

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

March 26, 2001

#### Seventy-eighth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 11:02 a.m.

Roll call showed 33 members present. Representatives Moses and Murkowski had been previously excused from a call of the House today. Representative Masek was excused from a call of the House today due to illness. Representatives Croft, Davies, Hayes, and Mulder were absent and their presence was noted later.

The invocation was offered by Pastor Rod Whitehead of Restoration Grace Outreach Center. Representative Hudson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

Father, thank You for these servants and for their hearts and for this great state that You have given us. Truly, this is a state flowing with milk and honey, and with majestic beauty, incomparable to anywhere else. This also is a state with many challenges, so we ask You to bring a unity of purpose for the betterment of all people in our state. We know that You love the people of this state. So, please guide our leaders as they make decisions for the benefit of our people. We ask that You would help these leaders of our state to be men and women of vision; that they would not only meet the needs of today, but also put into motion the things for tomorrow, so that all generations to come would also reap the benefits of their labor.

Father, continue to bless the natural resources of our state, those treasures of darkness and hidden riches of secret places that You have promised us. Give our leaders wisdom in how

to manage them. We ask You for great favor with the federal government concerning the issues that affect our state and may we also be a blessing to our country. Father, we ask You to bless these legislators and their staff for they have willingly given up much to be here to serve their state. So bless them with Your presence and put a hedge of protection around them and their households. May they prosper in every way and may their time of serving be rich. Father, bless this legislature, our governor, and our great state. In Jesus' precious name we pray. Amen.

The Pledge of Allegiance was led by Representative Kohring.

#### **CERTIFICATION OF THE JOURNAL**

Representative James moved and asked unanimous consent that the journal for the 75th, 76th, and 77th legislative days, House Journal Supplement No. 3, and Senate & House Joint Journal Supplement No. 6 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

\* \* \* \* \*

Representative Kerttula introduced Vince Wagner, Guest Page, from Juneau.

Representative Hudson introduced Weston Eiler, Guest Page, from Juneau.

#### **MESSAGES FROM THE SENATE**

A message dated March 23, 2001, was read stating the Senate has accepted the invitation to meet in joint session in the House Chamber at 11:00 a.m., April 11, to hear an address by the Honorable Ted Stevens, U.S. Senator.

#### **HJR 10**

A message dated March 23, 2001, was read stating the Senate has passed:

CS FOR HOUSE JOINT RESOLUTION NO. 10(FSH)  
Relating to the management of the Bering Sea/Aleutian Islands  
and Gulf of Alaska groundfish fisheries and the protection and  
restoration of the Steller sea lion.

CSHJR 10(FSH) was referred to the Chief Clerk for enrollment.

**HB 100**

A message dated March 23, 2001, was read stating the Senate has  
passed HB 100 with the following amendment and it is transmitted for  
consideration:

SENATE CS FOR HOUSE BILL NO. 100(STA)  
"An Act establishing the third Saturday of each June as Juneteenth  
Day."

HB 100 is under Unfinished Business.

A message dated March 23, 2001, was read stating the Senate has  
passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS**

**SB 65**

CS FOR SENATE BILL NO. 65(FIN) by the Senate Finance  
Committee, entitled:

"An Act requiring a study regarding equal pay for equal work of  
certain state employees."

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

**REPORTS OF STANDING COMMITTEES**

**HB 63**

The Resources Committee has considered:

## HOUSE BILL NO. 63

"An Act relating to electronic application for and issuance of licenses, permits, and tags issued by the Department of Fish and Game; relating to violations regarding a license, permit, or tag applied for or issued electronically; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 63(RES)  
(same title)

The report was signed by Representative Scalzi, Co-chair, with the following individual recommendations:

Do pass (4): Kerttula, Fate, Chenault, Scalzi

No recommendation (3): McGuire, Green, Stevens

The following fiscal note(s) apply to CSHB 63(RES):

1. Zero, Dept. of Fish & Game

HB 63 was referred to the Finance Committee.

**HB 80**

The Labor & Commerce Committee has considered:

## HOUSE BILL NO. 80

"An Act relating to the hours during which sale of alcohol and entry on licensed premises is allowed; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 80(L&C)

"An Act relating to the hours during which sale of alcohol and entry on licensed premises are allowed; and providing for an effective date."

