

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

February 7, 2001

Thirty-first Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:03 a.m.

Roll call showed 33 members present. Representative Croft had been previously excused from a call of the House today. Representatives Chenault, Davies, Green, Ogan, and Rokeberg were absent and their presence was noted later. Representative Mulder was absent.

The invocation was offered by Pastor Greg Lindsay of Northern Light United Church. Representative Bunde moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

With respect for the spiritual life of each person here, let's take a moment this morning for prayer. Let us pray.

Gracious God, we thank You for each talent and gift that You have planted within us. We thank You, too, for the energy and enthusiasm that comes with being a servant of the people. As servants, may we never become arrogant when we win, or defeated when we lose.

Challenge us today, O God, to never lose sight of the poor or the marginalized. May this great state become even greater because of what we do here today.

Order our lives so that the immediate never takes precedence over the important. Amen.

The Pledge of Allegiance was led by Representative Fate.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 29th and 30th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

A message dated February 5, 2001, was read stating the Senate has passed the following, and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS****SJR 6**

CS FOR SENATE JOINT RESOLUTION NO. 6(FIN) by the Senate Finance Committee:

Urging the Congress of the United States to provide federal education funds as a block grant to the state.

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

SJR 8

CS FOR SENATE JOINT RESOLUTION NO. 8(STA) by the Senate State Affairs Committee:

Relating to supporting polling places at military installations.

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

**The presence of Representative Davies was noted.

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 9**

CS FOR SENATE BILL NO. 9(L&C) by the Senate Labor & Commerce Committee, entitled:

"An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; relating to the temporary member of that board; and providing for an effective date."

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

**The presence of Representative Ogan was noted.

COMMUNICATIONS

The following were received:

Dept. of Community & Economic Development
Alaska Aerospace Development Corporation
2000 Annual Report
(as required by AS 14.40.866)

Dept. of Health & Social Services
Fiscal Year 2001
Operating Grants

Dept. of Revenue
Treasury Division
Alaska Public Debt, 2000-2001
January 2001

**The presence of Representative Chenault was noted.

REPORTS OF STANDING COMMITTEES

HB 8

The Finance Committee has considered:

HOUSE BILL NO. 8
"An Act establishing the Legislative Road Development Task Force; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 8(FIN)

"An Act establishing the Legislative Pioneer Road Development Task Force; and providing for an effective date."

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

Do pass (6): Whitaker, Harris, Lancaster, Foster, Mulder, Williams

No recommendation (3): Bunde, Davies, Hudson

The following fiscal note(s) apply to CSHB 8(FIN):

1. Fiscal, Legislative Affairs Agency

HB 8 was referred to the Rules Committee for placement on the calendar.

HB 16

The Community & Regional Affairs Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 16

"An Act relating to cities incorporated under state law that are home rule communities; and providing for an effective date."

and recommends it be replaced with:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
16(CRA)
(same title)

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

Do pass (5): Murkowski, Scalzi, Guess, Kerttula, Meyer

No recommendation (1): Morgan

The following fiscal note(s) apply to CSSSHB 16(CRA):

1. Fiscal, Dept. of Law

SSHB 16 was referred to the Finance Committee.

HB 50

The Labor & Commerce Committee submitted the following report to correct the report submitted on February 5, 2001, (page 234) for:

HOUSE BILL NO. 50

"An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors to June 30, 2005; relating to the temporary member of that board; and providing for an effective date."

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

No recommendation (7): Hayes, Crawford, Halcro, Rokeberg, Meyer, Kott, Murkowski

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development

HB 50 is in the Finance Committee.

