

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

January 14, 2002

First Day

Pursuant to adjournment the Senate was called to order by President Halford at 10:12 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Pastor Greg Lindsay of the Northern Light United Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Recognizing that we are not of one religious perspective, I invite you to pause with me for a moment of prayer and reflection honoring your spiritual life.

Let us pray: Creator of all there is and will be, we come today ready to do what You have called each of us to do: use our talents and gifts to serve the people of this great State.

Keep us ever mindful of those who are most in need: those without financial resources, the mentally ill, the homeless, the oldest and the youngest. Keep before our hearts what it means to be a public servant, and make us eager to serve.

Calm our fears as we begin this year. Resolve our differences. Give to each of us a sense of urgency that we not waste one day. Transform this body into the greatest group of lawmakers ever assembled to serve the people of this great State. May we always see our work as important, but may we never take ourselves too seriously. Amen.

The following members of the Tongass Alaska Girl Scout Flag Corp presented the colors: Cadet Girl Scouts Jane Logenbaugh-Sherwood, Kelsey Skaggs and Emily Yost; Junior Girl Scouts Bekah Peterson, Megan Riley and Page Poor; Brownie Girl Scouts Shannon Riley and Lea Skaggs; and Daisy Girl Scout Brianna Helf.

The Tongass Alaska Girl Scout Flag Corp led the Senate in the Pledge of Allegiance.

Appointment Confirmation

Message dated August 6, 2001 to Governor Knowles from Republican members of the Alaska State Senate was received, stating:

Dear Governor Knowles:

Today members of the Senate Republican Caucus met in Anchorage and confirmed your appointment of Ben A. Stevens to the Twenty-second Alaska State Legislature for Senate District F.

The President of the Senate, Senator Rick Halford, administered the oath of office the following day. A copy of the Oath of Office is enclosed.

Signing the letter: Senator Rick Halford, Senator John Cowdery, Senator Dave Donley, Senator Lyda Green, Senator Pete Kelly, Senator Loren Leman, Senator Randy Phillips, Senator Robin Taylor, Senator Jerry Ward, Senator Gary Wilken.

Oath of Office

I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, and that I will faithfully discharge my duties as a member of the Senate of the Twenty-second Alaska State Legislature for Senate District F to the best of my ability.

Dated this 7th day of August, 2001.

/s/

Ben A. Stevens

Subscribed and sworn to before me, the President of the Senate, this 7th day of August, 2001.

/s/

Rick Halford

President Halford appointed Senator Phillips and Senator Elton to inform the Governor that the Senate was ready to do business.

President Halford appointed Senator Stevens and Senator Ellis to inform the House that the Senate was ready to do business.

Certification

Senator Leman moved and asked unanimous consent that the journals for the second and third legislative days of the First Special Session and the Final Supplement of the First Session and First Special Session be approved as certified by the Secretary. Without objection, it was so ordered.

Committee on Committees

President Halford appointed Senator Stevens to replace Senator Pearce on the Committee on Committees.

Messages from the Governor

A Declaration of Disaster Emergency dated August 10, 2001, with an accompanying letter was received and is on file in the Senate Secretary's Office. The Declaration and letter had been copied to the Finance Committee.

Letter dated August 24, 2001 was received, stating:

Dear President Halford and Speaker Porter:

The purpose of this letter is to inform you that on August 24, 2001, I issued an Administrative Order to provide for interim restoration of the Emergency Alert System for the Northwest Arctic Borough and its communities. The radio tower and antenna for KOTZ AM, the Emergency Alert System radio station serving the northwest arctic area, was destroyed in an aircraft accident on August 13, 2001.

I concur with the threat assessment performed by the Department of Military and Veterans' Affairs, Division of Emergency Services. The loss of the radio tower and antenna for KOTZ AM in Kotzebue prevents dissemination of emergency alerting information to the citizens of the Northwest Arctic Borough. If this resource is not supplemented, serious damage and threats to life, public safety, or public infrastructure could quickly escalate. The next six months are the peak historical period of destructive sea storms and river flooding events.

