

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE

FIRST SESSION

Juneau, Alaska

Tuesday

March 29, 2005

Seventy-ninth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 3:20 p.m.

The roll showed seventeen members present. Senators Kookesh, Elton were excused from a call of the Senate. Senator Therriault was absent.

The prayer was offered by the Chaplain, Pastor Gary Waterhouse of the Juneau and Sitka Seventh Day Adventist Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Lord, After a refreshing break for a few days we are glad to be here today, working for You and the people of Alaska. We pray for strength for this day as we carry on our duties and responsibilities.

We pray that You would grant to each of those who serve in these chambers, wisdom and courage as they wrestle with issues which affect us all.

There is so much potential in this building, potential for doing wonderful things for our state and this nation, for our homes and our communities. Let us not just listen to our own voices as we seek for solutions and resolutions, but let us hear Your still small voice and then follow Your leadings.

In Thy name we pray.

Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the Governor

Letter dated March 23 and received March 29 was read, stating in accordance with AS 39.05.080 of the Alaska Constitution, I submit the following name for legislative confirmation:

Alaska Air National Guard - Brigadier General

Colonel Tony A. Hart – Kulis Air National Guard Base

The appointment was referred to the State Affairs Committee.

The resume for this appointment has been submitted to the Offices of the Senate Secretary and the Chief Clerk.

Messages from the House

Message dated March 29 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 61

CS FOR HOUSE BILL NO. 61(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to Calcutta pools and crane classics as authorized forms of charitable gaming."

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

Communications

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

Annual Report on the Constitutional Budget Reserve Fund
from William Corbus, Commissioner, Department of Revenue
in accordance with AS 37.10.430(b)

Alaska Court System 2004 Annual Report
from Stephanie Cole, Administrative Director

Standing Committee Reports**SB 67**

The Judiciary Committee considered SENATE BILL NO. 67 "An Act relating to claims for personal injury or wrongful death against health care providers; and providing for an effective date." Signing do pass: Senator Seekins, Chair; Senator Huggins. Signing do not pass: Senator French. Signing no recommendation: Senator Therriault. Signing amend: Senator Guess.

The following previously published fiscal information applies:

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

The bill was referred to the Rules Committee.

SB 118

Forthcoming Judiciary Committee Substitute (page 684) for SENATE BILL NO. 118 "An Act relating to online enticement of minors" was received today:

CS FOR SENATE BILL NO. 118(JUD)

SB 119

Forthcoming Judiciary Committee Substitute (page 684) for SENATE BILL NO. 119 "An Act relating to dissemination of indecent material to minors" was received today:

CS FOR SENATE BILL NO. 119(JUD)

SB 137

The Labor and Commerce Committee considered SENATE BILL NO. 137 "An Act providing that an institution providing accommodations exempt from the provisions of the Uniform Residential Landlord and Tenant Act may evict tenants without resorting to court proceedings under AS 09.45.060 - 09.45.160." Signing do pass: Senator Bunde, Chair; Senators Davis, Ben Stevens.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Law

The bill was referred to the Judiciary Committee.

SB 140

The Labor and Commerce Committee considered SENATE BILL NO. 140 "An Act relating to spyware and unsolicited Internet advertising." Signing do pass: Senator Bunde, Chair; Senators Davis, Ben Stevens.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 2, zero, Department of Law

Fiscal Note No. 3, zero, Department of Public Safety

The bill was referred to the Judiciary Committee.

SJR 12

Forthcoming Judiciary Committee Substitute (page 686) for SENATE JOINT RESOLUTION NO. 12 Requesting the United States Senate to move quickly to confirm all nominations by President George W. Bush to the United States Supreme Court, was received today:

CS FOR SENATE JOINT RESOLUTION NO. 12(JUD) Requesting the United States Senate to move quickly to a majority floor vote of the United States Senate on all nominations by President George W. Bush to the United States Supreme Court.

Introduction and Reference of Senate Bills**SB 153**

SENATE BILL NO. 153 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to international airports revenue
bonds; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

Governor's transmittal letter dated March 24:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am
transmitting a bill relating to international airports revenue bonds.

The bill would amend AS 37.15.410 to increase the cumulative
authorization for international airports revenue bonds from the current
\$524,500,000 to \$812,500,000. This increase will allow the sale of up
to \$288,000,000 in new international airports revenue bonds to support
capital improvement programs for fiscal years 2006 through 2009 at
the Ted Stevens Anchorage International Airport and Fairbanks
International Airport, which together comprise the Alaska
International Airports System (AIAS). AS 37.15.410 states the
cumulative amount of bonds authorized since the creation of the
international airports revenue bonding program, including those
already fully retired, and does not reflect the dollar amount of bonds
outstanding at any given time.

