

**SENATE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-FOURTH LEGISLATURE**

**SECOND SESSION**

**Juneau, Alaska**

**Wednesday**

**April 12, 2006**

**Ninety-fourth Day**

Pursuant to adjournment the Senate was called to order by President Stevens at 11:13 a.m.

The roll showed twenty members present.

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.

Dear Lord, we pray for these men and women here today who have been elected to represent the people of Alaska. Thank You for their willingness to serve in this capacity.

Give them convictions to carry out their job and an inner peace with their decisions, as well as the ability to think clearly. Also we pray for wisdom and insight as they consider crucial legislation. May they place principle before expediency.

In their busy schedule may they have time to pause for a time of silent prayer. And sometime in this day give to them an opportunity to clear out the cobwebs by just stepping outside and filling their lungs with our good, fresh, Alaska air.

We pray for good health and strength. Keep them safe from every menace.

These things we ask in Thy name,

Amen.

Senator Stedman led the Senate in the Pledge of Allegiance.

### **Certification**

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

### **Messages from the House**

Messages dated April 10 and April 11 were read, stating the House passed and transmitted for consideration:

#### **First Reading and Reference of House Bills**

##### **HB 150**

CS FOR HOUSE BILL NO. 150(FIN) am BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act requiring licensure of occupations relating to radiologic technology, radiation therapy, and nuclear medicine technology; and providing for an effective date."

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

##### **HB 389**

HOUSE BILL NO. 389 BY REPRESENTATIVE COGHILL, entitled:

"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."

was read the first time and referred to the Labor and Commerce Committee.

**HB 415**

CS FOR HOUSE BILL NO. 415(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to landowners' immunity for allowing use of land without charge for a recreational activity; relating to landowners' liability where landowner conduct involves gross negligence or reckless or intentional misconduct; relating to claims of adverse possession and prescriptive easements, or similar claims; and providing for an effective date."

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

**HB 420**

CS FOR HOUSE BILL NO. 420(FSH) BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES, entitled:

"An Act relating to riparian protection standards for forest resources and practices; and providing for an effective date."

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

**HB 442**

CS FOR HOUSE BILL NO. 442(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to the validity of advance health care directives, individual health care instructions, and do not resuscitate orders; relating to the revocation of advance health care directives; relating to do not resuscitate orders; relating to resuscitative measures; relating to the liability and discipline of health care providers, institutions, and facilities; relating to proceedings for judicial relief; relating to an individual's capacity for making health care decisions; and providing for an effective date."

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

**HB 446**

CS FOR HOUSE BILL NO. 446(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"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."

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

**Concur Messages****SB 210**

Message dated April 10 was read, stating the House passed and returned for consideration SENATE BILL NO. 210 "An Act relating to the manufacture and transportation of alcoholic beverages; relating to forfeitures of property for violations of alcoholic beverage laws; and relating to violations of alcoholic beverage laws" with the following amendment:

SENATE BILL NO. 210 am H

Senator Gary Stevens moved that the Senate concur in the House amendment.

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

SB 210 am H

Shall the Senate Concur in the House  
Amendment to SB 210?

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

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

and so, the Senate concurred in the House amendment, thus adopting SENATE BILL NO. 210 am H "An Act relating to the manufacture and transportation of alcoholic beverages; relating to forfeitures of property for violations of alcoholic beverage laws; and relating to violations of alcoholic beverage laws."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

### **Communications**

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

Notification of availability of:  
2006 Five Year Oil and Gas Leasing Program  
from Marie Gaguzis, Division of Oil and Gas  
Department of Natural Resources  
in accordance with AS 38.05.180(b)  
available at: [www.dog.dnr.state.ak.us/oil/products/publications/  
otherreports/5year06/5yr\\_program.pdf](http://www.dog.dnr.state.ak.us/oil/products/publications/otherreports/5year06/5yr_program.pdf)

### **Standing Committee Reports**

Report dated April 11 was read, stating:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee reviewed the following and recommends this appointment be forwarded to a joint session for consideration:

#### **Board of Chiropractic Examiners**

Jeffrey A. Garness – Anchorage

This does not reflect intent by any of the members to vote for or against the individual during any future sessions.