As the Disaster Relief Fund balance is totally obligated, I will be forwarding a supplemental appropriations request, estimated to be not more than \$90,000 in the next legislative session to cover the costs of this incident.

Sincerely,

/s/

Tony Knowles
Governor

Letter dated October 25, 2001 was received, stating:

Dear President Halford and Speaker Porter:

On October 23, 2001, I issued an Administrative Order to provide for emergency protective measures for the City of Shishmaref. During the period October 5 through October 7, 2001, winds and high tides

combined to erode up to 50 feet of coastline from the City of Shishmaref. Some sections of the bluff area have been undercut as much as 16 to 20 feet due to the surf melting the underlying permafrost.

The Department of Military and Veterans' Affairs, Division of Emergency Services and the Department of Environmental Conservation performed a threat assessment and resolution determination. This assessment found that until tidewater freezes in early December, the community is under increased threat from destructive sea-surge storms that can accelerate erosion of the island's sandy soils and permafrost. The highest risk areas include several homes, utility pole infrastructure, and the community tank farm. The assessment team determined that some of these structures and facilities will likely be destroyed in the next major storm if no action is taken. I concur with this threat assessment.

As the Disaster Relief Fund balance is totally obligated, I will be forwarding a supplemental appropriations request for the actual costs, not to exceed \$110,000, in the next legislative session to cover the costs of emergency protective measures for the City of Shishmaref.

Sincerely,

/s/

Tony Knowles
Governor

A Declaration of Disaster Emergency dated November 2, 2001, with an accompanying letter was received and is on file in the Senate Secretary's Office. The Declaration and letter had been copied to the Finance Committee.

Messages from the House

Message dated January 14 was read, stating:

The House of Representatives respectfully invites the Senate to a Joint Session of the Twenty-second Alaska Legislature at 11:00 a.m. on

Tuesday, January 22 for the purpose of hearing U.S. Senator Stevens' annual message to the Legislature.

Senator Leman moved and asked unanimous consent that the Senate accept the House invitation to meet in Joint Session. Without objection, it was so ordered.

The Secretary was requested to notify the House.

Communications

SB 29

Memo dated October 30 was received from Rob Carpenter, Fiscal Analyst, Division of Legislative Finance, stating:

It has come to our attention that the capital appropriation on Line 21, Page 71, Section 3, Chapter 61, SLA 2001, Ketchikan - Robertson/Hamilton Technical Education Complex Remodel, has an incorrect election district reference. The election districts referenced in the bill are districts 3 - 4 (Juneau Area-wide) when the appropriation is for a project in Ketchikan and should be referenced to election district 1.

After conference with Legislative Legal, the conclusion is that the incorrect reference has no material effect. Legislative Legal contends that the election district references are merely for information purposes and do not bind the appropriations by geography in any way.

Therefore, to more accurately reflect the disbursement of funding to the individual election districts, our office has changed the election district of this capital appropriation in our reports reflecting election district data.

Recess

Senator Leman moved and asked unanimous consent that the Senate stand in recess to a Call of the Chair for a Committee on Committees meeting. Without objection, the Senate recessed at 10:23 a.m.

After Recess

The Senate reconvened at 10:32 a.m.

Special Committee Reports**Committee on Committees Report**

January 14, 2002

Dear Mr. President:

Your Committee on Committees has met and submits to the Senate for its consideration the following changes to the original Committee on Committees reports dated January 8, 2001 and January 23, 2001:

Resources Committee

- Senator Stevens replaces Senator Pearce
- Senator Wilken replaces Senator Kelly
- Senator Wilken is named Vice Chair of this Committee

Labor and Commerce Committee

- Senator Stevens replaces Senator Phillips
- Senator Stevens is named Chair of this Committee

Rules Committee

- Senator Halford replaces Senator Pearce
- Senator Phillips is named Chair of this Committee

State Affairs Committee

- Senator Stevens replaces Senator Pearce

The report was signed by Senator Halford, Chair, Senator Kelly, Vice Chair, Senators Stevens, Ward, Ellis.

Senator Leman moved and asked unanimous consent that the changes to the Committee on Committees report be adopted. Without objection, it was so ordered.

