

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

January 18, 2002

Fifth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:09 a.m.

The roll showed fifteen members present. Senators Davis, Kelly, Wilken were excused from a call of the Senate. Senators Olson, Therriault were absent.

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

With respect for the religious tradition of each person here, let's pause for prayer and reflection. Let us pray:

The words of African American poet James Weldon Johnson echo in our prayers this morning: *God of our weary years, God of our silent tears, thou who has brought us thus far on our way, keep our eyes focused on what is most important. Help us let go of the trivial. Guide our hearts to seek solutions that empower those without voice. Hold before us the big picture. Remind us of who and whose we are.*

Gracious God, we pause this next week to remember one of Your servants, Dr. Martin Luther King, Jr. Hold the priorities that came from his faith ever before us. Let the power of his words and deeds mold us into great leaders. And may we not so much seek a day off in his memory, but a day on, and may that day be today. Amen.

Senator Ward led the Senate in the Pledge of Allegiance.

Certification

Senator Lemman moved and asked unanimous consent that the journals for the third and fourth legislative days and Senate and House Joint Journal Supplement No. 8 be approved as certified by the Secretary. Without objection, it was so ordered.

Communications

The following Budget and Audit Reports were received from Pat Davidson, Legislative Auditor, in accordance with AS 24.20.311 and are on file in the Office of the Secretary of the Senate:

State of Alaska, Single Audit for Fiscal Year Ended June 30, 2000

Alaska Industrial Development and Export Authority, Rural Energy Programs, July 12, 2001

Summary of: A Report on the Department of Labor and Workforce Development, Division of Vocational Rehabilitation, Selected Issues, August 8, 2001

Summary of: A Report on the Department of Administration, Application Controls over the Alaska State Accounting System, August 10, 2001

Department of Fish and Game, Division of Wildlife Conservation, Hunter Information and Training Program, October 12, 2001

Department of Administration, Division of Senior Services, Assisted Living Program, August 31, 2001

Department of Community and Economic Development, Board of Professional Counselors, Sunset Review, September 12, 2001

President Halford referred the report to the Labor and Commerce Committee.

Department of Community and Economic Development, Board of Chiropractic Examiners, Sunset Review, September 13, 2001

President Halford referred the report to the Labor and Commerce Committee.

Department of Community and Economic Development, Board of Examiners in Optometry, Sunset Review, September 12, 2001

President Halford referred the report to the Labor and Commerce Committee.

Letter dated May 14, 2001 from Chief Justice Dana Fabe was read, stating the Chief Justice has nominated Bonnie Mehner to a term as a public member of the Select Committee on Legislative Ethics. Ms. Mehner will be filling the seat vacated by Mr. Tom Owens upon his resignation.

President Halford referred the appointment to the Judiciary Committee.

Letter dated November 13 from Chief Justice Dana Fabe was read, stating the Chief Justice has nominated Arthur S. Robinson to a term as a public member of the Select Committee on Legislative Ethics. Mr. Robinson will be filling the seat vacated by Mr. Curt Wallace upon his resignation.

President Halford referred the appointment to the Judiciary Committee.

Letter dated November 13 from Chief Justice Dana Fabe was read, stating the Chief Justice has nominated H. Conner Thomas to a second term as a public member of the Select Committee on Legislative Ethics. Mr. Thomas' current term will expire on the first day of the Legislative session.

President Halford referred the appointment to the Judiciary Committee.

**Introduction and Reference of
Senate Resolutions**

SCR 21

SENATE CONCURRENT RESOLUTION NO. 21 BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE,

Supporting the development of adequate in-state treatment capacity for severely disturbed children.

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

Introduction and Reference of Senate Bills

SB 245

SENATE BILL NO. 245 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; 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."

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

Governor's transmittal letter dated January 16:

Dear President Halford:

The Fiscal Year 2003 operating budget I am transmitting today addresses three key goals:

- It continues our investments for Alaska's children in education and provides for their health and safety;
- It maintains the existing level of vital public services Alaskans count on;
- It encourages responsible resource development to help create and protect jobs for Alaska families.

Together with the capital budget and my legislative proposals for K-12 education and veterans, this budget is a \$180 million general fund increase over the current fiscal year. Some \$81 million of this increase is a direct result of actions you have taken in approving laws, budgets, contracts and replacing lost federal and other funding sources. It includes debt for approved new schools. Operating new facilities, from the Ketchikan youth home to the Anchorage jail. Obligations you approved for pupil transportation and state worker contracts. Medical care required by law for more seniors and Alaskans with disabilities. And holding constitutionally required elections this fall. The remaining amount is for fuel and utility price increases and heavier workloads, such as more state prisoners, or backlogs in permitting and safety inspections.

I am indeed proposing some additional investments next year — to improve educational opportunities for our children in K-12 and the university, to keep our children safe in their homes, and to free them from the dangers of tobacco, alcohol abuse, inhalants and suicide. On these investments, I recognize there is a fundamental difference of opinion between some legislators and the many Alaskans who, like me, believe this is a top priority. So I welcome a healthy, open, honest debate on two different visions of what our Alaska can be.