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

Do pass (1): Crawford

No recommendation (5): Halcro, Kott, Meyer, Rokeberg, Murkowski

Amend (1): Hayes

The following fiscal note(s) apply to CSHB 80(L&C):

1. Zero, Dept. of Revenue

HB 80 was referred to the Finance Committee.

**HB 81**

The Finance Committee has considered:

HOUSE BILL NO. 81

"An Act extending the termination date of the Board of Dental Examiners."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 81(FIN)

"An Act extending the termination date of the Board of Dental Examiners; relating to the Board of Dental Examiners and regulation of the practice of dentistry; and relating to dental hygienists and dental assistants."

The report was signed by Representatives Mulder and Williams, Co-chairs, with the following individual recommendations:

Do pass (8): Bunde, Croft, Harris, Lancaster, Hudson, Foster, Mulder, Williams

No recommendation (1): Davies

The following fiscal note(s) apply to CSHB 81(FIN):

## 2. Fiscal, Dept. of Community &amp; Economic Development

HB 81 was referred to the Rules Committee for placement on the calendar.

**HB 115**

The Health, Education & Social Services Committee has considered:

## HOUSE BILL NO. 115

"An Act allowing a physician assistant or advanced nurse practitioner to certify the need for emergency treatment as a result of intoxication."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 115(HES)

"An Act relating to the definition of 'mental health professional' for certain mental health proceedings and treatments; relating to the services of certain medical professionals in civil proceedings for the commitment of certain intoxicated persons; allowing a physician assistant or advanced nurse practitioner to certify the need for emergency treatment as a result of intoxication; and providing for an effective date."

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

Do pass (5): Coghill, Wilson, Cissna, Joule, Stevens

Amend (2): Kohring, Dyson

The following fiscal note(s) apply to CSHB 115(HES):

## 1. Zero, Dept. of Health &amp; Social Services

HB 115 was referred to the Rules Committee for placement on the calendar.

**HB 121**

The Labor & Commerce Committee has considered:

## HOUSE BILL NO. 121

"An Act relating to the issuance of qualified charitable gift annuities."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 121(L&C)  
(same title)

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

Do pass (5): Kott, Hayes, Meyer, Rokeberg, Murkowski

No recommendation (2): Halcro, Crawford

The following fiscal note(s) apply to CSHB 121(L&C):

1. Zero, Dept. of Community & Economic Development

HB 121 was referred to the Judiciary Committee.

**HB 132**

The Labor & Commerce Committee has considered:

## HOUSE BILL NO. 132

"An Act relating to the possession or distribution of alcohol in a local option area; requiring liquor license applicants to submit fingerprints for the purpose of conducting a criminal history background check, and relating to the use of criminal justice information by the Alcoholic Beverage Control Board; providing for a review of alcohol server education courses by the Alcoholic Beverage Control Board every two years; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 132(L&C)  
(same title)

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

Do pass (1): Rokeberg

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

The following fiscal note(s) apply to CSHB 132(L&C):

1. Zero, Dept. of Revenue
2. Indeterminate, Dept. of Law
3. Fiscal, Dept. of Corrections
4. Fiscal, Dept. of Administration

HB 132 was referred to the Judiciary Committee.

**HB 172**

The Judiciary Committee has considered:

HOUSE BILL NO. 172

"An Act relating to therapeutic courts for offenders and to the authorized number of superior court judges."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 172(JUD)  
(same title)

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

Do pass (6): Berkowitz, Meyer, Coghil, James, Kookesh, Rokeberg

The following fiscal note(s) apply to CSHB 172(JUD):

1. Fiscal, Dept. of Administration
2. Fiscal, Dept. of Corrections
3. Fiscal, House Judiciary Committee/Alaska Court System
4. Fiscal, Alaska Court System



5. Fiscal, Dept. of Health & Social Services
6. Fiscal, Dept. of Law

HB 172 was referred to the Finance Committee.

### **REPORTS OF SPECIAL COMMITTEES**

The House Special Committee on Oil & Gas has reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Ms. Julie M. Heusser

as a member of the Alaska Oil and Gas Conservation Commission.

The report was signed by Representative Ogan, Chair; and Representatives Dyson, Chenault, Fate, Kohring, Guess, and Joule.

