

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

April 2, 2001

#### Eighty-fifth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 11:06 a.m.

Roll call showed 33 members present. Representative Kohring had been previously excused from a call of the House today. Representative Hudson was excused from a call of the House today due to illness. Representatives Guess and Mulder were absent and their presence was noted later.

Representative James moved and asked unanimous consent that Representatives Cissna and Ogan be excused from a call of the House today; and that Representative Masek be excused from a call of the House from today until 9:30 a.m., plane time, April 3, 2001. There being no objection, it was so ordered.

The invocation was offered by Major Larry Fankhauser of The Salvation Army. Representative Green moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

Dear Lord, for this new day and new week we give You thanks. For the opportunity to be of service to this state in a nation established by our forefathers as one nation under God, we thank You. We pray this day for each representative gathered here and for those they represent. We seek that You would be in our minds and in our understanding, in our eyes and in our looking, in our mouths and in our speaking, in our hearts and in our thinking. Grant it, Lord, this day we pray, Amen.

The Pledge of Allegiance was led by Representative Kott.

### **CERTIFICATION OF THE JOURNAL**

Representative James moved and asked unanimous consent that the journal for the 82nd, 83rd, and 84th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE GOVERNOR**

A letter dated March 29, 2001, was read stating that, in accordance with AS 39.05.080, the Governor submits the following names for legislative confirmation of appointment to the positions noted.

The following appointment was referred to the Finance Committee:

#### **Alaska Mental Health Trust Authority Board of Trustees**

Mr. John Pugh of Juneau

Appointed: 03/03/1995 Reappointed: 05/15/1996

Reappointed: 03/27/2001 Term Expires: 03/01/2006

The following appointment was referred to the Judiciary Committee:

#### **Alaska Judicial Council**

Ms. Eleanor Andrews of Anchorage

Appointed: 11/15/2000 Reappointed: 03/28/2001

Term Expires: 03/01/2007

The following appointments were referred to the Labor & Commerce Committee:

#### **Alcoholic Beverage Control Board**

Duane S. Udland of Anchorage

Appointed: 03/27/2001 Term Expires: 03/01/2004

**Board of Dental Examiners**

- Ms. Rena L. Anderson of Anchorage  
Appointed: 09/12/2000 Reappointed: 03/27/2001  
Term Expires: 03/01/2005
- Dr. James Blasingame of Anchorage  
Appointed: 04/03/1998 Reappointed: 03/27/2001  
Term Expires: 03/01/2005
- Dr. Patricia Bergdahl of Fairbanks  
Appointed: 03/27/2001 Term Expires: 03/01/2003

**State Medical Board**

- Ms. Sheila Means of Juneau  
Appointed: 06/02/1998 Reappointed: 03/27/2001  
Term Expires: 03/01/2005
- Dr. David Head of Nome  
Appointed: 03/27/2001 Term Expires: 03/01/2004

**Board of Certified Direct-Entry Midwives**

- Ms. Sharon Evans of Chugiak  
Appointed: 03/27/2001 Term Expires: 03/01/2004

**Board of Nursing**

- Ms. Mary S. (Sue) Nikodym of Wrangell  
Appointed: 03/27/2001 Term Expires: 03/01/2004

**Occupational Safety and Health Review Board**

- Representative Cliff Davidson of Kodiak  
Appointed: 06/05/2000 Reappointed: 03/27/2001  
Term Expires: 03/01/2005

The following appointment was referred to the State Affairs Committee:

**State Commission for Human Rights**

- Ms. Martha Gore of Anchorage  
Appointed: 05/15/1996 Reappointed: 03/27/2001  
Term Expires: 03/01/2006

The following appointment was referred to the House Special Committee on Education and the Health, Education & Social Services Committee:

**Professional Teaching Practices Commission**

Ms. Cynthia Curran of Juneau

Appointed: 03/27/2001 Term Expires: 03/01/2003

The following appointments were referred to the House Special Committee on Fisheries and the Resources Committee:

**Board of Fisheries**

Russell Nelson of Dillingham

Appointed: 03/21/1998 Reappointed: 03/30/01

Term Expires: 06/30/2004

Dr. John White of Bethel

Appointed: 02/09/1995 Reappointed: 03/21/1998

Reappointed: 03/30/2001 Term Expires: 06/30/2004

Resumes for the appointments are on file in the Chief Clerk's office.

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

**MESSAGES FROM THE SENATE**

**HB 24**

A message dated March 30, 2001, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 24(EDT)

"An Act relating to use of borough revenues from a sales tax levied upon room rentals for a tourism marketing campaign."

with an amendment (Senate journal, page 882) and so the following is transmitted for consideration:

CS FOR HOUSE BILL NO. 24(EDT)(efd add S)

"An Act relating to use of borough revenues from a sales tax levied upon room rentals for a tourism marketing campaign; and providing for an effective date."

CSHB 24(EDT) is under Unfinished Business.