HB 55

The Transportation Committee has considered:

HOUSE BILL NO. 55

"An Act regarding oil discharge prevention and cleanup involving self-propelled nontank vessels exceeding 400 gross registered tonnage and railroad tank cars and related facilities and operations and requiring preparation and implementation of oil discharge contingency plans for those nontank vessels and railroad tank cars; amending the definition of 'response action' that relates to releases or threatened releases of oil and thereby amending the duties and

liabilities of response action contractors; authorizing compliance verification for nontank vessels and for trains and related facilities and operations; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 55(TRA)
(same title)

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

Do pass (4): Kapsner, Kookesh, Scalzi, Wilson

Amend (1): Kohring

The following fiscal note(s) apply to CSHB 55(TRA):

1. Fiscal, Dept. of Transportation & Public Facilities
2. Fiscal, Dept. of Environmental Conservation

HB 55 was referred to the Resources Committee.

HB 70

The Labor & Commerce Committee submitted the following report to correct the report submitted on February 5, 2001, (page 235) for:

HOUSE BILL NO. 70
"An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 70(L&C)
(same title)

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

Do pass (7): Hayes, Crawford, Halcro, Rokeberg, Meyer, Kott, Murkowski

The following fiscal note(s) apply to CSHB 70(L&C):

1. Zero, Dept. of Community & Economic Development

HB 70 is in the Finance Committee.

HB 73

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 73

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

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

Do pass (7): Halcro, Kott, Crawford, Hayes, Meyer, Rokeberg, Murkowski

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

HB 73 was referred to the Finance Committee.

HB 74

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 74

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

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

Do pass (7): Halcro, Kott, Crawford, Hayes, Meyer, Rokeberg, Murkowski

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

HB 74 was referred to the Finance Committee.

HB 100

The State Affairs Committee has considered:

HOUSE BILL NO. 100

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

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

Do pass (7): Wilson, Stevens, Crawford, James, Fate, Hayes, Coghill

The following fiscal note(s) apply:

1. Zero, House State Affairs Committee

HB 100 was referred to the Rules Committee for placement on the calendar.

SB 10

The Labor & Commerce Committee has considered:

SENATE BILL NO. 10

"An Act extending the termination date of the Board of Public Accountancy."

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

Do pass (7): Halcro, Kott, Crawford, Hayes, Meyer, Rokeberg, Murkowski

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

SB 10 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES

HB 61

The House Special Committee on Fisheries has considered:

HOUSE BILL NO. 61

"An Act authorizing the commissioner of fish and game to award grants for habitat restoration or enhancement projects; and providing for an effective date."

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

Do pass (6): Kapsner, Kerttula, Stevens, Wilson, Scalzi, Dyson

No recommendation (1): Coghill

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

HB 61 was referred to the Resources Committee.

HB 72

The House Special Committee on Military and Veterans' Affairs has considered:

HOUSE BILL NO. 72

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

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

Do pass (6): Green, Murkowski, Hayes, Cissna, Kott, Chenault

The following fiscal note(s) apply:

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

HB 72 was referred to the State Affairs Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Representative Ramona Barnes
By Representative Ogan

Honoring - Ryan M. Welch, Eagle Scout
By Senator Cowdery; Representative Bunde

Honoring - Nate Foerster, Eagle Scout
By Senator Cowdery; Representative Bunde

Honoring - Curtis Engebretson, Eagle Scout
By Senator Cowdery; Representative Bunde

Honoring - Paul Mandsager, Eagle Scout
By Senator Cowdery; Representative Bunde

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 13

HOUSE JOINT RESOLUTION NO. 13 by Representatives Cissna, Kerttula, Hayes, and James:

Urging the President and the United States Congress to uphold Alaska's right to 90 percent of the royalties from oil, gas, and mineral leasing on federal land in Alaska.

was read the first time and referred to the House Special Committee on Oil & Gas and the Resources Committee.

**The presence of Representative Green was noted.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 114

HOUSE BILL NO. 114 by Representatives Kapsner, Kookesh, Hayes, Kerttula, and Guess, entitled:

"An Act relating to abuse of inhalants."

