SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE

SECOND SESSION

Juneau, Alaska

Friday

April 21, 2006

One Hundred Third Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:55 a.m.

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

Senator Gary Stevens moved and asked unanimous consent that Senator Davis be excused from a call of the Senate today. Without objection, Senator Davis was excused.

The prayer was offered by the Chaplain, David Dierdorff of the Juneau Unitarian Universalist Fellowship. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Please join me in reverence as I share an Earth Day prayer written by Reverend Vern Barnet.

Infinite Spirit, sometimes called Grandfather, Grandmother, Father Sky, Earth Mother, Creator:

We gather to praise Your creation, to honor the swimmers and crawlers, the four-leggeds and the winged ones; we give thanks for the beauty and glory of creation and open our hearts to new ways to understand our place in the universe—not the center or focus, but a humble and balanced place, where every step we take becomes a prayer, where every word we say makes harmony with the vast, vibrating cosmos, and where we know we are singing the song of life.

We pray to know more deeply that we are in the Garden where every plant and animal and speck of dust is a living prayer.

Without our brothers and sisters of the plant and animal and mineral kingdoms, the human family would end.

So we want to bless them, as they bless us.

So be it. Amen.

Senator Cowdery led the Senate in the Pledge of Allegiance.

Certification

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

Reconsideration of House Bills

HB 365

Senator Gary Stevens requested that the reconsideration on 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" be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 365(FIN) "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; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 365(FIN)

Third Reading - On Reconsideration

Effective Dates

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

Yeas: Bunde, Cowdery, Dyson, Ellis, Elton, French, Green, Guess, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Stevens G,

Therriault, Wagoner, Wilken

Excused: Davis
Absent: Hoffman

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 365(FIN) passed the Senate on reconsideration.

Senator Gary Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clauses. Without objection, it was so ordered.

Senator Gary Stevens moved for the adoption of the constitutional budget reserve fund section.

The question being: "Shall the constitutional budget reserve fund section (Article IX, Section 17(c) Constitution of the State of Alaska) be adopted?" The roll was taken with the following result:

SCS CSHB 365(FIN)

Budget Reserve Fund Section

YEAS: 12 NAYS: 6 EXCUSED: 1 ABSENT: 1

Yeas: Bunde, Cowdery, Dyson, Green, Huggins, Seekins, Stedman,

Stevens B, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, French, Guess, Kookesh, Olson

Excused: Davis
Absent: Hoffman

and so, the constitutional budget reserve fund section failed and 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" was referred to the Secretary for engrossment.

Messages from the House

SB 172

Message dated April 21 was read, stating the House has failed to recede from its amendments to SENATE BILL NO. 172 "An Act relating to the presentation of initiatives and referenda on the ballot" namely:

HOUSE CS FOR SENATE BILL NO. 172(FIN) am H "An Act relating to election pamphlets and to the presentation of initiatives and referenda on the ballot; relating to review of applications for certification of initiatives; relating to the circulation and subscription of recall petitions; and providing for an effective date."

The Speaker has appointed the following members to a Conference Committee to meet with the like committee from the Senate to consider the bills:

Representative Seaton, Chair Representative Meyer Representative Gara

Senate members appointed April 20:

Senator Therriault, Chair Senator Bunde Senator Elton

Message dated April 20 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 105

CS FOR HOUSE BILL NO. 105(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to coverage for adult dental services under Medicaid; and providing for an effective date."

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

HB 377

CS FOR HOUSE BILL NO. 377(L&C) am BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to an exemption from certain registration and practice requirements for persons preparing drawings or specifications related to the construction of certain buildings and the grounds of the buildings."

was read the first time and referred to the Labor and Commerce and Finance Committees.

Standing Committee Reports

SB 271

The Finance Committee considered 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." Signing do pass: Senators Wilken, Green, Cochairs; Senators Dyson, Stedman. Signing no recommendation: Senators Hoffman, Olson.

The following previously published fiscal information applies:
Fiscal Note No. 1, Department of Transportation and Public
Facilities
Fiscal Note No. 2, zero, Department of Environmental
Conservation

The bill was referred to the Rules Committee.

