

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

March 12, 2001

Sixty-fourth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 11:04 a.m.

Roll call showed 34 members present. Representatives Cissna and Masek had been previously excused from a call of the House today. Representatives Mulder, Rokeberg, and Williams were absent and their presence was noted later.

Representative James moved and asked unanimous consent that Representative McGuire's previously excused absence be extended this morning due to plane delay. There being no objection, it was so ordered. Representative McGuire's presence was noted later.

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

Almighty God, You give us new life, new hope, and new opportunities with each returning day: Help us to use these blessings to the best of our capacity in doing the work which we have to do; devoting ourselves wholly to Your service, and putting our selfish interests aside to seek the welfare of others. Amen. (excerpted from the Book of Common Prayer)

The Pledge of Allegiance was led by Representative Kapsner.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 61st, 62nd, and 63rd legislative days be approved as

certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

HB 44

A message dated March 9, 2001, was received stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE BILL NO. 44(TRA)
"An Act designating the Joe Redington, Sr., Memorial Trail."

Chapter No. 1, SLA 2001
Effective Date: June 7, 2001

COMMUNICATIONS

The following was received:

Dept. of Administration
Office of the Commissioner
Report on the Monetary Terms of the Collective
Bargaining Agreement between the University
of Alaska Board of Regents and the Alaska Higher
Education Crafts and Trades Employees, Local 6070
February 14, 2001
(as required by AS 23.40.215)

The Speaker referred the report to the Finance Committee.

REPORTS OF STANDING COMMITTEES

HJR 12

The Resources Committee has considered:

HOUSE JOINT RESOLUTION NO. 12
Proposing amendments to the Constitution of the State of Alaska
relating to hunting, trapping, and fishing.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 12(RES)
(same title)

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

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

No recommendation (2): Kapsner, Kerttula

The following fiscal note(s) apply to CSHJR 12(RES):

1. Fiscal, Office of the Governor

HJR 12 was referred to the Judiciary Committee.

**The presence of Representative Mulder was noted.

HB 43

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 43
"An Act relating to reimbursement of certain student loans; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 43(HES)
"An Act relating to forgiveness of certain student loans; and providing for an effective date."

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

Do pass (6): Kohring, Coghill, Wilson, Cissna, Stevens, Dyson

The following fiscal note(s) apply to CSHB 43(HES):

1. Fiscal, Dept. of Education & Early Development

HB 43 was referred to the Finance Committee.

HB 127

The Rules Committee has considered:

HOUSE BILL NO. 127

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 127(RLS)

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

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

Do pass (3): Porter, Kohring, Kott

No recommendation (1): Joule

Amend (1): Berkowitz

The following fiscal note(s) apply to CSHB 127(RLS):

1. Zero, Dept. of Transportation & Public Facilities

HB 127 was returned to the Rules Committee for placement on the calendar.

**The presence of Representative Williams was noted.

SB 84

The Rules Committee has considered:

CS FOR SENATE BILL NO. 84(FIN)

"An Act exempting certain joint action agencies from regulation by the state or municipalities; relating to the relationship between certain joint action agencies and the public utilities that form the joint action agencies; relating to powers and immunities of certain joint action agencies; requiring filing of certain joint action agency agreements; relating to the financial affairs of certain joint action agencies; declaring certain joint action agencies to be political subdivisions for certain purposes; relating to liability and indemnification of officers, employees, and agents of certain joint action agencies; and defining 'agency agreement' and 'parties to the agency agreement' as used with reference to certain joint action agencies."

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

Do pass (4): Porter, Kohring, Joule, Kott

No recommendation (1): Berkowitz

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development
2. Zero, Dept. of Community & Economic Development
3. Zero, Dept. of Community & Economic Development

CSSB 84(FIN) was returned to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

Commemorating - National Be Kind to Animals Week,
May 6-12, 2001
By Representative Meyer

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS****HJR 20**

HOUSE JOINT RESOLUTION NO. 20 by Representatives Joule, Hudson, and Kerttula:

Opposing Arctic marine shipment of nuclear waste between Russia and Japan.

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

**The presence of Representative Rokeberg was noted.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 151**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 151 by Representatives Whitaker, Fate, James, Murkowski, Hudson, and Stevens, entitled:

"An Act naming the William R. Wood Fairbanks International Airport; and providing for an effective date."