Funding for operations and capital improvements of the AIAS is
obtained from charges for the use of airport facilities, primarily paid
by commercial airlines. The AIAS and the airlines that are signatories
to the International Airports System Operating Agreement have agreed
to a capital improvement program approved by the signatory airline
ratepayers through a voting procedure under the Operating Agreement.

With full support of the airlines, revenue bond funding allows the cost of long-term airport projects to be spread over longer periods of time, such as the useful life of the projects. Annual debt service will be paid through airline rates and fees -- and in some cases, federal grant proceeds or passenger facility charges.

Additional bond authorization under AS 37.15.410 was granted in 2001 and again in 2003, to implement the AIAS capital improvement program through fiscal year 2005. Additional bond authorization is now required to finance the continuation of the capital improvement program. AS 37.15.410 has, to date, authorized the state to issue up to \$524,500,000 of revenue bonds to support airport projects. This authority, cumulative since the inception of AS 37.15.410, has been exhausted, with outstanding bond principal standing at approximately \$427,000,000 as of June 30, 2004. The increase in this bill is required to allow the sale of additional bonds.

The authority sought in this bill would increase the bond authorization limit to finance capital improvements at both the Ted Stevens Anchorage International Airport and Fairbanks International Airport through fiscal year 2009. By including the full authorization in this bill, the state could sell bonds in a single offering or in multiple offerings, as best maximizes the efficiency and reduces the cost of bond issuance, while providing financing as required to meet project needs.

At Anchorage, these bond proceeds would provide some or all of the state share for federal airport improvement program projects such as airfield pavement maintenance, equipment, noise abatement program implementation, master planning, advanced project/parking design study, and aircraft rescue and fire fighting building rehabilitation. Anchorage bond projects not primarily supported by federal money include such projects as information technology improvements, terminal rehabilitation, general aviation parking and taxiway relocation, and homeland security renovation. Bond proceeds also would fund the lion's share of the Anchorage South Terminal Concourse A and B remodel project.

At Fairbanks, these bond proceeds would provide the state share for primary runway reconstruction, including pavement replacement, associated airfield lighting reconstruction, and relocation of the heavy aircraft cargo apron to meet airport design criteria and to permit development of underutilized land. Bond proceeds also would replace worn out airport operations, safety, and maintenance equipment. Finally, the bond proceeds would provide the bulk of the funding necessary for a terminal area development project at Fairbanks. This project would upgrade and replace Fairbanks terminal facilities to resolve seismic and code deficiencies, as well as to accommodate future growth in passenger numbers.

The AIAS is an increasingly vital and growing part of our economic engine. The AIAS and the state's major air carriers propose to continue developing our world-class international airports through the implementation of the International Airports Operating Agreement, supported by the issuance of the additional revenue bonds that would be authorized by this bill. In order to assure timely project development, I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

SB 154

SENATE BILL NO. 154 BY SENATOR THERRIAULT, entitled:

"An Act relating to the jurisdiction for proceedings relating to delinquent minors and to telephonic and televised participation in those proceedings; amending Rules 2, 3, 4, 8, 12, 13, 14, 15, 16, 21, 22, 23, 24.1, and 25, Alaska Delinquency Rules; and providing for an effective date."

was read the first time and referred to the State Affairs and Judiciary Committees.

SB 155

SENATE BILL NO. 155 BY SENATORS BEN STEVENS, Wilken, Cowdery, Seekins, Green, Bunde, Gary Stevens, Wagoner, entitled:

"An Act making appropriations from the earnings reserve account for construction of an integrated science complex at the University of Alaska in Anchorage, for replacement of the virology laboratory in Fairbanks, for expansion of the Anchorage Museum of History and Art, for the major maintenance grant fund, and for other capital projects related to education; and providing for an effective date."

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

SB 156

SENATE BILL NO. 156 BY SENATOR BEN STEVENS, entitled:

"An Act relating to notification to teachers of layoff or nonretention."

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

Consideration of the Calendar

Second Reading of House Bills

HB 42

HOUSE BILL NO. 42 "An Act naming the Joe Williams, Sr., Coastal Trail" was read the second time

Senator Gary Stevens, Chair, moved and asked unanimous consent for the adoption of the Community and Regional Affairs Senate Committee Substitute offered on page 599. Without objection, SENATE CS FOR HOUSE BILL NO. 42(CRA) "An Act naming the Joseph C. Williams, Sr., Coastal Trail" (Title change authorized by SCR 5) 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 HOUSE BILL NO. 42(CRA) was read the third time.