A message dated March 30, 2001, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS**

**SB 82**

CS FOR SENATE BILL NO. 82(STA) by the Senate State Affairs Committee, entitled:

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

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

**COMMUNICATIONS**

A memorandum dated March 30, 2001, was received from Tamara Brandt Cook, Director, Legal Services, regarding a letter and petition to the Alaska State Legislature from Mr. Stuart Thompson alleging violations of the Constitution of the State of Alaska.

The memo, letter, and petition are on file in the Chief Clerk's office.

A letter dated March 26, 2001, was received from Alvin A. Jaeger, Secretary of State of North Dakota, forwarding a resolution regarding making application to Congress to submit to the states an amendment to the Constitution of the United States to prohibit the United States Supreme Court and any federal court from ordering a state or political subdivision to levy or increase taxes.

The following audit reports were received:

Division of Legislative Audit  
Legislative Budget & Audit Committee  
[www.legis.state.ak.us/legaud/web/default.htm](http://www.legis.state.ak.us/legaud/web/default.htm)  
(as required by AS 24.20.311)

Alaska Commission on Postsecondary Education  
and University of Alaska  
Selected Financial Information Related to the  
Washington, Wyoming, Alaska, Montana,  
and Idaho Regional Medical Education Program  
January 26, 2001

Dept. of Community & Economic Development  
Grants to Deltana Community Corporation  
December 21, 2000

Dept. of Public Safety  
Council on Domestic Violence &  
Sexual Assault  
Batterer Intervention Programs  
February 9, 2001

### REPORTS OF STANDING COMMITTEES

#### **HJR 20**

The Resources Committee has considered:

HOUSE JOINT RESOLUTION NO. 20  
Opposing Arctic marine shipment of nuclear waste between  
Russia and Japan.

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

Do pass (6): Chenault, Fate, Kapsner, Kerttula, Masek, Scalzi

The following fiscal note(s) apply:

1. Zero, House Resources Committee

HJR 20 was referred to the Rules Committee for placement on the calendar.

**HB 154**

The Resources Committee has considered:

## HOUSE BILL NO. 154

"An Act relating to security for the payment of fishery business taxes and to payment of estimated fisheries resource landing taxes and penalties."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 154(FSH)

"An Act relating to security for the payment of fishery business taxes and to payment of the fisheries resource landing tax."

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

Do pass (4): Kerttula, Chenault, Fate, Scalzi

No recommendation (2): Kapsner, Masek

The following fiscal note(s) apply to CSHB 154(FSH):

1. Zero, Dept. of Revenue

HB 154 was referred to the Finance Committee.

**HB 177**

The Judiciary Committee has considered:

## HOUSE BILL NO. 177

"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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 177(STA)

"An Act placing certain special interest organizations within the definition of 'group' for purposes of Alaska's campaign finance statutes; and requiring disclosure of the true source of campaign contributions."

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

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

Amend (1): Berkowitz

The following fiscal note(s) apply to CSHB 177(STA):

1. Fiscal, Dept. of Administration

HB 177 was referred to the Finance Committee.

#### **INTRODUCTION OF CITATIONS**

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

Honoring - Chris Tarpey, Special Olympics Gold Medal Winner  
By Representative Lancaster; Senator Torgerson

In Memoriam - Elizabeth McSparran Congdon  
By Representative Dyson; Senator Leman

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

##### **HCR 13**

HOUSE CONCURRENT RESOLUTION NO. 13 by the House Resources Committee:



Relating to the nonresident fee differential for commercial fishing permits and licenses.

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

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

**HB 226**

HOUSE BILL NO. 226 by Representative Harris, entitled:

"An Act relating to the employment of persons 14 years of age or older and under 19 years of age on licensed premises, including hotels, restaurants, or eating places; and relating to hours of work of minors under 16 years of age."

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

**HB 227**

HOUSE BILL NO. 227 by Representative Harris, entitled:

"An Act instructing the State Board of Registration for Architects, Engineers, and Land Surveyors to adopt minimum technical standards relating to the practice of surveying."

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

**HB 228**

HOUSE BILL NO. 228 by Representatives Harris, Meyer, Hayes, and Whitaker, entitled:

"An Act relating to the offense of selling or giving tobacco to a minor, to the accounting of fees from business license endorsements for tobacco products, to the disclosure of certain confidential cigarette and tobacco product information, to notification regarding a cigarette manufacturer's noncompliance

with the tobacco product Master Settlement Agreement, to business license endorsements for sale of tobacco products, to citations and penalties for illegal sales of tobacco products; and providing for an effective date."

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

**HB 229**

HOUSE BILL NO. 229 by Representative Stevens, entitled:

"An Act imposing a tax on employment; and providing for an effective date."

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 1**

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 1  
Relating to establishing a Task Force on a Statewide Comprehensive Energy Plan.

with the:	Journal Page
CRA RPT CS(CRA) 4DP 1NR	382
FN1: ZERO(H.CRA)	382
L&C RPT CS(L&C) 4DP 2NR	493
FN1: ZERO(H.CRA)	494
RLS RPT CS(RLS) 2DP 4NR	783
FN1: ZERO(H.CRA)	783

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

CS FOR HOUSE CONCURRENT RESOLUTION NO. 1(RLS)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Kott:

Page 1, lines 10 and 12:

Delete "tribal governments"

Insert "local tribal entities"

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

Representative Berkowitz objected.

