

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

January 30, 2002

Seventeenth Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:10 a.m.

The roll showed seventeen members present. Senators Donley, Kelly, Therriault were absent.

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

Dear God: this is the day the Lord has made, we will rejoice and be glad in it. As one nation under God, we pray that all the Senators gathered here this day would come with keen mind, clear thought and purposeful direction.

Alaska is a state of vast areas and peoples of many creeds, colors and origins, yet with insight and wisdom that comes from a power higher than us, we trust that the welfare and good of all will be realized, and when this day ends we can find peaceful rest.

All this I pray in Jesus' Name.

Amen.

Senator Phillips led the Senate in the Pledge of Allegiance.

Certification

Senator Leman moved and asked unanimous consent that the journals for the fifteenth and sixteenth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

The presence of Senators Donley, Kelly was noted.

Messages from the House

Message dated January 28 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HCR 12

HOUSE CONCURRENT RESOLUTION NO. 12 BY
REPRESENTATIVES MOSES, Stevens, Williams,

Relating to the preservation of employment
opportunities for United States longshoremen with
respect to unloading and loading of foreign vessels.

was read the first time and referred to the Labor and Commerce
Committee.

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:

Unabridged 2001 Annual Report

Condensed 2001 Annual Report

Department of Public Safety, Council on Domestic Violence and
Sexual Assault, October 31, 2001

Department of Public Safety, Division of Fish and Wildlife Protection
Aircraft Section, Various Issues, November 5, 2001

Department of Community and Economic Development, Board of Dispensing Opticians (Sunset Review), September 20, 2001

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

Department of Community and Economic Development Regulatory Commission of Alaska (Sunset Review), November 28, 2001

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

Board of Governors of the Alaska Bar Association (Sunset Review), November 30, 2001

President Halford referred the report to the Judiciary Committee.

Disclosure letters received in accordance with AS 24.60 will be published in Senate Journal Supplement No. 6 and House and Senate Joint Journal Supplement No. 11.

Standing Committee Reports

HB 162

The Health, Education and Social Services Committee considered HOUSE BILL NO. 162 "An Act relating to absences from the state under the longevity bonus program." Signing do pass: Senator Green, Chair, Senators Ward, Davis, Leman, Wilken.

The following fiscal information was published today:
Fiscal Note No. 2, Department of Administration

The bill was referred to the State Affairs Committee.

HB 334

The Rules Committee considered CS FOR HOUSE BILL NO. 334(FIN) "An Act making appropriations for a grant to Arctic Power to promote the opening of the Arctic National Wildlife Refuge for oil and gas exploration and development; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Halford.

The bill is on today's calendar.

HCR 22

The Rules Committee considered HOUSE CONCURRENT RESOLUTION NO. 22 Authorizing a recess by the Senate and the House of Representatives for a period of more than three days. Signing to calendar: Senator Phillips, Chair, Senators Halford, Cowdery.

The resolution is on today's calendar.

Introduction and Reference of Senate Bills**SB 260**

SENATE BILL NO. 260 BY SENATOR PHILLIPS, entitled:

"An Act relating to historic and antique motor vehicles; and providing for an effective date."

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

SB 261

SENATE BILL NO. 261 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to capital projects for deferred maintenance, replacement, modification, and expansion of state facilities; relating to leases to secure financing for those projects; relating to the issuance of certificates of participation to finance those projects for certain capital facilities owned by the state; giving notice of and approving the entry into, and the issuance of certificates of participation in, lease-financing agreements for those projects; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, Department of Revenue

Governor's transmittal letter dated January 28:

Dear President Halford:

I am transmitting to you a bill authorizing a \$136 million financing plan to address the highest priority deferred maintenance needs for state facilities, including Pioneers' Homes, prisons, and office buildings. It takes a major step toward addressing the concerns raised in 1998 by the Legislative Deferred Maintenance Task Force.

Budget cuts to building operation and maintenance budgets since the mid-1980's, combined with inadequate capital funding for major maintenance and renovation projects, have led to continued deterioration of state buildings. These facilities are in serious need of repair, major maintenance, and in some cases, replacement to maintain and extend their useful lives, to comply with the Americans with Disabilities Act, and to protect the safety of employees and the public.

Some state buildings have deteriorated to the point of endangering the safety and health of employees and the public. For example, areas of the Juneau State Office Building lobby were recently roped off because concrete roof pieces were falling to the floor. In Anchorage, both the Pioneers' Home and the Boney Court Building have electrical and fire code violations that create a safety hazard to building occupants. The Fairbanks Pioneers' Home also has similar electrical and fire code violations.

In 1998, the Legislative Deferred Maintenance Task Force determined that deferred maintenance on state owned buildings, not including the University of Alaska, totaled over \$169 million. Because of budget constraints, little funding has been provided in the last several years to address deferred maintenance in state owned buildings except for the University. With the lack of funding, facilities have continued to

deteriorate, increasing the deferred maintenance total to over \$200 million. The legislative task force recommended that necessary deferred maintenance projects be financed through debt financing.