The question being: "Shall SENATE CS FOR HOUSE BILL NO. 42(CRA) "An Act naming the Joseph C. Williams, Sr., Coastal Trail" pass the Senate?" The roll was taken with the following result:

SCS HB 42(CRA)

Third Reading - Final Passage

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

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

Excused: Elton, Kookesh

Absent: Therriault

and so, SENATE CS FOR HOUSE BILL NO. 42(CRA) passed the Senate and was referred to the Secretary for engrossment.

SCR 5

Senator Gary Stevens moved and asked unanimous consent that SENATE CONCURRENT RESOLUTION NO. 5 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 42, relating to the Joe Williams, Sr., Coastal Trail, be made a Special Order of Business and be brought up at this time. Without objection, it was so ordered.

Special Order of Business

SCR 5

SENATE CONCURRENT RESOLUTION NO. 5, which had been held on the Secretary's desk (page 551), was read the second time and was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 5 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 42, relating to the Joe Williams, Sr., Coastal Trail, pass the Senate?" The roll was taken with the following result:

SCR 5

Final Passage

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

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

Excused: Elton, Kookesh

Absent: Therriault

and so, SENATE CONCURRENT RESOLUTION NO. 5 passed the Senate and was referred to the Secretary for engrossment.

Citations

Honoring – General Gene Ramsay

Representative(s) Lynn

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

In Memoriam – H. Harvey Samuelsen

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

In Memoriam – Frances G. Thompson

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

Representative(s) LeDoux

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 Gary Stevens moved and asked unanimous consent that the Senate rescind its previous action in confirming Senator Davis (alternate member) and Dennis "Skip" Cook (public member) to the Select Committee on Legislative Ethics. Senator Ellis objected, then withdrew his objection. There being no further objection, the following question was before the Senate:

"Shall Senator Davis (alternate member) and Dennis "Skip" Cook (public member) be confirmed to the Select Committee on Legislative Ethics?"

The presence of Senator Therriault was noted.

Senator Gary Stevens moved and asked unanimous consent to be allowed to withdraw his motion to confirm Senator Davis and Dennis "Skip" Cook to the Select Committee on Legislative Ethics. Without objection, it was so ordered.

Senator Gary Stevens moved and asked unanimous consent that Senator Davis be confirmed as an alternate member to the Select Committee on Legislative Ethics.

The question being: "Shall Senator Davis be confirmed as an alternate member to the Select Committee on Legislative Ethics?" The roll was taken with the following result:

Confirm Senator Davis an alternate member to the
Select Committee on Legislative Ethics?

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

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

Excused: Elton, Kookesh

Absent: Bunde

and so, Senator Davis was confirmed as an alternate member to the Select Committee on Legislative Ethics.

HB 42

Senators Stedman, Gary Stevens, Olson, Cowdery, French, Dyson, Wagoner, Seekins, Davis, Ben Stevens moved and asked unanimous consent to be shown as cross sponsors on SENATE CS FOR HOUSE BILL NO. 42(CRA) "An Act naming the Joseph C. Williams, Sr., Coastal Trail." Without objection, it was so ordered.

Senator Olson moved and asked unanimous consent to be excused from a call of the Senate on March 30 and 31. Without objection, Senator Olson was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**HB 42**

SENATE CS FOR HOUSE BILL NO. 42(CRA) "An Act naming the Joseph C. Williams, Sr., Coastal Trail" was engrossed, signed by the President and Secretary and returned to the House for consideration.

SCR 5

SENATE CONCURRENT RESOLUTION NO. 5 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 42, relating to the Joe Williams, Sr., Coastal Trail, 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 10:45 a.m., March 30, 2005. Without objection, the Senate adjourned at 3:49 p.m.

Kirsten Waid
Secretary of the Senate

March 2005

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

Mar 30 Wednesday Beltz 211 1:30 PM
 + HB 108 WATER & SEWER UTILITIES OF POLIT. SUBDIV.
 Bills Previously Heard/Scheduled

Apr 01 Friday Beltz 211 1:30 PM
 No Meeting Scheduled

FINANCE

Mar 29 Tuesday Senate Finance 532 4:30 PM
 -- Time Change --
 += SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 + Bills Previously Heard/Scheduled

Mar 30 Wednesday Senate Finance 532 9:00 AM
 += SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 + Bills Previously Heard/Scheduled
 -- Committee will recess to the call of
 the Chair --

Mar 31 Thursday Senate Finance 532 9:00 AM
 += SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 + Bills Previously Heard/Scheduled
 --Committee will recess to the call of
 the Chair, approximately 4:00 p.m.--

FINANCE (continued)

Apr 01 Friday Senate Finance 532 9:00 AM
 += SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 + Bills Previously Heard/Scheduled
 -- Committee will recess to the call of
 the Chair, approximately 4:00 p.m.--

Apr 02 Saturday Senate Finance 532 10:00 AM
 -- Time Change --
 += SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 + Bills Previously Heard/Scheduled

