

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

February 4, 2002

#### Twenty-second 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 Elton, Hoffman, Therriault, Torgerson were excused from a call of the Senate. Senator Kelly was absent.

The prayer was offered by the Chaplain, Dr. Paul Beran, Pastor of Resurrection Lutheran Church. Senator Cowdery moved and asked unanimous consent that the prayer be spread. Senator Donley objected.

Senator Donley moved that the motion be amended to add the following statement to the journal: "The prayers offered in the Senate are with the deepest respect for the religious beliefs of each person here, every Alaskan, every American and the First Amendment to the Constitution of the United States of America."

Senator Donley withdrew his motion. There being no further objections to the motion that the prayer be spread, it was so ordered.

Gracious Father, from everlasting to everlasting You are God. You have written our names in pencil and have given to us the gift of this day. In the springtime of this Senate session we thank You for leadership entrusted, responsibilities that beckon, and the opportunity to serve the people of this great state.

Save us from simply selling ourselves to small self-centered interests; from petty power struggles; or from merely putting in our time. Stretch us to put

service ahead of self, principles ahead of personal popularity, and the well-being of the whole diverse people of Alaska ahead of those in our district alone.

Give us courage to be leaders of unquestionable integrity; wisdom to listen to the quiet voices, and the flexibility to change, to grow and to compromise.

This I pray in the Name of Jesus, Who came not to be served, but to serve. Amen.

Senator Lincoln led the Senate in the Pledge of Allegiance.

### **Certification**

Senator Leman moved and asked unanimous consent that the journals for the nineteenth through twenty-first legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

### **Messages from the House**

Message dated February 1 was read, stating the House passed and transmitted for consideration:

### **First Reading and Reference of House Resolutions**

#### **HJR 35**

HOUSE JOINT RESOLUTION NO. 35 am BY REPRESENTATIVES JAMES, Coghill, Wilson, Hayes, Lancaster, Fate,

Relating to urging the United States Congress to amend the tax code to permanently repeal the estate tax.

was read the first time and referred to the State Affairs Committee.

**First Reading and Reference of House Bills****HB 263**

CS FOR HOUSE BILL NO. 263(RES) BY THE HOUSE RESOURCES COMMITTEE, entitled:

"An Act relating to water quality standards applicable to flow-through hot springs."

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

**Communications**

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

Alaska Court System's Travel and Compensation Report for Calendar Year 2001  
from Stephanie Cole, Administrative Director  
in accordance with AS 22.20.037(d)

State of Alaska 2001 Compensation and Travel Report of Executive Positions  
from Jim Duncan, Commissioner, Department of Administration  
in accordance with AS 37.05.210

Alaska Legislature 2001 Salary and Business Expense Report  
from Pam Varni, Executive Director, Legislative Affairs Agency  
in accordance with AS 24.10.120(b)

**Standing Committee Reports****SB 261**

Corrected fiscal note for SENATE BILL NO. 261 "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" (page 2065) published today:

Fiscal Note No. 1, Department of Revenue

### **Introduction and Reference of Senate Resolutions**

#### **SJR 33**

SENATE JOINT RESOLUTION NO. 33 BY SENATOR  
AUSTERMAN,

Proposing an amendment to the Constitution of the  
State of Alaska relating to limiting the rate of state  
income and sales and use taxes.

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

### **Introduction and Reference of Senate Bills**

#### **SB 275**

SENATE BILL NO. 275 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the establishment of a research  
and development program for excellence in the  
public schools of this state; relating to grants for the  
improvement or enhancement of school performance;  
and providing for an effective date."

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

The following fiscal information was published today:

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

Governor's transmittal letter dated January 31:

Dear President Halford:

The state has a responsibility and opportunity to help public schools help their students meet essential skill standards in reading, writing and math. We are measuring the progress our students are making toward these standards; we should also assist schools in meeting the standards. This bill I transmit today provides grant programs for low-performing schools to increase their effectiveness and for high-performing schools to enhance their quality, and a research center to assist in this effort to build quality schools.

The research center is a critical component of this program for school improvement -- an important missing link in our state's march toward greater accountability for schools. The center's primary function would be to assist low-performing schools in effectively teaching students in a standards-based environment measured by benchmark and high-stakes testing.

The center will analyze available data from each school and will help schools develop plans for needed improvements using best-known educational practices and resources. The keystone of the center's effort is academic performance data -- facts about student performance that identify areas of improvement and low performance. The data will be obtained from student scores on the Alaska benchmark and high school exams, and other indicators of school and student performance. Using the data, center staff and contractors will work with school and community leaders, teachers and students.

With this bill I am requesting \$2 million for the first year of operations for the center. The bill also seeks \$4 million in financial assistance for schools to be used for \$10,000 to \$100,000 grants to low- and high-performing schools.

It is important to build this program now. We must do all we can now to ensure all of our students can succeed.

