

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

May 2, 2001

One Hundred Fifteenth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:16 a.m.

Roll call showed 38 members present. Representative Masek was excused from a call of the House today due to illness. Representative Kapsner was excused from a call of the House today due to illness and her presence was noted later.

The invocation was offered by Pastor Gary Waterhouse of the Juneau and Sitka Seventh-day Adventist Churches. Representative Green moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

The Psalmist has said, "The earth is the Lord's and the fullness thereof." We have at times thought of ourselves as the owners of this earth, but it is Yours. Thank You that we have been placed here in this beautiful land that we call Alaska. We are here as caretakers, custodians of its resources. We ask Your forgiveness if we have not managed this property responsibly. Lord, help us to be judicious, unswerving, and accountable stewards of that which has been entrusted to us. May we help to retain its beauty and its wealth for generations to come. We pray, Amen.

The Pledge of Allegiance was led by Representative Davies.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 114th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE**HB 99**

A message dated May 1, 2001, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 99(HES)

"An Act relating to school discipline and safety programs; and providing for an effective date."

CSHB 99(HES) was referred to the Chief Clerk for enrollment.

SB 103

A message dated May 1, 2001, was read stating the Senate has failed to concur in the House amendments to CSSB 103(FIN), namely:

HOUSE CS FOR CS FOR SENATE BILL NO. 103(2d RLS)

am H

"An Act relating to election campaigns and legislative ethics."

and respectfully requests the House to recede from its amendments.

In the event the House fails to recede, the President appointed the following members to a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Therriault, Chair

Senator Cowdery

Senator Ellis

HCS CSSB 103(2d RLS) am H is under Unfinished Business.

A message dated May 1, 2001, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 151**

SENATE BILL NO. 151 by Senators Hoffman and Halford, entitled:

"An Act relating to the Bristol Bay Salmon Classic; and providing for an effective date."

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

COMMUNICATIONS

The following was received:

A letter dated April 25, 2001, from Nicolasa B. Borja, Senate Clerk, Northern Marianas Commonwealth Legislature, forwarding a resolution requesting the Congress of the United States to adopt an amendment to the Constitution of the United States to add a new article on the subject of judicial taxation.

REPORTS OF STANDING COMMITTEES

HB 185

The Resources Committee has considered:

HOUSE BILL NO. 185

"An Act relating to fees for certain uses of state water and the accounting and appropriation of those fees; relating to authorizations for the temporary use of state water; making other amendments to the Alaska Water Use Act; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 185(RES)

"An Act relating to fees for certain uses of state water and to the accounting and appropriation of those fees; relating to authorizations for the temporary use of state water; making other amendments to the Alaska Water Use Act; and providing for an effective date."

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

Do pass (5): Stevens, Chenault, Green, Fate, Scalzi

No recommendation (1): McGuire

The following fiscal note(s) apply to CSHB 185(RES):

1. Fiscal, Dept. of Natural Resources

HB 185 was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Valdez High Academic Decathlon Team, First in 3A Division - 3rd in State
By Representative Harris; Senator Lincoln

Honoring - Valdez Centennial
By Representative Harris

Honoring - Brent Leo Schaeffer, Eagle Scout
By Senator Phillips

In Memoriam - Rita Oney
By Representative McGuire

In Memoriam - Monsignor John A. Lunney
By Representative Mulder

In Memoriam - Walter O. Sinn
By Representative Fate

In Memoriam - Clarence LaMay
By Senator Phillips

In Memoriam - Milton Leonard Daugherty
By Senator Phillips

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

HB 266

HOUSE BILL NO. 266 by Representative Porter, entitled:

"An Act establishing and relating to the Joint Federal and State Navigable Waters Commission for Alaska; and providing for an effective date."

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

HB 267

HOUSE BILL NO. 267 by the House Labor & Commerce Committee by request, entitled:

"An Act relating to the regulation of small water utilities and small wastewater utilities; and permitting the Regulatory Commission of Alaska to require certain public facilities to acquire water or wastewater utility service from certain public utilities."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 189

The following was read the second time:

HOUSE BILL NO. 189

"An Act repealing statutory provisions relating to term limits and term limit pledges."

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with the:

Journal Page

STA RPT 6DP	1062
FN1: ZERO(GOV)	1063
JUD RPT 3DP 2NR	1116
FN1: ZERO(GOV)	1116

Representative James moved and asked unanimous consent that HB 189 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 189 was read the third time.