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

HB 115

HOUSE BILL NO. 115 by Representatives Kapsner and James, entitled:

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

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

HB 116

HOUSE BILL NO. 116 by the House Rules Committee by request of the Governor, entitled:

"An Act making supplemental appropriations and making and amending other appropriations; and providing for an effective date."

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

A supplemental request summary from the Office of the Governor was attached and is on file in the Chief Clerk's office.

The Governor's transmittal letter dated February 6, 2001, appears below:

"Dear Speaker Porter:

I am transmitting to you today two supplemental appropriation bills for Fiscal Year 2001. Issues which require attention on an expedited basis are a separate "fast track" bill. This bill includes supplemental needs with less critical timing requirements.

The administration and legislature made considerable progress reforming the supplemental budget process several years ago. Unfortunately, we have lost some of that progress and must again this year address the inevitable consequences of the actions which reduced the general fund budget number in May. Examples include using low case projections for formula programs, not funding fire suppression and core emergency services costs until the supplemental budget, and not fully funding commitments such as private sector leases. Fire suppression alone accounts for \$4.8 million of this supplemental request; full payment of leases is another \$1.7 million. The \$16.5 million general fund placeholder amount for supplementals in the budget plan approved last May is clearly not sufficient to cover known supplemental funding requirements of this magnitude.

In some instances shortfalls in one area can be covered with excess appropriations in related areas. For instance, based on current estimates of general funds needed for the foundation formula, \$1.9 million can be transferred to cover most of the \$2.1 million needed for pupil transportation. Transfers were not available for other formula programs budgeted at the low case scenario such as Medicaid or the Longevity Bonus.

Wherever possible, departments have made internal adjustments to keep within current appropriation levels. Nevertheless, supplemental requests are required when increased costs are beyond an agency's ability to adjust without detrimental effects on basic services. The increased workload in Child in Need of Aid and guardian ad litem

cases, for instance, has significantly exceeded even last year's trends. Pioneer Home revenues were not sufficient to fund the major share of the emergency heating and ventilation system repairs to the Anchorage home as originally anticipated.

Some of the supplemental requests will allow us to take advantage of increased federal aid in areas ranging from child care to special education pass-throughs to local school districts. Where the additional federal funds need to be committed soon (such as for winter home heating assistance and fisheries research and stock assessment work during the upcoming field season), we included the requests in the fast track bill.

So far this year, the average oil price has exceeded the spring forecast by several dollars -- very good news for our state budget because it reduces the need for Constitutional Budget Reserve funds. However, it also means higher costs to heat the Pioneer Homes, fill the tanks of trooper cars, operate highway and airport equipment, run the ferries, etc. State agencies need approximately \$2.3 million in general funds and \$460,000 in airport revenue funds to pay these higher fuel prices. In the big picture, this is a small price to pay for circumstances that greatly benefit Alaska overall.

As we work together on the FY2002 budget, the appropriations requested in this bill and its companion "fast track" supplemental can provide some helpful reference points for determining realistic budget levels for the coming year.

Sincerely,
/s/
Tony Knowles
Governor"

HB 117

HOUSE BILL NO. 117 by the House Rules Committee by request of the Governor, entitled:

"An Act making supplemental and other appropriations; and providing for an effective date."

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

A supplemental request summary from the Office of the Governor was attached and is on file in the Chief Clerk's office.

The Governor's transmittal letter dated February 6, 2001, appears below:

"Dear Speaker Porter:

I am transmitting to you today two supplemental appropriation bills for Fiscal Year 2001, including this one which I urge you to put on a "fast track" for final action as early in March as possible. The legislature and public are already familiar with the Special Olympics and gas line projects in this "fast track" bill, but several other issues also need attention sooner than the regular supplemental schedule allows.

In my State of the State/State of the Budget speech, I proposed that we join together to quickly provide \$500,000 toward the success of an extraordinary event that will take place in Anchorage early next month. The organizers of the Special Olympics World Winter Games have garnered tremendous financial and in-kind support to bring athletes and their families to Alaska from all over the world, but they need our help now to complete the funding for lodging and other basic expenses.

