

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

February 5, 2001

Twenty-ninth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 11:03 a.m.

Roll call showed 37 members present. Representative Masek had been previously excused from a call of the House today. Representative Rokeberg was absent and his presence was noted later.

Representative James moved and asked unanimous consent that Representative Croft be excused from a call of the House until 9:00 a.m., plane time, February 12, 2001. There being no objection, it was so ordered.

The invocation was offered by Pastor Greg Lindsay of Northern Light United Church. Representative Green moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

In respect for one another's spiritual journeys, let us take a few moments to focus on that which is most sacred. Let us pray:

God of all that is truly compassionate, as we pray, we know that You hear our deepest longings, our hopes and dreams, and even our fears. Hear us as we pray.

Order our time today toward listening. As we listen may we hear the hidden hopes and dreams of those who are most in need. Tune our ears especially toward those who have no voice in our society. Gracious God, teach us to listen the way You do.

God of all sounds, may we discover the hope of Your voice in every sound of this day. Amen.

The Pledge of Allegiance was led by Representative Bunde.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 26th, 27th, and 28th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Kerttula introduced Russian exchange students and guest pages, Dima Zhuchkov of Voronezh and Yekaterina Goryuk of Petropavlovsk.

REPORTS OF STANDING COMMITTEES

HB 50

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 50

"An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors to June 30, 2005; relating to the temporary member of that board; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 50(L&C)

"An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors to June 30, 2007; relating to the temporary member of that board; and providing for an effective date."

The report was signed by Representative Murkowski, Chair, with the following individual recommendations:

Do pass (1): Murkowski

No recommendation (6): Halcro, Kott, Crawford, Hayes, Meyer, Rokeberg

The following fiscal note(s) apply to CSHB 50(L&C):

1. Fiscal, Dept. of Community & Economic Development

HB 50 was referred to the Finance Committee.

HB 70

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 70

"An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board."

The report was signed by Representative Murkowski, Chair, with the following individual recommendations:

Do pass (7): Halcro, Kott, Crawford, Hayes, Meyer, Rokeberg, Murkowski

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

HB 70 was referred to the Finance Committee.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 103

HOUSE BILL NO. 103 by the House Finance Committee, 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.

HB 104

HOUSE BILL NO. 104 by the House Finance Committee, 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.

HB 105

HOUSE BILL NO. 105 by Representatives Stevens and Harris, 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 House Special Committee on Education, and the Health, Education & Social Services and Finance Committees.

HB 106

HOUSE BILL NO. 106 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the authorizations for state financial institutions; relating to confidential financial records of depositors and customers of certain financial institutions; relating to the Alaska Banking Code, Mutual Savings Bank Act, Alaska Small Loans Act, and Alaska Credit Union Act; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

The Governor's transmittal letter dated February 2, 2001, appears below:

"Dear Speaker Porter:

This bill I transmit today allows state financial institutions to compete on equal terms with their federal counterparts by removing current restraints on the state's financial industry. These changes are encouraged under the federal Gramm-Leach-Bliley Act which permits the combining of banking institutions with insurance and securities businesses. Previous federal law prohibited this practice.

This bill allows the Department of Community and Economic Development to grant state banks those powers enjoyed by national banks in a simplified, efficient process.

The bill is patterned after federal law, but offers greater protection to depositor and consumer financial records. The state would use the more stringent practice of asking depositors and consumers to choose to allow specific disclosure of their records. Conversely, federal law and many other states allow disclosure unless the depositor or consumer specifically requests confidentiality.

The bill also clarifies and updates existing statutes, partly in response to discussions with the financial industry. For example, the bill allows state banks to publish their financial reports in electronic form or in a local newspaper, and simplifies the procedure by which state banks obtain authority to install off-premises automated teller machines. The bill also removes the statutory limitation on the interest rate and fees state banks may charge on credit cards and grants credit unions the authority to issue credit cards. These provisions will keep Alaska banks competitive with out-of-state banks.

As a means of modernizing Alaska's financial institutions, I urge your prompt and favorable action on this measure.

Sincerely,
/s/
Tony Knowles
Governor"

HB 107

HOUSE BILL NO. 107 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to assisted living homes and to liability for acts or omissions in the licensing, monitoring, or supervision of assisted living homes; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Fiscal, Dept. of Health & Social Services

The Governor's transmittal letter dated February 2, 2001, appears below:

"Dear Speaker Porter:

Concerns over the health and safety of Alaska's assisted living home residents and the wish to ensure greater safety to these vulnerable citizens is the impetus behind this bill I am transmitting today.

