HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

February 4, 2002

Twenty-second Day

Pursuant to adjournment the House was called to order by Speaker Porter at 11:01 a.m.

Roll call showed 35 members present. Representatives Chenault, Cissna, Green, and Halcro had been previously excused from a call of the House today.

Representative James moved and asked unanimous consent that Representative Masek be excused from a call of the House until 1:30 p.m. today. There being no objection, it was so ordered.

The invocation was offered by the Reverend George Walter of St. Brendan's Episcopal Church. Representative Davies moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth:

We beseech You so to guide and bless our representatives assembled in the legislature of this state, that they may enact such laws as shall please You, to the glory of Your Name and the welfare of this people; through Jesus Christ our Lord. 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 19th, 20th, and 21st legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Berkowitz introduced Savannah Moore and John Moore, Guest Pages, from Anchorage.

MESSAGES FROM THE SENATE

HB 334

A message dated February 1, 2002, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 334(FIN)

"An Act making appropriations for a grant to Arctic Power to promote the opening of the Arctic National Wildlife Refuge for oil and gas exploration and development; and providing for an effective date."

CSHB 334(FIN) was referred to the Chief Clerk for enrollment.

COMMUNICATIONS

The following were received:

Dept. of Administration
Division of Finance
2001 Compensation and Travel Report
of Executive Positions
January 31, 2002
www.state.ak.us/local/akpages/ADMIN/dof/travel/sched.htm
(as required by AS 37.05.210)

Division of Risk Management Annual Report Fiscal Year 2001

Dept. of Community & Economic Development Alaska Energy Authority Notification of Capital Project Status Reports (as required by AS 44.83.950)

Dept. of Labor & Workforce Development Research and Analysis Section Nonresidents Working in Alaska-2000 January 31, 2002 (as required by AS 36.10.130)

Legislative Affairs Agency Legislative Budget & Audit Committee Alaska Legislature 2001 Salary and Business Expense Report (as required by AS 24.10.120)

Alaska Court System Status of Surcharge Revenue FY 2002 (as required by Chapter No. 56, SLA 1998)

REPORTS OF STANDING COMMITTEES

HJR 30

The Judiciary Committee has considered:

HOUSE JOINT RESOLUTION NO. 30

Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

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

Do pass (4): Meyer, Coghill, James, Rokeberg

2137

The following fiscal note(s) apply:

1. Zero, House State Affairs Committee/Legislative Affairs Agency

HJR 30 was referred to the Rules Committee for placement on the calendar.

HB 307

The Resources Committee has considered:

HOUSE BILL NO. 307

"An Act delaying to June 30, 2007, the last date by which hydrocarbon exploration geophysical work must be performed or drilling of a stratigraphic test well or exploratory well must be completed in order for a person to qualify for an exploration incentive credit."

The report was signed by Representatives Masek and Scalzi, Cochairs, with the following individual recommendations:

Do pass (4): Green, Fate, Masek, Scalzi

No recommendation (2): Kerttula, Kapsner

The following fiscal note(s) apply:

- 1. Indeterminate, Dept. of Natural Resources
- 2. Indeterminate, Dept. of Revenue

HB 307 was referred to the Finance Committee.

HB 343

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 343

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 343(L&C)

"An Act extending the termination date of the Board of Professional Counselors; and relating to licensing of professional counselors."

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

Do pass (2): Meyer, Murkowski

No recommendation (3): Rokeberg, Hayes, Crawford

A House Labor & Commerce Committee letter of intent for CSHB 343(L&C), signed by Representative Murkowski, Chair, and Representative Halcro, Vice Chair, appears below:

"It is the intent of the House Labor and Commerce Committee that the operations and regulatory oversight responsibilities of the following professional licensing boards be combined into one board:

- 1. Board of Professional Counselors
- 2. Board of Marital and Family Therapy
- 3. Board of Psychologist and Psychological Associate Examiners
- 4. Board of Social Work Examiners

To help ensure an effective transition, the four boards are to work cooperatively to develop an appropriate proposed statute for this new combined board.

