

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

**Juneau, Alaska**

**Wednesday**

**April 26, 2006**

**One Hundred Eighth Day**

Pursuant to adjournment the Senate was called to order by President Stevens at 11:21 a.m.

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

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

Let us pray: God in Heaven, we look at this remainder of the month and remainder of this regular session and we thank You for our strength and ability.

Lord, as we have gone through this contentious period, we pray that as we've turned the corner, we will be mindful that you are the person that is eternal.

As we do our mental gymnastics over things that are going to make a difference for years to come, we pray that we will keep You in mind, because wisdom and guidance come from You, Lord, let us also be mindful of that.

Watch over us now, we pray for the safety of our families and friends in this springtime as the days are getting longer and life is beginning to renew itself. Bless us now, Lord, give us strength, give us courage.

In Your name,

Amen.

Senator Elton led the Senate in the Pledge of Allegiance.

### **Certification**

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

The presence of Senator Therriault was noted.

### **Communications**

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

Report to the Governor and State Legislature dated April 18, 2006  
from John Aho, Chairman, Alaska Seismic Hazards  
Safety Commission, Department of Natural Resources  
in accordance with AS 44.37.067

### **Standing Committee Reports**

Report dated April 11 and received April 26 was read, stating:

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

#### **State Commission for Human Rights**

Randy H. Eledge – Anchorage

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

Signing the report: Senator Therriault, Chair, Senator Wagoner, Vice Chair; Senators Huggins, Davis, Elton.

**SB 293**

The State Affairs Committee considered SENATE BILL NO. 293 "An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2008; providing for an effective date by amending the effective date section of sec. 148, ch. 9, FSSLA 2005; and providing for an effective date." Signing no recommendation: Senator Therriault, Chair; Senators Wagoner, Huggins. Signing do pass: Senators Elton, Davis.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

The bill was referred to the Finance Committee.

**HJR 27**

The State Affairs Committee considered 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. Signing do pass: Senator Therriault, Chair; Senators Elton, Wagoner, Huggins, Davis.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, House Special Committee on Military and Veterans' Affairs

The resolution was referred to the Rules Committee.

**Consideration of the Calendar****Second Reading of House Bills****HB 400**

CS FOR HOUSE BILL NO. 400(FIN) "An Act relating to confiscation of firearms during disaster emergencies" was read the second time.

Senator Seekins, Chair, moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 2708. Without objection, SENATE CS FOR CS FOR HOUSE BILL NO. 400(JUD) was adopted.

President Stevens stated SENATE CS FOR CS FOR HOUSE BILL NO. 400(JUD) will be on the April 27 calendar.

### **Second Reading of House Resolutions**

#### **HJR 16**

CS FOR HOUSE JOINT RESOLUTION NO. 16(RES) am Opposing the designation of any area in the state as a world heritage site, biosphere reserve, or any other type of international designation without the consent of the Alaska State Legislature and affected local governments was read the second time.

The following fiscal information was published today:

Fiscal Note No. 2, zero, Legislative Agency

Senator Stedman offered Amendment No. 1:

Page 3, line 14:

Delete "Gale Norton,"

Insert "Lynn Scarlett, acting"

Page 3, line 18:

Delete "Tom Delay"

Insert "John Boehner"

Senator Stedman moved for the adoption of Amendment No. 1. Without objection, Amendment No. 1 was adopted.

President Stevens stated CS FOR HOUSE JOINT RESOLUTION NO. 16(RES) am S will be on the April 27 calendar.

**Unfinished Business****Reconsideration of Senate Bills****SB 48**

Senator Bunde requested that the reconsideration on CS FOR SENATE BILL NO. 48(HES) "An Act relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children" be taken up. The bill was before the Senate on reconsideration.

Senator Bunde 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 Bunde offered Amendment No. 1:

Page 3, following line 21:

Insert a new section to read:

**"Sec. 14.30.175. At risk students.** Notwithstanding AS 14.30.171(3) and (5) and 14.30.174(a), a principal or other person in charge of a public school who reasonably believes that a student is at risk of causing harm to self or others, may require a psychiatric or behavioral health evaluation of a child."

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

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

CSSB 48(HES)

Second Reading

Amendment No. 1

**YEAS: 6 NAYS: 14 EXCUSED: 0 ABSENT: 0**

Yeas: Bunde, Green, Stedman, Stevens G, Therriault, Wilken

Nays: Cowdery, Davis, Dyson, Ellis, Elton, French, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stevens B, Wagoner

and so, Amendment No. 1 failed.

CS FOR SENATE BILL NO. 48(HES) was automatically in third reading on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 48(HES) "An Act relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children" pass the Senate?" The roll was taken with the following result:

CSSB 48(HES)

Third Reading - On Reconsideration

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

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

Nays: Bunde, Green, Therriault, Wilken

Therriault changed from "Yea" to "Nay".

and so, CS FOR SENATE BILL NO. 48(HES) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

### **HCR 30**

Senators Olson, Elton, Ellis moved and asked unanimous consent to be shown as cross sponsors on CS FOR HOUSE CONCURRENT RESOLUTION NO. 30(FIN) am Creating an Alaska Climate Impact Assessment Commission. Without objection, it was so ordered.