The question being: "Shall HB 189 pass the House?" The roll was taken with the following result:

HB 189
Third Reading
Final Passage

YEAS: 24 NAYS: 13 EXCUSED: 2 ABSENT: 1

Yeas: Bunde, Chenault, Coghill, Davies, Fate, Foster, Green, Harris, Hudson, James, Kerttula, Kohring, Kott, Lancaster, Morgan, Moses, Ogan, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Dyson, Guess, Halcro, Hayes, Joule, Kookesh, McGuire, Meyer, Murkowski

Excused: Kapsner, Masek

Absent: Mulder

And so, HB 189 passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE BILLS

SB 19

The following was read the second time:

CS FOR SENATE BILL NO. 19(HES)

"An Act relating to federal child support enforcement requirements regarding social security number information, employer reports about employees, and certain kinds of automated data matching with financial institutions; repealing the termination date of changes made by ch. 87, SLA 1997, and ch. 132, SLA 1998, regarding child support enforcement and related programs; repealing the nonseverability provision of ch. 132, SLA 1998; repealing uncodified laws relating to ch. 87, SLA 1997, and ch. 132, SLA 1998; and providing for an effective date."

with the:	Journal Page
HES RPT HCS(HES) NT 2DP 3NR 2AM	703
TITLE CHANGE PENDING HCR 10	703
FN2: ZERO(REV)	704
JUD RPT HCS(HES) NT 1DP 5NR	1235
FN2: ZERO(REV)	1236
FIN RPT HCS(HES) NT 8DP	1425
FN2: ZERO(REV)	1426

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

HOUSE CS FOR CS FOR SENATE BILL NO. 19(HES)

"An Act relating to federal child support enforcement requirements regarding social security number information, employer reports about employees, and certain kinds of automated data matching with financial institutions; relating to child support payments; repealing the termination date of changes made by ch. 87, SLA 1997, and ch. 132, SLA 1998, regarding child support enforcement and related programs; repealing the nonseverability provision of ch. 132, SLA 1998; repealing uncodified laws relating to ch. 87, SLA 1997, and ch. 132, SLA 1998; and providing for an effective date."

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that HCS CSSB 19(HES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 19(HES) was read the third time.

**The presence of Representative Kapsner was noted.

The question being: "Shall HCS CSSB 19(HES) pass the House?"
The roll was taken with the following result:

HCS CSSB 19(HES)
Third Reading
Final Passage

YEAS: 32 NAYS: 4 EXCUSED: 1 ABSENT: 3

Yeas: Berkowitz, Cissna, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, Joule, Kapsner, Kerttula, Kookesh, Kott, Lancaster, McGuire, Meyer, Morgan, Moses, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Nays: Coghill, James, Kohring, Ogan

Excused: Masek

Absent: Bunde, Chenault, Mulder

And so, HCS CSSB 19(HES) 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.

HCS CSSB 19(HES) was referred to the Chief Clerk for engrossment.

SB 178

The following was read the second time:

SENATE BILL NO. 178

"An Act relating to the detention of delinquent minors and to temporary detention hearings; amending Rule 12, Alaska Delinquency Rules; and providing for an effective date."

with the:	Journal Page
JUD RPT 4DP 1NR	1358
FN1: ZERO(HSS)	1359
FN2: ZERO(CRT)	1359

Representative James moved and asked unanimous consent that SB 178 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 178 was read the third time.

The question being: "Shall SB 178 pass the House?" The roll was taken with the following result:

SB 178
Third Reading
Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 1 ABSENT: 4

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

Excused: Masek

Absent: Chenault, Kapsner, Moses, Rokeberg

And so, SB 178 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 court rule change. There being no objection, it was so ordered.

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.

SB 178 was signed by the Speaker and Chief Clerk and returned to the Senate.

THIRD READING OF HOUSE BILLS

HB 198

The following, which was advanced to third reading from the May 1, 2001, calendar (page 1436), was read the third time:

CS FOR HOUSE BILL NO. 198(RLS)

"An Act relating to a post-retirement pension adjustment for certain persons receiving benefits under the Elected Public Officers Retirement System, and establishing and relating to a Compensation Commission for State Officials."

The Rules Committee submitted the following updated fiscal note:

4. Fiscal, Dept. of Administration

Representative Hudson moved and asked unanimous consent that CSHB 198(RLS) be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Hudson:

Page 1, line 3, following "**Officials**" (title amendment):

Insert "**; and providing for an effective date**"

Page 3, following line 16:

Insert a new bill section to read:

"***Sec. 3.** This Act takes effect June 30, 2001."