SB 282

The Labor and Commerce Committee considered SENATE BILL NO. 282 "An Act relating to the use of broadcasting to promote raffles and lotteries." Signing do pass: Senator Bunde, Chair; Senators Davis, Ben Stevens. Signing no recommendation: Senator Seekins.

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

The bill was referred to the State Affairs Committee.

SB 315

The Labor and Commerce Committee considered SENATE BILL NO. 315 "An Act relating to the disposition of unredeemed property; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 315(L&C)

Signing do pass: Senator Bunde, Chair; Senators Seekins, Ben Stevens. Signing no recommendation: Senator Davis.

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.

HB 338

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 338(L&C) "An Act relating to applications, qualifications, and criminal history and background checks for a certificate of fitness for explosives handlers; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senators Davis, Seekins, Ben Stevens.

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

Development

Fiscal Note No. 2, zero, Department of Public Safety

The bill was referred to the Finance Committee.

HB 439

The Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 439(L&C) am "An Act relating to authorizing the state to join with other states in entering into the Interstate Insurance Product Regulation Compact." Signing do pass: Senator Bunde, Chair; Senators Seekins, Ben Stevens. Signing no recommendation: Senator Davis.

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

The bill was referred to the Judiciary Committee.

SJR 19

The Finance Committee considered SENATE JOINT RESOLUTION NO. 19 Relating to creating the Task Force to Assess Public Reporting of Health Care Associated Infections, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO. 19(FIN)

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

Fiscal information forthcoming.

The resolution was referred to the Rules Committee.

Introduction and Reference of Senate Resolutions

SR 6

SENATE RESOLUTION NO. 6 BY THE SENATE JUDICIARY COMMITTEE.

Creating and relating to the Senate VPSO Task Force.

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

Consideration of the Calendar

Second Reading of House Bills

HB 471

CS FOR HOUSE BILL NO. 471(FIN) am "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 read the second time.

Senator Green, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 2824. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 471(FIN) was adopted.

President Stevens stated SENATE CS FOR CS FOR HOUSE BILL NO. 471(FIN) will be on the April 22 calendar.

Citations

Honoring – Cordova Wolverine Boys' Basketball Team 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) Thomas

Honoring – White Mountain Volunteer Fire Department Senator(s) Olson, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken Representative(s) Foster

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

Honoring – Anchorage's Alaska National Guard Senator(s) Ellis, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Elton, French, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, Therriault, Wagoner, Wilken Representative(s) Gardner

Honoring – Michael Graham, 2005 Alaska High School Principal of the Year

Representative(s) Cissna

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

In Memoriam – Clara Katherine "Katy" Goddard Senator(s) Therriault, Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Gary Stevens, 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.

Senator Gary Stevens moved and asked unanimous consent that the following citation be made a special order of business. Without objection, it was so ordered.

Special Order of Business

Honoring - Bob Christal

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

Senator Gary Stevens moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

Unfinished Business

SB 235

The reconsideration on CS FOR SENATE BILL NO. 235(FIN) "An Act relating to a public school performance incentive program; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

HB 365

In the event the House fails to concur in the Senate amendments to CS FOR HOUSE BILL NO. 365(FIN) am(brf sup maj fld), namely:

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"

President Stevens appointed a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Wilken, Chair Senator Green Senator Hoffman

HCR 30

Senator Wagoner, Chair, moved and asked unanimous consent that the Resources Committee referral be waived on CS FOR HOUSE CONCURRENT RESOLUTION NO. 30(FIN) am Creating an Alaska Climate Impact Assessment Commission. Without objection, the resolution was referred to the Finance Committee.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 235

CS FOR SENATE BILL NO. 235(FIN) "An Act relating to a public school performance incentive program; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

HB 365

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

Enrollment

SCR 21

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" 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 10:30 a.m., April 21, 2006.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 3:00 p.m., April 22, 2006. Without objection, the Senate adjourned at 12:18 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