### **SB 48**

Senator Wilken moved and asked unanimous consent that his name be withdrawn as a co-sponsor on CS FOR SENATE BILL NO. 48(HES) "An Act relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children." Without objection, it was so ordered.

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, April 29 to morning plane time, May 1. Without objection, Senator Wagoner was excused.

Senator Kookesh moved and asked unanimous consent to be excused from a call of the Senate from 9:00 a.m. to 5:00 p.m. on April 28. Without objection, Senator Kookesh was excused.

### **Announcements**

Rule 23(d) of the Alaska State Legislature Uniform Rules is currently in effect.

Announcements are at the end of the journal.

### **Engrossment**

#### **SB 48**

CS FOR SENATE BILL NO. 48(HES) "An Act relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children" 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 11:00 a.m., April 27, 2006. Without objection, the Senate adjourned at 12:05 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

<b>Apr 26</b>	<b>Wednesday</b>	<b>Beltz 211</b>	<b>1:30 PM</b>
+ =	HB 392	SOLID WASTE MANAGEMENT AUTHORITIES	
+ =	HB 334	MUNICIPAL PROPERTY TAX DEFERRAL/EXEMPTION	
+		Bills Previously Heard/Scheduled	
<b>Apr 28</b>	<b>Friday</b>	<b>Beltz 211</b>	<b>1:30 PM</b>
+	HB 278	RETIREMENT SYSTEM BONDS	
+		Bills Previously Heard/Scheduled	
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FINANCE

<b>Apr 26</b>	<b>Wednesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
+	SB 231	BUDGET: CAPITAL & OTHER APPROPRIATIONS	
+		Agency Testimony:	
		University of Alaska	
		Law	
		Public Safety	
		Revenue	
		Administration	
		Court System	
		Fish and Game	
		Health and Social Services	
		Military & Veterans Affairs	



**FINANCE (continued)****Apr 27      Thursday                      Senate Finance 532              9:00 AM**

+= SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS  
 + SB 291 MUNICIPAL HARBOR FACILITY GRANTS  
 + SB 315 DISPOSITION OF UNREDEEMED PROPERTY  
 + SB 274 STATE FIREARM DISPOSAL AND INVENTORY  
 + SR 6 SENATE VPSO TASK FORCE  
 + Bills Previously Heard/Scheduled

**Apr 27      Thursday                      Senate Finance 532              5:00 PM**

-- Time Change --  
 += SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS  
 + Public Testimony:  
   Fairbanks, Mat-Su  
   Anchorage  
   Glenallen, Seward, Homer  
   Kenai, Kodiak, Dillingham  
 + Bills Previously Heard/Scheduled

**Apr 28      Friday                              Senate Finance 532              5:00 PM**

-- Time Change --  
 += SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS  
 + Public Testimony:  
   Bethel, Nome, Kotzebue  
   Barrow, Tok, Delta Junction  
   Ketchikan, Petersburg, Wrangell  
   Sitka, Cordova, Valdez  
   Juneau  
 + Bills Previously Heard/Scheduled

**Apr 29      Saturday                              Senate Finance 532              9:00 AM**

+= SB 231 BUDGET: CAPITAL & OTHER APPROPRIATIONS  
 + Bills Previously Heard/Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Apr 26      Wednesday      Butrovich 205      1:30 PM**  
+= SCR 28 TECHNOLOGY FOR DISTANCE EDUCATION  
+= SB 281 SCHOOL DIST. ENROLLMENT SHARING/CORRESPON  
+      OVERVIEW: American Heart Association -  
         Obesity Prevention  
+    HB 258 SEXUAL ASSAULT BY PERSON WITH HIV/AIDS  
+    HB 393 INSURANCE FOR COLORECTAL CANCER SCREENING  
+      Bills Previously Heard/Scheduled

**Apr 28      Friday      Butrovich 205      1:30 PM**  
+= SB 281 SCHOOL DIST. ENROLLMENT SHARING/CORRESPON  
+= HB 442 HEALTH CARE DECISIONS  
+= SB 287 POSTSECONDARY TUITION FOR FOSTER CHILDREN  
+      Bills Previously Heard/Scheduled  
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**JUDICIARY**

**Apr 26      Wednesday      Butrovich 205      8:30 AM**  
+      Bills Previously Heard/Scheduled

**Apr 27      Thursday      Butrovich 205      8:30 AM**  
+    HB 190 REQUIRED ID FOR PURCHASING ALCOHOL  
+    HB 414 INTERCEPTION OF MINOR'S COMMUNICATIONS  
+= SB 307 LANDLORD REMEDIES; LATE FEE  
+= SB 316 COURT REVIEW OF STRANDED GAS DECISION  
+      Bills Previously Heard/Scheduled