Introduction and Reference of Senate Bills

SB 1

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 1 BY
SENATORS WILKEN, Taylor, Davis, entitled:

"An Act relating to the base student allocation used in
the formula for state funding of public education; and
providing for an effective date."

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

SB 226

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 226 BY
SENATORS DONLEY, Cowdery, Phillips, entitled:

"An Act requiring highways to be designed and
constructed so that they will adequately serve
anticipated traffic levels for the next 30 years; and
providing for an effective date."

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

SB 230

SENATE BILL NO. 230 BY SENATOR DAVIS, entitled:

"An Act relating to recommending or refusing
psychotropic drugs as a treatment for children and to
the evaluation and treatment of children with
behavioral or psychological problems."
(Prefile released January 4, 2002.)

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

SB 231

SENATE BILL NO. 231 BY SENATORS GREEN, Elton, entitled:

"An Act relating to correctional facilities."
(Prefile released January 4, 2002.)

was read the first time and referred to the Community and Regional Affairs, Judiciary and Finance Committees.

SB 232

SENATE BILL NO. 232 BY SENATORS WILKEN, Ellis, Elton, entitled:

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."
(Prefile released January 4, 2002.)

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

SB 233

SENATE BILL NO. 233 BY SENATORS ELTON, Ellis, entitled:

"An Act establishing a state employee incentive awards program."
(Prefile released January 11, 2002.)

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

Introduction and Reference of Executive Orders

EO 103

EXECUTIVE ORDER NO. 103

Transferring from the office of the lieutenant governor to the state archivist the responsibility for the maintenance and legal custody of permanent files of certified copies of regulations and orders of repeal.

was referred to the State Affairs Committee.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Education and Early Development

Governor's transmittal letter dated January 14:

Dear President Halford:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am submitting an Executive Order transferring the long-term maintenance of certified copies of regulations and orders of repeal from the lieutenant governor to the state archivist.

AS 44.62.080(2) requires the lieutenant governor to "maintain a permanent file of the certified copies of regulations and orders of repeal for public inspection." These files are currently housed in a vault measuring nine feet long by eight feet wide, an inadequate space for these important records on a long-term, permanent basis. This Executive Order provides for the transfer of regulations on file in the lieutenant governor's office for five years to the state archivist, assuring proper storage, preservation and access. The order would take effect March 16, 2002.

It is essential these records be permanently maintained and easily accessible by the public, as provided for in this Executive Order.

Sincerely,

/s/

Tony Knowles
Governor

Unfinished Business

Senator Kelly moved and asked unanimous consent to be excused from a call of the Senate on January 18. Without objection, Senator Kelly was excused.

Senator Wilken moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, January 17 through afternoon plane time, January 21. Without objection, Senator Wilken was excused.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., January 16, 2002. Without objection, the Senate adjourned at 10:38 a.m.

Heidi Vogel
Secretary of the Senate

January 2002

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

FINANCE

Jan 17	Thursday	Senate Finance 532	9:30 AM
	Overview of Possible Supplemental Request for FY 02		

HEALTH, EDUCATION & SOCIAL SERVICES

Jan 14	Monday	Senate Finance 532	1:30 PM
	No Meeting Scheduled		

Jan 16	Wednesday	Senate Finance 532	1:30 PM
+	Joint Meeting with House HESS Overview: Division of Public Health Session Initiatives		

Jan 18	Friday	Senate Finance 532	1:30 PM
	No Meeting Scheduled		

STATE AFFAIRS

Jan 17	Thursday	Beltz 211	3:30 PM
	Organizational Meeting Bills Previously Heard/Scheduled		

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JOINT COMMITTEES

ARMED SERVICES COMMITTEE

Feb 05	Tuesday	Butrovich 205	1:30 PM
	Lt. General Norton Schwartz Briefing Strategic Plan Discussion		

NATURAL GAS PIPELINES

Jan 16	Wednesday	Butrovich 205	12:00 PM
	Natural Gas Pipeline Project Updates Detailed Agenda to Follow		

OTHER MEETINGS

JOINT SESSION

Jan 22	Tuesday	House Chamber	11:00 AM
	U.S. Senator Ted Stevens		