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

CSHCR 1(RLS)

Second Reading

Amendment No. 1

**YEAS: 17 NAYS: 17 EXCUSED: 5 ABSENT: 1**

Yeas: Bunde, Chenault, Coghill, Dyson, Foster, Green, Harris, James, Kott, Lancaster, Meyer, Mulder, Porter, Rokeberg, Scalzi, Stevens, Wilson

Nays: Berkowitz, Crawford, Croft, Davies, Fate, Halcro, Hayes, Joule, Kapsner, Kerttula, Kookesh, McGuire, Morgan, Moses, Murkowski, Whitaker, Williams

Excused: Cissna, Hudson, Kohring, Masek, Ogan

Absent: Guess

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Davies:

Page 2, line 15:

Delete "Anchorage"  
Insert "Alaska"

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 2 was adopted.

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

The question being: "Shall CSHCR 1(RLS) am pass the House?" The roll was taken with the following result:

CSHCR 1(RLS) am  
Second Reading  
Final Passage

**YEAS: 33 NAYS: 2 EXCUSED: 5 ABSENT: 0**

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

Nays: Coghill, Kott

Excused: Cissna, Hudson, Kohring, Masek, Ogan

And so, CSHCR 1(RLS) am passed the House.

Representative Kott gave notice of reconsideration of his vote on CSHCR 1(RLS) am.

#### 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 - Mount Edgecumbe Braves Basketball Team

By Representatives Joule, Wilson, Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Green, Guess, Halcro, Hudson, Kapsner, Kerttula, Kott, Lancaster, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Stevens, Whitaker, Williams

## Honoring - Cordova Judo Team

Representatives Harris, Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Green, Guess, Halcro, Hudson, Joule, Kapsner, Kerttula, Kott, Lancaster, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Stevens, Williams, Wilson; Senator Lincoln

## Honoring - Morris Thompson, Alaska Business Hall of Fame

By Senator Lincoln; Representatives Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Hudson, Joule, Kapsner, Kerttula, Kott, Lancaster, Masek, Meyer, Morgan, Moses, Mulder, Murkowski, Rokeberg, Stevens, Whitaker, Williams, Wilson

## In Memoriam - George Robert "Bob" Andersen Jr.

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

**CONCUR IN SENATE AMENDMENTS****HB 24**

Representative James moved and asked unanimous consent that the House consider the Senate message (page 804) on the following at this time:

CS FOR HOUSE BILL NO. 24(EDT)

"An Act relating to use of borough revenues from a sales tax levied upon room rentals for a tourism marketing campaign."

and

CS FOR HOUSE BILL NO. 24(EDT)(efd add S)

"An Act relating to use of borough revenues from a sales tax levied upon room rentals for a tourism marketing campaign; and providing for an effective date."

There being no objection, it was so ordered.

Representative James moved that the House concur in the Senate amendment to CSHB 24(EDT), thus adopting CSHB 24(EDT)(efd add S), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 24(EDT)?" The roll was taken with the following result:

CSHB 24(EDT)(efd add S)

Concur

**YEAS: 35 NAYS: 0 EXCUSED: 5 ABSENT: 0**

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

Excused: Cissna, Hudson, Kohring, Masek, Ogan

And so, the House concurred in the Senate amendment, thus adopting CSHB 24(EDT)(efd add S).

Representative James moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

The Chief Clerk was instructed to so notify the Senate.

CSHB 24(EDT)(efd add S) was referred to the Chief Clerk for enrollment.

**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 Kerttula - from 11:00 a.m. to 1:00 p.m., April 4, 2001

Representative Moses - from 7:15 a.m., plane time, April 12 to 9:30 p.m., plane time, April 16, 2001

**HCR 1**

Representatives Davies and Hayes added their names as cosponsors to:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 1(RLS)  
am  
Relating to establishing a Task Force on a Statewide  
Comprehensive Energy Plan.

**HJR 20**

Representative Croft added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 20  
Opposing Arctic marine shipment of nuclear waste between  
Russia and Japan.

**HB 101**

Representatives Harris, Whitaker, and McGuire added their names as cosponsors to:

HOUSE BILL NO. 101  
"An Act relating to charter schools; and providing for an effective  
date."

**HB 172**

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 172  
"An Act relating to therapeutic courts for offenders and to the  
authorized number of superior court judges."

**SB 6**

Representative Murkowski added her name as cross sponsor to:

CS FOR SENATE BILL NO. 6(FIN)

"An Act relating to required notice of eviction to mobile home park dwellers and tenants before redevelopment of the park."

**ANNOUNCEMENTS**

House committee schedules are published daily under separate cover.

The following meeting today has been changed as indicated:

Legislative Budget & Audit Committee

12:00 p.m., 4/2 meeting RESCHEDULED TO: 12:00 p.m., 4/3

**ADJOURNMENT**

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 3, 2001. There being no objection, the House adjourned at 11:40 a.m.

Suzi Lowell  
Chief Clerk