relating to the purchase of interests in nonprofit corporations by the University of Alaska, 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 12:25 p.m., April 13, 2006.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 14, 2006. Without objection, the Senate adjourned at 10:34 a.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 14	Friday No Meeting Scheduled	Beltz 211	1:30 PM
Apr 17	Monday No Meeting Scheduled	Beltz 211	1:30 PM
	Wednesday SOLID WASTE MANAGEMENT MUNICIPAL PROPERTY TAX D		1:30 PM IPTION
Apr 21	Friday Bills Previously Heard/Scheduled	Beltz 211	1:30 PM

FINANCE

Apr 13	Thursday	Senate Finance 532	8:00 AM
= SB 305	Continued from 04/12 OIL AND GAS PRODU		
- 55 505	Bills Previously Heard/S		
A 12	Thursdom	Samata Financa 522	1.00 DM

 Apr 13
 Thursday
 Senate Finance 532
 1:00 PM

 No Meeting Scheduled
 1:00 PM
 1:00 PM

FINANCE (continued)

Apr 14	Friday No Meeting Scheduled	Senate Finance 532	1:00 PM
Apr 17	Monday No Meeting Scheduled	Senate Finance 532	9:00 AM
Apr 18	Tuesday No Meeting Scheduled	Senate Finance 532	9:00 AM
Apr 19 += SB 305 +	Wednesday OIL AND GAS PRODU Bills Previously Heard/S		9:00 AM
Apr 19	Wednesday	Senate Finance 532	1:00 PM
+ SB 305 +	Time Change OIL AND GAS PRODU Bills Previously Heard/S		
Apr 20 + HB 471 + SB 1 += SB 188 +	INCREASE AMT OF B	Senate Finance 532 ND TOLL AUTHORITY ASE STUDENT ALLOCATI ING LOAN FUND CAP Scheduled	9:00 AM
Apr 20 + SJR 19 += SB 271 + SB 10 +	AUTHORIZE HWY PR	OGRAM PARTICIPATION Y FOR CHILD'S DAMAGE	1:00 PM
Apr 21 += SB 305 +	Friday OIL AND GAS PRODU Bills Previously Heard/S		9:00 AM
Apr 21 += SB 305 +	Friday Time Change OIL AND GAS PRODU Bills Previously Heard/S		1:00 PM

April 13, 2006

FINANCE (continued)

+ HB 394 + HB 400	STATUTORY REFERE INSURANCE POLICIE CONFISCATION OF F	D ABUSE AND NEGLECT	9:00 AM ES
Apr 24 += SB 231 +	Monday BUDGET: CAPITAL & Bills Previously Heard/S	Senate Finance 532 OTHER APPROPRIATION Scheduled	9:00 AM S
Apr 25 += SB 231 +	Tuesday BUDGET: CAPITAL & <agency testimony=""> Bills Previously Heard/S</agency>	Senate Finance 532 OTHER APPROPRIATION Scheduled	
Apr 26 + SB 231 +		Senate Finance 532 OTHER APPROPRIATION Scheduled	9:00 AM S
Apr 27 += SB 231 +	Thursday Time Change BUDGET: CAPITAL & <public testimony=""> Bills Previously Heard/S</public>	Senate Finance 532 OTHER APPROPRIATION	5:00 PM S
Apr 28 += SB 231 +	Friday Time Change BUDGET: CAPITAL & <public testimony=""> Bills Previously Heard/S</public>	Senate Finance 532 OTHER APPROPRIATION	5:00 PM S
Apr 29 += SB 231 +	Saturday BUDGET: CAPITAL & Bills Previously Heard/S	Senate Finance 532 OTHER APPROPRIATION Scheduled	9:00 AM S

