

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Wednesday

January 18, 2006

Tenth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:33 a.m.

The roll showed nineteen members present. Senator Seekins was excused from a call of the Senate to morning plane time.

Senator Gary Stevens moved and asked unanimous consent to extend Senator Seekins' excused absence to afternoon plane time. Without objection, it was so ordered.

The prayer was offered by the Chaplain, Major Joe Huttenlocker of The Salvation Army. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Let us pray. It is said Oh God, "Thou art faithful. When we put our trust in You, we shall not be put to shame." We therefore ask once again for Your guidance and all seeing eye to be upon this delegation of leaders and decision makers. Help them to see clearly the things of the people they represent and make choices and decisions that are for the good of all Alaska people. Thank You for their service. May Your hand of blessing be upon all that will take place this day. In Your name, Oh God, we pray. Amen.

Senator Green led the Senate in the Pledge of Allegiance.

Certification

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

Communications

Report from the Commissioner of the Department of Administration dated January 11 was received, stating the monetary terms for the arbitration award reached with the International Organization of Masters, Mates, and Pilots Association and the Marine Engineers Beneficial Association in accordance with AS 23.40.215.

President Stevens referred the report to the Finance Committee.

Report from the Commissioner of the Department of Administration dated January 11 was received, stating the monetary terms reached with the Alaska State Employee Association in the class action grievance filed on behalf of the Certified Nurse Aides and the Assisted Living Aides in accordance with AS 23.40.215.

President Stevens referred the report to the Finance Committee.

The following reports are on file in the Office of the Secretary of the Senate:

Knik Arm Crossing Project Annual Report 2005
from George Wuerch, Chairman, Knik Arm Bridge and Toll Authority
in accordance with AS 19.75.111
available at: www.knikarmbridge.com

Notification of availability of Report on Workplace Accidents:
FY 05 Achievement Report and FY 06 Annual Performance Plan
from Greg O'Claray, Commissioner, Department of Labor and
Workforce Development
in accordance with AS 18.60.040
available at: www.labor.state.ak.us/lss/oshhome.htm

Developmental Disabilities Waiting List Report, December 2005
from Karleen K. Jackson, Ph.D., Commissioner, Department of Health
and Social Services
in accordance with AS 47.80.130(d)
available at: www.hss.state.ak.us/dsds/dd/default.htm

Cost Containment Measures Reports, January 11, 2006
from Scott Nordstrand, Commissioner, Department of Administration
in accordance with Chapter 4, FSSLA 2005

Introduction and Reference of Senate Bills

SB 241

SENATE BILL NO. 241 BY SENATOR COWDERY, entitled:

"An Act relating to modifying the qualifications required for workers' compensation self-insurance and permitting employers in the same trade or industry to form an employer association for self-insured workers' compensation coverage; and providing for an effective date."

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

SB 242

SENATE BILL NO. 242 BY SENATOR FRENCH, entitled:

"An Act updating the terminology in statutes for persons with disabilities; and providing for an effective date."

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

SB 243

SENATE BILL NO. 243 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the financing of construction, major maintenance, and renovation of facilities for the University of Alaska; relating to the financing of construction of a correctional facility; authorizing the commissioner of revenue to sell the right to receive a portion of the anticipated revenue from a tobacco litigation settlement to the Northern Tobacco Securitization Corporation, with the proceeds of that sale to finance construction, major maintenance, and renovation of facilities for the University of Alaska and to finance the construction of a correctional facility; providing for the establishment of funds for deposit of those proceeds; authorizing the issuance of bonds by the Northern Tobacco Securitization Corporation for the purpose of acquiring the right to receive a portion of anticipated revenue from a tobacco litigation settlement; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

Governor's transmittal letter dated January 17:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the financing of construction, major maintenance, and renovation of facilities for the University of Alaska; relating to the financing of construction of a correctional facility; authorizing the commissioner of revenue to sell the right to receive a portion of the anticipated revenue from a tobacco litigation settlement to the Northern Tobacco Securitization Corporation, with the proceeds of that sale to finance construction, major maintenance, and renovation of facilities for the University of Alaska and to finance the construction of a correctional facility; providing for the establishment of funds for deposit of those proceeds; and authorizing the issuance of bonds by the Northern Tobacco Securitization Corporation for the purpose of acquiring the right to receive a portion of anticipated revenue from a tobacco litigation settlement.

