

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

January 17, 2001

#### Tenth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:08 a.m.

Roll call showed 33 members present. Representatives Morgan and Rokeberg had been previously excused from a call of the House today. Representatives Cissna and Murkowski were excused from a call of the House today due to illness. Representatives Kookesh and Davies were absent and their presence was noted later.

Representative James moved and asked unanimous consent that Representative Masek's previous excused absence (page 83) be extended through 1:50 p.m., plane time, today. There being no objection, it was so ordered.

The invocation was offered by Pastor Patrick Brayton of the Valley Chapel. Representative Hudson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

Heavenly Father, I come to You in earnest prayer for all the men and women who serve the State of Alaska in these chambers. Lord, we know their pressures are many and because of the authority You have given them, many will assail them, pushing their own agenda with, often, impure motives. Grant them please, Your wisdom and Your grace. Give them the strength to resist any pressure that would push them out of Your will or cause them to stray from any of the principles You have sown in their hearts. Let them act with the confidence that comes from knowing Your clear direction, and let them enjoy the peace that comes from knowing You are pleased with their efforts. Father, please reward them for their sacrifice by granting spiritual as well as physical health

to them and to their families. By Your grace, may this be a blessed and fruitful session for the true good of Alaska. Give today, Your favor for this day's task. Let there be a spirit of unity and cooperation in this room and in these halls, and may that spirit be rooted in the truth. In the name of our Lord Jesus Christ I pray. Amen.

The Pledge of Allegiance was led by Representative Ogan.

### **CERTIFICATION OF THE JOURNAL**

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

### **COMMUNICATIONS**

The following reports were received:

Alaska Commercial Fishing and Agriculture Bank  
2000 Annual Report  
January 15, 2001  
(as required by AS 44.81.200)

Dept. of Community & Economic Development  
Division of Insurance  
62nd Annual Report  
Calendar Year 1999  
Fiscal Year 2000  
(as required by AS 21.06.110)

Dept. of Environmental Conservation  
Division of Facility Construction and Operation  
Alaska Clean Water and Drinking Water  
Revolving Loan Funds  
Annual Report and Program Overview  
State Fiscal Year 2000  
(as required by AS 46.03.032)

**REPORTS OF STANDING COMMITTEES****HJR 6**

The Transportation Committee has considered:

## HOUSE JOINT RESOLUTION NO. 6

Relating to opposition to the inclusion of national forests in Alaska within President Clinton's Roadless Area Conservation rule and supporting the overturning of this inclusion by litigation, by congressional action, or by action of President-elect Bush.

and recommends the following amendment:

Page 2, line 25:

Delete "5,000,000"

Insert "50,000,000"

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

Do pass (6): Kapsner, Kookesh, Ogan, Scalzi, Wilson, Kohring

The following fiscal note(s) apply:

1. Zero, House Transportation Committee

HJR 6 was referred to the Resources Committee.

**INTRODUCTION OF CITATIONS**

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

Honoring - Agnes Royer

By Senator Taylor

In Memoriam - John Richard "Dick" Hafer

By Representative Rokeberg

In Memoriam - Winifred E. Williams  
By Senator Taylor

In Memoriam - Opal J. Amundson  
By Senator Taylor

In Memoriam - Darald Dewitt, Ka-Klaa  
By Senator Taylor

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

**HCR 3**

HOUSE CONCURRENT RESOLUTION NO. 3 by Representative Rokeberg:

Proposing amendments to the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date.

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

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

**HJR 8**

HOUSE JOINT RESOLUTION NO. 8 by Representatives Mulder and Guess:

Relating to supporting the Great Alaska Shootout, the Top of the World Classic, and similar preseason basketball tournaments, and requesting that the National Collegiate Athletic Association reject legislative proposal No. 2000-106.

was read the first time and referred to the Health, Education and Social Services Committee.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 67**

HOUSE BILL NO. 67 by Representative Rokeberg, entitled:

"An Act requiring proof of motor vehicle insurance in order to register a motor vehicle; and relating to motor vehicle liability insurance for taxicabs."

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

**HB 68**

HOUSE BILL NO. 68 by Representative Rokeberg, entitled:

"An Act relating to civil liability for transporting an intoxicated person; and providing for an effective date."

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

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

**HB 69**

HOUSE BILL NO. 69 by Representative Rokeberg, entitled:

"An Act relating to income of the permanent fund; and providing for an effective date."

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

**HB 70**

HOUSE BILL NO. 70 by Representatives Crawford and Hayes, entitled:

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

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

**HB 71**

HOUSE BILL NO. 71 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the education of children with disabilities and of gifted children; relating to the Governor's Council on Disabilities and Special Education; making conforming amendments; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Education & Early Development

The Governor's transmittal letter dated January 15, 2001, appears below:

"Dear Speaker Porter:

Alaska's responsibility for providing quality educational services for our children extends to all children, including those with unique educational needs. I transmit today a bill clarifying the state's role in the education of our exceptional children.