	Friday Meeting Canceled SOLID WASTE MANAC MUNICIPAL PROPERTY Bills Previously Heard/Sc	Y TAX DEFERRAL/EXE	
	Monday SOLID WASTE MANAC MUNICIPAL PROPERTY Bills Previously Heard/Sci	Y TAX DEFERRAL/EXE	
Apr 26 +	Wednesday Bills Previously Heard/Sci	Beltz 211 heduled	1:30 PM
Apr 28 +	Friday Bills Previously Heard/Sci	Beltz 211 heduled	1:30 PM
	FINA	NCE	
Apr 21 += SB 305 +	Meeting Postponed Please Note Time Chan	CTION TAX	10:00 AM
Apr 21 += SB 305 +	Time Change		1:00 PM

FINANCE (continued)

+ HB 357 + HB 394 + HB 400	OIL AND GAS PRODU STATUTORY REFERE INSURANCE POLICIE CONFISCATION OF F	ENCES TO DISABILITIES S IN FOREIGN LANGUAGE IREARMS D ABUSE AND NEGLECT	9:00 AM ES
Apr 24 += SB 231 +	Monday BUDGET: CAPITAL & Bills Previously Heard/S	Senate Finance 532 OTHER APPROPRIATIONS Scheduled	9:00 AM
Apr 25 += SB 231 +	Tuesday BUDGET: CAPITAL & <agency testimony=""> Corrections Education Labor Commerce Environmental Conserva Natural Resources Transportation & Public Bills Previously Heard/S</agency>	Facilities	9:00 AM S
Apr 26 + SB 231 +	Wednesday BUDGET: CAPITAL & <agency testimony=""> Law Public Safety Revenue Administration Court System Fish and Game Health and Social Servic Military & Veterans Aff University of Alaska</agency>		9:00 AM S
Apr 27 += SB 231 +	Thursday Time Change BUDGET: CAPITAL & <public testimony=""> Bills Previously Heard/S</public>	Senate Finance 532 OTHER APPROPRIATIONS	5:00 PM

FINANCE (continued)

Apr 28 += SB 231 +	Friday Time Change BUDGET: CAPITAL & <public testimony=""> Bills Previously Heard/S</public>	Senate Finance 532 OTHER APPROPRIATION cheduled	
Apr 29 += SB 231 +	Saturday BUDGET: CAPITAL & Bills Previously Heard/S	Senate Finance 532 OTHER APPROPRIATION cheduled	9:00 AM NS
	HEALTH, EDUCATION	N & SOCIAL SERVICES	
Apr 21	Friday	Butrovich 205	1:30 PM
+= SB 281	SCHOOL DIST. ENROR HEALTH CARE DECIS	VISTANCE EDUCATION LLMENT SHARING/CORF SIONS JITION FOR FOSTER CHII	
+= SB 281	SCHOOL DIST. ENROR HEALTH CARE DECIS	JITION FOR FOSTER CHIL	
Apr 26	Wednesday OVERVIEW: American	Butrovich 205 Heart Association -	1:30 PM
	Obesity Prevention SEXUAL ASSAULT B	Y PERSON WITH HIV/AID LORECTAL CANCER SCR	
Apr 28 +	Friday Bills Previously Heard/S	Butrovich 205 cheduled	1:30 PM
JUDICIARY			
Apr 21	Friday No Meeting Scheduled	Butrovich 205	8:30 AM

JUDICIARY (continued)