The magnitude of the expenditures required to accomplish these essential facility repairs is too great to accommodate in a single year's capital budget. This legislation uses certificates of participation, which are available now at extremely low interest rates that are among the lowest in the last twenty years. Annual debt service on these bonds will be approximately \$12.8 million per year over a term of 15 years. This investment will be a major step toward eliminating the deferred maintenance backlog.

This bill also finances the replacement or expansion of several key facilities. The Juneau National Guard Armory needs to be relocated; funding is provided in this bill to construct a combined armory and University of Alaska facility. The bill also provides funding for a badly needed renovation and expansion of the Nome Youth Detention Facility. The bill would authorize partial funding, to be matched with federal monies, for construction of housing for Alaska veterans requiring an assisted living situation that cannot be provided by a Pioneers' Home. A Veterans Housing and Health Needs Survey, previously requested, would determine the population to be served, the level of care, and facility requirements.

The introduction of this deferred maintenance legislation, combined with general obligation bonds for school construction and major maintenance, revenue bonds for accelerated construction of transportation projects (GARVEE's), and amendments to the harbor bonds bill from last year, completes my agenda for debt financing of capital construction projects.

I encourage your support of this important legislation, which implements a responsible plan for funding essential deferred maintenance projects for state facilities.

Sincerely,

/s/

Tony Knowles

Governor

SB 262

SENATE BILL NO. 262 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act making capital appropriations and a special appropriation for the purpose of performing deferred maintenance, replacement, modification, and expansion of capital facilities owned by the state; and providing for an effective date."

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

Governor's transmittal letter dated January 28:

Dear President Halford:

I am transmitting to you today an appropriation bill which is the companion to the bill authorizing \$136 million in certificates of participation for deferred maintenance repairs to state facilities. This bill appropriates the proceeds of the certificates of participation to the appropriate departments for completion of the highest priority deferred maintenance projects.

I encourage your support of this financing package to address the significant deferred maintenance backlog.

Sincerely,

/s/

Tony Knowles
Governor

SB 263

SENATE BILL NO. 263 BY SENATOR LEMAN, entitled:

"An Act relating to the subsequent acquisition of title to, or an interest in, real property by a person to whom the property has purportedly been granted in fee or fee simple; and providing for an effective date."

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

SB 264

SENATE BILL NO. 264 BY SENATOR GREEN, entitled:

"An Act relating to a reimbursement program for municipal bonds, notes, or other indebtedness incurred for school construction; and providing for an effective date."

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

SB 265

SENATE BILL NO. 265 BY SENATORS OLSON, Leman, Wilken, entitled:

"An Act relating to physician assistants; providing that a physician assistant is a health care provider covered by certain laws relating to medical malpractice actions; adding physician assistants to the list of providers against whom unfair discrimination relating to health care insurance is prohibited and to the list of providers who can provide proof of disablement or handicap for the purpose of obtaining a special parking permit; and providing for an effective date."

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

SB 266

SENATE BILL NO. 266 BY SENATORS STEVENS, Lincoln, Elton, entitled:

"An Act authorizing the commissioner of community and economic development to refinance and extend the term of a fishery enhancement loan."

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

Consideration of the Calendar

Second Reading of House Bills

HB 334

CS FOR HOUSE BILL NO. 334(FIN) "An Act making appropriations for a grant to Arctic Power to promote the opening of the Arctic National Wildlife Refuge for oil and gas exploration and development; and providing for an effective date" was read the second time.

Amendment No. 1 was not offered.

Senator Leman moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 334(FIN) was read the third time.

Senator Taylor rose to a point of order. President Halford ruled the point well taken.

The question being: "Shall CS FOR HOUSE BILL NO. 334(FIN) "An Act making appropriations for a grant to Arctic Power to promote the opening of the Arctic National Wildlife Refuge for oil and gas exploration and development; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 334(FIN)

Third Reading - Final Passage

Effective Date

YEAS: 15 NAYS: 4 EXCUSED: 0 ABSENT: 1

Yeas: Cowdery, Davis, Donley, Green, Halford, Hoffman, Kelly, Leman, Olson, Phillips, Stevens, Taylor, Torgerson, Ward, Wilken

Nays: Austerman, Ellis, Elton, Lincoln

Absent: Therriault

and so, CS FOR HOUSE BILL NO. 334(FIN) passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered.

Senator Elton gave notice of reconsideration.

Second Reading of House Resolutions

HCR 22

HOUSE CONCURRENT RESOLUTION NO. 22 was read the second time and was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 22 Authorizing a recess by the Senate and the House of Representatives for a period of more than three days, pass the Senate?"
The roll was taken with the following result:

HCR 22

Second Reading - Final Passage

YEAS: 18 NAYS: 0 EXCUSED: 0 ABSENT: 2

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Torgerson, Ward, Wilken

Absent: Kelly, Therriault

and so, HOUSE CONCURRENT RESOLUTION NO. 22 passed the Senate, was signed by the President and Secretary and returned to the House.