In 1997, Congress authorized amendments to the Individuals with Disabilities Education Act (IDEA). The subsequent federal regulations related to the IDEA took effect in May 1999. This bill amends inconsistent components of our state statutes to bring Alaska into compliance with these current federal special education mandates, including emphasizing the participation of parents in making decisions relating to special education eligibility and services.

An important protection provided to both school districts and children with disabilities is the due process hearing. This bill clarifies the

procedures for requesting a due process hearing and streamlines the process for selecting a hearing officer by having the Department of Education and Early Development (department) randomly assign officers from a list maintained by the department. These procedures will help due process hearings be completed in a fair and timely fashion.

Alaska law presently requires that a school district provide special education services to children with disabilities who reside in the district. State law also exempts children from attending public school if children are enrolled in an alternative education program. This has resulted in confusion regarding which school district or other educational agency is responsible for providing special education services when children are enrolled in alternate programs. This bill addresses this problem by providing for allocation of the responsibilities and coordination of the provision of special education services among the various educational agencies.

Present state law provides a combined program of services for gifted children and for children with disabilities. The detailed requirements of the federal IDEA and the federal program financing apply only to the state's educational programs for children with disabilities; federal money for the IDEA may not be used for programs for gifted children. To be consistent with federal requirements, this bill separates statutes regarding special education requirements for children with disabilities from those regarding requirements for gifted children. However, the bill maintains procedural safeguards for both programs.

As part of Alaska's commitment to quality education for all children, including children with disabilities and gifted children, I urge your prompt and favorable action on this bill.

Sincerely,

/s/

Tony Knowles  
Governor"

**HB 72**

HOUSE BILL NO. 72 by the House Rules Committee by request of the Governor, entitled:

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

was read the first time and referred to the House Special Committee on Military and Veterans' Affairs and the State Affairs and Finance Committees.

The following fiscal note(s) apply:

1. Fiscal, Dept. of Military & Veterans' Affairs

The Governor's transmittal letter dated January 15, 2001, appears below:

"Dear Speaker Porter:

This bill I am transmitting establishes the position of assistant adjutant general for national missile defense in the Department of Military and Veterans' Affairs to represent the state in matters pertaining to the development and deployment of the national missile defense program.

This position would be federally financed and authorized for as long as the federal government is developing and deploying the national missile defense program in this state and is financing the position, which is expected for at least three years. The position would be filled by the adjutant general with the concurrence of the governor.

In order for the state to thoroughly participate in the national missile defense program as it involves Alaska, I urge your prompt and favorable action on this measure.

Sincerely,  
/s/  
Tony Knowles  
Governor"



**HB 73**

HOUSE BILL NO. 73 by Representatives Hayes and Crawford, entitled:

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

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

**HB 74**

HOUSE BILL NO. 74 by Representative Crawford, entitled:

"An Act extending the termination date of the Board of Barbers and Hairdressers."

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

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE RESOLUTIONS****HCR 2**

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 2

Authorizing two recesses by the Senate and House of Representatives, each for a period of more than three days.

The question being: "Shall HCR 2 pass the House?" The roll was taken with the following result:

HCR 2

Second Reading

Final Passage

**YEAS: 33 NAYS: 1 EXCUSED: 5 ABSENT: 1**

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

Nays: Davies

Excused: Cissna, Masek, Morgan, Murkowski, Rokeberg

Absent: Mulder

And so, HCR 2 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 - Karma Darani and Rhonda Hanks

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

In Memoriam - Alfred Nakak

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

In Memoriam - Dr. Milo H. Fritz

By Senator Torgerson; Representatives Porter, Berkowitz, Bunde, Chenault, Coghill, Crawford, Croft, Davies, Fate, Foster, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Scalzi, Stevens, Whitaker, Williams, 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 Kohring - from 7:21 p.m., plane time, January 19 to 9:35 p.m., plane time, January 21; and from 7:05 a.m., plane time, January 26 to 9:45 p.m., plane time, January 29, 2001

**HCR 1**

Representative Kapsner added her name as cosponsor to:

## HOUSE CONCURRENT RESOLUTION NO. 1

Relating to establishing a Task Force on a Statewide Comprehensive Energy Plan.

**HB 44**

Representative Kerttula added her name as cosponsor to:

## HOUSE BILL NO. 44

"An Act designating the Joe Redington, Sr., Memorial Road."

**ENGROSSMENT****HCR 2**

HCR 2 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., 1/17

**ADJOURNMENT**

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., January 19, 2001. There being no objection, the House adjourned at 10:41 a.m.

Suzi Lowell  
Chief Clerk