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

HB 173

HOUSE BILL NO. 173 by Representatives Joule, Cissna, Crawford, Croft, Davies, Harris, Hayes, Kapsner, Lancaster, Wilson, and Guess, entitled:

"An Act relating to establishing a screening, tracking, and intervention program related to the hearing ability of newborns and infants; providing an exemption to licensure as an audiologist for certain persons performing hearing screening tests; relating to insurance coverage for newborn and infant hearing screening; and providing for an effective date."

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

HB 174

HOUSE BILL NO. 174 by the House Rules Committee by request of the Legislative Budget & Audit Committee, entitled:

"An Act relating to mental health information and records; and providing for an effective date."

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

HB 175

HOUSE BILL NO. 175 by Representatives Lancaster and Harris, entitled:

"An Act making an appropriation to the Alaska Industrial Development and Export Authority for power projects; and providing for an effective date."

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

HB 176

HOUSE BILL NO. 176 by Representatives Lancaster, Hudson, Wilson, and Harris, entitled:

"An Act making an appropriation to the Alaska Industrial Development and Export Authority for a power transmission intertie between Kake and Petersburg; and providing for an effective date."

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

HB 177

HOUSE BILL NO. 177 by the House Rules Committee, entitled:

"An Act placing certain special interest organizations within the definition of 'group' for purposes of Alaska's campaign finance statutes; providing a contingent amendment to take effect in case subjecting these organizations to all of the statutory requirements pertaining to groups is held by a court to be unconstitutional; requiring certain organizations to disclose contributions made to them and expenditures made by them; requiring disclosure of the true source of campaign contributions; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 13

The following was read the second time:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13

"An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas."

with the:	Journal Page
CRA RPT 2DP 1DNP 4NR	209
FN1: ZERO (CED)	209
JUD RPT CS(JUD) 1DP 2DNP 3NR	338
FN1: ZERO(CED)	339
FIN RPT CS(JUD) 6DP 3NR 1AM	456
FN1: ZERO(CED)	457

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

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
13(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Davies:

Page 1, lines 1 and 2 (title amendment):

Delete "**and providing for voter approval of the formation, alteration, or abolishment of certain service areas**"

Page 1, line 5:

Delete "voter approval of alteration or abolishment of"

Page 1, lines 9 and 10:

Delete "**, subject to (c) of this section**"

Page 2, line 6:

Delete "new subsections"

Insert "a new subsection"

Page 2, lines 7 - 22:

Delete all material.

Page 2, line 23:

Delete "(d)"

Insert "(c)"

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

Representative Bunde objected.

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

CSSSHB 13(JUD)

Second Reading

Amendment No. 1

YEAS: 12 NAYS: 25 EXCUSED: 3 ABSENT: 0

Yeas: Berkowitz, Crawford, Croft, Davies, Guess, Hayes, Joule, Kapsner, Kerttula, Kookesh, Moses, Mulder

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

Excused: Cissna, Masek, McGuire

And so, Amendment No. 1 was not adopted.

Representative James moved and asked unanimous consent that CSSSHB 13(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that CSSSHB 13(JUD) will advance to third reading on the March 13, 2001, calendar.

HB 34

The Speaker stated that, without objection, the following would be moved to the bottom of the calendar:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 34

"An Act relating to the statutory rule against perpetuities, to nonvested property interests and trusts, and to the suspension of the power of alienation of property; and providing for an effective date."

SECOND READING OF SENATE RESOLUTIONS

SJR 8

The following was read the second time:

CS FOR SENATE JOINT RESOLUTION NO. 8(STA)

Relating to supporting polling places at military installations.

with the:

Journal Page

MLV RPT HCS(MLV) 6DP

315

FN1: ZERO(S.STA)

315

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STA RPT HCS(MLV) 7DP
FN1: ZERO(S.STA)

405
405

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

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO.
8(MLV)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Murkowski and Hayes:

Page 2, line 10, following "President of the United States":
Insert ", the United States Congress,"

Page 2, line 10, following "Defense":
Insert "to work together"

Representative Murkowski moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered.

Amendment No. 2 was offered by Representative Berkowitz:

Page 2, line 12:
Delete "."
Insert "; and be it"

Page 2, following line 12:
Insert "**FURTHER RESOLVED**, that the Alaska State Legislature respectfully requests the President of the United States, the United States Congress, and the United State Secretary of Defense act to permit election activities in areas beyond 200 feet of an entrance to a base or post polling place."

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

Representative Murkowski objected.