Current statutes regulating and licensing assisted living homes apply only to residential facilities that serve three or more adults. This bill expands the law to include any residential facility that receives state or federal payment for services, regardless of the number of adults the facility serves.

The bill increases the safety of residents in assisted living homes in several ways, including:

- Strengthening the requirements for criminal background checks for assisted living home employees;
- Giving the state more flexibility to suspend or revoke licenses if an assisted living home operator is convicted of criminal offenses;
- Allowing immediate suspension of a home's license under certain circumstances, particularly when serious life or safety concerns exist for the residents;
- Allowing the state to petition for a court order to temporarily administer the home when serious life or safety concerns exist for the residents;
- Allowing an assisted living home to terminate a resident's contract when the resident poses a risk to self, others or property.

The bill also provides civil immunity for the state licensing agencies in licensing, monitoring, and supervising assisted living homes. This provision is intended to create protections similar to those afforded certain state agencies and personnel working in similar fields and promotes the ability for employees to do their jobs thoroughly without being subject to certain pressures for quick or rash decisions. The licensing agencies and the state would still be liable if the damage occurred due to grossly negligent or reckless, or intentional, conduct.

I urge your prompt and favorable action on this measure.

Sincerely,
/s/
Tony Knowles
Governor"

HB 108

HOUSE BILL NO. 108 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the accounting for and appropriation of fees for recording and related services by the Department of Natural Resources; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Fiscal, Dept. of Natural Resources

The Governor's transmittal letter dated February 2, 2001, appears below:

"Dear Speaker Porter:

I am transmitting this bill to help ensure the state recorder's office can do the best possible job in its task as depository of vital documents related to real estate and secured personal property transactions throughout Alaska.

Under this bill the customers who use the recorder's office, well over 50,000 contacts annually, will directly support its operations. Receipts for recording and other fees of this office will be accounted for separately and intended for appropriation to run the recording functions of the state. This funding method should provide the recorder's office with the resources needed to maintain and improve operations, including upgrading recording office systems to stay abreast of technological advances in the field, as well as to permanently preserve the millions of records in its custody.

The state recorder's office is responsible for recording and preserving more than 200,000 documents per year. It is necessary to the health of Alaska's economy that this office functions efficiently and offers excellent service to its users.

Sincerely,
/s/
Tony Knowles
Governor"

HB 109

HOUSE BILL NO. 109 by Representative Coghill, entitled:

"An Act relating to failure by an election official to execute the voter's certificate on an absentee ballot or by a person authorized by law to execute the voter's certificate on a questioned ballot."

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

HB 110

HOUSE BILL NO. 110 by Representative Coghill, entitled:

"An Act relating to driver's licenses and instructional permits; and providing for an effective date."

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

HB 111

HOUSE BILL NO. 111 by Representatives Coghill and Harris, entitled:

"An Act relating to civil liability for injuries or death resulting from livestock activities."

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

HB 112

HOUSE BILL NO. 112 by Representatives Coghill and Dyson, entitled:

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

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

HB 113

HOUSE BILL NO. 113 by Representative Green, entitled:

"An Act relating to health care insurance payments for hospital or medical services; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Health, Education & Social Services Committees.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 48

The following was read the second time:

HOUSE BILL NO. 48

"An Act eliminating a requirement that a social security number be provided by an applicant for a hunting or sport fishing license or tag; and providing for an effective date."

with the:

Journal Page

RES RPT CS(RES) NT 7DP	169
FN1: ZERO (DFG)	170
FN2: ZERO (REV)	170
JUD RPT CS(RES) NT 5DP 2NR	222
FN1: ZERO (DFG)	223
FN2: ZERO (REV)	223

Representative James moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 48(RES)

"An Act eliminating a requirement that a social security number be provided by an applicant for certain hunting or sport fishing licenses, tags, and permits; eliminating a requirement that applications for certain licenses and tags be sworn to by the applicants before an officer authorized to administer oaths; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Berkowitz:

Page 1, line 1, following "**number**" (title amendment):

Insert "**and citizenship**"

Page 1, line 11, following "residency":

Delete "and citizenship ["

Insert "[AND CITIZENSHIP"

Representative Berkowitz moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Ogan objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 48(RES)

Second Reading

Amendment No. 1

YEAS: 10 NAYS: 26 EXCUSED: 2 ABSENT: 2

Yeas: Berkowitz, Cissna, Crawford, Hayes, Joule, Kapsner, Kerttula, Kohring, Kookesh, Murkowski

Nays: Bunde, Chenault, Coghill, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hudson, James, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Ogan, Porter, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Croft, Masek

Absent: Moses, Rokeberg

And so, Amendment No. 1 was not adopted.

