

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Wednesday

April 19, 2006

One Hundred First Day

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

The roll showed twenty members present.

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.

Spirit of life and love, God of many names, help us look to the past with gratitude and to the future with hope. We remember this day those who have gone before us here, who labored not for themselves alone but with a vision of building for the future a state and world better than they had known. Inspire in us also a like vision, that we too may labor for things beyond ourselves, that our lives may be dedicated to high purposes and grand horizons. Make us unafraid of hopes and dreams; release us from cynicism and despair. Teach us to be realistic about our limitations but never to lose hope in our potential to transcend them. Help us to realize the significance of these moments together, that they may open our eyes to the blessings of the past and the promise of the future. Grant us courage for today and tomorrow. So be it. Amen.

Senator Wilken led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

Message dated April 18 was read, stating the House passed and transmitted for consideration:

**First Reading and Reference of
House Resolutions****HJR 27**

CS FOR HOUSE JOINT RESOLUTION NO. 27(MLV) BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS,

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.

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

First Reading and Reference of House Bills**HB 308**

CS FOR HOUSE BILL NO. 308(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to false caller identification."

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

Concur Messages**SCR 21**

Message dated April 18 was read, stating the House passed and returned for consideration CS FOR SENATE CONCURRENT RESOLUTION NO. 21(STA) Relating to the Vietnam War, to veterans and their families, and to the Vietnam War memorial entitled "The Moving Wall" with the following amendment:

HOUSE CS FOR CS FOR SENATE
CONCURRENT RESOLUTION NO. 21(MLV)

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:

HCS CSSCR 21(MLV)

Shall the Senate Concur in the House
Amendment to CSSCR 21(STA)?

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 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."

The Secretary was requested to notify the House.

The resolution was referred to the Secretary for enrollment.

Consideration of the Calendar**Second Reading of Senate Bills****SB 235**

SENATE BILL NO. 235 "An Act relating to a public school performance incentive program; 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 Committee Substitute offered on page 2741. Senator Ellis objected, then withdrew his objection. There being no further objection, CS FOR SENATE BILL NO. 235(FIN) was adopted.

President Stevens stated CS FOR SENATE BILL NO. 235(FIN) will be on the April 20 calendar.

Second Reading of House Bills**HB 365**

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" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 2743. Without objection, 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) was adopted.

President Stevens stated SENATE CS FOR CS FOR HOUSE BILL NO. 365(FIN) will be on the April 20 calendar.

HB 366

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" was read the second time.

Senator Wilken, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 2744. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 366(FIN) was adopted.

Senator Gary Stevens 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.

SENATE CS FOR CS FOR HOUSE BILL NO. 366(FIN) was read the third time.

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

SCS CSHB 366(FIN)

Third Reading - Final Passage

Effective Date

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, SENATE CS FOR CS FOR HOUSE BILL NO. 366(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 clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Citations

Honoring – Juneau-Douglas High School Boys, Track and Field Team
2005 State Champions

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

Representative(s) Kerttula, Weyhrauch

Honoring – Hannah Watkins, Caring for the Kenai, 2005 Prudential
Spirit of Community Award

Representative(s) Olson

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

Honoring – Juneau Douglas High School, Girls Swimming and Diving
Team, 2005 State Champions

Representative(s) Weyhrauch, Kerttula

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

Honoring – Dylan Davis, Eagle Scout

Representative(s) Weyhrauch, Kerttula

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

Honoring – Brenda Luthi, 2005 Mat-Su Borough School District,
Teacher of the Year

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

Honoring – Noel and Jean Woods, Fiftieth Wedding Anniversary

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

Honoring – Brittney Kroon, Outstanding Spirit of Athleticism Award
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 – Jean Jenkins

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

In Memoriam – Mary Frances “Frankie” Wilson

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

In Memoriam – Corris Dossman, Jr.

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

In Memoriam – Karen Strickland

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

In Memoriam – Andi Porcher

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

In Memoriam – John Mark Colberg

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 – Judge Sam Adams

Representative(s) Kohring

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

In Memoriam – Samuel F. Penland

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 – Duane Wert

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 – Reverend James Daniel Cronin

Representative(s) Weyhrauch, Kerttula

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

In Memoriam – Mary Elizabeth Johnson

Representative(s) Weyhrauch, Kerttula

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

In Memoriam – Miriam and Nicholas Brewer, Jr.

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 – Judge Charles Kinney Cranston

Representative(s) Olson

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

Senator Wilken moved and asked unanimous consent to withdraw his September 12 to September 28 excusal motion (page 2712). Without objection, the excusal motion was withdrawn.

Announcements

Announcements are at the end of the journal.

Engrossment**HB 366**

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

Enrollment**SB 210**

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" 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 8:31 a.m., April 19, 2006.

Engrossment and Enrollment**SB 232**

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" was engrossed and 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 11:18 a.m., April 19, 2006.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 20, 2006. Without objection, the Senate adjourned at 11:38 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 19 Wednesday Beltz 211 1:30 PM
 -- Meeting Canceled --
 + HB 392 SOLID WASTE MANAGEMENT AUTHORITIES
 + HB 334 MUNICIPAL PROPERTY TAX DEFERRAL/EXEMPTION
 --Bill Hearings Rescheduled to 4/21/06--

Apr 21 Friday Beltz 211 1:30 PM
 += HB 392 SOLID WASTE MANAGEMENT AUTHORITIES
 += HB 334 MUNICIPAL PROPERTY TAX DEFERRAL/EXEMPTION
 + Bills Previously Heard/Scheduled

FINANCE

Apr 19 Wednesday Senate Finance 532 9:00 AM
 += SB 305 OIL AND GAS PRODUCTION TAX
 + Bills Previously Heard/Scheduled