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 1 was adopted and the new title appears below:

CS FOR HOUSE BILL NO. 198(RLS)(efd add)

"An Act relating to a post-retirement pension adjustment for certain persons receiving benefits under the Elected Public Officers Retirement System, and establishing and relating to a Compensation Commission for State Officials; and provided for an effective date."

Representatives Kerttula and Coghill moved and asked unanimous consent that they be allowed to abstain from voting due to a conflict of interest. Objection was heard, and the members were required to vote.

The question being: "Shall CSHB 198(RLS)(efd add) pass the House?" The roll was taken with the following result:

CSHB 198(RLS)(efd add)

Third Reading

Final Passage

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

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

Nays: Kohring, Ogan

Excused: Masek

Absent: Kapsner, Moses, Rokeberg

And so, CSHB 198(RLS)(efd add) 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 198(RLS)(efd add) was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS**HCR 10**

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 10

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.

with the:	Journal Page
JUD RPT 2DP 4NR	1227
FIN RPT 8DP	1424

The question being: "Shall HCR 10 pass the House?" The roll was taken with the following result:

HCR 10
Second Reading
Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Masek

Absent: Kapsner

And so, HCR 10 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 - Midnight Sun Learning Center

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

Honoring - Principal Dave Combs Upon His Retirement

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

Honoring - Mike Dingman

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

Honoring - Carl Rose, Executive Director, Association of Alaska School Boards

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

Commemorating - Juneteenth 2001

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

In Memoriam - George Ahgupuk

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

In Memoriam - Jeff Childs

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

In Memoriam - Jay Dee Williams

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

CONCUR IN SENATE AMENDMENTS**HB 127**

Representative James moved and asked unanimous consent that the House consider the Senate message (page 1352) on the following at this time:

CS FOR HOUSE BILL NO. 127(RLS)

"An Act relating to aviation and to emergency equipment to be carried on aircraft."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 127(TRA) am S
(same title)

There being no objection, it was so ordered.

Representative James moved that the House concur in the Senate amendments to CSHB 127(RLS), thus adopting SCS CSHB 127(TRA) am S, and recommended that the members vote no.

The question being: "Shall the House concur in the Senate amendments to CSHB 127(RLS)?" The roll was taken with the following result:

SCS CSHB 127(TRA) am S

Concur

YEAS: 0 NAYS: 39 EXCUSED: 1 ABSENT: 0

Nays: 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, Moses, Mulder, Murkowski, Ogan, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Masek

And so, the House failed to concur in the Senate amendments, thus failing to adopt SCS CSHB 127(TRA) am S.

The Chief Clerk was instructed to so notify the Senate and respectfully request it to recede.

In the event the Senate fails to recede from its amendments, the Speaker appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the above bills:

Representative Harris, Chair
Representative Bunde
Representative Kerttula

SB 103

Representative James moved and asked unanimous consent that the House consider the Senate message (page 1478) on the following at this time:

HOUSE CS FOR CS FOR SENATE BILL NO. 103(2d RLS)
am H
"An Act relating to election campaigns and legislative ethics."

and

CS FOR SENATE BILL NO. 103(FIN)
(same title)

Objection was heard and withdrawn. There being no further objection, it was so ordered.

Representative James moved that the House recede from its amendments to CSSB 103(FIN), namely HCS CSSB 103(2d RLS) am H, and recommended that the members vote no.

The question being: "Shall the House recede from its amendments to CSSB 103(FIN)?" The roll was taken with the following result:

HCS CSSB 103(2d RLS) am H
Recede

YEAS: 1 NAYS: 37 EXCUSED: 1 ABSENT: 1

Yeas: Ogan

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

Excused: Masek

Absent: Kohring

And so, the House failed to recede.

The Speaker appointed the following members to the Conference Committee to meet with the like committee from the Senate to consider the above bills:

Representative Kott, Chair
Representative Coghill
Representative Croft

The Chief Clerk was instructed to so notify the Senate.

UNFINISHED BUSINESS

SB 187

Reconsideration of the following was not taken up on this legislative day. It was signed by the Speaker and Chief Clerk and returned to the Senate:

CS FOR SENATE BILL NO. 187(FIN)
"An Act relating to absentee and special needs voting."

ENGROSSMENT

HCR 10

HCR 10 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 189

HB 189 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 198

CSSB 198(RLS)(efd add) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 19

HCS CSSB 19(HES) 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., May 3, 2001. There being no objection, the House adjourned at 11:17 a.m.

Suzi Lowell
Chief Clerk