We also need early supplemental action so state agencies can proceed quickly with intensive preparations to receive an application for construction of the natural gas pipeline. As an example, the Departments of Fish and Game and Environmental Conservation will not be able to conduct a full field season this year unless they receive the necessary funds in time to hire staff and make other financial commitments. With an appropriation of \$1.96 million in March, we could intensify the overall gas line effort considerably and avoid a full year's delay on the necessary field work.

Approval of this bill in March would make it possible to begin several transportation and fisheries research projects this summer. It would also ensure timely debt service payments and uninterrupted processing

of Medicaid payments. These and other timing issues are described in the backup materials.

Sincerely,
/s/
Tony Knowles
Governor"

HB 118

HOUSE BILL NO. 118 by Representative Whitaker, entitled:

"An Act relating to a mandatory exemption from municipal taxes on certain residences; and providing for an effective date."

was read the first time and referred to the Community & Regional Affairs Committee.

UNFINISHED BUSINESS**SB 10**

The Speaker added a Finance Committee referral for the following:

SENATE BILL NO. 10

"An Act extending the termination date of the Board of Public Accountancy."

SB 10 was removed from the Rules Committee and referred to the Finance Committee.

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Representative Kerttula introduced Guest Page and student intern Veida Forrest of Juneau.

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 Fate - from 7:21 p.m., plane time, February 9 to 9:45 p.m., plane time, February 11, 2001

Representative McGuire - from 1:35 p.m., plane time, February 9 to 3:16 p.m., plane time, February 12, 2001

Representative James - from 7:15 a.m., plane time, February 13 to 9:34 p.m., plane time, February 14, 2001

Representative Joule - from 7:00 a.m., plane time, February 16 to 9:00 p.m., plane time, February 16, 2001

Representative Coghill - from 9:45 p.m., plane time, February 16 to 9:45 p.m., plane time, February 18, 2001

Representative Kapsner - from 7:35 p.m., plane time, February 15 to 2:15 p.m., plane time, February 18, 2001

Representative Ogan - from 7:15 a.m., plane time, February 17 to 12:15 a.m., ferry time, February 20; and from 7:15 p.m., plane time, March 1 to 9:30 p.m., plane time, March 6, 2001

Representative Porter - from 1:35 p.m., plane time, February 23 to 9:30 a.m., plane time, February 26, 2001

Representative Lancaster - from 7:15 p.m., plane time, March 1 to 9:30 p.m., plane time, March 6, 2001

HJR 7

Representative McGuire added her name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 7

Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production.

HB 8

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 8

"An Act establishing the Legislative Road Development Task Force; and providing for an effective date."

HB 16

Representative Meyer added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 16

"An Act relating to cities incorporated under state law that are home rule communities; and providing for an effective date."

HB 82

Representative Meyer added his name as cosponsor to:

HOUSE BILL NO. 82

"An Act relating to agricultural facilities and operations as private nuisances; and to disclosures in transfers of real property located within one mile of an agricultural facility or an agricultural operation."

HB 86

Representative Rokeberg added his name as cosponsor to:

HOUSE BILL NO. 86

"An Act relating to civil liability for certain false or improper allegations in a civil pleading or for certain improper acts relating to a civil action."

SJR 8

Representative Murkowski added her name as cross sponsor to:

CS FOR SENATE JOINT RESOLUTION NO. 8(STA)

Relating to supporting polling places at military installations.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

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Representative Stevens requested that the members stand for a moment of silence in memory of the life of Senator Fred Zharoff of Kodiak.

Representative Hudson requested that the members stand for a moment of silence in memory of the lives of Marcus and Mamie Jensen of Juneau.

**The presence of Representative Rokeberg was noted.

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 9, 2001. There being no objection, the House adjourned at 10:30 a.m.

Suzi Lowell
Chief Clerk