Such a proposed statute should be designed to accomplish the intent of the committee to combine the operations of the boards while meeting the individual regulatory and oversight responsibilities of each current separate licensing board. If the boards involved would like to propose alternative combinations of how to combine the four boards, they are encouraged to also draft alternative proposed statutes.

Jointly, the chair of each board is to report on their progress in both January 2003 and 2004. Status reports should be sent to both the chair of this committee and the Legislative Auditor. The proposed legislation to accomplish combination of the boards should be

completed by March 2004 so that it may be part of the sunset review process for the boards currently due to terminate by law on June 30, 2005.

The Legislative Audit Division is directed to consider and review the draft legislation as part of the sunset review conducted for each of the boards involved. The merits and deficiencies of combining alternatives of the licensing boards should be discussed in the sunset audit report."

The following fiscal note(s) apply to CSHB 343(L&C):

1. Fiscal, Dept. of Community & Economic Development

HB 343 was referred to the Finance Committee.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 378

HOUSE BILL NO. 378 by the House Rules Committee by request of the Governor, entitled:

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

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

The following fiscal note(s) apply:

1. Fiscal, Dept. of Education & Early Development

The Governor's transmittal letter dated January 31, 2002, appears below:

"Dear Speaker Porter:

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

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

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

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

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

Sincerely, /s/ Tony Knowles Governor"

HB 379

HOUSE BILL NO. 379 by the House Rules Committee by request of the Governor, entitled:

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

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

The following fiscal note(s) apply:

1. Fiscal, Dept. of Education & Early Development

The Governor's transmittal letter dated January 31, 2002, appears below:

"Dear Speaker Porter:

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

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

The Legislature last year partially funded the recommended base student allocation in the school funding formula -- increasing it by \$70 as opposed to the \$115 the task force proposed. This bill continues toward completion of the five-year plan by increasing the base student allocation by \$108 per student, from the current \$4,010 to \$4,118.

This increase will provide the resources to ensure that all of Alaska's children have opportunities to meet the high academic standards necessary to succeed in today's world.

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

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

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

Sincerely, /s/ Tony Knowles Governor"

HB 380

HOUSE BILL NO. 380 by Representatives James and Hayes, entitled:

"An Act relating to reimbursement for certain Medicare premium charges for persons receiving benefits from the teachers' retirement system, the judicial retirement system, the elected public officers retirement system, and the public employees' retirement system."

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

HB 381

HOUSE BILL NO. 381 by the House Judiciary Committee, entitled:

"An Act relating to the crime of failure to stop at the direction of a peace officer; and providing for an effective date."

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

HB 382

HOUSE BILL NO. 382 by Representative Guess, entitled:

"An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 349

The following was read the second time:

HOUSE BILL NO. 349

"An Act relating to agency programs and financial plans."

with the: Journal Page

FIN RPT 7DP 4NR	2111
FN1: ZERO(GOV/ALL DEPTS)	2111

Representative James moved and asked unanimous consent that HB 349 be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that HB 349 will be in third reading on the February 6, 2002, calendar.

HB 359

The following was read the second time:

HOUSE BILL NO. 359

"An Act making a supplemental appropriation for tourism marketing efforts; and providing for an effective date."

with the: Journal Page

FIN RPT 6DP 1DNP 4NR	2112
LETTER OF INTENT WITH FIN REPORT	2112

Amendment No. 1 was offered by Representatives Lancaster, Murkowski, and Hudson:

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Page 1, line 4:
Delete "6,000,000"
Insert "4,700,000"
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Page 1, lines 7-9, following "Association":

Delete all material.

Insert "."

Page 1, line 4, insert a new section to read:

"*Section 1. LEGISLATIVE FINDINGS. The legislature finds that the Tourism Industry is facing an economic challenge due to the recent terrorist attacks on September 11, 2001. To mitigate the effects of September 11, the legislature should provide this supplemental appropriation, the amount appropriated in FY02. In the meantime, the legislature shall look for additional funds to help the industry that do not increase the broadening budget gap. Depending on available funding in FY03, this forward funding supplemental may or may not take the place of FY03 Tourism Marketing appropriations.

Renumber the following sections accordingly.

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

Representative Mulder objected.