Sincerely,

/s/

Tony Knowles

Governor

**SB 276**

SENATE BILL NO. 276 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to increasing the base student allocation and the maximum amount of quality school funding grants for public schools; changing the name of quality school funding grants to 'learning opportunity grants'; relating to the reduction of supplementary public school funding; and providing for an effective date."

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

The following fiscal information was published today:

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

Governor's transmittal letter dated January 31:

Dear President Halford:

Investment in education is necessary to achieve school excellence in Alaska. This bill that I transmit today increases the per-student allocation for school funding and continues the current funding level for quality school grants. It also suspends the reduction of supplementary public school funding.

This legislation is built on the recommendations of the Education Funding Task Force presented to the Legislature in 2001. The task force identified a five-year plan of specific initiatives and programs to improve student achievement in Alaska.

The Legislature last year partially funded the recommended base student allocation in the school funding formula -- increasing it by \$70 as opposed to the \$115 the task force proposed. This bill continues toward completion of the five-year plan by increasing the base student allocation by \$108 per student, from the current \$4,010 to \$4,118. This increase will provide the resources to ensure that all of Alaska's children have opportunities to meet the high academic standards necessary to succeed in today's world.

The base student allocation increases are just one piece of the funding commitment we need to make to achieve academic excellence in our schools. Another piece is continuing the currently funded maximum amount of the quality school funding grants (renamed the "learning opportunity grants" in this bill). Following the task force recommendations, the maximum grant amount would be set in statute at \$74 per average daily membership, up from the \$16 now in statute. The legislature last year provided one-time funding for higher learning opportunity grants. Improvement in student performance requires a continuous commitment of resources.

Finally, the bill would suspend the reduction of supplementary public school funding until fiscal year 2004, when a district cost factor study is complete. The current law funds growth in some districts at only 60 cents on the dollar, sending the wrong message to students and families.

This bill represents an investment in our children and Alaska's future. If we are serious about preparing all of our children for the workforce and the challenges of this new century, we must provide the necessary resources.

Sincerely,

/s/

Tony Knowles

Governor

**SB 277**

SENATE BILL NO. 277 BY SENATOR AUSTERMAN, entitled:

"An Act relating to the definitions of 'floating fisheries business' and 'shore-based fisheries business' for the purposes of the fishery business tax; and providing for an effective date."

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

**SB 278**

SENATE BILL NO. 278 BY SENATORS TORGERSON, Taylor, entitled:

"An Act requiring a good faith effort to purchase property before that property is taken through eminent domain; and providing for an effective date."

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

### **Consideration of the Calendar**

#### **Citations**

Honoring – Willard and Beverly Dunham, 50<sup>th</sup> Wedding Anniversary  
 Senator(s) Torgerson, Ward, Wilken, Hoffman, Leman, Therriault,  
 Halford, Elton, Green, Davis, Kelly, Lincoln, Taylor, Austerman

Honoring – Jody Burcham, Olympic Torchbearer  
 Senator(s) Austerman, Wilken, Hoffman, Leman, Therriault, Halford,  
 Elton, Green, Davis, Kelly, Lincoln, Taylor  
 Representative(s) Stevens

Honoring – Mary Alice Jones, 89<sup>th</sup> Birthday  
 Senator(s) Austerman, Ward, Wilken, Hoffman, Leman, Therriault,  
 Halford, Elton, Green, Davis, Kelly, Lincoln, Taylor  
 Representative(s) Green



Honoring – Billy W. Harris  
Representative(s) Chenault  
Senator(s) Ward, Wilken, Hoffman, Leman, Therriault, Halford, Elton,  
Green, Davis, Kelly, Lincoln, Taylor, Austerman

In Memoriam – Trooper James A. Moen  
Senator(s) Halford, Phillips, Wilken, Hoffman, Leman, Therriault,  
Elton, Green, Davis, Kelly, Lincoln, Taylor, Austerman, Donley, Ellis

In Memoriam – Paul Shimakonis, "Mr. Birchwood"  
Senator(s) Halford, Phillips, Wilken, Hoffman, Leman, Therriault,  
Elton, Green, Davis, Kelly, Lincoln, Taylor, Austerman, Donley

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**

Senator Phillips moved and asked unanimous consent to be excused from a call of the Senate on February 8. Without objection, Senator Phillips was excused.

Senator Stevens moved and asked unanimous consent to be excused from a call of the Senate on February 15 and on the afternoon of February 22. Without objection, Senator Stevens 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 6, 2002. Without objection, the Senate adjourned at 11:29 a.m.