Citations

Honoring – Wanda Fields, 80th Birthday

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

Representative(s) Stevens

Honoring – Jesse Frankson

Representative(s) Joule

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

Honoring – The 2001 State Football Champions, The Dimond High Lynx

Representative(s) McGuire

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

Honoring – Tony and Debbie Cortes

Representative(s) Stevens

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

Honoring – Ernest E. Hall

Representative(s) Halcro

Senator(s) Phillips, Wilken, Taylor, Austerman, Kelly, Lincoln, Green, Davis, Halford, Elton, Hoffman, Ellis, Leman, Stevens, Donley

In Memoriam – Peter Mark

Representative(s) Morgan

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

In Memoriam – Barrow Morgan

Representative(s) Foster

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

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 175**

President Halford added a Finance Committee referral to SENATE BILL NO. 175 "An Act providing municipalities with the authority to protest or to recommend conditions on the issuance and renewal of charitable gaming permits and requiring the Department of Revenue to deny or condition the license or permit unless the protest or conditions are arbitrary, capricious, or unreasonable, or the conditions conflict with state law."

The bill was referred to the Labor and Commerce, then Finance Committees.

Senator Wilken moved and asked unanimous consent to be excused from the Senate, not subject to a call, from afternoon plane time, February 1 through morning plane time, February 4. Without objection, Senator Wilken was excused.

Senator Cowdery moved and asked unanimous consent to be excused from a call of the Senate on February 21 and 22. Without objection, Senator Cowdery was excused.

Senator Leman moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time on February 1. Without objection, Senator Leman was excused.

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate on March 29. Without objection, Senator Hoffman 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., February 1, 2002. Without objection, the Senate adjourned at 12:23 p.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 30	Wednesday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		
Feb 01	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

FINANCE

Jan 31	Thursday	Senate Finance 532	9:30 AM
= SB 181	SMALL COMMUNITY HOUSING LOANS		
= SB 153	UNDERGROUND STORAGE TANK LOAN FUND		
= SB 115	EXTEND BD. OF STORAGE TANK ASSISTANCE		
	Bills Previously Heard/Scheduled		

HEALTH, EDUCATION & SOCIAL SERVICES

Jan 30	Wednesday	Butrovich 205	1:30 PM
+ SB 250	SCHOOL PERFORMANCE REPORTS		

JUDICIARY

Jan 30	Wednesday	Beltz 211	1:30 PM
	No Meeting Scheduled		
Feb 01	Friday	Beltz 211	1:30 PM
+ SB 242	CONCEALED HANDGUN PERMITTEES		

SENATE JOURNAL

January 30, 2002

2075

LABOR & COMMERCE

Jan 31 Thursday Beltz 211 1:30 PM
 + SB 243 CHIROPRACTORS: SUNSET/LICENSING
 + SB 244 OPTOMETRISTS: SUNSET AND MISCELLANEOUS

RESOURCES

Jan 30 Wednesday Butrovich 205 3:30 PM
 No Meeting Scheduled

Feb 01 Friday Butrovich 205 3:30 PM
 No Meeting Scheduled

STATE AFFAIRS

Jan 31 Thursday Beltz 211 3:30 PM
 SB 236 HOMELAND SECURITY APPROPRIATIONS
 = 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

TRANSPORTATION

Jan 31 Thursday Butrovich 205 1:30 PM
 HB 241 RAIL AND UTILITY CORRIDOR TO CANADA
 SB 209 LEGISLATIVE APPROVAL OF RAILROAD LEASES

FINANCE SUBCOMMITTEES

EDUCATION & EARLY DEVELOPMENT

Jan 31 Thursday Terry Miller 104 8:00 AM
 -- Meeting Canceled --
 Dept Overview: FY03 Budget Request
 Committee Schedule and Future Topics

JOINT COMMITTEES**ADMINISTRATIVE REGULATION REVIEW**

Jan 30	Wednesday	Capitol 102	8:30 AM
+	Overview of Committee Activities		
+	DCED Interpretation of Uniform Mechanical Code		

ARMED SERVICES COMMITTEE

Feb 05	Tuesday	Senate Finance 532	1:30 PM
	-- Location Change --		
	Lt. General Norton Schwartz,		
	Maj. Gen. Willie B. Nance: Briefing		

OTHER MEETINGS**CHILDREN'S CAUCUS**

Feb 12	Tuesday	Fahrenkamp 203	12:00 PM
+	Alaska Women's Resource Center:		
	Stepping Stones Program		

FISH CAUCUS

Jan 31	Thursday	Butrovich 205	12:00 PM
	2002 Fisheries Bills		

JOINT SESSION

Feb 19	Tuesday	House Chamber	11:00 AM
	US Senator Frank Murkowski		

Feb 20	Wednesday	House Chamber	11:00 AM
	Chief Justice Dana Fabe		