Apr 03 Sunday Senate Finance 532 10:00 AM
 -- Time Change --
 += SB 141 PUBLIC EMPLOYEE/TEACHER RETIREMENT
 + Bills Previously Heard/Scheduled

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 30 Wednesday Butrovich 205 1:30 PM
 No Meeting Scheduled
 Yukon Legislative Exchange

Apr 01 Friday Butrovich 205 1:30 PM
 += SB 74 CRIMES INVOLVING MARIJUANA/OTHER DRUGS

JUDICIARY

Mar 29 Tuesday Butrovich 205 10:30 AM
 -- Time Change --
 + SB 106 SALE OF METHAMPHETAMINE AND PRECURSORS
 + Bills Previously Heard/Scheduled

Mar 30 Wednesday Butrovich 205 8:30 AM
 + Bills Previously Heard/Scheduled

Mar 31 Thursday Butrovich 205 8:30 AM
 + HB 124 COLLECTION OF DNA/USE OF FORCE
 + SB 20 OFFENSES AGAINST UNBORN CHILDREN
 + SB 54 PROTECTIVE ORDERS FOR SEXUAL ASSAULT
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 29 Tuesday Beltz 211 1:30 PM

-- Meeting Canceled --

- + SB 147 SPORT FISHING FACILITY REVENUE BONDS
- + SJR 11 REPEAL TELECOMMUNICATIONS TAX
- + Bills Previously Heard/Scheduled
Including But Not Limited to:
- + SB 130 WORKERS' COMPENSATION

Mar 31 Thursday Beltz 211 1:30 PM

- + SB 142 REGIONAL SCHOOL BD LAND/BLDG OWNERSHIP
- + SB 139 EXTENSIONS OF OCCUPATIONAL BDS/AGENCIES
- + SB 108 INSURANCE
Bills Previously Heard/Scheduled
including but not limited to:
- = SB 147 SPORT FISHING FACILITY REVENUE BONDS
- = SJR 11 REPEAL TELECOMMUNICATIONS TAX
- = SB 130 WORKERS' COMPENSATION

RESOURCES

Mar 30 Wednesday Senate Finance 532 2:30 PM

Joint w/(H) Resources
Nenana Basin Gas & Oil Project
<Please Note Time & Location>

Apr 01 Friday Butrovich 205 3:30 PM

-- Meeting Canceled --

- + SB 113 GULF OF ALASKA GROUND FISH FISHERY
- Testimony <Invitation Only> --

STATE AFFAIRS

Mar 29 Tuesday Beltz 211 3:30 PM

-- Immediately Following Session --

- + SB 26 FELONS' RIGHT TO VOTE
- + SB 59 PFD ALLOWABLE ABSENCE FOR DIPLOMATS
- + HJR 8 SUPPORTING ALASKA ARMY NATL. GUARD
- + Bills Previously Heard/Scheduled

STATE AFFAIRS (continued)

Mar 31 Thursday Beltz 211 3:30 PM
 + SB 121 STATE OF AK CAPITAL CORP.; BONDS
 + SB 122 AMERADA HESS INCOME; CAPITAL INCOME ACCT.
 + SB 152 APPROP: COST-OF-LIVING SURVEY
 + Bills Previously Heard/Scheduled

TRANSPORTATION

Mar 29 Tuesday Butrovich 205 1:30 PM
 No Meeting Scheduled

Mar 31 Thursday Butrovich 205 1:30 PM
 = SB 16 POWERS/DUTIES DOTPF/TRANSPORTATION PLAN
 = SB 133 AVIATION ADVISORY BOARD
 Bills Previously Heard/Scheduled

Apr 05 Tuesday Butrovich 205 1:30 PM
 + Joint w/(H) Transportation
 Port of Tacoma - Briefing
 + Federal Aviation Administration
 Weather Camera Program - Briefing

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Apr 05 Tuesday Butrovich 205 7:00 AM
 FY06 Budget Review:
 Dept of Administration

MILITARY AND VETERANS AFFAIRS

Apr 01 Friday Beltz 211 4:00 PM
 FY06 Budget Review:
 Dept of Military and Veterans Affairs

PUBLIC SAFETY

Apr 01 Friday Beltz 211 7:00 AM
 FY06 Budget Review:
 Dept of Public Safety

UNIVERSITY OF ALASKA

Apr 01 Friday Senate Finance 532 8:00 AM
 FY06 Budget Overview:
 University of Alaska

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Mar 30 Wednesday House Finance 519 5:00 PM
 +
 Executive Session
 Other Committee Business
 -- Testimony <Invitation Only> --

OTHER MEETINGS

JOINT SESSION

Mar 30 Wednesday House Chamber 11:00 AM
 Address by U.S. Senator Lisa Murkowski