Apr 21 += SB 316 +	Friday Recessed to 9:00 am 4/22/00 Continued from 04/20/06 COURT REVIEW OF STRAM Bills Previously Heard/Schedu	NDED GAS DECISION	9:30 AM
		ONTROLLED SUBSTA EATMENT FOR STUD L TRADE PRACTICE	ANCE
Apr 24	Monday No Meeting Scheduled	Butrovich 205	8:30 AM
Apr 25		Butrovich 205	8:30 AM
+= SB 307 + HB 442	CALLER ID HACKERS LANDLORD REMEDIES; LA HEALTH CARE DECISIONS <pending referral=""> INSURANCE PRODUCT RE Bills Previously Heard/Schedu</pending>	GULATION COMPAC	T
+= SB 307 + HB 442 + HB 439	LANDLORD REMEDIES; LANDLORD REME	GULATION COMPAC lled Butrovich 205	8:30 AM
+= SB 307 + HB 442 + HB 439 + Apr 26	LANDLORD REMEDIES; LANDLORD REMEDIES; LANDLORD REMEDIES; LANDLORD REMEDIES REPORT REMEDIES RE	GULATION COMPAC led Butrovich 205 led Butrovich 205	

LABOR & COMMERCE

	ENDOR & COMMERCE				
Apr 25	Tuesday	Beltz 211	1:30 PM		
	NO WORKERS' COMP. FOR REAL EST. LICENSEE				
	REGULATION OF TOURIST ACCOMMODATIONS				
	EXEMPTION: RES. BLDG. DRAWINGS & SPECS				
	LICENSING RADIOLOGIC TEC				
111111111111	Confirmation of Governor Appoint				
	Alaska Workers' Compensation B				
	John Abshire, Richard Behrends,	oaru-			
	Andrew Piekarski, Patricia Voller	dorf			
		iuoii,			
	Lori Wing Board of Barbers and Hairdressers				
	Carol Hernley	s-			
	Board of Chiropractic Examiners- David Mulholland				
	— ··· · · · · · · · · · · · · · · · · ·	Commission			
	Workers' Compensation Appeals (Jim Robison	COMMISSION-			
	Bills Previously Heard/Scheduled				
	Including But Not Limited to:				
Apr 27	Thursday	Beltz 211	1:30 PM		
11p1 27	Bills Previously Heard/Scheduled		1.30 1 1/1		
	Including But Not Limited to:				
RESOURCES					
A mm 21	Euidov D.	itrovich 205	3:30 PM		
Apr 21			3:30 PM		
	BD/DEPT OF FISH & GAME PO				
+ SB 314	RETROACTIVE ADJUSTMENT	S IN OIL PRICES			
Apr 24	Monday Bu	itrovich 205	3:30 PM		
	COLLECT MORE EXXON VAL				
	484 FISHERY ASSOCIATION REIMBURSEMENT				
+	BP North Slope Spills - Update				
	21 1.01th Stope Spins Sputte				

Ap	r 26	Wednesday	Butrovich 205	3:30 PM
+	HB 57	SALE OF STATE LAND	TO ADJACENT LANDO	WNERS
+	HB 415	RECREATIONAL LAN	D USE LIABILITY/ADV. 1	POSS
+	HB 419	REPEAL UNDERGROU	ND STORAGE TANK LA	WS

+= SB 170 BD/DEPT OF FISH & GAME POWERS & DUTIES

RESOURCES (continued)

RESOURCES (continued)				
	FIRE SEASON DATES	ge		
	STATE A	FFAIRS		
	PUBLIC EMPLOYEES'/	Butrovich 205 FEACHERS' RETIREMEN' TIVE VIETNAM VETERA heduled	Γ	
Apr 27 +	Thursday Bills Previously Heard/Sc		3:30 PM	
TRANSPORTATION				
Apr 25 + HB 403	Tuesday NEIGHBORHOOD ELEC	Butrovich 205 CTRIC VEHICLES	1:30 PM	
Apr 27	Thursday Bills Previously Heard/Sc		1:30 PM	
SPECIAL COMMITTEES				
	COMMITTEE ON UNIV	ERSITY OVERSIGHT		
Apr 24 + HJR 14		Beltz 211 GRANT LAND TO UNIVE		
JOINT COMMITTEES				
LEGISLATIVE COUNCIL				
Apr 27	Thursday FY05 Legislature Audit Masonic Temple Capitol Security	House Finance 519	7:00 PM	

OTHER MEETINGS

JOINT SESSION

May 04 Thursday House Chamber 11:00 AM

Confirmation of Governor's Appointees