This bill is quite similar to previous measures that securitized a total of 80 percent of the tobacco Master Settlement Agreement revenue stream. See secs. 9 and 10, ch. 130, SLA 2000 and secs. 3 and 4, ch. 96, SLA 2001. This bill would securitize the residual revenue stream that reverts back to the general fund once the outstanding tobacco bonds authorized by the previous legislation are repaid. In other words, that 80 percent of the revenue stream from the settlement of *State of Alaska v. Philip Morris, Incorporated, et al*, No. 1JU-97-915 CI (Alaska Super. 1997) will remain securitized for a longer period. The bill anticipates that the state will realize at least \$89,250,000 in proceeds, with a possibility that additional amounts would be raised. The bill authorizes the proceeds to be spent on certain University of Alaska capital projects, and on a prison in the Matanuska-Susitna Borough, subject to appropriation for those purposes.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

Consideration of the Calendar

Second Reading of House Bills

HB 149

CS FOR HOUSE BILL NO. 149(FIN) am "An Act relating to controlled substances; relating to the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; relating to the manufacture of methamphetamine and to the sale, possession, and delivery of certain substances and precursors used in the manufacture of methamphetamine; relating to listing certain anabolic steroids as controlled substances; 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 1888. Senator Ellis objected.

The question being: "Shall the Finance Senate Committee Substitute be adopted?" The roll was taken with the following result:

CSHB 149(FIN) am

Second Reading

Adopt Finance Senate Committee Substitute?

YEAS: 11 NAYS: 8 EXCUSED: 1 ABSENT: 0

Yeas: Bunde, Cowdery, Dyson, Green, Huggins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

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

Excused: Seekins

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 149(FIN) "An Act relating to controlled substances; relating to the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; relating to the manufacture of methamphetamine and to the sale, possession, and delivery of certain substances and precursors used in the manufacture of methamphetamine; relating to listing certain anabolic steroids as controlled substances; amending Rule 41, Alaska Rules of Criminal Procedure; and providing for an effective date" (technical title change) was adopted.

President Stevens stated SENATE CS FOR CS FOR HOUSE BILL NO. 149(FIN) will be on the January 19 calendar.

Citations

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

In Memoriam - Chief Warrant Officer Four, Chester William Troxel,
Alaska Army National Guard

Representative(s) Rokeberg

Senator(s) Ben Stevens, Bunde, Cowdery, Davis, Dyson, Ellis, Elton,
French, Green, Guess, 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

Concur Messages

SB 87

Senator Gary Stevens moved and asked unanimous consent that the concur message on HOUSE CS FOR SENATE BILL NO. 87(JUD) "An Act relating to motor vehicle safety belt violations" which was held on the Secretary's desk (page 1886), be taken up at this time. Without objection, it was so ordered.

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 SB 87(JUD)

Shall the Senate Concur in the House
amendment to SB 87?

YEAS: 11 NAYS: 7 EXCUSED: 2 ABSENT: 0

Yeas: Bunde, Cowdery, Davis, Elton, French, Guess, Stedman,
Stevens B, Stevens G, Wagoner, Wilken

Nays: Dyson, Ellis, Green, Huggins, Kookesh, Olson, Therriault

Excused: Hoffman, Seekins

and so, the Senate concurred in the House amendment, thus adopting HOUSE CS FOR SENATE BILL NO. 87(JUD).

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Senator Huggins moved and asked unanimous consent to be excused from a call of the Senate from plane time, January 19 through plane time, January 22. Without objection, Senator Huggins was excused.

Senators Green, Wagoner moved and asked unanimous consent to be excused from a call of the Senate from plane time, January 19 to morning plane time, January 23. Without objection, Senators Green, Wagoner were excused.