There can be an Alaska where our children can learn to the best of their abilities, provide for their families, be good citizens. An Alaska that has saved hundreds of millions of dollars in fewer prisons, less welfare, lower health costs and fewer broken lives. I want to realize tomorrow's returns by making wise investments today.

Each year my budget proposals in education and Smart Start have been declared dead on arrival by the Legislative majority. Yet thanks to the vision and grassroots advocacy of thousands of Alaskans and eventually bipartisan support in the Legislature, good ideas have prevailed. Rather than tying the commitment for our kids to the price of oil, I believe Alaskans will always put children first.

It is worth noting that under my proposed investments, Alaska would spend \$1,100 less per person in today's general fund dollars than in Fiscal 1979 — the year before the pipeline boom began. Budgets have been cut in five of the past six years.

I urge you to consider the future impacts of making similar investments again this year — better schools, an even more vibrant university, fewer children abused or in foster care, fewer youth in detention and young adults in prison, Alaskans filling the best jobs in the economy of the future. These opportunities for tomorrow are well worth the investments we must make today.

I stand ready to work with you to develop a responsible FY2003 budget for Alaskans.

Sincerely,

/s/

Tony Knowles

Governor

SB 246

SENATE BILL NO. 246 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"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 first time and referred to the Finance Committee.

Governor's transmittal letter dated January 16:

Dear President Halford:

I am today transmitting a separate FY2003 appropriations bill for the state's comprehensive mental health program. As required by statute, it includes both operating and capital appropriations and is accompanied by a report outlining the differences between my budget and the recommendations of the Alaska Mental Health Trust Authority.

Alaska continues to improve services to beneficiaries of the mental health settlement and has become a national leader in the transition to community-based programs. To continue that progress, this proposal effectively uses a combination of Trust Authority receipts, general funds and Alaska Housing Finance Corporation receipts.

The proposed mental health budget represents a cooperative effort between state agencies and the Trustees and staff of the Trust Authority. Together with the resources we have appropriated in recent years, their productive working relationships have helped make a positive difference for Alaska's mental health beneficiaries.

Sincerely,

/s/

Tony Knowles

Governor

In accordance with AS 37.14.003(b) a report of the differences between the Governor's proposed budget and the recommendations of the Alaska Mental Health Trust Authority was attached.

SB 247

SENATE BILL NO. 247 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act making capital appropriations and reappropriations, and capitalizing funds; 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."

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

Governor's transmittal letter dated January 16:

Dear President Halford:

I am transmitting to you today my proposed capital budget for FY2003. When considered with bills you will receive separately, to finance schools and deferred maintenance, and proposals I submitted last year for accelerated transportation and harbor projects, the fiscal year 2003 capital package will be a solid investment to build Alaska's future. The projects support economic development as well as basic public services such as education, transportation and public protection.

This \$925 million capital appropriations bill includes \$114 million in general funds, the same level as in FY2002. Approximately \$60 million of that amount is to match federal funds, particularly for transportation and water/sewer projects throughout the state. The budget bill also includes \$681 million in federal funds and \$130 million in funds from other sources such as the Alaska Housing Finance Corporation, the Alaska Industrial Development and Export Authority, and the Alaska International Airport System.

Alaska's businesses and communities depend on an adequate and well-maintained public infrastructure. The combination of annual capital appropriations and longer-term financing I propose this year will help address those needs in a fiscally responsible manner.

Sincerely,

/s/

Tony Knowles

Governor

SB 248

SENATE BILL NO. 248 BY SENATORS AUSTERMAN, Halford, Ellis, entitled:

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

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

SB 249

SENATE BILL NO. 249 BY SENATORS ELLIS, Davis, Elton, Hoffman, Lincoln, Olson, entitled:

"An Act relating to filling a vacancy in the office of United States senator."

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

Consideration of the Calendar**Citations**

In Memoriam – Curtis Shattuck

Senator(s) Elton, Ward, Green, Kelly, Taylor, Austerman, Davis, Wilken, Leman, Halford, Hoffman

In Memoriam – Lois R. Irvin

Senator(s) Torgerson, Ward, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Wilken, Leman, Halford, Hoffman

In Memoriam – Curtis Menard, Jr.

