

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

January 18, 2002

Fifth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:06 a.m.

Roll call showed 32 members present. Representative Kohring had been previously excused from a call of the House today. Representatives Berkowitz, Crawford, Croft, Davies, Kapsner, Kerttula, and Kookesh were absent and their presence was noted later.

The invocation was offered by the Reverend Paul D. Beran of Resurrection Lutheran Church. Representative Hudson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

Gracious Father, You have made us and not we ourselves. You formed us in the womb of our mothers. You provided those special people who helped to form, shape, inspire, and encourage us. You have made us unique, special, and diverse. Daily, You renew us with the gift of life. Thank You for that gift today.

We offer to You the broad diversity among us: different backgrounds, different experiences, different perspectives, differing political views, and differing lifestyles. Use our differences not as wedges to divide or degrade, but as gifts to broaden and enrich. Make our diversity like bonding glue uniting us to effectively lead this great state amidst the challenges and opportunities. Give us that unquestionable integrity of heart and mind.

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

The Pledge of Allegiance was led by Representative Wilson.

CERTIFICATION OF THE JOURNAL

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

MESSAGES FROM THE GOVERNOR

A message dated January 15, 2002, was received stating under the provision of article III, section 18 of the Alaska Constitution, the Governor requests the opportunity to address a joint session of the Twenty-second Alaska State Legislature on Wednesday, January 16, 2002, at 7:00 p.m. for presentation of a combined State of the State and State of the Budget Address.

MESSAGES FROM THE SENATE

A message dated January 16, 2002, was received stating the Senate accepted the House invitation to meet in joint session at 6:00 p.m., January 16, 2002.

A message dated January 16, 2002, was read stating the Senate has accepted the House invitation to meet in joint session at 11:00 a.m., February 20, 2002, to hear the State of the Judiciary address by Chief Justice Dana Fabe.

**The presence of Representative Kapsner was noted.

COMMUNICATIONS

Dept. of Administration
Division of Retirement & Benefits
Comprehensive Annual Financial Report
Fiscal Year Ended June 30, 2001
Public Employees' Retirement System
Teachers' Retirement System

Dept. of Community & Economic Development
Alaska Aerospace Development Corporation
2001 Annual Report
(as required by AS 14.40.866)

Alaska Energy Authority
Revolving Fund Financial Statements
Independent Auditors' Report
June 30, 2001 and 2000
(as required by AS 44.83.940)

Alaska Industrial Development & Export Authority
Revolving Fund Financial Statement
Independent Auditors' Report
June 30, 2001 and 2000
(as required by AS 44.83.940)

**The presence of Representatives Berkowitz, Crawford, and Kookesh was noted.

Division of Insurance
63rd Annual Report
Calendar Year 2000, Fiscal Year 2001
(as required by AS 21.06.110)

Report of the Alaska Minerals Commission
January 2002
(as required by AS 44.33.431)

Dept. of Environmental Conservation
Division of Facility Construction and Operation
Alaska Clean Water and Drinking Water
Revolving Loan Funds
Annual Report and Program Overview
Fiscal Year 2001
(as required by AS 46.03.032)

Division of Spill Prevention & Response
Storage Tank Assistance Fund
Annual Report, Fiscal Year 2001
(as required by AS 46.03.363)

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Dept. of Natural Resources
Division of Geological & Geophysical Surveys
Division of Mining, Land & Water
Dept. of Community & Economic Development
Division of Community & Business Development
Alaska's Mineral Industry - 2000
(as required by AS 27.05.060)

Dept. of Revenue
Alaska Municipal Bond Bank Authority
2001 Annual Report
(as required by AS 44.85.100)

Treasury Division
Alaska Marine Highway Investment Earnings Report
January 15, 2002
Vessel Replacement Fund
(as required by AS 37.05.550)

System Fund
(as required by AS 19.65.070)

Dept. of Transportation & Public Facilities
International Airport Revenue Bond
Construction Fund Report
January 9, 2002
(as required by AS 37.15.420)

The following audit reports were received from:

Division of Legislative Audit
Legislative Budget & Audit Committee
(as required by AS 24.20.311)
2001 Annual Report, Unabridged
2001 Annual Report, Condensed

REPORTS OF STANDING COMMITTEES

The Judiciary Committee has reviewed the qualifications of:

Bonnie Mehner - Appointment
Arthur S. Robinson - Appointment
H. Conner Thomas - Reappointment

as members of the Select Committee on Legislative Ethics with the following individual recommendations:

Confirm (5): Meyer, Berkowitz, Kookesh, Ogan, James

HB 285

The State Affairs Committee has considered:

HOUSE BILL NO. 285

"An Act adding a second verse to the official Alaska state song."