### **INTRODUCTION OF CITATIONS**

The following citations were introduced and referred to the Rules Committee for placement on the calendar:

In Memoriam - Walter J. Coty  
By Representative Coghill

In Memoriam - Paul E. Drake  
By Representative Coghill

### **INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS**

#### **HCR 10**

HOUSE CONCURRENT RESOLUTION NO. 10 by the House Health, Education & Social Services Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 19, relating to certain federal child support enforcement requirements,

so that the phrase "relating to child support payments" may be added to the bill's title.

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

**HCR 11**

HOUSE CONCURRENT RESOLUTION NO. 11 by Representative Guess:

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to the Education Committee, a standing committee of the legislature.

was read the first time and referred to the House Special Committee on Education and the Health, Education & Social Services Committee.

**HCR 12**

HOUSE CONCURRENT RESOLUTION NO. 12 by Representative Moses:

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 & Commerce Committee.

**HJR 25**

HOUSE JOINT RESOLUTION NO. 25 by Representative Williams:

Proposing an amendment to the Constitution of the State of Alaska relating to initiative and referendum petitions.

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

\*\*The presence of Representatives Davies and Hayes was noted.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 211**

HOUSE BILL NO. 211 by Representative Guess, entitled:

"An Act requiring an annual inflation adjustment of 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 212**

HOUSE BILL NO. 212 by the House Labor & Commerce Committee by request, entitled:

"An Act relating to an employer's liability for providing workers' compensation coverage."

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

**HB 213**

HOUSE BILL NO. 213 by Representative Williams, entitled:

"An Act relating to initiative and referendum petitions; and providing for an effective date."

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

**HB 214**

HOUSE BILL NO. 214 by Representative Meyer, entitled:

"An Act relating to a civil action against a person under 21 years of age who enters premises where alcohol is sold or consumed."

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

**HB 215**

HOUSE BILL NO. 215 by the House Labor & Commerce Committee by request, entitled:

"An Act relating to the use of pharmaceutical agents in the practice of optometry; and providing for an effective date."

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

**HB 216**

HOUSE BILL NO. 216 by the House Resources Committee, entitled:

"An Act relating to the emergency order authority of the commissioner of fish and game and to meetings of the Board of Fisheries."

was read the first time and referred to the House Special Committee on Fisheries and the Resources Committee.

\*\*The presence of Representative Croft was noted.

### **CONSIDERATION OF THE DAILY CALENDAR**

#### **SECOND READING OF HOUSE BILLS**

**HB 72**

The following was read the second time:

HOUSE BILL NO. 72

"An Act relating to an assistant adjutant general for national missile defense in the Department of Military and Veterans' Affairs."

with the:

Journal Page

MLV RPT 6DP	261
FN1: (MVA)	262
STA RPT 6DP 1NR	383
FN1: (MVA)	383

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FIN RPT 10DP 1NR  
FN1: (MVA)

494  
494

Amendment No. 1 was offered by Representative Kott:

Page 1, line 1 (title amendment):

Delete "**national**"  
Insert "**space and**"

Page 1, line 5:

Delete "**national**"  
Insert "**space and**"

Page 1, line 7:

Delete "national" in both places  
Insert "space and" in both places

Page 1, line 9:

Delete "national"

Page 1, line 10:

Delete "national"  
Insert "space and"

Page 1, line 14:

Delete "national"  
Insert "space and"

Page 2, line 1:

Delete "national"

Page 2, line 5:

Delete "national"  
Insert "space and"

Representative Kott moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered and the new title appears below:

## HOUSE BILL NO. 72 am

"An Act relating to an assistant adjutant general for space and missile defense in the Department of Military and Veterans' Affairs."

Representative James moved and asked unanimous consent that HB 72 am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 72 am was read the third time.

The question being: "Shall HB 72 am pass the House?" The roll was taken with the following result:

HB 72 am

Third Reading

Final Passage

**YEAS: 34 NAYS: 2 EXCUSED: 3 ABSENT: 1**

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

Nays: Davies, Kerttula

Excused: Masek, Moses, Murkowski

Absent: Mulder

And so, HB 72 am passed the House and was referred to the Chief Clerk for engrossment.

**HB 137**

The following was read the second time:

## HOUSE BILL NO. 137

"An Act relating to records of veterans of the armed forces; and providing for an effective date."

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with the:	Journal Page
MLV RPT 6DP	497
FN1: ZERO(DNR)	498
RES RPT 7DP	660
FN1: ZERO(DNR)	661

Representative James moved and asked unanimous consent that HB 137 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 137 was read the third time.

\*\*The presence of Representative Mulder was noted.