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

HB 359 Second Reading Amendment No. 1

YEAS: 7 NAYS: 28 EXCUSED: 5 ABSENT: 0

Yeas: Dyson, Hudson, Kookesh, Lancaster, Moses, Murkowski, Wilson

Nays: Berkowitz, Bunde, Coghill, Crawford, Croft, Davies, Fate, Foster, Guess, Harris, Hayes, James, Joule, Kapsner, Kerttula, Kohring, Kott, McGuire, Meyer, Morgan, Mulder, Ogan, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams

Excused: Chenault, Cissna, Green, Halcro, Masek

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Kerttula:

Page 1, line 1, following "efforts;" (title amendment):
Insert "making appropriations to the Alaska Seafood
Marketing Institute for generic salmon marketing;"

Page 1, line 4: Delete "6,000,000" Insert "10,000,000"

Page 1, following line 9, insert new bill sections to read:

"* Sec. 2. The sum of \$4,000,000 is appropriated from the general fund to the Department of Community and Economic Development, Alaska Seafood Marketing Institute, for the fiscal year ending June 30, 2003, for generic salmon marketing.

* Sec. 3. The sum of \$2,000,000 is appropriated from the general fund to the Department of Community and Economic Development, Alaska Seafood Marketing Institute, for the fiscal year ending June 30, 2004, for generic salmon marketing.

- * Sec. 4. The sum of \$2,000,000 is appropriated from the general fund to the Department of Community and Economic Development, Alaska Seafood Marketing Institute, for the fiscal year ending June 30, 2005, for generic salmon marketing.
- * Sec. 5. The sum of \$2,000,000 is appropriated from the general fund to the Department of Community and Economic Development, Alaska Seafood Marketing Institute, for the fiscal year ending June 30, 2006, for generic salmon marketing.
- * Sec. 6. The sum of \$2,000,000 is appropriated from the general fund to the Department of Community and Economic Development, Alaska Seafood Marketing Institute, for the fiscal year ending June 30, 2007, for generic salmon marketing."

Page 1, line 10:

Delete "* Sec. 2. This Act takes"
Insert "* Sec. 7. Sections 1 and 2 of this Act take"

Page 1, following line 10, insert new bill sections to read:

- "* Sec. 8. Section 3 of this Act takes effect July 1, 2003.
- * Sec. 9. Section 4 of this Act takes effect July 1, 2004.
- * Sec. 10. Section 5 of this Act takes effect July 1, 2005.
- * Sec. 11. Section 6 of this Act takes effect July 1, 2006."

Representative Kerttula moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Mulder objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

HB 359 Second Reading Amendment No. 2

YEAS: 9 NAYS: 23 EXCUSED: 5 ABSENT: 3

Yeas: Croft, Davies, Guess, Hayes, Kapsner, Kerttula, Kookesh, Moses, Stevens

Nays: Bunde, Coghill, Dyson, Fate, Foster, Harris, Hudson, James, Kohring, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Porter, Rokeberg, Scalzi, Whitaker, Williams, Wilson

Excused: Chenault, Cissna, Green, Halcro, Masek

Absent: Berkowitz, Crawford, Joule

And so, Amendment No. 2 was not adopted.

Representative James moved and asked unanimous consent that HB 359 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 359 was read the third time.

Representatives Hudson and James 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 HB 359 pass the House?" The roll was taken with the following result:

HB 359 Third Reading Final Passage

YEAS: 25 NAYS: 10 EXCUSED: 5 ABSENT: 0

Yeas: Berkowitz, Crawford, Croft, Davies, Fate, Foster, Guess, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kookesh, Kott, McGuire, Meyer, Mulder, Murkowski, Porter, Rokeberg, Stevens, Whitaker, Williams

Nays: Bunde, Coghill, Dyson, Kohring, Lancaster, Morgan, Moses, Ogan, Scalzi, Wilson

Excused: Chenault, Cissna, Green, Halcro, Masek

And so, HB 359 passed the House.

Representative James moved the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

HB 359 Third Reading Effective Date

YEAS: 31 NAYS: 4 EXCUSED: 5 ABSENT: 0

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

Nays: Bunde, Coghill, Kohring, Scalzi

Excused: Chenault, Cissna, Green, Halcro, Masek

And so, the effective date clause was adopted.