Senator(s) Green, Leman, Halford, Phillips, Ward, Ellis, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Wilken, Donley, Hoffman
Representative(s) Ogan, Masek, Kohring

In Memoriam – Harold A. Jackson, II

Representative(s) Chenault, Lancaster

Senator(s) Ward, Torgerson, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Wilken, Leman, Halford, Hoffman

In Memoriam – James Herbert Wiley

Representative(s) Lancaster

Senator(s) Torgerson, Ward, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Wilken, Leman, Halford, Hoffman

In Memoriam – Virgil O. Dahler
Representative(s) Lancaster
Senator(s) Torgerson, Ward, Green, Kelly, Taylor, Austerman,
Lincoln, Davis, Elton, Wilken, Leman, Halford, Hoffman

In Memoriam – Elsa Louise Pedersen
Representative(s) Lancaster
Senator(s) Torgerson, Ward, Green, Kelly, Taylor, Austerman,
Lincoln, Davis, Elton, Wilken, Leman, Halford, Hoffman

In Memoriam – Charles "Charlie" Lincoln Parker
Representative(s) Chenault, Lancaster
Senator(s) Torgerson, Ward, Green, Kelly, Taylor, Austerman,
Lincoln, Davis, Elton, Wilken, Leman, Halford, Hoffman

In Memoriam – Robert "Bob" Bondurant
Representative(s) Lancaster
Senator(s) Torgerson, Phillips, Ward, Green, Kelly, Taylor,
Austerman, Lincoln, Davis, Elton, Wilken, Leman, Halford, Hoffman

In Memoriam – Richard Lowell "Dick" Rumfelt
Representative(s) Lancaster
Senator(s) Torgerson, Ward, Green, Kelly, Taylor, Austerman,
Lincoln, Davis, Elton, Wilken, Leman, Halford, Hoffman

Senator Leman 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

SB 130

Senators Austerman, Cowdery moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 130 "An Act establishing the Alaska Marine Highway Authority; and providing for an effective date." Without objection, it was so ordered.

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

SB 103

The Governor's veto of CONFERENCE CS FOR SENATE BILL NO. 103 "An Act relating to election campaigns and legislative ethics" was overridden, page 1964, and the engrossed and enrolled copies were returned to the Office of the Governor at 10:20 a.m., January 17, 2002.

SB 166

The Governor's veto of SENATE BILL NO. 166 "An Act relating to the time of filling by appointment a vacancy in the office of United States senator" was overridden, page 1965, and the engrossed and enrolled copies were returned to the Office of the Governor at 10:20 a.m. January 17, 2002.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 10:45 a.m., January 22, 2002. Without objection, the Senate adjourned at 11:21 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

COMMUNITY & REGIONAL AFFAIRS

Jan 21	Monday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Jan 23	Wednesday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Jan 25	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Jan 23	Wednesday	Senate Finance 532	9:30 AM
	HB 334 APPROP: GRANT TO ARCTIC POWER FOR ANWR <Pending Referral>		
Jan 24	Thursday	Senate Finance 532	9:30 AM
=	HB 334 APPROP: GRANT TO ARCTIC POWER FOR ANWR <Pending Referral> Overview of Certificate of Need Issues		
Jan 25	Friday	Senate Finance 532	9:30 AM
=	HB 334 APPROP: GRANT TO ARCTIC POWER FOR ANWR <Pending Referral>		

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HEALTH, EDUCATION & SOCIAL SERVICES

Jan 18	Friday No Meeting Scheduled	Senate Finance 532	1:30 PM
Jan 21	Monday No Meeting Scheduled	Butrovich 205	1:30 PM
Jan 23	Wednesday No Meeting Scheduled	Butrovich 205	1:30 PM

JUDICIARY

Jan 21	Monday No Meeting Scheduled	Beltz 211	1:30 PM
Jan 23	Wednesday + Confirmation Hearing- Legislative Ethics: Bonnie L. Mehner, H. Conner Thomas, Arthur S. Robinson + SB 242 CONCEALED HANDGUN PERMITTEES <Above Item Removed from Agenda>	Beltz 211	1:30 PM
Jan 25	Friday No Meeting Scheduled	Beltz 211	1:30 PM

LABOR & COMMERCE

Jan 22	Tuesday No Meeting Scheduled	Beltz 211	1:30 PM
Jan 24	Thursday No Meeting Scheduled	Beltz 211	1:30 PM

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RESOURCES

Jan 21	Monday No Meeting Scheduled	Butrovich 205	3:30 PM
Jan 23	Wednesday No Meeting Scheduled	Butrovich 205	3:30 PM
Jan 25	Friday No Meeting Scheduled	Butrovich 205	3:30 PM

STATE AFFAIRS

Jan 22	Tuesday HCR 4 AFRICAN-AMERICAN CITIZEN RECOGNIT'N MONTH	Beltz 211	3:30 PM
Jan 24	Thursday SB 235 EMERGENCY MANAGEMENT ASSISTANCE COMPACT SB 237 TERRORISM, CIVIL DEFENSE, AND DISASTERS SB 238 SECURITY OF FACILITIES AND SYSTEMS SB 239 STATE EMPLOYEES CALLED TO MILITARY DUTY SB 240 TERRORISTIC THREATENING/PIPELINE DAMAGE	Beltz 211	3:30 PM

TRANSPORTATION

Jan 22	Tuesday SB 215 COMMON CARRIER LIQUOR LICENSE	Butrovich 205	1:30 PM
Jan 24	Thursday No Meeting Scheduled	Butrovich 205	1:30 PM

JOINT COMMITTEES

ARMED SERVICES COMMITTEE

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

Jan 24 Thursday House Finance 519 12:00 PM

OTHER MEETINGS

JOINT SESSION

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