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

Do pass (6): Wilson, Stevens, James, Fate, Hayes, Coghill

The following fiscal note(s) apply:

1. Zero, University of Alaska

HB 285 was referred to the Rules Committee for placement on the calendar.

**The presence of Representatives Kerttula, Davies, and Croft was noted.

INTRODUCTION OF CITATIONS

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

Honoring - Louise and Algot Anderson, 51st Wedding Anniversary
By Representative Stevens; Senator Austerman

In Memoriam - Earl Norris
By Representative Masek

In Memoriam - Myrle Sue Lagasse
By Senator Austerman; Representative Stevens

In Memoriam - Patricia Symonds
By Senator Stevens

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

HB 178

2d SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 178 by
Representatives Fate, Coghill, and Dyson, entitled:

"An Act relating to the powers and duties of the commissioner of fish and game, the Department of Fish and Game, and the Board of Game, to taking and use of certain game animals, and to consideration of the budget of the Department of Fish and Game by the legislature; and providing for an effective date."

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

HB 199

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 199 by
Representatives Hudson and Scalzi, entitled:

"An Act relating to taxation, including taxation of income of individuals, estates, and trusts."

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

HB 282

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 282 by Representatives COGHILL and FATE, entitled:

"An Act relating to prescription drug benefits under a group health care insurance plan."

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

The following Governor's bills are out of numerical sequence because the numbers were preassigned.

HB 335

HOUSE BILL NO. 335 by the House Rules Committee by request of the Governor, 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.

The Governor's transmittal letter dated January 16, 2002, appears below:

"Dear Speaker Porter:

The Fiscal Year 2003 operating budget I am transmitting today addresses three key goals:

- It continues our investments for Alaska's children in education and provides for their health and safety;
- It maintains the existing level of vital public services Alaskans count on;
- It encourages responsible resource development to help create and protect jobs for Alaska families.

Together with the capital budget and my legislative proposals for K-12 education and veterans, this budget is a \$180 million general fund increase over the current fiscal year. Some \$81 million of this increase is a direct result of actions you have taken in approving laws, budgets, contracts and replacing lost federal and other funding sources. It includes debt for approved new schools. Operating new facilities, from the Ketchikan youth home to the Anchorage jail. Obligations you approved for pupil transportation and state worker contracts. Medical care required by law for more seniors and Alaskans with disabilities. And holding constitutionally required elections this fall. The remaining amount is for fuel and utility price increases and heavier workloads, such as more state prisoners, or backlogs in permitting and safety inspections.

I am indeed proposing some additional investments next year — to improve educational opportunities for our children in K-12 and the university, to keep our children safe in their homes, and to free them from the dangers of tobacco, alcohol abuse, inhalants and suicide. On these investments, I recognize there is a fundamental difference of opinion between some legislators and the many Alaskans who, like me, believe this is a top priority. So I welcome a healthy, open, honest debate on two different visions of what our Alaska can be.

There can be an Alaska where our children can learn to the best of their abilities, provide for their families, be good citizens. An Alaska that has saved hundreds of millions of dollars in fewer prisons, less welfare, lower health costs and fewer broken lives. I want to realize tomorrow's returns by making wise investments today.

Each year my budget proposals in education and Smart Start have been declared dead on arrival by the Legislative majority. Yet thanks to the vision and grassroots advocacy of thousands of Alaskans and eventually bipartisan support in the Legislature, good ideas have prevailed. Rather than tying the commitment for our kids to the price of oil, I believe Alaskans will always put children first.

It is worth noting that under my proposed investments, Alaska would spend \$1,100 less per person in today's general fund dollars than in Fiscal 1979 — the year before the pipeline boom began. Budgets have been cut in five of the past six years.

I urge you to consider the future impacts of making similar investments again this year — better schools, an even more vibrant university, fewer children abused or in foster care, fewer youth in detention and young adults in prison, Alaskans filling the best jobs in the economy of the future. These opportunities for tomorrow are well worth the investments we must make today.