Representative James moved and asked unanimous consent that the House adopt the House Finance Committee letter of intent (page 2112). There being no objection, it was so ordered.

HB 359 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 - Jody Burcham, Olympic Torchbearer By Senator Austerman; Representatives Stevens, Porter, Berkowitz,

Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Wilson

Honoring - Mary Alice Jones, 89th Birthday

By Senators Austerman, Ward; Representative Green, Porter, Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Wilson

Honoring - Willard and Beverly Dunham, 50th Wedding Anniversary By Senator Torgerson; Representatives Porter, Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Green, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Wilson

In Memoriam - Trooper James A. Moen

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

In Memoriam - Paul Shimakonis "Mr. Birchwood"

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

In Memoriam - Carolyn F. Peter

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

UNFINISHED BUSINESS

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

Representative Scalzi - from 7:30 a.m., February 15 to 10:04 a.m., plane time, February 19, 2002

HB 245

The Speaker waived the Finance Committee referral for the following at the request of Representative Williams, Co-chair:

HOUSE BILL NO. 245

"An Act relating to marital and family therapists."

HB 245 was removed from the Finance Committee and referred to the Rules Committee for placement on the calendar.

SB 208

The Speaker returned the following to the Resources Committee:

CS FOR SENATE BILL NO. 208(L&C) am

"An Act relating to the labeling of, the advertising of, and the disclosure of certain information about halibut, salmon, halibut products, and salmon products."

CSSB 208(L&C) am was removed from the Rules Committee and returned to the Resources Committee.

HB 364

The Office of the Governor submitted the following to correct a fiscal note by the Dept. of Revenue published on January 30, 2002 (page 2095):

1. Fiscal, Dept. of Revenue

for the following:

HOUSE BILL NO. 364

"An Act relating to capital projects for deferred maintenance, replacement, modification, and expansion of state facilities; relating to leases to secure financing for those projects; relating to the issuance of certificates of participation to finance those projects for certain capital facilities owned by the state; giving

notice of and approving the entry into, and the issuance of certificates of participation in, lease-financing agreements for those projects; and providing for an effective date."

HB 364 is in the State Affairs Committee.

HB 20

Representative Hudson added his name as cosponsor to:

HOUSE BILL NO. 20

"An Act relating to state aid to municipalities and certain other recipients, and for the village public safety officer program; relating to municipal dividends; relating to the public safety foundation program; and providing for an effective date."

HB 180

Representative Croft added his name as cosponsor to:

HOUSE BILL NO. 180

"An Act requiring child services providers to obtain criminal background checks for child services workers."

HB 303

Representative Lancaster added his name as cosponsor to:

HOUSE BILL NO. 303

"An Act relating to the levy and collection of a sales tax; and providing for an effective date."

HB 321

Representative Dyson added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 321

"An Act relating to the purpose for crime victims' compensation; and limiting the factors that may be considered in making a crime victims' compensation award in cases of sexual assault or sexual abuse of a minor."

HB 346

Representative Croft added his name as cosponsor to:

HOUSE BILL NO. 346

"An Act relating to concealed handgun permittees."

HB 349

Representatives Foster and James added their names as cosponsors to:

HOUSE BILL NO. 349

"An Act relating to agency programs and financial plans."

HB 36'

Representatives Ogan and Dyson added their names as cosponsors to:

HOUSE BILL NO. 367

"An Act relating to coverage of children and pregnant women under the medical assistance program; and providing for an effective date."

ENGROSSMENT

HB 359

HB 359 was engrossed, signed by the Speaker and Chief Clerk and transmitted with a House letter of intent to the Senate for consideration.

ENROLLMENT

HCR 22

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 3:45 p.m., February 1, 2002:

HOUSE CONCURRENT RESOLUTION NO. 22

Authorizing a recess by the Senate and the House of Representatives for a period of more than three days.

2154

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

Majority Caucus Speaker's Chamber

upon adj., 2/4

February 4, 2002

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 6, 2002. There being no objection, the House adjourned at 12:50 p.m.

Suzi Lowell Chief Clerk