Signing the report: Senator Bunde, Chair, Senator Seekins, Vice Chair; Senators Ben Stevens, Ellis, Davis.

Reports dated April 10 were read, stating:

In accordance with AS 39.05.080, the Senate Resources Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

**Board of Fisheries**

Bonnie Williams – Fairbanks

**Board of Game**

Cliff Judkins – Wasilla

Richard A. Burley – Fairbanks

Paul Johnson – Unalakleet

**Big Game Commercial Services Board**

Ralph Andersen – Dillingham

Roy Ashenfelter – Nome

Colin B. Brown – Galena

Paul E. Johnson – Elfin Cove

Robert D. Mumford – Anchorage

Richard A. Rohrer – Kodiak

Betty Jo (BJ) Schmitz – North Pole

Ted H. Spraker – Soldotna

Leif Wilson – Tok

There were no stated objections to the confirmation of the named individuals by committee members. This does not reflect any intent by any of the members to vote for or against the individuals during any further sessions.

Signing the reports: Senator Wagoner, Chair, Senator Seekins, Vice Chair; Senators Dyson, Elton, Stedman.

**SB 134**

The Judiciary Committee considered SENATE BILL NO. 134 "An Act relating to arrest; relating to investigation standards for police officers conducting criminal investigations and violations of those standards" and recommended it be replaced with

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."

Signing do pass: Senator Seekins, Chair; Senators French, Therriault, Huggins, Guess.

The following fiscal information was published today:

Fiscal Note No. 5, zero, Department of Law  
Fiscal Note No. 6, zero, Department of Public Safety  
Fiscal Note No. 7, zero, Department of Administration

The bill was referred to the Finance Committee.

**SB 234**

The State Affairs Committee considered SENATE BILL NO. 234 "An Act relating to a community dividend program; and providing for an effective date." Signing no recommendation: Senator Therriault, Chair; Senator Elton. Signing amend: Senators Huggins, Davis.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Revenue  
Fiscal Note No. 2, Department of Commerce, Community and Economic Development

The bill was referred to the Finance Committee.

**SB 235**

The Finance Committee considered SENATE BILL NO. 235 "An Act relating to a public school performance incentive program; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 235(FIN)

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

The following fiscal information was published today:  
Fiscal Note No. 2, Department of Education and Early  
Development

The bill was referred to the Rules Committee.

**SB 309**

The Labor and Commerce Committee considered SENATE BILL NO. 309 "An Act establishing a construction trades training grant program for award by the Department of Labor and Workforce Development, providing for special employee unemployment contributions to fund the program and an offsetting credit against the employees' general unemployment contribution, and providing for an expiration date for the program, contributions, and credit; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 309(L&C)

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

The following fiscal information was published today:  
Fiscal Note No. 1, Department of Labor and Workforce  
Development  
Fiscal Note No. 2, Department of Labor and Workforce  
Development

The bill was referred to the Finance Committee.

**HB 318**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 318(FIN) am "An Act limiting the exercise of eminent domain" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
318(JUD)

Signing no recommendation: Senator Seekins, Chair; Senators French, Therriault. Signing amend: Senators Guess, Huggins.



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 Environmental Conservation

Fiscal Note No. 3, indeterminate, Department of Law

Fiscal Note No. 4, indeterminate, Department of Natural Resources

Fiscal Note No. 5, indeterminate, Department of Transportation and Public Facilities

The bill was referred to the Finance Committee.

**HB 365**

The Finance Committee considered CS FOR HOUSE BILL NO. 365(FIN) am(brf sup maj fld) "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 recommended it be replaced with

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."  
(technical title change)

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

The bill was referred to the Rules Committee.

**HB 366**

The Finance Committee considered 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 recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
366(FIN)

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

The bill was referred to the Rules Committee.

**HB 395**

The Community and Regional Affairs Committee considered CS FOR HOUSE BILL NO. 395(FIN) "An Act relating to the period of the fire season; and providing for an effective date." Signing do pass: Senator Stedman, Chair; Senators Wagoner, Gary Stevens, Kookesh.

The following previously published fiscal information applies:  
Fiscal Note No. 2, zero, House Finance Committee

The bill was referred to the Resources Committee.