**Apr 28      Friday      Butrovich 205      8:30 AM**  
No Meeting Scheduled  
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**LABOR & COMMERCE****Apr 27      Thursday      Beltz 211      1:30 PM**

-- Rescheduled from 04/25/06 --

- + HB 122 NATIONAL GUARD INSURANCE & OTHER RELIEF
- + HB 409 NO WORKERS' COMP. FOR REAL EST. LICENSEE
- + HB 389 REGULATION OF TOURIST ACCOMMODATIONS
- + HB 377 EXEMPTION: RES. BLDG. DRAWINGS & SPECS
- + HB 150 LICENSING RADIOLOGIC TECHNICIANS

Confirmation of Governor Appointees:

Regulatory Commission of Alaska-

Janis Wilson

Alaska Workers' Compensation Board-

John Abshire, Richard Behrends,

Andrew Piekarski, Patricia Vollendorf,

Lori Wing

Board of Barbers and Hairdressers-

Carol Hernley

Board of Chiropractic Examiners-

David Mulholland

Workers' Compensation Appeals Commission-

Jim Robison

Bills Previously Heard/Scheduled

Including But Not Limited to:

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**RESOURCES****Apr 26      Wednesday      Butrovich 205      3:30 PM**

- + SJR 17 COLLECT MORE EXXON VALDEZ SPILL DAMAGES
- + HB 484 FISHERY ASSOCIATION REIMBURSEMENT
- + BP North Slope Spills - Update
- + HB 57 SALE OF STATE LAND TO ADJACENT LANDOWNERS  
<Bill Hearing Postponed to 4/27/06>
- + HB 415 RECREATIONAL LAND USE LIABILITY/ADV. POSS  
<Bill Hearing Postponed to 4/27/06>
- + HB 419 REPEAL UNDERGROUND STORAGE TANK LAWS  
<Bill Hearing Postponed to 4/27/06>
- = SB 170 BD/DEPT OF FISH & GAME POWERS & DUTIES  
<Bill Hearing Postponed>

**RESOURCES (continued)**

**Apr 27      Thursday                      Butrovich 205              3:30 PM**

- + HB 57 SALE OF STATE LAND TO ADJACENT LANDOWNERS
- + HB 307 KNIK RIVER PUBLIC USE AREA
- + HB 415 RECREATIONAL LAND USE LIABILITY/ADV. POSS
- + HB 419 REPEAL UNDERGROUND STORAGE TANK LAWS

**Apr 28      Friday                      Butrovich 205              3:30 PM**

- + HB 395 FIRE SEASON DATES
- + HB 420 FOREST RESOURCES & PRACTICES STANDARDS
- + Pt. Thomson Unit Agreement Update
- + Confirmation Hearing -
- + DNR Commissioner Menge

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**STATE AFFAIRS**

**Apr 27      Thursday                      Beltz 211              3:30 PM**

- Location Change --
- + SB 288 SEPTEMBER AS EDUCATION SAVINGS MONTH
- + HB 347 MOTOR VEHICLE INSURANCE & NOTICE
- + HB 399 ELDER FRAUD AND ASSISTANCE/OPA
- + HJR 25 SUPPORTING VETERANS HOME OWNERSHIP ACT
- + Bills Previously Heard/Scheduled

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**TRANSPORTATION**

**Apr 27      Thursday                      Butrovich 205              1:30 PM**

- Rescheduled from 04/27/06 --
- + HB 266 VEHICLE WEIGHTS AND INSURANCE
- + HB 403 NEIGHBORHOOD ELECTRIC VEHICLES
- + Bills Previously Heard/Scheduled

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

**Apr 26      Wednesday                      Beltz 211              5:00 PM**

- Rescheduled from 04/24/06 --
- + HJR 14 URGE CONGRESS TO GRANT LAND TO UNIVERSITY

**JOINT COMMITTEES****CONFERENCE COMMITTEE ON HB 365 & HB 366**

**Apr 26      Wednesday                      Senate Finance 532                      4:00 PM**  
HB 365 APPROP: OPERATING BUDGET/LOANS/FUNDS  
HB 366 APPROP: MENTAL HEALTH BUDGET  
Organizational Meeting

**Apr 27      Thursday                      Senate Finance 532                      4:00 PM**  
= HB 365 APPROP: OPERATING BUDGET/LOANS/FUNDS  
= HB 366 APPROP: MENTAL HEALTH BUDGET

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**LEGISLATIVE COUNCIL**

**Apr 27      Thursday                      House Finance 519                      5:00 PM**  
-- Time Change --  
FY05 Legislature Audit  
Masonic Temple  
Capitol Security

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**OTHER MEETINGS****JOINT LEGISLATIVE HEALTH CAUCUS**

**May 01      Monday                      Fahrenkamp 203                      12:00 PM**  
"The Uninsured, a Statewide Emergency"  
A light lunch will be served.

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**JOINT SESSION**

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