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 14	Friday No Meeting Scheduled	Butrovich 205	1:30 PM
Apr 17	Monday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Apr 19	Wednesday	Butrovich 205	1:30 PM
+	OVERVIEW: The Whole Vill	age Project	
+= SB 281	0 0		
+ SCR 28	TECHNOLOGY FOR DISTA	NCE EDUCATION	
+	Bills Previously Heard/Schedu	ıled	
Apr 21	Friday	Butrovich 205	1:30 PM
+ HB 442	HEALTH CARE DECISIONS	5	
+ SB 287	POSTSECONDARY TUITIO	N FOR FOSTER CHIL	DREN.
+	Bills Previously Heard/Schedu	ıled	

JUDICIARY

Apr 13 +	Thursday Meeting Canceled Bills Previously Heard/Schedu	Butrovich 205	8:30 AM
Apr 14	Friday No Meeting Scheduled	Butrovich 205	8:30 AM
Apr 17	Monday No Meeting Scheduled	Butrovich 205	8:30 AM
Apr 18	Tuesday No Meeting Scheduled	Butrovich 205	8:30 AM
Apr 19	Wednesday	Butrovich 205	8:30 AM

+ SB 307 LANDLORD REMEDIES; LATE FEE

+ SB 316 COURT REVIEW OF STRANDED GAS DECISION

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JUDICIARY (continued)

Ap	r 20	Thursday	Butrovich 205	8:30 AM
+	SB 313	SALVIA DIVINORUM AS CONTROLLED SUBSTANCE		
+	SB 48	PSYCH. EVALUATION/TREATMENT FOR STUDENTS		
+	HB 446	5 PENALTY FOR UNLAWFUL TRADE PRACTICE		
+		Bills Previously Heard/Scheduled		
Ap	r 21	Friday	Butrovich 205	8:30 AM

Friday Butrovich 205 8:30 AM No Meeting Scheduled -----

LABOR & COMMERCE

Ap	r 13	Thursday No Meeting Scheduled	Beltz 211	1:30 PM
		C C		
Ap	r 18	Tuesday	Beltz 211	1:30 PM
		No Meeting Scheduled		
Ар	r 20	Thursday	Beltz 211	1:30 PM
+	HB 31	WORKERS' COMP: DISEASE I	PRESUMPTION	
+	HB 338	CERTIF. OF FITNESS FOR EX	PLOSIVE HAND	LERS
+ +		CERTIF. OF FITNESS FOR EXI DISPOSITION OF UNREDEEM		LERS

- Hereinig Free House Structure
 Including But Not Limited to:
 HB 439 INSURANCE PRODUCT REGULATION COMPACT
- += SB 282 BROADCASTING PROMOTING CHARITABLE GAMING _____

RESOURCES

Apr 14	Friday No Meeting Scheduled	Butrovich 205	3:30 PM
Apr 17	Monday No Meeting Scheduled	Butrovich 205	3:30 PM
Apr 19 += SB 278	Wednesday ALASKA CLIMATE CHANG Agrium Presentation - Blue Sk		3:30 PM

SJR 17 COLLECT MORE EXXON VALDEZ SPILL DAMAGES +

RESOURCES (continued)

	Friday BD/DEPT OF FISH & GAME RETROACTIVE ADJUSTME 		3:30 PM
	STATE AFFA	AIRS	
Apr 13	Thursday No Meeting Scheduled	Butrovich 205	3:30 PM
Apr 18	Tuesday No Meeting Scheduled	Butrovich 205	3:30 PM
Apr 20 + HB 300	Thursday OIL & GAS CONSERVATIO Bills Previously Heard/Schedu		3:30 PM Aber
	TRANSPORTA	TION	
Apr 13	Thursday No Meeting Scheduled	Butrovich 205	1:30 PM
Apr 18	Tuesday No Meeting Scheduled	Butrovich 205	1:30 PM
Apr 20 +	Thursday Pavement Rutting Research Pr Update and Presentation:	Butrovich 205 oject -	1:30 PM

Jerry DesJarlais and Dr. Hulsey, UAF

SPECIAL COMMITTEES

COMMITTEE ON UNIVERSITY OVERSIGHT

Ap	r 24	Monday	Beltz 211	5:00 PM
+	HJR 14	URGE CONGRESS TO GRANT I	AND TO UNIVER	SITY

OTHER MEETINGS

JOINT SESSION

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