**HB 441**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 441(FIN) "An Act relating to operating or driving a motor vehicle, aircraft, or watercraft while under the influence; relating to court-ordered treatment programs for certain offenders and offenses; amending Rule 35, Alaska Rules of Criminal Procedure; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO.  
441(JUD) "An Act relating to suspending imposition  
of sentence and to therapeutic treatment programs;  
and providing for an effective date."  
(Title change SCR forthcoming)

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration  
Fiscal Note No. 2, zero, Alaska Court System  
Fiscal Note No. 3, zero, Department of Law  
Fiscal Note No. 4, zero, Department of Administration  
Fiscal Note No. 5, zero, Department of Corrections  
Fiscal Note No. 6, zero, Department of Health and Social Services  
Fiscal Note No. 7, zero, Department of Public Safety

The bill was referred to the Finance Committee.

### **Introduction and Reference of Senate Bills**

#### **SB 314**

SENATE BILL NO. 314 BY THE SENATE JUDICIARY COMMITTEE, entitled:

"An Act limiting retroactive adjustments in the sale price of state royalty oil sold by the state to a refiner."

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

#### **SB 315**

SENATE BILL NO. 315 BY THE SENATE RULES COMMITTEE, entitled:

"An Act relating to the disposition of unredeemed property; and providing for an effective date."

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

### **Consideration of the Calendar**

#### **Third Reading of Senate Bills**

#### **SB 206**

CS FOR SENATE BILL NO. 206(FIN) "An Act relating to contempt of court and to temporary detention and identification of persons" was read the third time.

Senator French moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Without objection, the bill was returned to second reading.

Senator French offered Amendment No. 1:

Page 3, line 16:

Delete "photographs or"

Senator French moved for the adoption of Amendment No. 1. Senator Bunde objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSSB 206(FIN)  
Second Reading  
Amendment No. 1

**YEAS: 7 NAYS: 13 EXCUSED: 0 ABSENT: 0**

Yeas: Davis, Ellis, Elton, French, Hoffman, Kookesh, Olson

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

and so, Amendment No. 1 failed.

CS FOR SENATE BILL NO. 206(FIN) was automatically in third reading.

The question being: "Shall CS FOR SENATE BILL NO. 206(FIN) "An Act relating to contempt of court and to temporary detention and identification of persons" pass the Senate?" The roll was taken with the following result:

CSSB 206(FIN)  
Third Reading - Final Passage

**YEAS: 17 NAYS: 3 EXCUSED: 0 ABSENT: 0**

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

Nays: Elton, Hoffman, Kookesh

and so, CS FOR SENATE BILL NO. 206(FIN) passed the Senate and was referred to the Secretary for engrossment.

**SB 289**

CS FOR SENATE BILL NO. 289(FIN) was read the third time.

The question being: "Shall 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" pass the Senate?" The roll was taken with the following result:

CSSB 289(FIN)

Third Reading - Final Passage

Effective Dates

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

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

Nays: Guess

Absent: Olson, Stedman

and so, CS FOR SENATE BILL NO. 289(FIN) passed the Senate.

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 Guess gave notice of reconsideration.

**Citations**

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

**Special Order of Business**

Honoring - Earl Wesley Davis

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

Honoring - The 2005-06 Palmer High School Boys' Varsity Basketball Team

Representative(s) Kohring

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

In Memoriam - Richard "Rich" Charles Strick, Jr.

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) Salmon

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**

Senator Cowdery moved and asked unanimous consent to be excused from a call of the Senate from April 13 to plane time, April 17. Without objection, Senator Cowdery was excused.

Senator Olson moved and asked unanimous consent to be excused from a call of the Senate on April 13. Without objection, Senator Olson was excused.

Senator Stedman moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, April 13 to morning plane time, April 18. Without objection, Senator Stedman was excused.

#### **Announcements**

Announcements are at the end of the journal.