I stand ready to work with you to develop a responsible FY2003 budget for Alaskans.

Sincerely,
/s/
Tony Knowles
Governor"

HB 336

HOUSE BILL NO. 336 by the House Rules Committee by request of the Governor, 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.

A letter dated January 16, 2002, with an accompanying spreadsheet, to the Alaska Mental Health Trust Authority from the Office of Management and Budget was attached (as required by AS 37.14.003(b)) and is on file in the Chief Clerk's office.

The Governor's transmittal letter dated January 16, 2002, appears below:

"Dear Speaker Porter:

I am today transmitting a separate FY2003 appropriations bill for the state's comprehensive mental health program. As required by statute, it includes both operating and capital appropriations and is

accompanied by a report outlining the differences between my budget and the recommendations of the Alaska Mental Health Trust Authority.

Alaska continues to improve services to beneficiaries of the mental health settlement and has become a national leader in the transition to community-based programs. To continue that progress, this proposal effectively uses a combination of Trust Authority receipts, general funds and Alaska Housing Finance Corporation receipts.

The proposed mental health budget represents a cooperative effort between state agencies and the Trustees and staff of the Trust Authority. Together with the resources we have appropriated in recent years, their productive working relationships have helped make a positive difference for Alaska's mental health beneficiaries.

Sincerely,
/s/
Tony Knowles
Governor"

HB 337

HOUSE BILL NO. 337 by the House Rules Committee by request of the Governor, entitled:

"An Act making capital appropriations and reappropriations, and capitalizing 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.

The Governor's transmittal letter dated January 16, 2002, appears below:

"Dear Speaker Porter:

I am transmitting to you today my proposed capital budget for FY2003. When considered with bills you will receive separately, to

finance schools and deferred maintenance, and proposals I submitted last year for accelerated transportation and harbor projects, the fiscal year 2003 capital package will be a solid investment to build Alaska's future. The projects support economic development as well as basic public services such as education, transportation and public protection.

This \$925 million capital appropriations bill includes \$114 million in general funds, the same level as in FY2002. Approximately \$60 million of that amount is to match federal funds, particularly for transportation and water/sewer projects throughout the state. The budget bill also includes \$681 million in federal funds and \$130 million in funds from other sources such as the Alaska Housing Finance Corporation, the Alaska Industrial Development and Export Authority, and the Alaska International Airport System.

Alaska's businesses and communities depend on an adequate and well-maintained public infrastructure. The combination of annual capital appropriations and longer-term financing I propose this year will help address those needs in a fiscally responsible manner.

Sincerely,

/s/

Tony Knowles
Governor"

HB 341

HOUSE BILL NO. 341 by Representative Hayes, entitled:

"An Act relating to assault in the fourth degree that is a crime involving domestic violence."

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

HB 342

HOUSE BILL NO. 342 by Representative Stevens, entitled:

"An Act relating to appropriations for operating expenses for primary and secondary 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 343

HOUSE BILL NO. 343 by the House Labor & Commerce Committee, entitled:

"An Act extending the termination date of the Board of Professional Counselors."

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

HB 344

HOUSE BILL NO. 344 by the House Rules Committee, entitled:

"An Act increasing fees for driver's licenses, instruction permits, and identification cards; and providing for an effective date."

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

HB 345

HOUSE BILL NO. 345 by Representatives Berkowitz, Cissna, Crawford, Croft, Davies, Guess, Hayes, Joule, Kapsner, Kerttula, Kookesh, and Moses, entitled:

"An Act relating to filling a vacancy in the office of United States senator."

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

CONSIDERATION OF THE DAILY CALENDAR**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:

In Memoriam - Elsa Louise Pedersen

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

In Memoriam - Charles "Charlie" Lincoln Parker

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

In Memoriam - Robert "Bob" Bondurant

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

In Memoriam - Richard Lowell "Dick" Rumfelt

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

In Memoriam - Harold A. Jackson II

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

In Memoriam - James Herbert Wiley

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

In Memoriam - Virgil O. Dahler

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

In Memoriam - Curtis Menard Jr.

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

In Memoriam - Lois R. Irvin

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

In Memoriam - Curtis Shattuck

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

UNFINISHED BUSINESS

Representative James moved that the House confirm the appointment of Bonnie Mehner to the Select Committee on Legislative Ethics.