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

HCS CSSJR 8(MLV) am H
Second Reading
Amendment No. 2

YEAS: 12 NAYS: 24 EXCUSED: 3 ABSENT: 1

Yeas: Berkowitz, Crawford, Croft, Davies, Guess, Hayes, Hudson, Joule, Kapsner, Kerttula, Kookesh, Whitaker

Nays: Bunde, Chenault, Coghill, Dyson, Fate, Foster, Green, Halcro, Harris, James, Kohring, Kott, Lancaster, Meyer, Morgan, Mulder, Murkowski, Ogan, Porter, Rokeberg, Scalzi, Stevens, Williams, Wilson

Excused: Cissna, Masek, McGuire

Absent: Moses

And so, Amendment No. 2 was not adopted.

Representative James moved and asked unanimous consent that HCS CSSJR 8(MLV) am H be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSJR 8(MLV) am H was read the third time.

The question being: "Shall HCS CSSJR 8(MLV) am H pass the House?" The roll was taken with the following result:

HCS CSSJR 8(MLV) am H
Third Reading
Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1

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

Excused: Cissna, Masek, McGuire

Absent: Moses

And so, HCS CSSJR 8(MLV) am H passed the House and was referred to the Chief Clerk for engrossment.

**The presence of Representative McGuire was noted.

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 - Katie Hurley - 80th Birthday

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

Honoring - Lieutenant Colonel Roger C. Chenoweth

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

In Memoriam - Venzy H. Vecera

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

In Memoriam - James "Big Jim" Martin

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

In Memoriam - Margaret Kennison Jack

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

SECOND READING OF HOUSE BILLS

(Continued)

HB 34

The following which had been moved to the bottom of the calendar (page 546), was read the second time:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 34

"An Act relating to the statutory rule against perpetuities, to nonvested property interests and trusts, and to the suspension of the power of alienation of property; and providing for an effective date."

with the:	Journal Page
JUD RPT 4DP	432
FN1: ZERO(CRT)	432
FN2: ZERO(LAW)	432

Representative James moved and asked unanimous consent that SSHB 34 be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that SSHB 34 will advance to third reading on the March 13, 2001, calendar.

The Speaker stated that, without objection, the House would revert to:

REPORTS OF STANDING COMMITTEES

HB 103

The Finance Committee has considered:

HOUSE BILL NO. 103

"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."

and recommends it be replaced with:

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

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

Do pass (8): Bunde, Whitaker, Harris, Lancaster, Hudson, Foster, Mulder, Williams

Amend (3): Croft, Davies, Moses

HB 103 was referred to the Rules Committee for placement on the calendar.

HB 104

The Finance Committee has considered:

HOUSE BILL NO. 104

"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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 104(FIN)
(same title)

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

Do pass (8): Bunde, Whitaker, Harris, Lancaster, Hudson, Foster, Mulder, Williams

Amend (3): Croft, Davies, Moses

HB 104 was referred to the Rules Committee for placement on the calendar.

UNFINISHED BUSINESS

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 Coghill - from 6:00 a.m., plane time, to 5:30 p.m., plane time, March 21, 2001

Representative Fate - from 7:30 p.m., plane time, March 15 to 9:30 p.m., plane time, March 18; and from 8:45 a.m., plane time, to 5:30 p.m., plane time, March 21, 2001

Representative Halcro - from 7:00 p.m., plane time, March 16 to 9:30 a.m., plane time, March 19; and from 7:00 p.m., plane time, March 23 to 9:30 a.m., plane time, March 26, 2001

Representative Kohring - from 1:30 p.m., plane time, March 16 to 9:34 p.m., plane time, March 19, 2001 (amended from page 443)

Representative McGuire - from 9:00 a.m., plane time, to 5:15 p.m., plane time, March 21, 2001

Representative Williams - from 2:30 p.m., plane time, March 16 to 9:44 p.m., plane time, March 18, 2001

HB 158

Representative Ogan added his name as cosponsor to:

HOUSE BILL NO. 158

"An Act relating to the criteria for the adoption of regulations and to the relationship between a regulation and its enabling statute; and providing for an effective date."

SJR 8

Representatives Harris and Dyson added their names as cross sponsors to:

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION
NO. 8(MLV) am H

Relating to supporting polling places at military installations.

ENGROSSMENT**SJR 8**

HCS CSSJR 8(MLV) am H 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., 3/12

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 13, 2001. There being no objection, the House adjourned at 12:11 p.m.

Suzi Lowell
Chief Clerk