The question being: "Shall HB 137 pass the House?" The roll was taken with the following result:

HB 137  
Third Reading  
Final Passage

**YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0**

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

Excused: Masek, Moses, Murkowski

And so, HB 137 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.

HB 137 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 - Dr. Jo Ann McDowell

By Representatives Harris, Porter, Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Fate, Guess, Halcro, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kookesh, Kott, Lancaster, McGuire, Meyer, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams, Wilson; Senator Lincoln

Honoring - Niall Bo Johnson

By Representatives Kerttula, Hudson, Porter, Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hayes, James, Joule, Kapsner, Kookesh, Kott, Lancaster, McGuire, Meyer, Mulder, Murkowski, Rokeberg, Stevens, Williams, Wilson; Senator Elton

Honoring - John R. Magalotti

By Representatives Kerttula, Hudson, Porter, Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hayes, James, Joule, Kapsner, Kookesh, Kott, Lancaster, McGuire, Meyer, Mulder, Murkowski, Rokeberg, Stevens, Williams, Wilson; Senator Elton

Honoring - Carl C. Behnert

By Representatives Kerttula, Hudson, Porter, Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hayes, James, Joule, Kapsner, Kookesh, Kott, Lancaster, McGuire, Meyer, Mulder, Murkowski, Rokeberg, Stevens, Williams, Wilson; Senator Elton

Honoring - Herb Didrickson

By Representatives Wilson, Hudson, Kookesh, Williams, Porter, Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hayes, James, Joule, Kapsner, Kerttula, Kott, Lancaster, McGuire, Meyer, Mulder, Murkowski, Ogan, Rokeberg, Stevens; Senator Taylor



Honoring - Phillips Petroleum Company and Phillips Alaska, Inc.,  
Celebrating 49 Years in the 49th State

By Representatives Porter, Berkowitz, Bunde, Chenault, Cissna,  
Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess,  
Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula,  
Kohring, Kott, Lancaster, McGuire, Meyer, Mulder, Murkowski,  
Ogan, Rokeberg, Stevens, Williams, Wilson

In Memoriam - Steve Primis

By Senators Halford, Phillips; Representatives Dyson, Berkowitz,  
Porter, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies,  
Fate, Foster, Guess, Halcro, Harris, Hayes, Hudson, James, Joule,  
Kapsner, Kerttula, Kohring, Kott, Lancaster, McGuire, Meyer,  
Mulder, Murkowski, Ogan, Rokeberg, Scalzi, Stevens, Williams,  
Wilson

### CONCUR IN SENATE AMENDMENTS

#### HB 100

Representative James moved and asked unanimous consent that the  
House consider the Senate message (page 721) on the following at this  
time:

HOUSE BILL NO. 100

"An Act establishing the third Saturday of each June as Juneteenth  
Day."

and

SENATE CS FOR HOUSE BILL NO. 100(STA)

(same title)

There being no objection, it was so ordered.

Representative James moved that the House concur in the Senate  
amendment to HB 100, thus adopting SCS HB 100(STA), and  
recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to HB 100?" The roll was taken with the following result:

SCS HB 100(STA)

Concur

**YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0**

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

Excused: Masek, Moses, Murkowski

And so, the House concurred in the Senate amendment, thus adopting SCS HB 100(STA).

The Chief Clerk was instructed to so notify the Senate.

SCS HB 100(STA) was referred to the Chief Clerk for enrollment.

#### **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 Bunde - from 7:00 p.m., plane time, April 12 to 7:00 p.m., plane time, April 16, 2001

Representative Porter - from 1:30 p.m., plane time, April 12 to 9:34 p.m., plane time, April 16, 2001

#### **HB 100**

Representative Croft added his name as cosponsor to:

SENATE CS FOR HOUSE BILL NO. 100(STA)

"An Act establishing the third Saturday of each June as Juneteenth Day."

**SB 65**

Representative Kerttula added her name as cross sponsor to:

CS FOR SENATE BILL NO. 65(FIN)

"An Act requiring a study regarding equal pay for equal work of certain state employees."

**ENGROSSMENT****HB 72**

HB 72 am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 137**

HB 137 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.

Majority Caucus            Speaker's Chamber            upon adj., 3/26

**ADJOURNMENT**

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 27, 2001. There being no objection, the House adjourned at 11:54 a.m.

Suzi Lowell  
Chief Clerk