Senator Ellis moved and asked unanimous consent to be excused from a call of the Senate to morning plane time on January 23. Without objection, Senator Ellis was excused.

Announcements

Announcements are at the end of the journal.

Engrossment and Enrollment

SR 5

SENATE RESOLUTION NO. 5 Establishing a Senate Special Committee on University Oversight, was engrossed and enrolled, signed by the President and Secretary and the engrossed and enrolled copies transmitted to the Office of the Governor at 10:30 a.m., January 18, 2006.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., January 19, 2006. Without objection, the Senate adjourned at 12:06 p.m.

Kirsten Waid
Secretary of the Senate

January 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

Jan 18 **Wednesday** **Beltz 211** **1:30 PM**
 + SB 219 COMMUNITY DIVIDEND PROGRAM

Jan 20 **Friday** **Beltz 211** **1:30 PM**
 No Meeting Scheduled

FINANCE

Jan 18 **Wednesday** **Senate Finance 532** **9:00 AM**
 No Meeting Scheduled

Jan 19 **Thursday** **Senate Finance 532** **9:00 AM**
 = SB 54 PROTECTIVE ORDERS FOR SEXUAL ASSAULT
 HB 283 AK HOUSING FINANCE CORP BOARD COMP.
 Bills Previously Heard/Scheduled

Jan 20 **Friday** **Senate Finance 532** **9:00 AM**
 No Meeting Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Jan 18 **Wednesday** **Butrovich 205** **1:30 PM**
 + Overview: No Child Left Behind Act Update
 U.S. Department of Education

Jan 20 **Friday** **Butrovich 205** **1:30 PM**
 No Meeting Scheduled

JUDICIARY

Jan 18	Wednesday	Butrovich 205	8:30 AM
	No Meeting Scheduled		
Jan 19	Thursday	Butrovich 205	8:30 AM
+ SB 200	USE OF FORCE TO PROTECT SELF/HOME		
+ SB 218	CRIMINAL SENTENCING AND POLYGRAPHS		
+ SB 10	PARENTAL LIABILITY FOR CHILD'S DAMAGE		

LABOR & COMMERCE

Jan 19	Thursday	Beltz 211	1:30 PM
+ SB 136	UNEMPLOYMENT COMPENSATION BENEFITS		
+ HB 108	WATER & SEWER UTILITIES OF POLIT. SUBDIV.		
	<Bill Hearing Postponed>		

RESOURCES

Jan 18	Wednesday	Senate Finance 532	1:00 PM
	-- Time and Location Change --		
+	Joint w/(H) Resources		
	Overview: Department of Natural Resources		
Jan 18	Wednesday	Senate Finance 532	3:00 PM
	-- Time and Location Change --		
	Joint w/(H) Resources		
+	Overview:		
	Petroleum Profit Sharing		
	Production Tax Systems		
Jan 20	Friday	Butrovich 205	3:30 PM
	No Meeting Scheduled		

STATE AFFAIRS

Jan 19	Thursday	Beltz 211	3:30 PM
	No Meeting Scheduled		

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TRANSPORTATION

Jan 19	Thursday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

JOINT COMMITTEES

LEGISLATIVE COUNCIL

Jan 18	Wednesday	House Finance 519	12:00 PM
	Fairbanks Office Space RFP #428 Approval NCSL Classification & Compensation Study Late Per Diem Request Capitol Lounge Remodel Change Orders Data Processing Issues Donald Mitchell Contract Amendment Birch, Horton, Bittner & Cherot Contract Amendment Approval Kevin Clarkson Contract Approval Security Analysis		

Jan 26	Thursday	Senate Finance 532	5:00 PM
	Legislative Council Meeting		

OTHER MEETINGS

JOINT LEGISLATIVE HEALTH CAUCUS

Jan 18	Wednesday	Butrovich 205	12:00 PM
	"Alcohol, the Great Destroyer" Light Lunch will be served		

JOINT SESSION

Feb 08	Wednesday	House Chamber	11:00 AM
	Chief Justice Bryner's Annual State of the Judiciary Message		