Representative James moved and asked unanimous consent that CSHB 48(RES) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 48(RES) was read the third time.

****The presence of Representative Rokeberg was noted.**

The question being: "Shall CSHB 48(RES) pass the House?" The roll was taken with the following result:

CSHB 48(RES)

Third Reading

Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 2 ABSENT: 1

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Croft, Masek

Absent: Moses

And so, CSHB 48(RES) passed the House.

Representative James moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 48(RES) was referred to the Chief Clerk for engrossment.

HB 79

The following was read the second time:

HOUSE BILL NO. 79

"An Act designating a portion of the Eagle River Loop Road as the Eagle River Veterans' Memorial Highway."

with the:

Journal Page

TRA RPT 5DP 1NR

223

FN1: ZERO (DOT)

223

Representative James moved and asked unanimous consent that HB 79 be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

HB 79 was read the third time.

Representative Kott moved and asked unanimous consent that he be allowed to abstain from voting due to a conflict of interest. Objection was heard, and Representative Kott was required to vote.

The question being: "Shall HB 79 pass the House?" The roll was taken with the following result:

HB 79

Third Reading

Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 2 ABSENT: 1

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Croft, Masek

Absent: Moses

And so, HB 79 passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative James moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the following citations were approved and sent to enrolling:

Honoring - Dimond High Lynx 2000 State Football Champs

By Representatives Halcro, Rokeberg, Porter, Berkowitz, Bunde, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Green, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Morgan, Mulder, Murkowski, Ogan, Stevens, Williams; Senator Pearce

Honoring - Dimond High School Japanese Immersion Program Graduates

By Representatives Halcro, Rokeberg, Porter, Berkowitz, Bunde, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Green, Guess, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Morgan, Mulder, Murkowski, Ogan, Stevens, Williams; Senator Pearce

Honoring - Karma Hibbetts

By Representatives Lancaster, Porter, Berkowitz, Bunde, Cissna, Crawford, Croft, Davies, Dyson, Fate, Halcro, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kott, Masek, McGuire, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams

In Memoriam - Fletcher Gilbert Machen

By Representatives Lancaster, Chenault, Porter, Berkowitz, Bunde, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Halcro, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kott, Masek, McGuire, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams

In Memoriam - Lavon White

By Senator Taylor; Representatives Porter, Berkowitz, Bunde, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Halcro, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kott, Lancaster, Masek, McGuire, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams, Wilson

In Memoriam - Don Douglas "Doug" Arduser

By Senator Cowdery; Representatives Porter, Berkowitz, Bunde, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Halcro, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams

UNFINISHED BUSINESS

Representative James moved and asked unanimous consent that the following members be excused from a call of the House. There being no objection, the members were excused as noted:

Representative Mulder - from 7:30 p.m., plane time, February 7 to 9:30 p.m., plane time, February 8; and from 1:30 p.m., plane time, February 16 to noon, plane time, February 18, 2001

Representative Rokeberg - from 7:15 p.m., plane time, February 14 to 9:30 a.m., plane time, February 19, 2001

Representative Masek - from noon February 16 to 9:30 a.m., plane time, February 19, 2001

HB 48

Representatives Dyson and Ogan added their names as cosponsors to:

CS FOR HOUSE BILL NO. 48(RES)

"An Act eliminating a requirement that a social security number be provided by an applicant for certain hunting or sport fishing licenses, tags, and permits; eliminating a requirement that applications for certain licenses and tags be sworn to by the applicants before an officer authorized to administer oaths; and providing for an effective date."

HB 79

Representatives Mulder and Murkowski added their names as cosponsors to:

HOUSE BILL NO. 79

"An Act designating a portion of the Eagle River Loop Road as the Eagle River Veterans' Memorial Highway."

ENGROSSMENT**HB 48**

CSHB 48(RES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 79

HB 79 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 7, 2001. There being no objection, the House adjourned at 12:08 p.m.

Suzi Lowell
Chief Clerk