Heidi Vogel  
Secretary of the Senate

February 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**

**Feb 07      Thursday                      Senate Finance 532              8:00 AM**  
 +              -- Time and Location Change --  
                  Joint w/(H)  
                  Local Boundary Commission:  
                  Annual Report, Homer Annexation  
                  City of Homer Presentation  
                  <Testimony by Invitation Only>

**Feb 09      Saturday                              Senate Finance 532              9:00 AM**  
 +              -- Time and Location Change --  
                  Joint w/(H)  
                  Citizens Concerned About Annexation  
                  Public Testimony on Homer Annexation

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**FINANCE**

**Feb 05      Tuesday                              Senate Finance 532              9:30 AM**  
 SB 247 REAPPROPRIATIONS & CAPITAL APPROPRIATIONS  
                  Capital Budget Overview  
                  Bills Previously Heard/Scheduled

**FINANCE (Continued)**

**Feb 06      Wednesday                      Senate Finance 532              9:30 AM**  
 = SB 272 SUPPLEMENTAL APPROP TOURISM MARKETING  
 = SB 153 UNDERGROUND STORAGE TANK LOAN FUND  
 = SB 115 EXTEND BD. OF STORAGE TANK ASSISTANCE  
 Bills Previously Heard/Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Feb 04      Monday                                      Butrovich 205              1:30 PM**  
 + SB 256 CERTIFICATE OF NEED PROGRAM  
 + SCR 21 TREATMENT FOR DISTURBED CHILDREN

**Feb 06      Wednesday                                      Butrovich 205              1:30 PM**  
 No Meeting Scheduled

**Feb 07      Thursday                                      Butrovich 205              4:00 PM**  
 -- Time Change --  
 Proposed Meeting  
 Joint w/(H)  
 Overview: Substance Abuse Directors  
 Association of Alaska

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**JUDICIARY**

**Feb 04      Monday                                      Beltz 211              1:30 PM**  
 No Meeting Scheduled

**Feb 06      Wednesday                                      Beltz 211              1:30 PM**  
 + HB 111 CIVIL LIABILITY AND LIVESTOCK

**Feb 07      Thursday                                      To Be Announced              2:00 PM**  
 -- Time Change --  
 + Joint w/(H)  
 Alaska Trust Law

**Feb 08      Friday    Beltz 211              1:30 PM**  
 No Meeting Scheduled

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**LABOR & COMMERCE**

**Feb 05      Tuesday                                  Beltz 211      1:30 PM**  
 No Meeting Scheduled

**Feb 07      Thursday    Beltz 211      1:30 PM**  
 + HCR 12 FOREIGN SHIPS AND U.S. LONGSHOREMEN  
 + SB 257 EXTEND BOARD OF PROFESSIONAL COUNSELORS  
 + SB 244 OPTOMETRISTS: SUNSET AND MISCELLANEOUS

**RESOURCES**

**Feb 04      Monday    Butrovich 205      3:30 PM**  
 No Meeting Scheduled

**Feb 06      Wednesday    Butrovich 205      3:30 PM**  
 No Meeting Scheduled

**Feb 08      Friday    Butrovich 205      3:30 PM**  
 = SB 140 SMALL WATER-POWER DEVELOPMENT PROJECTS  
 SB 255 LAND EXCHANGES: GOLD CORD DEVELOPMENT

**Feb 13      Wednesday                                  Senate Finance 532      3:30 PM**  
 -- Location Change --  
 Joint w/Joint Committee on Natural Gas  
 Pipelines  
 Overviews:  
 Dept of Revenue- Financial Participation  
 in AK Natural Gas Pipeline  
 Dept of Natural Resources- Gas Supply and  
 Demand; Natural Gas and LNG Value

**STATE AFFAIRS**

**Feb 05      Tuesday    Beltz 211      3:30 PM**  
 No Meeting Scheduled

**STATE AFFAIRS (Continued)**

**Feb 07 Thursday Beltz 211 3:30 PM**  
 SB 258 AUTHORIZING ELECTRONIC BALLOTS  
 SCR 22 SOBRIETY AWARENESS MONTH  
 SJR 31 TAX EXEMPT BONDS TO FUND VETERANS LOANS  
 Bills Previously Heard/Scheduled

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**JOINT COMMITTEES****ARMED SERVICES COMMITTEE**

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

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**NATURAL GAS PIPELINES**

**Feb 13 Wednesday Senate Finance 532 3:30 PM**  
 Joint w/Senate Resources Committee  
 Overviews:  
 Dept of Revenue- Financial Participation  
 in AK Natural Gas Pipeline  
 Dept of Natural Resources- Gas Supply  
 and Demand; Natural Gas and LNG Value

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**OTHER MEETINGS****CHILDREN'S CAUCUS**

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

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**JOINT SESSION**

<b>Feb 19</b>	<b>Tuesday</b> US Senator Frank Murkowski	<b>House Chamber</b>	<b>11:00 AM</b>
<b>Feb 20</b>	<b>Wednesday</b> Chief Justice Dana Fabe	<b>House Chamber</b>	<b>11:00 AM</b>