#### **Engrossment**

##### **SB 206**

CS FOR SENATE BILL NO. 206(FIN) "An Act relating to contempt of court and to temporary detention and identification of persons" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

#### **Adjournment**

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., April 13, 2006. Without objection, the Senate adjourned at 12:07 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 12      Wednesday                      Beltz 211              1:30 PM**  
 -- Meeting Canceled --  
 +              Bills Previously Heard/Scheduled

**Apr 14      Friday                                      Beltz 211              1:30 PM**  
 No Meeting Scheduled

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**FINANCE**

**Apr 12      Wednesday                      Senate Finance 532              8:00 AM**  
 -- Time Change --  
 -- Agenda Change --  
 += SB 305 OIL AND GAS PRODUCTION TAX  
 <Above Item Removed from Agenda>  
 += SB 243 TOBACCO REV. FOR UNIV. & CORR. FACILITIES  
 Uniform Rule 23 Waived  
 Presentation by Bond Raters Regarding  
 Tobacco Bond Issuance  
 + SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS  
 ALMR  
 Statewide Information Technology Request  
 Governor's Priority Projects  
 +              Bills Previously Heard/Scheduled

**Apr 12      Wednesday                      Senate Finance 532              1:00 PM**  
 -- Recessed to 8:00 am 04/13/06 --  
 -- Time Change --  
 += SB 305 OIL AND GAS PRODUCTION TAX  
 +              Bills Previously Heard/Scheduled



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**FINANCE (continued)**

**Apr 13 Thursday Senate Finance 532 8:00 AM**  
 -- Continued from 04/12/06 --  
 = SB 305 OIL AND GAS PRODUCTION TAX  
 Bills Previously Heard/Scheduled

**Apr 13 Thursday Senate Finance 532 1:00 PM**  
 No Meeting Scheduled

**Apr 14 Friday Senate Finance 532 1:00 PM**  
 No Meeting Scheduled

**HEALTH, EDUCATION & SOCIAL SERVICES**

**Apr 12 Wednesday Butrovich 205 2:45 PM**  
 -- Time Change --  
 + SB 313 SALVIA DIVINORUM AS CONTROLLED SUBSTANCE  
 += SB 48 PSYCH. EVALUATION/TREATMENT FOR STUDENTS  
 + Bills Previously Heard/Scheduled

**Apr 14 Friday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

**JUDICIARY**

**Apr 12 Wednesday Butrovich 205 8:30 AM**  
 += HB 318 LIMITATION ON EMINENT DOMAIN  
 += SB 134 POLICE INVESTIGATION STANDARDS/ARRESTS  
 + HB 441 THERAPEUTIC COURT FOR DUI

**Apr 13 Thursday Butrovich 205 8:30 AM**  
 -- Meeting Canceled --  
 + Bills Previously Heard/Scheduled

**Apr 14 Friday Butrovich 205 8:30 AM**  
 No Meeting Scheduled

**LABOR & COMMERCE**

**Apr 13 Thursday Beltz 211 1:30 PM**  
 No Meeting Scheduled

**RESOURCES**

**Apr 12 Wednesday Butrovich 205 3:30 PM**  
 += SB 166 WILDLIFE CONSERVATION TAG  
 += SB 170 BD/DEPT OF FISH & GAME POWERS & DUTIES  
 + SB 278 ALASKA CLIMATE CHANGE TASK FORCE

**Apr 14 Friday Butrovich 205 3:30 PM**  
 No Meeting Scheduled

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**STATE AFFAIRS**

**Apr 13 Thursday Butrovich 205 3:30 PM**  
 No Meeting Scheduled

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**TRANSPORTATION**

**Apr 13 Thursday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

**Apr 18 Tuesday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

**Apr 20 Thursday Butrovich 205 1:30 PM**  
 + Pavement Rutting Research Project -  
 Update and Presentation:  
 Jerry DesJarlais and Dr. Hulseley, UAF

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**SPECIAL COMMITTEES****COMMITTEE ON UNIVERSITY OVERSIGHT**

**Apr 24 Monday Beltz 211 5:00 PM**  
 + HJR 14 URGE CONGRESS TO GRANT LAND TO UNIVERSITY

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**JOINT COMMITTEES****CONFERENCE COMMITTEE ON HB 149**

**Apr 12 Wednesday Capitol 120 6:00 PM**  
 = HB 149 CONTROLLED SUBSTANCES

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CONFERENCE COMMITTEE ON SB 232

**Apr 12**      **Wednesday**                      **Senate Finance 532**              **12:45 PM**  
-- Time Change --  
= SB 232 SUPPLEMENTAL APPROPRIATIONS  
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OTHER MEETINGS

JOINT SESSION

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