Apr 19 Wednesday Senate Finance 532 1:00 PM
 -- Time Change --
 + SB 305 OIL AND GAS PRODUCTION TAX
 + Bills Previously Heard/Scheduled

Apr 20 Thursday Senate Finance 532 9:00 AM
 + HB 471 KNIK ARM BRIDGE AND TOLL AUTHORITY
 + SB 1 INCREASE AMT OF BASE STUDENT ALLOCATION
 += SB 188 BULK FUEL REVOLVING LOAN FUND CAP
 + Bills Previously Heard/Scheduled

FINANCE (continued)

Apr 20	Thursday	Senate Finance 532	1:00 PM
	-- Time Change --		
+ SJR 19	TASK FORCE ON HOSPITAL INFECTIONS		
+ SB 271	AUTHORIZE HWY PROGRAM PARTICIPATION		
+ SB 10	PARENTAL LIABILITY FOR CHILD'S DAMAGE		
+	Bills Previously Heard/Scheduled		
Apr 21	Friday	Senate Finance 532	9:00 AM
+ SB 305	OIL AND GAS PRODUCTION TAX		
+	Bills Previously Heard/Scheduled		
Apr 21	Friday	Senate Finance 532	1:00 PM
	-- Time Change --		
+ SB 305	OIL AND GAS PRODUCTION TAX		
+	Bills Previously Heard/Scheduled		
Apr 22	Saturday	Senate Finance 532	9:00 AM
+ HB 357	STATUTORY REFERENCES TO DISABILITIES		
+ HB 394	INSURANCE POLICIES IN FOREIGN LANGUAGES		
+ HB 400	CONFISCATION OF FIREARMS		
+ HB 408	DEFINITION OF CHILD ABUSE AND NEGLECT		
+	Bills Previously Heard/Scheduled		
Apr 24	Monday	Senate Finance 532	9:00 AM
+ SB 231	BUDGET: CAPITAL & OTHER APPROPRIATIONS		
+	Bills Previously Heard/Scheduled		
Apr 25	Tuesday	Senate Finance 532	9:00 AM
+ SB 231	BUDGET: CAPITAL & OTHER APPROPRIATIONS		
	<Agency Testimony>		
+	Bills Previously Heard/Scheduled		
Apr 26	Wednesday	Senate Finance 532	9:00 AM
+ SB 231	BUDGET: CAPITAL & OTHER APPROPRIATIONS		
	<Agency Testimony>		
+	Bills Previously Heard/Scheduled		
Apr 27	Thursday	Senate Finance 532	5:00 PM
	-- Time Change --		
+ SB 231	BUDGET: CAPITAL & OTHER APPROPRIATIONS		
	<Public Testimony>		
+	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>

+ Bills Previously Heard/Scheduled

Apr 29 Saturday Senate Finance 532 9:00 AM

+ SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS

+ Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 19 Wednesday Butrovich 205 1:30 PM

+ OVERVIEW: The Whole Village Project

+ SB 281 SCHOOL DIST. ENROLLMENT SHARING/CORRESPON

+ SCR 28 TECHNOLOGY FOR DISTANCE EDUCATION

+ Bills Previously Heard/Scheduled

Apr 21 Friday Butrovich 205 1:30 PM

+ HB 442 HEALTH CARE DECISIONS

+ SB 287 POSTSECONDARY TUITION FOR FOSTER CHILDREN

+ Bills Previously Heard/Scheduled

JUDICIARY

Apr 19 Wednesday Butrovich 205 8:30 AM

+ SB 307 LANDLORD REMEDIES; LATE FEE

+ SB 316 COURT REVIEW OF STRANDED GAS DECISION

Apr 20 Thursday Butrovich 205 8:30 AM

+ SB 316 COURT REVIEW OF STRANDED GAS DECISION

+ SB 313 SALVIA DIVINORUM AS CONTROLLED SUBSTANCE

+ SB 48 PSYCH. EVALUATION/TREATMENT FOR STUDENTS

+ HB 446 PENALTY FOR UNLAWFUL TRADE PRACTICE

+ Bills Previously Heard/Scheduled

Apr 21 Friday Butrovich 205 8:30 AM

No Meeting Scheduled

LABOR & COMMERCE

Apr 20 Thursday Beltz 211 1:30 PM
+ HB 31 WORKERS' COMP: DISEASE PRESUMPTION
+ HB 338 CERTIF. OF FITNESS FOR EXPLOSIVE HANDLERS
+ SB 315 DISPOSITION OF UNREDEEMED PROPERTY
+ Bills Previously Heard/Scheduled
Including But Not Limited to:
+= HB 439 INSURANCE PRODUCT REGULATION COMPACT
+= SB 282 BROADCASTING PROMOTING CHARITABLE GAMING

RESOURCES

Apr 19 Wednesday Butrovich 205 3:30 PM
+= SB 278 ALASKA CLIMATE CHANGE TASK FORCE
Agrium Presentation - Blue Sky
+ SJR 17 COLLECT MORE EXXON VALDEZ SPILL DAMAGES

Apr 21 Friday Butrovich 205 3:30 PM
+= SB 170 BD/DEPT OF FISH & GAME POWERS & DUTIES
+ SB 314 RETROACTIVE ADJUSTMENTS IN OIL PRICES

STATE AFFAIRS

Apr 20 Thursday Butrovich 205 3:30 PM
+ HB 300 OIL & GAS CONSERVATION COMMISSION MEMBER
Bills Previously Heard/Scheduled

TRANSPORTATION

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

SPECIAL COMMITTEES**COMMITTEE ON UNIVERSITY OVERSIGHT**

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

SENATE JOURNAL

April 19, 2006

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OTHER MEETINGS

JOINT SESSION

May 04

Thursday

House Chamber

11:00 AM

Confirmation of Governor's Appointees