The question being: "Shall the House confirm the appointment of Bonnie Mehner to the Select Committee on Legislative Ethics?" The roll was taken with the following result:

Select Committee on Legislative Ethics
Confirm Appointment of Bonnie Mehner

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

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

Excused: Kohring

And so, the appointment was confirmed.

Representative James moved that the House confirm the reappointment of H. Conner Thomas to the Select Committee on Legislative Ethics.

The question being: "Shall the House confirm the reappointment of H. Conner Thomas to the Select Committee on Legislative Ethics?" The roll was taken with the following result:

Select Committee on Legislative Ethics
Confirm Reappointment of H. Conner Thomas

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, Kapsner, Kerttula, Kookesh, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Murkowski, Ogan, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Kohring

Absent: Mulder

And so, the reappointment was confirmed.

Representative James moved that the House confirm the appointment of Arthur S. Robinson to the Select Committee on Legislative Ethics.

The question being: "Shall the House confirm the appointment of Arthur S. Robinson to the Select Committee on Legislative Ethics?"
The roll was taken with the following result:

Select Committee on Legislative Ethics
Confirm Appointment of Arthur S. Robinson

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, Kapsner, Kerttula, Kookesh, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Murkowski, Ogan, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Kohring

Absent: Mulder

And so, the appointment was confirmed.

HB 7

Representative Ogan moved and asked unanimous consent to withdraw the following:

HOUSE BILL NO. 7

"An Act repealing an exception to the limitations imposed on the sale, lease, or disposition of property by certain telephone cooperatives."

There being no objection, HB 7 was withdrawn.

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 Berkowitz - from 2:05 p.m., plane time, January 18 to 9:35 p.m., plane time, January 21, 2002

Representative Crawford - from 7:00 a.m., January 19 to 9:31 a.m., plane time, January 22, 2002

Representative Davies - from noon, January 18 to 10:00 p.m., January 21, 2002

Representative Fate - from 2:05 p.m., January 24 to 9:30 p.m., January 25, 2002; and from 11:30 a.m., January 29 to 10:30 a.m., January 30, 2002

Representative Green - from noon, January 18 to 9:00 p.m., plane time, January 20, 2002

Representative Harris - from 7:30 a.m., February 24 to 9:30 p.m., February 27, 2002

Representative James - from 1:20 p.m., January 25 to 10:00 p.m., January 27, 2002

Representative Masek - from noon, January 24 to 9:30 a.m., plane time, January 28, 2002

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Representative Mulder - from 2:00 p.m., January 24 to 9:00 p.m.,
January 26, 2002

Representative Ogan - from 2:05 p.m., February 14 to 9:35 p.m.,
February 17, 2002

Representative Whitaker - from 2:00 p.m., January 18 to 9:30 a.m.,
January 21, 2002

Representative Wilson - from 1:20 p.m., January 25 to 10:00 p.m.,
January 27, 2002

HB 284

Representative Hudson added his name as cosponsor to:

HOUSE BILL NO. 284

"An Act relating to participation in matters before the Board of
Fisheries by members of the board; and providing for an effective
date."

HB 285

Representatives Hayes and Crawford added their names as cosponsors
to:

HOUSE BILL NO. 285

"An Act adding a second verse to the official Alaska state song."

HB 287

Representative Hudson added his name as cosponsor to:

HOUSE BILL NO. 287

"An Act relating to the exemption of commercial fishing entry
permits from claims of creditors, to loans to satisfy past due
federal tax obligations of commercial fishing entry permit holders,
and to loan origination charges for loans made by the commercial
fishing loan program to refinance a debt obligation; and providing
for an effective date."

HB 288

Representative Hudson added his name as cosponsor to:

HOUSE BILL NO. 288

"An Act relating to commercial fisheries limited entry permit buy-back programs."

HB 294

Representative Morgan added his name as cosponsor to:

HOUSE BILL NO. 294

"An Act requiring certain businesses to recognize postmark dates as the date of payment."

HB 339

Representative Dyson added his name as cosponsor to:

HOUSE BILL NO. 339

"An Act extending the termination date of the Board of Chiropractic Examiners; and relating to chiropractors."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:45 a.m., January 22, 2002. There being no objection, the House adjourned at 10:37 a.m.

Suzi Lowell
Chief Clerk